

**(c) Contribution**

Every person who becomes liable to make any payment under this section may recover contributions from any person who if sued separately, would have been liable to make the same payment.

**(d) Amounts recoverable; defendant's attorneys' fees**

The amounts recoverable under this section may include interest paid, reasonable attorneys' fees, independent engineer and appraisers' fees, and court costs. A defendant may recover reasonable attorneys' fees if the court determines that the cause of action filed by the plaintiff is frivolous, malicious, or lacking in substantial merit.

(Pub. L. 96-399, title VI, § 612, Oct. 8, 1980, 94 Stat. 1679.)

**§ 3612. Concurrent State and Federal jurisdiction; venue; removal of cases**

The district courts of the United States, the United States courts of any territory, and the United States District Court for the District of Columbia shall have jurisdiction under this chapter and, concurrent with State courts, of actions at law or in equity brought under this chapter without regard to the amount in controversy. Any such action may be brought in the district wherein the defendant is found or is an inhabitant or transacts business, or in the district where the sale took place, and process in such cases may be served in other districts of which the defendant is an inhabitant or wherever the defendant may be found. No case arising under this chapter and brought in any State court of competent jurisdiction shall be removed to any court of the United States, except where any officer or employee of the United States in his official capacity is a party.

(Pub. L. 96-399, title VI, § 613, Oct. 8, 1980, 94 Stat. 1679.)

**§ 3613. Limitation of actions**

No action shall be maintained to enforce any right or liability created by this chapter unless brought within six years after such cause of action accrued, except that an action pursuant to section 3608 of this title must be brought within four years after October 8, 1980.

(Pub. L. 96-399, title VI, § 614, Oct. 8, 1980, 94 Stat. 1680.)

**§ 3614. Waiver of rights as void**

Any condition, stipulation, or provision binding any person to waive compliance with any provisions of this chapter shall be void.

(Pub. L. 96-399, title VI, § 615, Oct. 8, 1980, 94 Stat. 1680.)

**§ 3615. Nonexclusion of other statutory rights and remedies**

The rights and remedies provided by this chapter shall be in addition to any and all other rights and remedies that may exist under Federal or State law.

(Pub. L. 96-399, title VI, § 616, Oct. 8, 1980, 94 Stat. 1680.)

**§ 3616. Separability**

If any provisions of this chapter or the application thereof to any person or circumstance is held invalid, the remainder of this chapter shall not be affected thereby.

(Pub. L. 96-399, title VI, § 617, Oct. 8, 1980, 94 Stat. 1680.)

**CHAPTER 63—TECHNOLOGY INNOVATION**

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**§ 3701. Findings**

The Congress finds and declares that:

(1) Technology and industrial innovation are central to the economic, environmental, and social well-being of citizens of the United States.

(2) Technology and industrial innovation offer and improved standard of living, increased public and private sector productivity, creation of new industries and employment opportunities, improved public services and enhanced competitiveness of United States products in world markets.

(3) Many new discoveries and advances in science occur in universities and Federal laboratories, while the application of this new knowledge to commercial and useful public purposes depends largely upon actions by business and labor. Cooperation among academia, Federal laboratories, labor, and industry, in such forms as technology transfer, personnel exchange, joint research projects, and others, should be renewed, expanded, and strengthened.

(4) Small businesses have performed an important role in advancing industrial and technological innovation.

(5) Industrial and technological innovation in the United States may be lagging when compared to historical patterns and other industrialized nations.

(6) Increased industrial and technological innovation would reduce trade deficits, stabilize the dollar, increase productivity gains, increase employment, and stabilize prices.

(7) Government antitrust, economic, trade, patent, procurement, regulatory, research and development, and tax policies have significant impacts upon industrial innovation and development of technology, but there is insufficient knowledge of their effects in particular sectors of the economy.

(8) No comprehensive national policy exists to enhance technological innovation for commercial and public purposes. There is a need for such a policy, including a strong national policy supporting domestic technology transfer and utilization of the science and technology resources of the Federal Government.

(9) It is in the national interest to promote the adaptation of technological innovations to State and local government uses. Technological innovations can improve services, reduce their costs, and increase productivity in State and local governments.

(10) The Federal laboratories and other performers of federally funded research and development frequently provide scientific and technological developments of potential use to State and local governments and private industry. These developments should be made accessible to those governments and industry. There is a need to provide means of access and to give adequate personnel and funding support to these means.

(11) The Nation should give fuller recognition to individuals and companies which have made outstanding contributions to the promotion of technology or technological manpower for the improvement of the economic, environmental, or social well-being of the United States.

(Pub. L. 96-480, § 2, Oct. 21, 1980, 94 Stat. 2311.)

SHORT TITLE

Section 1 of Pub. L. 96-480 provided: "That this Act [enacting this chapter] may be cited as the 'Stevenson-Wydler Technology Innovation Act of 1980'."

§ 3702. Purpose

It is the purpose of this chapter to improve the economic, environmental, and social well-being of the United States by—

(1) establishing organizations in the executive branch to study and stimulate technology;

(2) promoting technology development through the establishment of centers for industrial technology;

(3) stimulating improved utilization of federally funded technology developments by State and local governments and the private sector;

(4) providing encouragement for the development of technology through the recognition of individuals and companies which have made outstanding contributions in technology; and

(5) encouraging the exchange of scientific and technical personnel among academia, industry, and Federal laboratories.

(Pub. L. 96-480, § 3, Oct. 21, 1980, 94 Stat. 2312.)

§ 3703. Definitions

As used in this chapter, unless the context otherwise requires, the term—

(1) "Office" means the Office of Industrial Technology established under section 3704 of this title.

(2) "Secretary" means the Secretary of Commerce.

(3) "Director" means the Director of the Office of Industrial Technology, appointed pursuant to section 3704 of this title.

(4) "Centers" means the Centers for Industrial Technology established under section 3705 or section 3707 of this title.

(5) "Nonprofit institution" means an organization owned and operated exclusively for scientific or educational purposes, no part of the net earnings of which inures to the benefit of any private shareholder or individual.

(6) "Board" means the National Industrial Technology Board established pursuant to section 3709 of this title.

(7) "Federal laboratory" means any laboratory, any federally funded research and development center, or any center established under section 3705 or section 3707 of this title that is owned and funded by the Federal Government, whether operated by the Government or by a contractor.

(8) "Supporting agency" means either the Department of Commerce or the National Science Foundation, as appropriate.

(Pub. L. 96-480, § 4, Oct. 21, 1980, 94 Stat. 2312.)

§ 3704. Commerce and technological innovation

(a) In general

The Secretary shall establish and maintain an Office of Industrial Technology in accordance with the provisions, findings, and purposes of this chapter.

(b) Director

The President shall appoint, by and with the advice and consent of the Senate, a Director of the Office, who shall be compensated at the rate provided for level V of the Executive Schedule in section 5316 of title 5.

**(c) Duties**

The Secretary, through the Director, on a continuing basis, shall—

(1) determine the relationships of technological developments and international technology transfers to the output, employment, productivity, and world trade performance of United States and foreign industrial sectors;

(2) determine the influence of economic, labor and other conditions, industrial structure and management, and government policies on technological developments in particular industrial sectors worldwide;

(3) identify technological needs, problems, and opportunities within and across industrial sectors that, if addressed, could make a significant contribution to the economy of the United States;

(4) assess whether the capital, technical and other resources being allocated to domestic industrial sectors which are likely to generate new technologies are adequate to meet private and social demands for goods and services and to promote productivity and economic growth;

(5) propose and support studies and policy experiments, in cooperation with other Federal agencies, to determine the effectiveness of measures with the potential of advancing United States technological innovation;

(6) provide that cooperative efforts to stimulate industrial innovation be undertaken between the Director and other officials in the Department of Commerce responsible for such areas as trade and economic assistance;

(7) consider government measures with the potential of advancing United States technological innovation and exploiting innovations of foreign origin; and

(8) publish the results of studies and policy experiments.

**(d) Report**

The Secretary shall prepare and submit to the President and Congress, within 3 years after October 21, 1980, a report on the progress, findings, and conclusions of activities conducted pursuant to this section and sections 3705, 3707, 3710, 3711, and 3712 of this title and recommendations for possible modifications thereof.

(Pub. L. 96-480, § 5, Oct. 21, 1980, 94 Stat. 2312.)

**SECTION REFERRED TO IN OTHER SECTIONS**

This section is referred to in sections 3703, 3709 of this title.

**§ 3705. Centers for Industrial Technology****(a) Establishment**

The Secretary shall provide assistance for the establishment of Centers for Industrial Technology. Such Centers shall be affiliated with any university, or other nonprofit institution, or group thereof, that applies for and is awarded a grant or enters into a cooperative agreement under this section. The objective of the Centers is to enhance technological innovation through—

(1) the participation of individuals from industry and universities in cooperative technological innovation activities;

(2) the development of the generic research base, important for technological advance and innovative activity, in which individual firms have little incentive to invest, but which may have significant economic or strategic importance, such as manufacturing technology;

(3) the education and training of individuals in the technological innovation process;

(4) the improvement of mechanisms for the dissemination of scientific, engineering, and technical information among universities and industry;

(5) the utilization of the capability and expertise, where appropriate, that exists in Federal laboratories; and

(6) the development of continuing financial support from other mission agencies, from State and local government, and from industry and universities through, among other means, fees, licenses, and royalties.

**(b) Activities**

The activities of the Centers shall include, but need not be limited to—

(1) research supportive of technological and industrial innovation including cooperative industry-university basic and applied research;

(2) assistance to individuals and small businesses in the generation, evaluation, and development of technological ideas supportive of industrial innovation and new business ventures;

(3) technical assistance and advisory services to industry, particularly small businesses; and

(4) curriculum development, training, and instruction in invention, entrepreneurship, and industrial innovation.

Each Center need not undertake all of the activities under this subsection.

**(c) Requirements**

Prior to establishing a Center, the Secretary shall find that—

(1) consideration has been given to the potential contribution of the activities proposed under the Center to productivity, employment, and economic competitiveness of the United States;

(2) a high likelihood exists of continuing participation, advice, financial support, and other contributions from the private sector;

(3) the host university or other nonprofit institution has a plan for the management and evaluation of the activities proposed within the particular Center, including:

(A) the agreement between the parties as to the allocation of patent rights on a non-exclusive, partially exclusive, or exclusive license basis to and inventions conceived or made under the auspices of the Center; and

(B) the consideration of means to place the Center, to the maximum extent feasible, on a self-sustaining basis;

(4) suitable consideration has been given to the university's or other nonprofit institution's capabilities and geographical location; and

(5) consideration has been given to any effects upon competition of the activities proposed under the Center.

**(d) Planning grants**

The Secretary is authorized to make available nonrenewable planning grants to universities or nonprofit institutions for the purpose of developing a plan required under subsection (c)(3) of this section.

**(e) Research and development utilization**

(1) To promote technological innovation and commercialization of research and development efforts, each Center has the option of acquiring title to any invention conceived or made under the auspices of the Center that was supported at least in part by Federal funds: *Provided*, That—

(A) the Center reports the invention to the supporting agency together with a list of each country in which the Center elects to file a patent application on the invention;

(B) said option shall be exercised at the time of disclosure of invention or within such time thereafter as may be provided in the grant or cooperative agreement;

(C) the Center intends to promote the commercialization of the invention and file a United States patent application;

(D) royalties be used for compensation of the inventor or for educational or research activities of the Center;

(E) the Center make periodic reports to the supporting agency, and the supporting agency may treat information contained in such reports as privileged and confidential technical, commercial, and financial information and not subject to disclosures under the Freedom of Information Act [5 U.S.C. 552]; and

(F) any Federal department or agency shall have the royalty-free right to practice, or have practiced on its behalf, the invention for governmental purposes.

The supporting agency shall have the right to acquire title to any patent on an invention in any country in which the Center elects not to file a patent application or fails to file within a reasonable time.

(2) Where a Center has retained title to an invention under paragraph (1) of this subsection the supporting agency shall have the right to require the Center or its licensee to grant a nonexclusive, partially exclusive, or exclusive license to a responsible applicant or applicants, upon terms that are reasonable under the circumstances, if the supporting agency determines, after public notice and opportunity for hearing, that such action is necessary—

(A) because the Center or licensee has not taken and is not expected to take timely and effective action to achieve practical application of the invention;

(B) to meet health, safety, environmental, or national security needs which are not reasonably satisfied by the contractor or licensee; or

(C) because the granting of exclusive rights in the invention has tended substantially to lessen competition or to result in undue

market concentration in the United States in any line of commerce to which the technology relates.

(3) Any individual, partnership, corporation, association, institution, or other entity adversely affected by a supporting agency determination made under paragraph (2) of this subsection may, at any time within 60 days after the determination is issued, file a petition to the United States Court of Claims which shall have jurisdiction to determine that matter de novo and to affirm, reverse, or modify as appropriate, the determination of the supporting agency.

**(f) Additional consideration**

The supporting agency may request the Attorney General's opinion whether the proposed joint research activities of a Center would violate any of the antitrust laws. The Attorney General shall advise the supporting agency of his determination and the reasons for it within 120 days after receipt of such request.

(Pub. L. 96-480, § 6, Oct. 21, 1980, 94 Stat. 2313.)

**REFERENCES IN TEXT**

The United States Court of Claims, referred to in subsec. (e)(3), and the United States Court of Customs and Patent Appeals were merged effective Oct. 1, 1982, into a new United States Court of Appeals for the Federal Circuit by Pub. L. 97-164, Apr. 2, 1982, 96 Stat. 25, which also created a United States Claims Court that inherited the trial jurisdiction of the Court of Claims. See sections 48, 171 et seq., 791 et seq., and 1491 et seq. of Title 28, Judiciary and Judicial Procedure.

The "antitrust laws", referred to in subsec. (f), are classified generally to chapter 1 (§ 1 et seq.) of this title.

**SECTION REFERRED TO IN OTHER SECTIONS**

This section is referred to in sections 3703, 3704, 3707, 3708, 3709, 3713 of this title.

**§ 3706. Grants and cooperative agreements**

**(a) In general**

The Secretary may make grants and enter into cooperative agreements according to the provisions of this section in order to assist any activity consistent with this chapter, including activities performed by individuals. The total amount of any such grant or cooperative agreement may not exceed 75 percent of the total cost of the program.

**(b) Eligibility and procedure**

Any person or institution may apply to the Secretary for a grant or cooperative agreement available under this section. Application shall be made in such form and manner, and with such content and other submissions, as the Director shall prescribe. The Secretary shall act upon each such application within 90 days after the date on which all required information is received.

**(c) Terms and conditions**

(1) Any grant made, or cooperative agreement entered into, under this section shall be subject to the limitations and provisions set forth in paragraph (2) of this subsection, and to such

other terms, conditions, and requirements as the Secretary deems necessary or appropriate.

(2) Any person who receives or utilizes any proceeds of any grant made or cooperative agreement entered into under this section shall keep such records as the Secretary shall by regulation prescribe as being necessary and appropriate to facilitate effective audit and evaluation, including records which fully disclose the amount and disposition by such recipient of such proceeds, the total cost of the program or project in connection with which such proceeds were used, and the amount, if any, of such costs which was provided through other sources.

(Pub. L. 96-480, § 7, Oct. 21, 1980, 94 Stat. 2315.)

### § 3707. National Science Foundation Centers for Industrial Technology

#### (a) Establishment and provisions

The National Science Foundation shall provide assistance for the establishment of Centers for Industrial Technology. Such Centers shall be affiliated with a university, or other nonprofit institution, or a group thereof. The objective of the Centers is to enhance technological innovation as provided in section 3705(a) of this title through the conduct of activities as provided in section 3705(b) of this title. The provisions of sections 3705(e) and 3705(f) of this title shall apply to Centers established under this section.

#### (b) Planning grants

The National Science Foundation is authorized to make available nonrenewable planning grants to universities of nonprofit institutions for the purpose of developing the plan, as described under section 3705(c)(3) of this title.

#### (c) Terms and conditions

Grants, contracts, and cooperative agreements entered into by the National Science Foundation in execution of the powers and duties of the National Science Foundation under this chapter shall be governed by the National Science Foundation Act of 1950 [42 U.S.C. 1861 et seq.] and other pertinent Acts.

(Pub. L. 96-480, § 8, Oct. 21, 1980, 94 Stat. 2316.)

#### REFERENCES IN TEXT

The National Science Foundation Act of 1950, referred to in subsec. (c), is act May 10, 1950, ch. 171, 64 Stat. 149, as amended, which is classified generally to chapter 16 (§ 1861 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 1861 of Title 42 and Tables.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3703, 3704, 3708, 3709 of this title.

### § 3708. Administrative arrangements

#### (a) Coordination

The Secretary and the National Science Foundation shall, on a continuing basis, obtain the advice and cooperation of departments and agencies whose missions contribute to or are affected by the programs established under this chapter, including the development of an

agenda for research and policy experimentation. These departments and agencies shall include but not be limited to the Departments of Defense, Energy, Education, Health and Human Services, Housing and Urban Development, the Environmental Protection Agency, National Aeronautics and Space Administration, Small Business Administration, Council of Economic Advisers, Council on Environmental Quality, and Office of Science and Technology Policy.

#### (b) Cooperation

It is the sense of the Congress that departments and agencies, including the Federal laboratories, whose missions are affected by, or could contribute to, the programs established under this chapter, should, within the limits of budgetary authorizations and appropriations, support or participate in activities or projects authorized by this chapter.

#### (c) Administrative authorization

(1) Departments and agencies described in subsection (b) of this section are authorized to participate in, contribute to, and serve as resources for the Centers and for any other activities authorized under this chapter.

(2) The Secretary and the National Science Foundation are authorized to receive moneys and to receive other forms of assistance from other departments or agencies to support activities of the Centers and any other activities authorized under this chapter.

#### (d) Cooperative efforts

The Secretary and the National Science Foundation shall, on a continuing basis, provide each other the opportunity to comment on any proposed program of activity under section 3705, 3707, or 3712 of this title before funds are committed to such program in order to mount complementary efforts and avoid duplication.

(Pub. L. 96-480, § 9, Oct. 21, 1980, 94 Stat. 2316.)

### § 3709. National Industrial Technology Board

#### (a) Establishment

There shall be established a committee to be known as the National Industrial Technology Board.

#### (b) Duties

The Board shall take such steps as may be necessary to review annually the activities of the Office and advise the Secretary and the Director with respect to—

(1) the formulation and conduct of activities under section 3704 of this title;

(2) the designation and operation of Centers and their programs under section 3705 of this title including assistance in establishing priorities;

(3) the preparation of the report required under section 3704(d) of this title; and

(4) such other matters as the Secretary or Director refers to the Board, including the establishment of Centers under section 3707 of this title, for review and advice.

The Director shall make available to the Board such information, personnel, and administrative

services and assistance as it may reasonably require to carry out its duties. The National Science Foundation shall make available to the Board such information and assistance as it may reasonably require to carry out its duties.

(c) Membership, terms, and powers

(1) The Board shall consist of 15 voting members who shall be appointed by the Secretary. The Director shall serve as a nonvoting member of the Board. The members of the Board shall be individuals who, by reason of knowledge, experience, or training are especially qualified in one or more of the disciplines and fields dealing with technology, labor, and industrial innovation or who are affected by technological innovation. The majority of the members of the Board shall be individuals from industry and business.

(2) The term of office of a voting member of the Board shall be 3 years, except that of the original appointees, five shall be appointed for a term of 1 year, five shall be appointed for a term of 2 years, and five shall be appointed for a term of 3 years.

(3) Any individual appointed to fill a vacancy occurring before the expiration of the term for which his or her predecessor was appointed shall be appointed only for the remainder of such term. No individual may be appointed as a voting member after serving more than two full terms as such a member.

(4) The Board shall select a voting member to serve as the Chairperson and another voting member to serve as the Vice Chairperson. The Vice Chairperson shall perform the functions of the Chairperson in the absence or incapacity of the Chairperson.

(5) Voting members of the Board may receive compensation at a daily rate for GS-18 of the General Schedule under section 5332 of title 5, when actually engaged in the performance of duties for such Board, and may be reimbursed for actual and reasonable expenses incurred in the performance of such duties.

(Pub. L. 96-480, § 10, Oct. 21, 1980, 94 Stat. 2317.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3703 of this title.

§ 3710. Utilization of Federal technology

(a) Policy

It is the continuing responsibility of the Federal Government to ensure the full use of the results of the Nation's Federal investment in research and development. To this end the Federal Government shall strive where appropriate to transfer federally owned or originated technology to State and local governments and to the private sector.

(b) Establishment of Research and Technology Applications Offices

Each Federal laboratory shall establish an Office of Research and Technology Applications. Laboratories having existing organizational structures which perform the functions of this section may elect to combine the Office of Research and Technology Applications

within the existing organization. The staffing and funding levels for these offices shall be determined between each Federal laboratory and the Federal agency operating or directing the laboratory, except that (1) each laboratory having a total annual budget exceeding \$20,000,000 shall provide at least one professional individual full-time as staff for its Office of Research and Technology Applications, and (2) after September 30, 1981, each Federal agency which operates or directs one or more Federal laboratories shall make available not less than 0.5 percent of the agency's research and development budget to support the technology transfer function at the agency and at its laboratories, including support of the Offices of Research and Technology Applications. The agency head may waive the requirements set forth in (1) and/or (2) of this subsection. If the agency head waives either requirement (1) or (2), the agency head shall submit to Congress at the time the President submits the budget to Congress an explanation of the reasons for the waiver and alternate plans for conducting the technology transfer function at the agency.

(c) Functions of Research and Technology Applications Offices

It shall be the function of each Office of Research and Technology Applications—

(1) to prepare an application assessment of each research and development project in which that laboratory is engaged which has potential for successful application in State or local government or in private industry;

(2) to provide and disseminate information on federally owned or originated products, processes, and services having potential application to State and local governments and to private industry;

(3) to cooperate with and assist the Center for the Utilization of Federal Technology and other organizations which link the research and development resources of that laboratory and the Federal Government as a whole to potential users in State and local government and private industry; and

(4) to provide technical assistance in response to requests from State and local government officials.

Agencies which have established organizational structures outside their Federal laboratories which have as their principal purpose the transfer of federally owned or originated technology to State and local government and to the private sector may elect to perform the functions of this subsection in such organizational structures. No Office of Research and Technology Applications or other organizational structures performing the functions of this subsection shall substantially compete with similar services available in the private sector.

(d) Center for the Utilization of Federal Technology

There is hereby established in the Department of Commerce a Center for the Utilization of Federal Technology. The Center for the Utilization of Federal Technology shall—

(1) serve as a central clearinghouse for the collection, dissemination and transfer of information on federally owned or originated technologies having potential application to State and local governments and to private industry;

(2) coordinate the activities of the Offices of Research and Technology Applications of the Federal laboratories;

(3) utilize the expertise and services of the National Science Foundation and the existing Federal Laboratory Consortium for Technology Transfer; particularly in dealing with State and local governments;

(4) receive requests for technical assistance from State and local governments and refer these requests to the appropriate Federal laboratories;

(5) provide funding, at the discretion of the Secretary, for Federal laboratories to provide the assistance specified in subsection (c)(4) of this section; and

(6) use appropriate technology transfer mechanisms such as personnel exchanges and computer-based systems.

**(e) Agency reporting**

Each Federal agency which operates or directs one or more Federal laboratories shall prepare biennially a report summarizing the activities performed by that agency and its Federal laboratories pursuant to the provisions of this section. The report shall be transmitted to the Center for the Utilization of Federal Technology by November 1 of each year in which it is due.

(Pub. L. 96-480, § 11, Oct. 21, 1980, 94 Stat. 2318.)

**SECTION REFERRED TO IN OTHER SECTIONS**

This section is referred to in section 3704 of this title.

**§ 3711. National Technology Medal**

**(a) Establishment**

There is hereby established a National Technology Medal, which shall be of such design and materials and bear such inscriptions as the President, on the basis of recommendations submitted by the Office of Science and Technology Policy, may prescribe.

**(b) Award**

The President shall periodically award the medal, on the basis of recommendations received from the Secretary or on the basis of such other information and evidence as he deems appropriate, to individuals or companies, which in his judgment are deserving of special recognition by reason of their outstanding contributions to the promotion of technology or technological manpower for the improvement of the economic, environmental, or social well-being of the United States.

**(c) Presentation**

The presentation of the award shall be made by the President with such ceremonies as he may deem proper.

(Pub. L. 96-480, § 12, Oct. 21, 1980, 94 Stat. 2319.)

**SECTION REFERRED TO IN OTHER SECTIONS**

This section is referred to in section 3704 of this title.

**§ 3712. Personnel exchanges**

The Secretary and the National Science Foundation, jointly, shall establish a program to foster the exchange of scientific and technical personnel among academia, industry, and Federal laboratories. Such program shall include both (1) federally supported exchanges and (2) efforts to stimulate exchanges without Federal funding.

(Pub. L. 96-480, § 13, Oct. 21, 1980, 94 Stat. 2320.)

**SECTION REFERRED TO IN OTHER SECTIONS**

This section is referred to in sections 3704, 3708 of this title.

**§ 3713. Authorization of appropriations**

(a) There is authorized to be appropriated to the Secretary for purposes of carrying out section 3705 of this title, not to exceed \$19,000,000 for the fiscal year ending September 30, 1981, \$40,000,000 for fiscal year ending September 30, 1982, \$50,000,000 for the fiscal year ending September 30, 1983, and \$60,000,000 for each of the fiscal years ending September 30, 1984, and 1985.

(b) In addition to authorizations of appropriations under subsection (a) of this section, there is authorized to be appropriated to the Secretary for purposes of carrying out the provisions of this chapter, not to exceed \$5,000,000 for the fiscal year ending September 30, 1981, \$9,000,000 for the fiscal year ending September 30, 1982, and \$14,000,000 for each of the fiscal years ending September 30, 1983, 1984, and 1985.

(c) Such sums as may be appropriated under subsections (a) and (b) of this section shall remain available until expended.

(d) To enable the National Science Foundation to carry out its powers and duties under this chapter only such sums may be appropriated as the Congress may authorize by law.

(Pub. L. 96-480, § 14, Oct. 21, 1980, 94 Stat. 2320.)

**§ 3714. Spending authority**

No payments shall be made or contracts shall be entered into pursuant to this chapter except to such extent or in such amounts as are provided in advance in appropriation Acts.

(Pub. L. 96-480, § 15, Oct. 21, 1980, 94 Stat. 2320.)

**CHAPTER 64—METHANE TRANSPORTATION RESEARCH, DEVELOPMENT, AND DEMONSTRATION**

<p>Sec. 3801. 3802. 3803.</p>	<p>Congressional statement of findings and declaration of policy. Definitions. Duties of Secretary of Energy. (a) Designation of management entity for program.</p>
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### § 3701. Findings

The Congress finds and declares that:

- (1) Technology and industrial innovation are central to the economic, environmental, and social well-being of citizens of the United States.
- (2) Technology and industrial innovation offer an improved standard of living, increased public and private sector productivity, creation of new industries and employment opportunities, improved public services and enhanced competitiveness of United States products in world markets.
- (3) Many new discoveries and advances in science occur in universities and Federal laboratories, while the application of this new knowledge to commercial and useful public purposes depends largely upon actions by business and labor. Cooperation among academia, Federal laboratories, labor, and industry, in such forms as technology transfer, personnel exchange, joint research projects, and others, should be renewed, expanded, and strengthened.
- (4) Small businesses have performed an important role in advancing industrial and technological innovation.
- (5) Industrial and technological innovation in the United States may be lagging when compared to historical patterns and other industrialized nations.
- (6) Increased industrial and technological innovation would reduce trade deficits, stabilize the dollar, increase productivity gains, increase employment, and stabilize prices.
- (7) Government antitrust, economic, trade, patent, procurement, regulatory, research and development, and tax policies have significant impacts upon industrial innovation and development of technology, but there is insufficient knowledge of their effects in particular sectors of the economy.
- (8) No comprehensive national policy exists to enhance technological innovation for commercial and public purposes. There is a need for such a policy, including a strong national policy supporting domestic technology transfer and utilization of the science and technology resources of the Federal Government.
- (9) It is in the national interest to promote the adaptation of technological innovations to State and local government uses. Technological innovations can improve services, reduce their costs, and increase productivity in State and local governments.



(10) The Federal laboratories and other performers of federally funded research and development frequently provide scientific and technological developments of potential use to State and local governments and private industry. These developments should be made accessible to those governments and industry. There is a need to provide means of access and to give adequate personnel and funding support to these means.

(11) The Nation should give fuller recognition to individuals and companies which have made outstanding contributions to the promotion of technology or technological manpower for the improvement of the economic, environmental, or social well-being of the United States.

(Pub.L. 96-480, § 2, Oct. 21, 1980, 94 Stat. 2311.)

#### Historical Note

**Short Title.** Section 1 of Pub.L. 96-480 provided: "That this Act [enacting this chapter] may be cited as the 'Stevenson-Wydler Technology Innovation Act of 1980'."

**Legislative History.** For legislative history and purpose of Pub.L. 96-480, see 1980 U.S. Code and Adm. News, p. 4892.

#### Library References

Health and Environment § 25.5(3).  
C.J.S. Health and Environment §§ 91 et seq., 106 et seq., 129 et seq.

### § 3702. Purpose

It is the purpose of this chapter to improve the economic, environmental, and social well-being of the United States by—

- (1) establishing organizations in the executive branch to study and stimulate technology;
- (2) promoting technology development through the establishment of centers for industrial technology;
- (3) stimulating improved utilization of federally funded technology developments by State and local governments and the private sector;
- (4) providing encouragement for the development of technology through the recognition of individuals and companies which have made outstanding contributions in technology; and
- (5) encouraging the exchange of scientific and technical personnel among academia, industry, and Federal laboratories.

(Pub.L. 96-480, § 3, Oct. 21, 1980, 94 Stat. 2312.)

#### Historical Note

**Legislative History.** For legislative history and purpose of Pub.L. 96-480, see 1980 U.S. Code Cong. and Adm. News, p. 4892.

#### Library References

Health and Environment § 25.5(2).

C.J.S. Health and Environment §§ 61 et seq., 91 et seq., 106 et seq., 115 et seq., 125 et seq., 133 et seq.

### § 3703. Definitions

As used in this chapter, unless the context otherwise requires, the term—

- (1) "Office" means the Office of Industrial Technology established under section 3704 of this title.
- (2) "Secretary" means the Secretary of Commerce.
- (3) "Director" means the Director of the Office of Industrial Technology, appointed pursuant to section 3704 of this title.
- (4) "Centers" means the Centers for Industrial Technology established under section 3705 or section 3707 of this title.
- (5) "Nonprofit institution" means an organization owned and operated exclusively for scientific or educational purposes, no part of the net earnings of which inures to the benefit of any private shareholder or individual.
- (6) "Board" means the National Industrial Technology Board established pursuant to section 3709 of this title.
- (7) "Federal laboratory" means any laboratory, any federally funded research and development center, or any center established under section 3705 or section 3707 of this title that is owned and funded by the Federal Government, whether operated by the Government or by a contractor.
- (8) "Supporting agency" means either the Department of Commerce or the National Science Foundation, as appropriate.

(Pub.L. 96-480, § 4, Oct. 21, 1980, 94 Stat. 2312.)

#### Historical Note

**Legislative History.** For legislative history and purpose of Pub.L. 96-480, see 1980 U.S. Code Cong. and Adm. News, p. 4892.

### § 3704. Commerce and technological innovation

(a) **In general.**—The Secretary shall establish and maintain an Office of Industrial Technology in accordance with the provisions, findings, and purposes of this chapter.

(b) **Director.**—The President shall appoint, by and with the advice and consent of the Senate, a Director of the Office, who shall be compensated at the rate provided for level V of the Executive Schedule in section 5316 of Title 5.

(c) **Duties.**—The Secretary, through the Director, on a continuing basis, shall—

- (1) determine the relationships of technological developments and international technology transfers to the output, employment, productivity, and world trade performance of United States and foreign industrial sectors;

(2) determine the influence of economic, labor and other conditions, industrial structure and management, and government policies on technological developments in particular industrial sectors worldwide;

(3) identify technological needs, problems, and opportunities within and across industrial sectors that, if addressed, could make a significant contribution to the economy of the United States;

(4) assess whether the capital, technical and other resources being allocated to domestic industrial sectors which are likely to generate new technologies are adequate to meet private and social demands for goods and services and to promote productivity and economic growth;

(5) propose and support studies and policy experiments, in cooperation with other Federal agencies, to determine the effectiveness of measures with the potential of advancing United States technological innovation;

(6) provide that cooperative efforts to stimulate industrial innovation be undertaken between the Director and other officials in the Department of Commerce responsible for such areas as trade and economic assistance;

(7) consider government measures with the potential of advancing United States technological innovation and exploiting innovations of foreign origin; and

(8) publish the results of studies and policy experiments.

(d) **Report.**—The Secretary shall prepare and submit to the President and Congress, within 3 years after October 21, 1980, a report on the progress, findings, and conclusions of activities conducted pursuant to this section and sections 3705, 3707, 3710, 3711, and 3712 of this title and recommendations for possible modifications thereof.

(Pub.L. 96-480, § 5, Oct. 21, 1980, 94 Stat. 2312.)

#### Historical Note

**Legislative History.** For legislative history and purpose of Pub.L. 96-480, see 1980 U.S. Code Cong. and Adm. News, p. 4892.

#### Library References

Health and Environment § 25.5(9).  
C.J.S. Health and Environment §§ 65, 66,  
103, 107, 140 et seq.

### § 3705. Centers for Industrial Technology

(a) **Establishment.**—The Secretary shall provide assistance for the establishment of Centers for Industrial Technology. Such Centers shall be affiliated with any university, or other nonprofit institution, or group thereof, that applies for and is awarded a grant or enters into a cooperative agreement under this section. The objective of the Centers is to enhance technological innovation through—

(1) the participation of individuals from industry and universities in cooperative technological innovation activities;

(2) the development of the generic research base, important for technological advance and innovative activity, in which individual firms have little incentive to invest, but which may have significant economic or strategic importance, such as manufacturing technology;

(3) the education and training of individuals in the technological innovation process;

(4) the improvement of mechanisms for the dissemination of scientific, engineering, and technical information among universities and industry;

(5) the utilization of the capability and expertise, where appropriate, that exists in Federal laboratories; and

(6) the development of continuing financial support from other mission agencies, from State and local government, and from industry and universities through, among other means, fees, licenses, and royalties.

(b) **Activities.**—The activities of the Centers shall include, but need not be limited to—

(1) research supportive of technological and industrial innovation including cooperative industry-university basic and applied research;

(2) assistance to individuals and small businesses in the generation, evaluation, and development of technological ideas supportive of industrial innovation and new business ventures;

(3) technical assistance and advisory services to industry, particularly small businesses; and

(4) curriculum development, training, and instruction in invention, entrepreneurship, and industrial innovation.

Each Center need not undertake all of the activities under this subsection.

(c) **Requirements.**—Prior to establishing a Center, the Secretary shall find that—

(1) consideration has been given to the potential contribution of the activities proposed under the Center to productivity, employment, and economic competitiveness of the United States;

(2) a high likelihood exists of continuing participation, advice, financial support, and other contributions from the private sector;

(3) the host university or other nonprofit institution has a plan for the management and evaluation of the activities proposed within the particular Center, including:

(A) the agreement between the parties as to the allocation of patent rights on a nonexclusive, partially exclusive, or exclusive license basis to and inventions conceived or made under the auspices of the Center; and

(B) the consideration of means to place the Center, to the maximum extent feasible, on a self-sustaining basis;

(4) suitable consideration has been given to the university's or other nonprofit institution's capabilities and geographical location; and

(5) consideration has been given to any effects upon competition of the activities proposed under the Center.

(d) **Planning grants.**—The Secretary is authorized to make available non-renewable planning grants to universities or nonprofit institutions for the purpose of developing a plan required under subsection (c)(3) of this section.

(e) **Research and development utilization.**—(1) To promote technological innovation and commercialization of research and development efforts, each Center has the option of acquiring title to any invention conceived or made under the auspices of the Center that was supported at least in part by Federal funds: *Provided, That*—

(A) the Center reports the invention to the supporting agency together with a list of each country in which the Center elects to file a patent application on the invention;

(B) said option shall be exercised at the time of disclosure of invention or within such time thereafter as may be provided in the grant or cooperative agreement;

(C) the Center intends to promote the commercialization of the invention and file a United States patent application;

(D) royalties be used for compensation of the inventor or for educational or research activities of the Center;

(E) the Center make periodic reports to the supporting agency, and the supporting agency may treat information contained in such reports as privileged and confidential technical, commercial, and financial information and not subject to disclosures under the Freedom of Information Act; and

(F) any Federal department or agency shall have the royalty-free right to practice, or have practiced on its behalf, the invention for governmental purposes.

The supporting agency shall have the right to acquire title to any patent on an invention in any country in which the Center elects not to file a patent application or fails to file within a reasonable time.

(2) Where a Center has retained title to an invention under paragraph (1) of this subsection the supporting agency shall have the right to require the Center or its licensee to grant a nonexclusive, partially exclusive, or exclusive license to a responsible applicant or applicants, upon terms that are reasonable under the circumstances, if the supporting agency determines, after public notice and opportunity for hearing, that such action is necessary—

(A) because the Center or licensee has not taken and is not expected to take timely and effective action to achieve practical application of the invention;

(B) to meet health, safety, environmental, or national security needs which are not reasonably satisfied by the contractor or licensee; or

(C) because the granting of exclusive rights in the invention has tended substantially to lessen competition or to result in undue market concentration in the United States in any line of commerce to which the technology relates.

(3) Any individual, partnership, corporation, association, institution, or other entity adversely affected by a supporting agency determination made under paragraph (2) of this subsection may, at any time within 60 days after the determination is issued, file a petition to the United States Court of Claims which shall have jurisdiction to determine that matter de novo and to affirm, reverse, or modify as appropriate, the determination of the supporting agency.

(f) **Additional consideration.**—The supporting agency may request the Attorney General's opinion whether the proposed joint research activities of a Center would violate any of the antitrust laws. The Attorney General shall advise the supporting agency of his determination and the reasons for it within 120 days after receipt of such request.

(Pub.L. 96-480, § 6, Oct. 21, 1980, 94 Stat. 2313.)

#### Historical Note

**References in Text.** The Freedom of Information Act, referred to in subsec. (e), is classified to section 552 of Title 5, Government Organization and Employees.

The antitrust laws, referred to in subsec. (f), are classified generally to chapter 1 (section 1 et seq.) of this title.

**Legislative History.** For legislative history and purpose of Pub.L. 96-480, see 1980 U.S. Code Cong. and Adm. News, p. 4892.

#### Library References

Health and Environment § 25.5(9).  
C.J.S. Health and Environment §§ 65, 66,  
103, 107, 140 et seq.

### § 3706. Grants and cooperative agreements

(a) **In general.**—The Secretary may make grants and enter into cooperative agreements according to the provisions of this section in order to assist any activity consistent with this chapter, including activities performed by individuals. The total amount of any such grant or cooperative agreement may not exceed 75 percent of the total cost of the program.

(b) **Eligibility and procedure.**—Any person or institution may apply to the Secretary for a grant or cooperative agreement available under this section. Application shall be made in such form and manner, and with such content and other submissions, as the Director shall prescribe. The Secretary shall act upon each such application within 90 days after the date on which all required information is received.

(c) **Terms and conditions.**—

(1) Any grant made, or cooperative agreement entered into, under this section shall be subject to the limitations and provisions set forth in

paragraph (2) of this subsection, and to such other terms, conditions, and requirements as the Secretary deems necessary or appropriate.

(2) Any person who receives or utilizes any proceeds of any grant made or cooperative agreement entered into under this section shall keep such records as the Secretary shall by regulation prescribe as being necessary and appropriate to facilitate effective audit and evaluation, including records which fully disclose the amount and disposition by such recipient of such proceeds, the total cost of the program or project in connection with which such proceeds were used, and the amount, if any, of such costs which was provided through other sources.

(Pub.L. 96-480, § 7, Oct. 21, 1980, 94 Stat. 2315.)

#### Historical Note

**Legislative History.** For legislative history and purpose of Pub.L. 96-480, see 1980 U.S. Code Cong. and Adm. News, p. 4892.

#### Library References

Health and Environment § 25.5(9).  
C.J.S. Health and Environment §§ 65, 66,  
103, 107, 140 et seq.

### § 3707. National Science Foundation Centers for Industrial Technology

(a) **Establishment and provisions.**—The National Science Foundation shall provide assistance for the establishment of Centers for Industrial Technology. Such Centers shall be affiliated with a university, or other nonprofit institution, or a group thereof. The objective of the Centers is to enhance technological innovation as provided in section 3705(a) of this title through the conduct of activities as provided in section 3705(b) of this title. The provisions of sections 3705(e) and 3705(f) of this title shall apply to Centers established under this section.

(b) **Planning grants.**—The National Science Foundation is authorized to make available nonrenewable planning grants to universities or nonprofit institutions for the purpose of developing the plan, as described under section 3705(c)(3) of this title.

(c) **Terms and conditions.**—Grants, contracts, and cooperative agreements entered into by the National Science Foundation in execution of the powers and duties of the National Science Foundation under this chapter shall be governed by the National Science Foundation Act of 1950 and other pertinent Acts.

(Pub.L. 96-480, § 8, Oct. 21, 1980, 94 Stat. 2316.)

#### Historical Note

**References in Text.** The National Science Foundation Act of 1950, referred to in subsec. (c), is Act May 10, 1950, c. 171, 64 Stat. 149, as amended, which is classified generally to chapter 16 (section 1861 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 1861 of Title 42 and Tables volume.

**Legislative History.** For legislative history and purpose of Pub.L. 96-480, see 1980 U.S. Code Cong. and Adm. News, p. 4892.

### § 3708. Administrative arrangements

(a) **Coordination.**—The Secretary and the National Science Foundation shall, on a continuing basis, obtain the advice and cooperation of departments and agencies whose missions contribute to or are affected by the programs established under this chapter, including the development of an agenda for research and policy experimentation. These departments and agencies shall include but not be limited to the Departments of Defense, Energy, Education, Health and Human Services, Housing and Urban Development, the Environmental Protection Agency, National Aeronautics and Space Administration, Small Business Administration, Council of Economic Advisers, Council on Environmental Quality, and Office of Science and Technology Policy.

(b) **Cooperation.**—It is the sense of the Congress that departments and agencies, including the Federal laboratories, whose missions are affected by, or could contribute to, the programs established under this chapter, should, within the limits of budgetary authorizations and appropriations, support or participate in activities or projects authorized by this chapter.

#### (c) Administrative authorization.—

(1) Departments and agencies described in subsection (b) of this section are authorized to participate in, contribute to, and serve as resources for the Centers and for any other activities authorized under this chapter.

(2) The Secretary and the National Science Foundation are authorized to receive moneys and to receive other forms of assistance from other departments or agencies to support activities of the Centers and any other activities authorized under this chapter.

(d) **Cooperative efforts.**—The Secretary and the National Science Foundation shall, on a continuing basis, provide each other the opportunity to comment on any proposed program of activity under section 3705, 3707, or 3712 of this title before funds are committed to such program in order to mount complementary efforts and avoid duplication.

(Pub.L. 96-480, § 9, Oct. 21, 1980, 94 Stat. 2316.)

#### Historical Note

**Legislative History.** For legislative history and purpose of Pub.L. 96-480, see 1980 U.S. Code Cong. and Adm. News, p. 4892.

#### Library References

Health and Environment § 25.5(9).  
C.J.S. Health and Environment §§ 65, 66,  
103, 107, 140 et seq.

### § 3709. National Industrial Technology Board

(a) **Establishment.**—There shall be established a committee to be known as the National Industrial Technology Board.

(b) **Duties.**—The Board shall take such steps as may be necessary to review annually the activities of the Office and advise the Secretary and the Director with respect to—

(1) the formulation and conduct of activities under section 3704 of this title;

(2) the designation and operation of Centers and their programs under section 3705 of this title including assistance in establishing priorities;

(3) the preparation of the report required under section 3704(d) of this title; and

(4) such other matters as the Secretary or Director refers to the Board, including the establishment of Centers under section 3707 of this title, for review and advice.

The Director shall make available to the Board such information, personnel, and administrative services and assistance as it may reasonably require to carry out its duties. The National Science Foundation shall make available to the Board such information and assistance as it may reasonably require to carry out its duties.

#### (c) **Membership, terms, and powers.**—

(1) The Board shall consist of 15 voting members who shall be appointed by the Secretary. The Director shall serve as a nonvoting member of the Board. The members of the Board shall be individuals who, by reason of knowledge, experience, or training are especially qualified in one or more of the disciplines and fields dealing with technology, labor, and industrial innovation or who are affected by technological innovation. The majority of the members of the Board shall be individuals from industry and business.

(2) The term of office of a voting member of the Board shall be 3 years, except that of the original appointees, five shall be appointed for a term of 1 year, five shall be appointed for a term of 2 years, and five shall be appointed for a term of 3 years.

(3) Any individual appointed to fill a vacancy occurring before the expiration of the term for which his or her predecessor was appointed shall be appointed only for the remainder of such term. No individual may be appointed as a voting member after serving more than two full terms as such a member.

(4) The Board shall select a voting member to serve as the Chairperson and another voting member to serve as the Vice Chairperson. The Vice Chairperson shall perform the functions of the Chairperson in the absence or incapacity of the Chairperson.

(5) Voting members of the Board may receive compensation at a daily rate for GS-18 of the General Schedule under section 5332 of Title

5, when actually engaged in the performance of duties for such Board, and may be reimbursed for actual and reasonable expenses incurred in the performance of such duties.

(Pub.L. 96-480, § 10, Oct. 21, 1980, 94 Stat. 2317.)

#### Historical Note

**Legislative History.** For legislative history and purpose of Pub.L. 96-480, see 1980 U.S. Code Cong. and Adm. News, p. 3709.

#### Library References

United States § 29.

C.J.S. United States §§ 34, 62.

### § 3710. Utilization of Federal technology

(a) **Policy.**—It is the continuing responsibility of the Federal Government to ensure the full use of the results of the Nation's Federal investment in research and development. To this end the Federal Government shall strive where appropriate to transfer federally owned or originated technology to State and local governments and to the private sector.

(b) **Establishment of Research and Technology Applications Offices.**—Each Federal laboratory shall establish an Office of Research and Technology Applications. Laboratories having existing organizational structures which perform the functions of this section may elect to combine the Office of Research and Technology Applications within the existing organization. The staffing and funding levels for these offices shall be determined between each Federal laboratory and the Federal agency operating or directing the laboratory, except that (1) each laboratory having a total annual budget exceeding \$20,000,000 shall provide at least one professional individual full-time as staff for its Office of Research and Technology Applications, and (2) after September 30, 1981, each Federal agency which operates or directs one or more Federal laboratories shall make available not less than 0.5 percent of the agency's research and development budget to support the technology transfer function at the agency and at its laboratories, including support of the Offices of Research and Technology Applications. The agency head may waive the requirements set forth in (1) and/or (2) of this subsection. If the agency head waives either requirement (1) or (2), the agency head shall submit to Congress at the time the President submits the budget to Congress an explanation of the reasons for the waiver and alternate plans for conducting the technology transfer function at the agency.

(c) **Functions of Research and Technology Applications Offices.**—It shall be the function of each Office of Research and Technology Applications—

(1) to prepare an application assessment of each research and development project in which that laboratory is engaged which has potential for successful application in State or local government or in private industry;

(2) to provide and disseminate information on federally owned or originated products, processes, and services having potential application to State and local governments and to private industry;

(3) to cooperate with and assist the Center for the Utilization of Federal Technology and other organizations which link the research and development resources of that laboratory and the Federal Government as a whole to potential users in State and local government and private industry; and

(4) to provide technical assistance in response to requests from State and local government officials.

Agencies which have established organizational structures outside their Federal laboratories which have as their principal purpose the transfer of federally owned or originated technology to State and local government and to the private sector may elect to perform the functions of this subsection in such organizational structures. No Office of Research and Technology Applications or other organizational structures performing the functions of this subsection shall substantially compete with similar services available in the private sector.

(d) **Center for the Utilization of Federal Technology.**—There is hereby established in the Department of Commerce a Center for the Utilization of Federal Technology. The Center for the Utilization of Federal Technology shall—

(1) serve as a central clearinghouse for the collection, dissemination and transfer of information on federally owned or originated technologies having potential application to State and local governments and to private industry;

(2) coordinate the activities of the Offices of Research and Technology Applications of the Federal laboratories;

(3) utilize the expertise and services of the National Science Foundation and the existing Federal Laboratory Consortium for Technology Transfer; particularly in dealing with State and local governments;

(4) receive requests for technical assistance from State and local governments and refer these requests to the appropriate Federal laboratories;

(5) provide funding, at the discretion of the Secretary, for Federal laboratories to provide the assistance specified in subsection (c)(4) of this section; and

(6) use appropriate technology transfer mechanisms such as personnel exchanges and computer-based systems.

(e) **Agency reporting.**—Each Federal agency which operates or directs one or more Federal laboratories shall prepare biennially a report summarizing the activities performed by that agency and its Federal laboratories pursuant to the provisions of this section. The report shall be transmitted to the Center for the Utilization of Federal Technology by November 1 of each year in which it is due.

(Pub.L. 96-480, § 11, Oct. 21, 1980, 94 Stat. 2318.)

#### Historical Note

**Legislative History.** For legislative history and purpose of Pub.L. 96-480, see 1980 U.S. Code Cong. and Adm. News, p. 4892.

### § 3711. National Technology Medal

(a) **Establishment.**—There is hereby established a National Technology Medal, which shall be of such design and materials and bear such inscriptions as the President, on the basis of recommendations submitted by the Office of Science and Technology Policy, may prescribe.

(b) **Award.**—The President shall periodically award the medal, on the basis of recommendations received from the Secretary or on the basis of such other information and evidence as he deems appropriate, to individuals or companies, which in his judgment are deserving of special recognition by reason of their outstanding contributions to the promotion of technology or technological manpower for the improvement of the economic, environmental, or social well-being of the United States.

(c) **Presentation.**—The presentation of the award shall be made by the President with such ceremonies as he may deem proper.

(Pub.L. 96-480, § 12, Oct. 21, 1980, 94 Stat. 2319.)

#### Historical Note

**Legislative History.** For legislative history and purpose of Pub.L. 96-480, see 1980 U.S. Code Cong. and Adm. News, p. 4892.

### § 3712. Personnel exchanges

The Secretary and the National Science Foundation, jointly, shall establish a program to foster the exchange of scientific and technical personnel among academia, industry, and Federal laboratories. Such program shall include both (1) federally supported exchanges and (2) efforts to stimulate exchanges without Federal funding.

(Pub.L. 96-480, § 13, Oct. 21, 1980, 94 Stat. 2320.)

#### Historical Note

**Legislative History.** For legislative history and purpose of Pub.L. 96-480, see 1980 U.S. Code Cong. and Adm. News, p. 4892.

### § 3713. Authorization of appropriations

(a) There is authorized to be appropriated to the Secretary for purposes of carrying out section 3705 of this title, not to exceed \$19,000,000 for the fiscal year ending September 30, 1981, \$40,000,000 for the fiscal year ending September 30, 1982, \$50,000,000 for the fiscal year ending September 30, 1983, and \$60,000,000 for each of the fiscal years ending September 30, 1984, and 1985.

(b) In addition to authorizations of appropriations under subsection (a) of this section, there is authorized to be appropriated to the Secretary for purposes of carrying out the provisions of this chapter, not to exceed \$5,000,000 for the fiscal year ending September 30, 1981, \$9,000,000 for the fiscal year ending September 30, 1982, and \$14,000,000 for each of the fiscal years ending September 30, 1983, 1984, and 1985.

(c) Such sums as may be appropriated under subsections (a) and (b) of this section shall remain available until expended.

(d) To enable the National Science Foundation to carry out its powers and duties under this chapter only such sums may be appropriated as the Congress may authorize by law.

(Pub.L. 96-480, § 14, Oct. 21, 1980, 94 Stat. 2320.)

#### Historical Note

**Legislative History.** For legislative history and purpose of Pub.L. 96-480, see 1980 U.S. Code Cong. and Adm. News, p. 4892.

### § 3714. Spending authority

No payments shall be made or contracts shall be entered into pursuant to this chapter except to such extent or in such amounts as are provided in advance in appropriation Acts.

(Pub.L. 96-480, § 15, Oct. 21, 1980, 94 Stat. 2320.)

#### Historical Note

**Legislative History.** For legislative history and purpose of Pub.L. 96-480, see 1980 U.S. Code Cong. and Adm. News, p. 4892.

## CHAPTER 64—METHANE TRANSPORTATION RESEARCH, DEVELOPMENT, AND DEMONSTRATION

### Sec.

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### § 3801. Congressional statement of findings and declaration of policy

- (a) The Congress finds and declares that—
- (1) gasoline and diesel fuel for vehicular use are in short supply and constitute a sizable portion of domestic petroleum consumption;
  - (2) methane use in fleet-operated vehicles would result in substantial reduction in oil imports;
  - (3) methane is in more abundant domestic supply than petroleum products, is the primary component of natural gas and can be derived in increased quantities from coal, biomass, waste products, and other renewable resources;
  - (4) recoverable methane presently available in the United States is not fully utilized;
  - (5) test results to date indicate that methane use as a substitute for gasoline as a motor fuel can result in emission reductions;

## CHAPTER 63—TECHNOLOGY INNOVATION

- Sec.
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### § 3701. Findings

The Congress finds and declares that:

(1) Technology and industrial innovation are central to the economic, environmental, and social well-being of citizens of the United States.

(2) Technology and industrial innovation offer an improved standard of living, increased public and private sector productivity, creation of new industries and employment opportunities, improved public services and enhanced competitiveness of United States products in world markets.

(3) Many new discoveries and advances in science occur in universities and Federal laboratories, while the application of this new knowledge to commercial and useful public purposes depends largely upon actions by business and labor. Cooperation among academia, Federal laboratories, labor, and industry, in such forms as technology transfer, personnel exchange, joint research projects, and others, should be renewed, expanded, and strengthened.

(4) Small businesses have performed an important role in advancing industrial and technological innovation.

(5) Industrial and technological innovation in the United States may be lagging when compared to historical patterns and other industrialized nations.

(6) Increased industrial and technological innovation would reduce trade deficits, stabilize the dollar, increase productivity gains, increase employment, and stabilize prices.

(7) Government antitrust, economic, trade, patent, procurement, regulatory, research and development, and tax policies have significant impacts upon industrial innovation and development of technology, but there is insufficient knowledge of their effects in particular sectors of the economy.

(8) No comprehensive national policy exists to enhance technological innovation for commercial and public purposes. There is a need for such a policy, including a strong national policy supporting domestic technology transfer and utilization of the science and technology resources of the Federal Government.

(9) It is in the national interest to promote the adaptation of technological innovations to State and local government uses. Technological innovations can improve services, reduce their costs, and increase productivity in State and local governments.



(10) The Federal laboratories and other performers of federally funded research and development frequently provide scientific and technological developments of potential use to State and local governments and private industry. These developments should be made accessible to those governments and industry. There is a need to provide means of access and to give adequate personnel and funding support to these means.

(11) The Nation should give fuller recognition to individuals and companies which have made outstanding contributions to the promotion of technology or technological manpower for the improvement of the economic, environmental, or social well-being of the United States.

(Pub.L. 96-480, § 2, Oct. 21, 1980, 94 Stat. 2311.)

#### Historical Note

**Short Title.** Section 1 of Pub.L. 96-480 provided: "That this Act [enacting this chapter] may be cited as the 'Stevenson-Wydler Technology Innovation Act of 1980'."

**Legislative History.** For legislative history and purpose of Pub.L. 96-480, see 1980 U.S. Code and Adm. News, p. 4892.

#### Library References

Health and Environment § 25.5(3).

C.J.S. Health and Environment §§ 91 et seq., 106 et seq., 129 et seq.

### § 3702. Purpose

It is the purpose of this chapter to improve the economic, environmental, and social well-being of the United States by—

- (1) establishing organizations in the executive branch to study and stimulate technology;
- (2) promoting technology development through the establishment of centers for industrial technology;
- (3) stimulating improved utilization of federally funded technology developments by State and local governments and the private sector;
- (4) providing encouragement for the development of technology through the recognition of individuals and companies which have made outstanding contributions in technology; and
- (5) encouraging the exchange of scientific and technical personnel among academia, industry, and Federal laboratories.

(Pub.L. 96-480, § 3, Oct. 21, 1980, 94 Stat. 2312.)

#### Historical Note

**Legislative History.** For legislative history and purpose of Pub.L. 96-480, see 1980 U.S. Code Cong. and Adm. News, p. 4892.

#### Library References

Health and Environment § 25.5(2).

C.J.S. Health and Environment §§ 61 et seq., 91 et seq., 106 et seq., 115 et seq., 125 et seq., 133 et seq.

### § 3703. Definitions

As used in this chapter, unless the context otherwise requires, the term—

- (1) "Office" means the Office of Industrial Technology established under section 3704 of this title.
- (2) "Secretary" means the Secretary of Commerce.
- (3) "Director" means the Director of the Office of Industrial Technology, appointed pursuant to section 3704 of this title.
- (4) "Centers" means the Centers for Industrial Technology established under section 3705 or section 3707 of this title.
- (5) "Nonprofit institution" means an organization owned and operated exclusively for scientific or educational purposes, no part of the net earnings of which inures to the benefit of any private shareholder or individual.
- (6) "Board" means the National Industrial Technology Board established pursuant to section 3709 of this title.
- (7) "Federal laboratory" means any laboratory, any federally funded research and development center, or any center established under section 3705 or section 3707 of this title that is owned and funded by the Federal Government, whether operated by the Government or by a contractor.
- (8) "Supporting agency" means either the Department of Commerce or the National Science Foundation, as appropriate.

(Pub.L. 96-480, § 4, Oct. 21, 1980, 94 Stat. 2312.)

#### Historical Note

**Legislative History.** For legislative history and purpose of Pub.L. 96-480, see 1980 U.S. Code Cong. and Adm. News, p. 4892.

### § 3704. Commerce and technological innovation

(a) **In general.**—The Secretary shall establish and maintain an Office of Industrial Technology in accordance with the provisions, findings, and purposes of this chapter.

(b) **Director.**—The President shall appoint, by and with the advice and consent of the Senate, a Director of the Office, who shall be compensated at the rate provided for level V of the Executive Schedule in section 5316 of Title 5.

(c) **Duties.**—The Secretary, through the Director, on a continuing basis, shall—

- (1) determine the relationships of technological developments and international technology transfers to the output, employment, productivity, and world trade performance of United States and foreign industrial sectors;

(2) determine the influence of economic, labor and other conditions, industrial structure and management, and government policies on technological developments in particular industrial sectors worldwide;

(3) identify technological needs, problems, and opportunities within and across industrial sectors that, if addressed, could make a significant contribution to the economy of the United States;

(4) assess whether the capital, technical and other resources being allocated to domestic industrial sectors which are likely to generate new technologies are adequate to meet private and social demands for goods and services and to promote productivity and economic growth;

(5) propose and support studies and policy experiments, in cooperation with other Federal agencies, to determine the effectiveness of measures with the potential of advancing United States technological innovation;

(6) provide that cooperative efforts to stimulate industrial innovation be undertaken between the Director and other officials in the Department of Commerce responsible for such areas as trade and economic assistance;

(7) consider government measures with the potential of advancing United States technological innovation and exploiting innovations of foreign origin; and

(8) publish the results of studies and policy experiments.

(d) **Report.**—The Secretary shall prepare and submit to the President and Congress, within 3 years after October 21, 1980, a report on the progress, findings, and conclusions of activities conducted pursuant to this section and sections 3705, 3707, 3710, 3711, and 3712 of this title and recommendations for possible modifications thereof.

(Pub.L. 96-480, § 5, Oct. 21, 1980, 94 Stat. 2312.)

#### Historical Note

**Legislative History.** For legislative history and purpose of Pub.L. 96-480, see 1980 U.S. Code Cong. and Adm. News, p. 4892.

#### Library References

Health and Environment § 25.5(9).  
C.J.S. Health and Environment §§ 65, 66,  
103, 107, 140 et seq.

### § 3705. Centers for Industrial Technology

(a) **Establishment.**—The Secretary shall provide assistance for the establishment of Centers for Industrial Technology. Such Centers shall be affiliated with any university, or other nonprofit institution, or group thereof, that applies for and is awarded a grant or enters into a cooperative agreement under this section. The objective of the Centers is to enhance technological innovation through—

(1) the participation of individuals from industry and universities in cooperative technological innovation activities;

(2) the development of the generic research base, important for technological advance and innovative activity, in which individual firms have little incentive to invest, but which may have significant economic or strategic importance, such as manufacturing technology;

(3) the education and training of individuals in the technological innovation process;

(4) the improvement of mechanisms for the dissemination of scientific, engineering, and technical information among universities and industry;

(5) the utilization of the capability and expertise, where appropriate, that exists in Federal laboratories; and

(6) the development of continuing financial support from other mission agencies, from State and local government, and from industry and universities through, among other means, fees, licenses, and royalties.

(b) **Activities.**—The activities of the Centers shall include, but need not be limited to—

(1) research supportive of technological and industrial innovation including cooperative industry-university basic and applied research;

(2) assistance to individuals and small businesses in the generation, evaluation, and development of technological ideas supportive of industrial innovation and new business ventures;

(3) technical assistance and advisory services to industry, particularly small businesses; and

(4) curriculum development, training, and instruction in invention, entrepreneurship, and industrial innovation.

Each Center need not undertake all of the activities under this subsection.

(c) **Requirements.**—Prior to establishing a Center, the Secretary shall find that—

(1) consideration has been given to the potential contribution of the activities proposed under the Center to productivity, employment, and economic competitiveness of the United States;

(2) a high likelihood exists of continuing participation, advice, financial support, and other contributions from the private sector;

(3) the host university or other nonprofit institution has a plan for the management and evaluation of the activities proposed within the particular Center, including:

(A) the agreement between the parties as to the allocation of patent rights on a nonexclusive, partially exclusive, or exclusive license basis to and inventions conceived or made under the auspices of the Center; and

(B) the consideration of means to place the Center, to the maximum extent feasible, on a self-sustaining basis;

(4) suitable consideration has been given to the university's or other nonprofit institution's capabilities and geographical location; and

(5) consideration has been given to any effects upon competition of the activities proposed under the Center.

(d) **Planning grants.**—The Secretary is authorized to make available non-renewable planning grants to universities or nonprofit institutions for the purpose of developing a plan required under subsection (c)(3) of this section.

(e) **Research and development utilization.**—(1) To promote technological innovation and commercialization of research and development efforts, each Center has the option of acquiring title to any invention conceived or made under the auspices of the Center that was supported at least in part by Federal funds: *Provided, That*—

(A) the Center reports the invention to the supporting agency together with a list of each country in which the Center elects to file a patent application on the invention;

(B) said option shall be exercised at the time of disclosure of invention or within such time thereafter as may be provided in the grant or cooperative agreement;

(C) the Center intends to promote the commercialization of the invention and file a United States patent application;

(D) royalties be used for compensation of the inventor or for educational or research activities of the Center;

(E) the Center make periodic reports to the supporting agency, and the supporting agency may treat information contained in such reports as privileged and confidential technical, commercial, and financial information and not subject to disclosures under the Freedom of Information Act; and

(F) any Federal department or agency shall have the royalty-free right to practice, or have practiced on its behalf, the invention for governmental purposes.

The supporting agency shall have the right to acquire title to any patent on an invention in any country in which the Center elects not to file a patent application or fails to file within a reasonable time.

(2) Where a Center has retained title to an invention under paragraph (1) of this subsection the supporting agency shall have the right to require the Center or its licensee to grant a nonexclusive, partially exclusive, or exclusive license to a responsible applicant or applicants, upon terms that are reasonable under the circumstances, if the supporting agency determines, after public notice and opportunity for hearing, that such action is necessary—

(A) because the Center or licensee has not taken and is not expected to take timely and effective action to achieve practical application of the invention;

(B) to meet health, safety, environmental, or national security needs which are not reasonably satisfied by the contractor or licensee; or

(C) because the granting of exclusive rights in the invention has tended substantially to lessen competition or to result in undue market concentration in the United States in any line of commerce to which the technology relates.

(3) Any individual, partnership, corporation, association, institution, or other entity adversely affected by a supporting agency determination made under paragraph (2) of this subsection may, at any time within 60 days after the determination is issued, file a petition to the United States Court of Claims which shall have jurisdiction to determine that matter de novo and to affirm, reverse, or modify as appropriate, the determination of the supporting agency.

(f) **Additional consideration.**—The supporting agency may request the Attorney General's opinion whether the proposed joint research activities of a Center would violate any of the antitrust laws. The Attorney General shall advise the supporting agency of his determination and the reasons for it within 120 days after receipt of such request.

(Pub.L. 96-480, § 6, Oct. 21, 1980, 94 Stat. 2313.)

#### Historical Note

**References in Text.** The Freedom of Information Act, referred to in subsec. (e), is classified to section 552 of Title 5, Government Organization and Employees.

The antitrust laws, referred to in subsec. (f), are classified generally to chapter 1 (section 1 et seq.) of this title.

**Legislative History.** For legislative history and purpose of Pub.L. 96-480, see 1980 U.S. Code Cong. and Adm. News, p. 4892.

#### Library References

Health and Environment  $\Rightarrow$  25.5(9).  
C.J.S. Health and Environment §§ 65, 66,  
103, 107, 140 et seq.

## § 3706. Grants and cooperative agreements

(a) **In general.**—The Secretary may make grants and enter into cooperative agreements according to the provisions of this section in order to assist any activity consistent with this chapter, including activities performed by individuals. The total amount of any such grant or cooperative agreement may not exceed 75 percent of the total cost of the program.

(b) **Eligibility and procedure.**—Any person or institution may apply to the Secretary for a grant or cooperative agreement available under this section. Application shall be made in such form and manner, and with such content and other submissions, as the Director shall prescribe. The Secretary shall act upon each such application within 90 days after the date on which all required information is received.

(c) **Terms and conditions.**—

(1) Any grant made, or cooperative agreement entered into, under this section shall be subject to the limitations and provisions set forth in

paragraph (2) of this subsection, and to such other terms, conditions, and requirements as the Secretary deems necessary or appropriate.

(2) Any person who receives or utilizes any proceeds of any grant made or cooperative agreement entered into under this section shall keep such records as the Secretary shall by regulation prescribe as being necessary and appropriate to facilitate effective audit and evaluation, including records which fully disclose the amount and disposition by such recipient of such proceeds, the total cost of the program or project in connection with which such proceeds were used, and the amount, if any, of such costs which was provided through other sources.

(Pub.L. 96-480, § 7, Oct. 21, 1980, 94 Stat. 2315.)

#### Historical Note

**Legislative History.** For legislative history and purpose of Pub.L. 96-480, see 1980 U.S. Code Cong. and Adm. News, p. 4892.

#### Library References

Health and Environment @25.5(9).  
C.J.S. Health and Environment §§ 65, 66,  
103, 107, 140 et seq.

### § 3707. National Science Foundation Centers for Industrial Technology

(a) **Establishment and provisions.**—The National Science Foundation shall provide assistance for the establishment of Centers for Industrial Technology. Such Centers shall be affiliated with a university, or other nonprofit institution, or a group thereof. The objective of the Centers is to enhance technological innovation as provided in section 3705(a) of this title through the conduct of activities as provided in section 3705(b) of this title. The provisions of sections 3705(e) and 3705(f) of this title shall apply to Centers established under this section.

(b) **Planning grants.**—The National Science Foundation is authorized to make available nonrenewable planning grants to universities or nonprofit institutions for the purpose of developing the plan, as described under section 3705(c)(3) of this title.

(c) **Terms and conditions.**—Grants, contracts, and cooperative agreements entered into by the National Science Foundation in execution of the powers and duties of the National Science Foundation under this chapter shall be governed by the National Science Foundation Act of 1950 and other pertinent Acts.

(Pub.L. 96-480, § 8, Oct. 21, 1980, 94 Stat. 2316.)

#### Historical Note

**References in Text.** The National Science Foundation Act of 1950, referred to in subsec. (c), is Act May 10, 1950, c. 171, 64 Stat. 149, as amended, which is classified generally to chapter 16 (section 1861 et seq.) of Title

42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 1861 of Title 42 and Tables volume.

**Legislative History.** For legislative history and purpose of Pub.L. 96-480, see 1980 U.S. Code Cong. and Adm. News, p. 4892.

### § 3708. Administrative arrangements

(a) **Coordination.**—The Secretary and the National Science Foundation shall, on a continuing basis, obtain the advice and cooperation of departments and agencies whose missions contribute to or are affected by the programs established under this chapter, including the development of an agenda for research and policy experimentation. These departments and agencies shall include but not be limited to the Departments of Defense, Energy, Education, Health and Human Services, Housing and Urban Development, the Environmental Protection Agency, National Aeronautics and Space Administration, Small Business Administration, Council of Economic Advisers, Council on Environmental Quality, and Office of Science and Technology Policy.

(b) **Cooperation.**—It is the sense of the Congress that departments and agencies, including the Federal laboratories, whose missions are affected by, or could contribute to, the programs established under this chapter, should, within the limits of budgetary authorizations and appropriations, support or participate in activities or projects authorized by this chapter.

(c) **Administrative authorization.**—

(1) Departments and agencies described in subsection (b) of this section are authorized to participate in, contribute to, and serve as resources for the Centers and for any other activities authorized under this chapter.

(2) The Secretary and the National Science Foundation are authorized to receive moneys and to receive other forms of assistance from other departments or agencies to support activities of the Centers and any other activities authorized under this chapter.

(d) **Cooperative efforts.**—The Secretary and the National Science Foundation shall, on a continuing basis, provide each other the opportunity to comment on any proposed program of activity under section 3705, 3707, or 3712 of this title before funds are committed to such program in order to mount complementary efforts and avoid duplication.

(Pub.L. 96-480, § 9, Oct. 21, 1980, 94 Stat. 2316.)

#### Historical Note

**Legislative History.** For legislative history and purpose of Pub.L. 96-480, see 1980 U.S. Code Cong. and Adm. News, p. 4892.

#### Library References

Health and Environment @25.5(9).  
C.J.S. Health and Environment §§ 65, 66,  
103, 107, 140 et seq.

AS § 3709 TECHNOLOGY INNOVATION

## § 3709. National Industrial Technology Board

(a) **Establishment.**—There shall be established a committee to be known as the National Industrial Technology Board.

(b) **Duties.**—The Board shall take such steps as may be necessary to review annually the activities of the Office and advise the Secretary and the Director with respect to—

(1) the formulation and conduct of activities under section 3704 of this title;

(2) the designation and operation of Centers and their programs under section 3705 of this title including assistance in establishing priorities;

(3) the preparation of the report required under section 3704(d) of this title; and

(4) such other matters as the Secretary or Director refers to the Board, including the establishment of Centers under section 3707 of this title, for review and advice.

The Director shall make available to the Board such information, personnel, and administrative services and assistance as it may reasonably require to carry out its duties. The National Science Foundation shall make available to the Board such information and assistance as it may reasonably require to carry out its duties.

(c) **Membership, terms, and powers.**—

(1) The Board shall consist of 15 voting members who shall be appointed by the Secretary. The Director shall serve as a nonvoting member of the Board. The members of the Board shall be individuals who, by reason of knowledge, experience, or training are especially qualified in one or more of the disciplines and fields dealing with technology, labor, and industrial innovation or who are affected by technological innovation. The majority of the members of the Board shall be individuals from industry and business.

(2) The term of office of a voting member of the Board shall be 3 years, except that of the original appointees, five shall be appointed for a term of 1 year, five shall be appointed for a term of 2 years, and five shall be appointed for a term of 3 years.

(3) Any individual appointed to fill a vacancy occurring before the expiration of the term for which his or her predecessor was appointed shall be appointed only for the remainder of such term. No individual may be appointed as a voting member after serving more than two full terms as such a member.

(4) The Board shall select a voting member to serve as the Chairperson and another voting member to serve as the Vice Chairperson. The Vice Chairperson shall perform the functions of the Chairperson in the absence or incapacity of the Chairperson.

(5) Voting members of the Board may receive compensation at a daily rate for GS-18 of the General Schedule under section 5332 of Title

5, when actually engaged in the performance of duties for such Board, and may be reimbursed for actual and reasonable expenses incurred in the performance of such duties.

(Pub.L. 96-480, § 10, Oct. 21, 1980, 94 Stat. 2317.)

### Historical Note

**Legislative History.** For legislative history and purpose of Pub.L. 96-480, see 1980 U.S. Code Cong. and Adm. News, p. 3709.

### Library References

United States Ⓒ29.

C.J.S. United States §§ 34, 62.

## § 3710. Utilization of Federal technology

(a) **Policy.**—It is the continuing responsibility of the Federal Government to ensure the full use of the results of the Nation's Federal investment in research and development. To this end the Federal Government shall strive where appropriate to transfer federally owned or originated technology to State and local governments and to the private sector.

(b) **Establishment of Research and Technology Applications Offices.**—Each Federal laboratory shall establish an Office of Research and Technology Applications. Laboratories having existing organizational structures which perform the functions of this section may elect to combine the Office of Research and Technology Applications within the existing organization. The staffing and funding levels for these offices shall be determined between each Federal laboratory and the Federal agency operating or directing the laboratory, except that (1) each laboratory having a total annual budget exceeding \$20,000,000 shall provide at least one professional individual full-time as staff for its Office of Research and Technology Applications, and (2) after September 30, 1981, each Federal agency which operates or directs one or more Federal laboratories shall make available not less than 0.5 percent of the agency's research and development budget to support the technology transfer function at the agency and at its laboratories, including support of the Offices of Research and Technology Applications. The agency head may waive the requirements set forth in (1) and/or (2) of this subsection. If the agency head waives either requirement (1) or (2), the agency head shall submit to Congress at the time the President submits the budget to Congress an explanation of the reasons for the waiver and alternate plans for conducting the technology transfer function at the agency.

(c) **Functions of Research and Technology Applications Offices.**—It shall be the function of each Office of Research and Technology Applications—

(1) to prepare an application assessment of each research and development project in which that laboratory is engaged which has potential for successful application in State or local government or in private industry;

(2) to provide and disseminate information on federally owned or originated products, processes, and services having potential application to State and local governments and to private industry;

(3) to cooperate with and assist the Center for the Utilization of Federal Technology and other organizations which link the research and development resources of that laboratory and the Federal Government as a whole to potential users in State and local government and private industry; and

(4) to provide technical assistance in response to requests from State and local government officials.

Agencies which have established organizational structures outside their Federal laboratories which have as their principal purpose the transfer of federally owned or originated technology to State and local government and to the private sector may elect to perform the functions of this subsection in such organizational structures. No Office of Research and Technology Applications or other organizational structures performing the functions of this subsection shall substantially compete with similar services available in the private sector.

(d) **Center for the Utilization of Federal Technology.**—There is hereby established in the Department of Commerce a Center for the Utilization of Federal Technology. The Center for the Utilization of Federal Technology shall—

(1) serve as a central clearinghouse for the collection, dissemination and transfer of information on federally owned or originated technologies having potential application to State and local governments and to private industry;

(2) coordinate the activities of the Offices of Research and Technology Applications of the Federal laboratories;

(3) utilize the expertise and services of the National Science Foundation and the existing Federal Laboratory Consortium for Technology Transfer; particularly in dealing with State and local governments;

(4) receive requests for technical assistance from State and local governments and refer these requests to the appropriate Federal laboratories;

(5) provide funding, at the discretion of the Secretary, for Federal laboratories to provide the assistance specified in subsection (c)(4) of this section; and

(6) use appropriate technology transfer mechanisms such as personnel exchanges and computer-based systems.

(e) **Agency reporting.**—Each Federal agency which operates or directs one or more Federal laboratories shall prepare biennially a report summarizing the activities performed by that agency and its Federal laboratories pursuant to the provisions of this section. The report shall be transmitted to the Center for the Utilization of Federal Technology by November 1 of each year in which it is due.

(Pub.L. 96-480, § 11, Oct. 21, 1980, 94 Stat. 2318.)

#### Historical Note

**Legislative History.** For legislative history and purpose of Pub.L. 96-480, see 1980 U.S. Code Cong. and Adm. News, p. 4892.

### § 3711. National Technology Medal

(a) **Establishment.**—There is hereby established a National Technology Medal, which shall be of such design and materials and bear such inscriptions as the President, on the basis of recommendations submitted by the Office of Science and Technology Policy, may prescribe.

(b) **Award.**—The President shall periodically award the medal, on the basis of recommendations received from the Secretary or on the basis of such other information and evidence as he deems appropriate, to individuals or companies, which in his judgment are deserving of special recognition by reason of their outstanding contributions to the promotion of technology or technological manpower for the improvement of the economic, environmental, or social well-being of the United States.

(c) **Presentation.**—The presentation of the award shall be made by the President with such ceremonies as he may deem proper.

(Pub.L. 96-480, § 12, Oct. 21, 1980, 94 Stat. 2319.)

#### Historical Note

**Legislative History.** For legislative history and purpose of Pub.L. 96-480, see 1980 U.S. Code Cong. and Adm. News, p. 4892.

### § 3712. Personnel exchanges

The Secretary and the National Science Foundation, jointly, shall establish a program to foster the exchange of scientific and technical personnel among academia, industry, and Federal laboratories. Such program shall include both (1) federally supported exchanges and (2) efforts to stimulate exchanges without Federal funding.

(Pub.L. 96-480, § 13, Oct. 21, 1980, 94 Stat. 2320.)

#### Historical Note

**Legislative History.** For legislative history and purpose of Pub.L. 96-480, see 1980 U.S. Code Cong. and Adm. News, p. 4892.

### § 3713. Authorization of appropriations

(a) There is authorized to be appropriated to the Secretary for purposes of carrying out section 3705 of this title, not to exceed \$19,000,000 for the fiscal year ending September 30, 1981, \$40,000,000 for the fiscal year ending September 30, 1982, \$50,000,000 for the fiscal year ending September 30, 1983, and \$60,000,000 for each of the fiscal years ending September 30, 1984, and 1985.

(b) In addition to authorizations of appropriations under subsection (a) of this section, there is authorized to be appropriated to the Secretary for purposes of carrying out the provisions of this chapter, not to exceed \$5,000,000 for the fiscal year ending September 30, 1981, \$9,000,000 for the fiscal year ending September 30, 1982, and \$14,000,000 for each of the fiscal years ending September 30, 1983, 1984, and 1985.

(c) Such sums as may be appropriated under subsections (a) and (b) of this section shall remain available until expended.

(d) To enable the National Science Foundation to carry out its powers and duties under this chapter only such sums may be appropriated as the Congress may authorize by law.

(Pub.L. 96-480, § 14, Oct. 21, 1980, 94 Stat. 2320.)

#### Historical Note

**Legislative History.** For legislative history and purpose of Pub.L. 96-480, see 1980 U.S. Code Cong. and Adm. News, p. 4892.

### § 3714. Spending authority

No payments shall be made or contracts shall be entered into pursuant to this chapter except to such extent or in such amounts as are provided in advance in appropriation Acts.

(Pub.L. 96-480, § 15, Oct. 21, 1980, 94 Stat. 2320.)

#### Historical Note

**Legislative History.** For legislative history and purpose of Pub.L. 96-480, see 1980 U.S. Code Cong. and Adm. News, p. 4892.

## CHAPTER 64—METHANE TRANSPORTATION RESEARCH, DEVELOPMENT, AND DEMONSTRATION

### Sec.

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### § 3801. Congressional statement of findings and declaration of policy

- (a) The Congress finds and declares that—
- (1) gasoline and diesel fuel for vehicular use are in short supply and constitute a sizable portion of domestic petroleum consumption;
  - (2) methane use in fleet-operated vehicles would result in substantial reduction in oil imports;
  - (3) methane is in more abundant domestic supply than petroleum products, is the primary component of natural gas and can be derived in increased quantities from coal, biomass, waste products, and other renewable resources;
  - (4) recoverable methane presently available in the United States is not fully utilized;
  - (5) test results to date indicate that methane use as a substitute for gasoline as a motor fuel can result in emission reductions;