''(3) innovation and the rapid application of commercially valuable technology are assuming a more significant role in near-term marketplace success;

''(4) the Federal laboratories and other facilities have outstanding capabilities in a variety of advanced technologies and skilled scientists, engineers, and technicians who could contribute substantially to the posture of United States industry in international competition;

''(5) improved opportunities for cooperative research and development agreements between contractor-managers of certain Federal laboratories and the private sector in the United States, consistent with the program missions at those facilities, particularly the national security functions involved in atomic energy defense activities, would contribute to our national well-being; and

''(6) more effective cooperation between those laboratories and the private sector in the United States is required to provide speed and certainty in the technology transfer process.

''(b) PURPOSES.—The purposes of this part [part C (§§3131–3133) of title XXXI of div. C of Pub. L. 101–189, see Short Title of 1989 Amendment note above] are to—

''(1) enhance United States national security by promoting technology transfer between Government-owned, contractor-operated laboratories and the private sector in the United States; and

''(2) enhance collaboration between universities, the private sector, and Government-owned, contractor-operated laboratories in order to foster the development of technologies in areas of significant economic potential.''

EX. ORD. NO. 13185. TO STRENGTHEN THE FEDERAL GOVERNMENT-UNIVERSITY RESEARCH PARTNERSHIP

Ex. Ord. No. 13185, Dec. 28, 2000, 66 F.R. 701, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to keep the Federal Government-University research partnership strong, it is hereby ordered as follows:

SECTION 1. *Principles of the Government-University Partnership*. The partnership in science and technology that has evolved between the Federal Government and American universities has yielded benefits that are vital to each. It continues to prove exceptionally productive, successfully promoting the discovery of knowledge, stimulating technological innovation, improving the quality of life, educating and training the next generation of scientists and engineers, and contributing to America's economic prosperity and national security. In order to reaffirm and strengthen this partnership, this order sets forth the following guiding and operating principles that are fully described in the April 1999 National Science and Technology Council report, ''Renewing the Government-University Partnership.'' These principles shall provide the framework for the development and analysis of all future Federal policies, rules, and regulations for the Federal Government-University research partnership.

(a) The guiding principles that shall govern interactions between the Federal Government and universities that perform research are:

(1) Research is an investment in the future;

(2) The integration of research and education is vital;

(3) Excellence is promoted when investments are guided by merit review; and

(4) Research must be conducted with integrity.

(b) The operating principles that shall assist agencies, universities, individual researchers, and auditing and regulatory bodies in implementing the guiding principles are:

(1) Agency cost-sharing policies and practices must be transparent;

(2) Partners should respect the merit review process;

(3) Agencies and universities should manage research in a cost-efficient manner;

(4) Accountability and accounting are not the same;

(5) The benefits of simplicity in policies and practices should be weighed against the costs;

(6) Change should be justified by need and the process made transparent.

(c) Each executive branch department or agency that supports research at universities shall regularly review its existing policies and procedures to ensure that they meet the spirit and intent of the guiding and operating principles stated above.

SEC. 2. *Office of Science and Technology (OSTP) Review of the Government-University Research Partnership*. (a) The OSTP, in conjunction with the National Science and Technology Council, shall conduct a regular review of the Government-University research partnership and prepare a report on the status of the partnership. The OSTP should receive input from all departments or agencies that have a major impact on the Government-University partnership through their support of research and education, policy making, regulatory activities, and research administration. In addition, OSTP may seek the input of the National Science Board and the President's Committee of Advisors for Science and Technology, as well as other stakeholders, such as State and local governments, industry, the National Academy of Sciences, and the Federal Demonstration Partnership.

(b) The purpose of the review and the report is to determine the overall health of the Government-University research partnership, being mindful of the guiding and operating principles stated above. The report should include recommendations on how to improve the Government-University partnership.

(c) The Director of OSTP shall deliver the report to the President.

SEC. 3. *Judicial Review*. This order does not create any enforceable rights against the United States, its agencies, its officers, or any person.

WILLIAM J. CLINTON.

§ 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 cooperative research centers;

(3) stimulating improved utilization of federally funded technology developments, including inventions, software, and training technologies, 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; Pub. L. 99–502, §9(b)(1), (f)(2), Oct. 20, 1986, 100 Stat. 1795, 1797.)

AMENDMENTS

1986—Par. (2). Pub. L. 99–502, §9(b)(1), substituted ''cooperative research centers'' for ''centers for industrial technology''.

Par. (3). Pub. L. 99–502, §9(f)(2), inserted '', including inventions, software, and training technologies,''.

§ 3703. Definitions

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

(1) ''Secretary'' means the Secretary of Commerce.

(2) ''Centers'' means the Cooperative Research Centers established under section 3705 or 3707 of this title.

(3) ''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.

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

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

(6) ''Federal agency'' means any executive agency as defined in section 105 of title 5 and the military departments as defined in section 102 of such title, as well as any agency of the legislative branch of the Federal Government.

(7) ''Invention'' means any invention or discovery which is or may be patentable or otherwise protected under title 35 or any novel variety of plant which is or may be protectable under the Plant Variety Protection Act (7 U.S.C. 2321 et seq.).

(8) ''Made'' when used in conjunction with any invention means the conception or first actual reduction to practice of such invention.

(9) ''Small business firm'' means a small business concern as defined in section 632 of this title and implementing regulations of the Administrator of the Small Business Administration.

(10) ''Training technology'' means computer software and related materials which are developed by a Federal agency to train employees of such agency, including but not limited to software for computer-based instructional systems and for interactive video disc systems.

(11) ''Clearinghouse'' means the Clearinghouse for State and Local Initiatives on Productivity, Technology, and Innovation established by section 3704a of this title.

(Pub. L. 96–480, § 4, Oct. 21, 1980, 94 Stat. 2312; Pub. L. 99–502, § 9(b)(2), (d), Oct. 20, 1986, 100 Stat. 1795, 1796; Pub. L. 100–418, title V, § 5122(b), Aug. 23, 1988, 102 Stat. 1439; Pub. L. 100–519, title II, § 201(d)(1), Oct. 24, 1988, 102 Stat. 2594; Pub. L. 102–245, title III, § 304, Feb. 14, 1992, 106 Stat. 20; Pub. L. 106–404, § 7(1), (2), Nov. 1, 2000, 114 Stat. 1745; Pub. L. 110–69, title III, § 3002(c)(3), Aug. 9, 2007, 121 Stat. 586.)

REFERENCES IN TEXT

The Plant Variety Protection Act, referred to in par. (7), is Pub. L. 91–577, Dec. 24, 1970, 84 Stat. 1542, as amended, which is classified principally to chapter 57 (§ 2321 et seq.) of Title 7, Agriculture. For complete classification of this Act to the Code, see Short Title note set out under section 2321 of Title 7 and Tables.

AMENDMENTS

2007—Pub. L. 110–69 redesignated pars. (2) and (4) to (13) as (1) and (2) to (11), respectively, and struck out pars. (1) and (3) which defined ''Office'' and ''Under Secretary'', respectively.

2000—Pars. (4), (6). Pub. L. 106–404 made technical amendments to references in original act which appear in text as references to sections 3705 and 3707 of this title.

1992—Par. (8). Pub. L. 102–245 inserted before period at end '', as well as any agency of the legislative branch of the Federal Government''.

1988—Par. (1). Pub. L. 100–519, § 201(d)(1)(A), substituted ''Technology Policy'' for ''Productivity, Technology, and Innovation''.

Par. (3). Pub. L. 100–519, § 201(d)(1)(B), amended par. (3) generally, substituting provisions defining ''Under Secretary'' for provisions defining ''Assistant Secretary''.

Par. (13). Pub. L. 100–418 added par. (13).

1986—Par. (1). Pub. L. 99–502, § 9(b)(2)(A), substituted ''Productivity, Technology, and Innovation'' for ''Industrial Technology''.

Par. (3). Pub. L. 99–502, § 9(b)(2)(B), substituted '' 'Assistant Secretary' means the Assistant Secretary for Productivity, Technology, and Innovation'' for '' 'Director' means the Director of the Office of Industrial Technology''.

Par. (4). Pub. L. 99–502, § 9(b)(2)(C), substituted ''Cooperative Research Centers'' for ''Centers for Industrial Technology''.

Par. (6). Pub. L. 99–502, § 9(b)(2)(D), (E), redesignated par. (7) as (6), substituted ''owned, leased, or otherwise used by a Federal agency and funded'' for ''owned and funded'', and struck out former par. (6) which defined ''Board'' to mean the National Industrial Technology Board established pursuant to section 3709 of this title.

Pars. (7) to (12). Pub. L. 99–502, § 9(b)(2)(D), (d), redesignated pars. (7) and (8) as (6) and (7), respectively, and added pars. (8) to (12).

§ 3704. Experimental Program to Stimulate Competitive Technology

(a) Program establishment

(1) In general

Beginning in fiscal year 1999, the Secretary shall establish a program to be known as the Experimental Program to Stimulate Competitive Technology (referred to in this subsection as the ''program''). The purpose of the program shall be to strengthen the technological competitiveness of those States that have historically received less Federal research and development funds than those received by a majority of the States.

(2) Arrangements

In carrying out the program, the Secretary shall—

(A) enter into such arrangements as may be necessary to provide for the coordination of the program through the State committees established under the Experimental Program to Stimulate Competitive Research of the National Science Foundation; and

(B) cooperate with—

(i) any State science and technology council established under the program under subparagraph (A); and

(ii) representatives of small business firms and other appropriate technology-based businesses.

(3) Grants and cooperative agreements

In carrying out the program, the Secretary may make grants or enter into cooperative agreements to provide for—

(A) technology research and development;

(B) technology transfer from university research;