



**Legislative Bulletin.....May 2, 2007**

**Contents:**

**H.R. 1868** — Technology Innovation and Manufacturing Stimulation Act of 2007

**Summary of the Bills Under Consideration Today:**

**Total Number of New Government Programs:** 8

**Total Cost of Discretionary Authorizations:** \$2.5 billion over five years

**Effect on Revenue:** \$0

**Total Change in Mandatory Spending:** \$0

**Total New State & Local Government Mandates:** 0

**Total New Private Sector Mandates:** 0

**Number of Bills Without Committee Reports:** 0

**Number of Reported Bills that Don't Cite Specific Clauses of Constitutional Authority:** 1

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**H.R. 1868 — Technology Innovation and Manufacturing Stimulation Act of 2007 (Wu, D-OR)**

**Order of Business:** The bill is scheduled for consideration on May 2, 2007, likely subject to a structured rule.

**Summary:** H.R. 1868 would authorize funding the National Institute of Standards and Technology Act (NIST) over the FY 2008 through FY 2010 period, and make several changes to the agency. The specific provisions of the bill are summarized below.

## Title I

- **Authorizes \$1.5 billion** over three years (FY08-FY10) for the Department of Commerce for scientific and technical research and services of laboratory activities through NIST.
- **Authorizes \$24.3 million** over three years (FY08-FY10) for the Malcolm Baldrige National Quality Award program.
- **Authorizes \$229.9 million** over three years (FY08-FY10) for the Secretary of Commerce for NIST construction and maintenance.
- **Authorizes \$768 million** over three years (FY08-FY10) for Industrial Technology Services activities through NIST, of which:
  - \$402 million is for the Technology Innovation Program established by this Act, of which \$135 million is for **new grant awards**; and
  - \$366 million is for the Manufacturing Extension Partnership program, of which \$9 million is for a **new grant program** established by this Act.

## Title II

- Requires the NIST Director to submit to Congress, a three-year programmatic planning document for NIST to Congress.
- Establishes at NIST, a Manufacturing Extension Partnership (MEP) Advisory Board, which would meet at least twice annually and advise the Director of NIST on MEP programs, plans, and policies, as well as assess the program's performance.
- Requires NIST to **establish a new grant program** within MEP to give grants to Manufacturing Extension Centers to develop projects to solve new or emerging manufacturing problems as determined by NIST and other entities, and related to supply chain integration and quality management, technological needs of manufacturers, and available technologies from institutions of higher education, laboratories, and other technology-producing entities.
- **Establishes a new program** at NIST, the Technology Innovation Program (TIP), which would assist small and medium-sized U.S. businesses, institutions of higher education (IHE), and other organizations such as national laboratories, to accelerate the development and application of "challenging, high-risk technologies that promise wide-spread benefits for the Nation." Grants made to businesses under the program could not exceed \$3 million over three years, and the federal share of a project funded by the grant could not be more than 50% of total project costs. Grants made to "joint ventures" (defined in the bill) under the program, could not exceed \$9 million over five years, and the federal share could not exceed 50% of the total cost.

- Requires NIST to continue to use the new Technology Innovation Program to provide support originally awarded under the Advanced Technology Program (ATP), which is repealed by this bill.
- Allows NIST to accept funds from other federal agencies to support grants under TIP.
- Establishes a TIP Advisory Board, which would meet no less than twice annually, and would advise NIST on programs, plans, and policies of the program. In addition, the Board would be required to review TIP's efforts to assess its economic impact and provides recommendations regarding the program. Requires the Board to submit an annual report to Congress on the programs progress, within 30 days of the President's annual budget submission to Congress.
- Requires NIST **to create a new pilot program** to provide grants to partnerships to “foster cost-shared collaborations among firms, education institutions, research institutions, state agencies, and nonprofit organizations to encourage the development of innovative, multi-disciplinary manufacturing technologies.” The grants would be used to “conduct applied research to develop new manufacturing processes, techniques, or materials that would contribute to improved performance, productivity, and competitiveness of U.S. manufacturing, and build lasting alliances among collaborators.” These partnerships would include at least one manufacturing industry partner and one non-industry partner.
- Directs NIST **to establish a new program** to give stipends to postdoctoral research fellowships at NIST for research activities related to manufacturing sciences and to senior research fellowships to establish researchers in industry or at IHEs who want to pursue studies related to the manufacturing sciences at NIST. The purpose of the program is to “promote the development of a robust research community working at the leading edge of manufacturing sciences.”
- Requires the NIST Director to submit to Congress, a three-year programmatic planning document for NIST.
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- Allows NIST to accept funds from other federal agencies to support grants under TIP.
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### **Title III**

- Increases to 120 (from 60), the number of new fellows annually allowed to participate in a post-doctoral fellowship program operated by NIST and the National Academy of Sciences.

- Authorizes NIST to transfer up to .25 percent of its total appropriations in any fiscal year, and funds provided to NIST from other federal agencies for the purpose of production of Standard Reference Materials, to be transferred to the Working Capital Fund, which is a revolving fund at NIST.
- Amends current law to clarify the definition of the metric system, as follows: “the metric system of measurement shall be defined as the International System of Units as established in 1960, and subsequently maintained, by the General Conference of Weights and Measures, and as interpreted or modified for the United States by the Secretary of Commerce.”
- Authorizes NIST to issue up to 200 personal service contracts annually, to procure the temporary or intermittent services of scientific and technical experts and consultants to assist with urgent or short-term research projects.
- Increases to 18 (up from 10), the number of annual awards that can be granted under the Malcolm Baldrige National Quality Award Program.

**Possible Conservative Concerns:** Some conservatives may be concerned that H.R. 1868 would create eight new federal programs, and CBO estimates implementing the bill would authorize \$2.5 billion over five years. In addition, some conservatives may be concerned that in order to truly increase American competitiveness, Congress should decrease government regulations and the tax burden on corporations, provisions that are not included in H.R. 1868.

**Committee Action:** H.R. 1868 was introduced on April 17, 2007, and referred to the House Committee on Science and Technology, which held a mark-up and reported the bill, as amended, on April 30, 2007.

**Cost to Taxpayers:** According to CBO, enacting H.R. 1868 would authorize \$803 million in FY 2008, and \$2.5 billion over five years.

**Does the Bill Expand the Size and Scope of the Federal Government?:** Yes. The bill creates eight new programs.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** No.

**Earmark Compliance:** According to Committee Report 110-115, the “H.R. 1868 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(t) of rule XXI.”

**Constitutional Authority:** The Science and Technology Committee, in Committee Report 110-115 cites constitutional authority in Article I, Section 8, but fails to cite a specific clause.

House Rule XIII, Section 3(d)(1), requires that all committee reports contain “a statement citing the *specific* powers granted to Congress in the Constitution to enact the law proposed by the bill or joint resolution” (*emphasis added*).

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