

PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 1868) TO AUTHORIZE
APPROPRIATIONS FOR THE NATIONAL INSTITUTE OF STANDARDS AND
TECHNOLOGY FOR FISCAL YEARS 2008, 2009, AND 2010, AND FOR OTHER
PURPOSES

MAY 1, 2007.—Referred to the House Calendar and ordered to be printed

Ms. SUTTON, from the Committee on Rules,
submitted the following

R E P O R T

[To accompany H. Res. 350]

The Committee on Rules, having had under consideration House Resolution 350, by a nonrecord vote, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 1868, the Technology Innovation and Manufacturing Stimulation Act of 2007, under a structured rule. The rule provides one hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Science and Technology. The rule waives all points of order against consideration of the bill except clauses 9 and 10 of Rule XXI. The rule provides that the amendment in the nature of a substitute recommended by the Committee on Science and Technology now printed in the bill shall be considered as an original bill for the purpose of amendment and shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except clauses 9 and 10 of Rule XXI.

The rule makes in order only those amendments printed in this report. The amendments made in order may be offered only in the order printed in this report, may be offered only by a Member designated in this report, shall be considered as read, shall be debatable for the time specified in this report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole. All points of order against the amendments except for clauses 9 and 10 of Rule XXI are waived. The rule provides one motion to recommit with or without instructions. The rule provides that, notwith-

standing the operation of the previous question, the Chair may postpone further consideration of the bill to a time designated by the Speaker.

EXPLANATION OF WAIVERS

The waiver of all points of order against consideration of the bill (except for clauses 9 and 10 of Rule XXI), includes a waiver of Rule XIII, clause 4(a), requiring a three-day layover of the committee report. Although the rule waives all points of order against the committee amendment and against the amendments made in order (except for those arising under clauses 9 or 10 of Rule XXI), the Committee is not aware of any points of order against the committee amendment, or against the amendments made in order. The waivers of all points of order are prophylactic in nature.

COMMITTEE VOTES

The results of each record vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

Rules Committee record vote No. 146

Date: May 1, 2007.

Measure: H.R. 1868.

Motion by: Mr. Dreier.

Summary of motion: To grant an open rule.

Results: Defeated 4–9.

Vote by Members: McGovern—Nay; Hastings (FL)—Nay; Matsui—Nay; Cardoza—Nay; Welch—Nay; Castor—Nay; Arcuri—Nay; Sutton—Nay; Dreier—Yea; Diaz-Balart—Yea; Hastings (WA)—Yea; Sessions—Yea; Slaughter—Nay.

Rules Committee record vote No. 147

Date: May 1, 2007.

Measure: H.R. 1868.

Motion by: Mr. Diaz-Balart.

Summary of motion: To grant a modified open rule.

Results: Defeated 4–9.

Vote by Members: McGovern—Nay; Hastings (FL)—Nay; Matsui—Nay; Cardoza—Nay; Welch—Nay; Castor—Nay; Arcuri—Nay; Sutton—Nay; Dreier—Yea; Diaz-Balart—Yea; Hastings (WA)—Yea; Sessions—Yea; Slaughter—Nay.

Rules Committee record vote No. 148

Date: May 1, 2007.

Measure: H.R. 1868.

Motion by: Mr. Hastings (WA).

Summary of motion: To make in order and provide appropriate waivers for an amendment by Rep. Price, Tom (GA), #4, which makes regulations for the Director of the National Institute of Standards and Technology to establish requirements for recoupment of Federal grant funding from profits obtained by Technology Innovation Program grant recipients.

Results: Defeated 4–9.

Vote by Members: McGovern—Nay; Hastings (FL)—Nay; Matsui—Nay; Cardoza—Nay; Welch—Nay; Castor—Nay; Arcuri—Nay;

Sutton—Nay; Dreier—Yea; Diaz-Balart—Yea; Hastings (WA)—Yea; Sessions—Yea; Slaughter—Nay.

Rules Committee record vote No. 149

Date: May 1, 2007.

Measure: H.R. 1868.

Motion by: Mr. Sessions.

Summary of motion: To make in order and provide appropriate waivers for an amendment by Rep. Price, Tom (GA), #1, which requires that spending in this legislation be offset by reductions in spending elsewhere.

Results: Defeated 4–9.

Vote by Members: McGovern—Nay; Hastings (FL)—Nay; Matsui—Nay; Cardoza—Nay; Welch—Nay; Castor—Nay; Arcuri—Nay; Sutton—Nay; Dreier—Yea; Diaz-Balart—Yea; Hastings (WA)—Yea; Sessions—Yea; Slaughter—Nay.

Rules Committee record vote No. 150

Date: May 1, 2007.

Measure: H.R. 1868.

Motion by: Mr. Sessions.

Summary of motion: To make in order and provide appropriate waivers for an amendment by Rep. Flake (AZ), #6, which would repeal the Advanced Technology Program and strike the Technology and Innovation Program from the bill.

Results: Defeated 4–9.

Vote by Members: McGovern—Nay; Hastings (FL)—Nay; Matsui—Nay; Cardoza—Nay; Welch—Nay; Castor—Nay; Arcuri—Nay; Sutton—Nay; Dreier—Yea; Diaz-Balart—Yea; Hastings (WA)—Yea; Sessions—Yea; Slaughter—Nay.

SUMMARY OF AMENDMENTS MADE IN ORDER

1. Wu (OR)/Gingrey (GA): Manager's Amendment. The amendment makes a number of clarifications to the Technology Innovation Program, including (1) that projects should address critical national needs and be high reward; (2) that TIP should coordinate with State innovation and technology development programs; and (3) a definition of high-risk, high-reward research. (10 minutes)

2. Wynn (MD): The amendment adds firms and/or entities that are involved in the development and advancement of biotechnology to the definition of technology-related entities eligible for grants under the Technology Innovation Program. (10 minutes)

3. Manzullo (IL): The amendment would authorize \$2 million for NIST to design and develop software that monitors all of the federal R&D databases. The software would allow users to search via the NIST web site various agency databases by material type and/or manufacturing processes to determine what and to whom federal manufacturing R&D dollars are being awarded and also provide basic information about where manufacturers can find assistance. (10 minutes)

4. Boyda (KS): The amendment highlights that proposed technologies receiving grants under the Technology Innovation Program may include the replacement of petroleum-based materials. (10 minutes)

5. Boyda (KS): The amendment encourages grants under the Technology Innovation Program to include local and regional universities that are working in collaboration with small- and medium-sized businesses. (10 minutes)

TEXT OF AMENDMENTS MADE IN ORDER UNDER THE RULE

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE WU OF OREGON, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

In section 204, in the proposed section 28(a), insert “research and” after “to accelerate the”.

In section 204, in the proposed section 28(a), strike “technologies” and insert “, high-reward technologies in areas of critical national need”.

In section 204, in the proposed section 28(b)(1), strike “this section to eligible companies” and insert “this section” .

In section 204, in the proposed section 28(b)(1), strike “high-pay-off” and insert “high-reward”.

In section 204, in the proposed section 28(b)(1), strike “offer significant potential benefits to the United States economy and” and insert “address critical national needs and have”.

In section 204, in the proposed section 28(b)(1), strike “eligible companies that are”.

In section 204, in the proposed section 28(b)(1)(A), insert “eligible companies that are” before “small or”.

In section 204, in the proposed section 28(h), insert “STATE AND” after “COORDINATION WITH OTHER”.

In section 204, in the proposed section 28(h), insert “State and” after “with other senior”.

In section 204, in the proposed section 28(h), insert “State and” after “coordination in”.

In section 204, in the proposed section 28(k), insert the following new paragraph after paragraph (1) (and redesignate subsequent paragraphs accordingly):

“(2) the term ‘high-risk, high-reward research’ means research that—

“(A) has the potential for yielding results with far-ranging or wide-ranging implications;

“(B) addresses critical national needs related to technology and measurement standards; and

“(C) is too novel or spans too diverse a range of disciplines to fare well in the traditional peer review process.

2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE WYNN OF MARYLAND, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

In section 204, in the proposed section 28(b)(1), insert “(including any technological application that uses biological systems, living organisms, or derivatives thereof, to make or modify products or processes for specific use)” after “enabling technologies”.

3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MANZULLO OF ILLINOIS, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title II, insert the following new section (and amend the table of contents accordingly):

SEC. 209. MANUFACTURING RESEARCH DATABASE.

(a) **ESTABLISHMENT.**—The National Institute of Standards and Technology shall provide for the establishment of a manufacturing research database to enable private sector individuals and Federal officials to access a broad range of information on manufacturing research carried out with funding support from the Federal Government.

(b) **CONTENTS.**—The database established under subsection (a) shall contain—

(1) all publicly available information maintained by a Federal agency relating to manufacturing research projects funded in whole or in part by the Federal Government; and

(2) information about all Federal programs that may be of interest to manufacturers.

(c) **ACCESSIBILITY.**—Information contained in the database shall be accessible in a manner to enable users of the database to easily retrieve information of specific interest to them.

(d) **FEES.**—The National Institute of Standards and Technology may authorize charging a nominal fee for using the database to access information described in subsection (b)(1) as necessary to recover the costs of maintaining the database.

(e) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the National Institute of Standards and Technology \$2,000,000 for carrying out this section.

4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BOYDA OF KANSAS, OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

In section 204, in the proposed section 28(c)(2), insert “, to include the replacement of petroleum-based materials,” after “benefits to the Nation”.

5. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BOYDA OF KANSAS, OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

In section 204, in the proposed section 28(b)(1)—

(1) strike “or” at the end of subparagraph (A);

(2) redesignate subparagraph (B) as subparagraph (C); and

(3) insert after subparagraph (A) the following new subparagraph:

“(B) small or medium-sized businesses working in collaboration with local and regional universities that are substantially involved and have a leadership role in programmatically steering the application and commercialization of a project; or