

**(e) Vacancies**

A vacancy in the Council shall not affect its powers but, in the case of a member appointed under subsection (c)(7) of this section, shall be filled in the same manner as the original appointment was made. Any member appointed to fill a vacancy for an unexpired term shall be appointed for the remainder of such term.

**(f) Quorum**

Eleven members of the Council shall constitute a quorum.

**(g) Meetings**

The Council shall meet at the call of a Co-chairman.

**(h) Compensation**

(1) Each member of the Council shall serve without compensation.

(2) While away from their homes or regular places of business in the performance of duties for the Council, members of the Council shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under sections 5702 and 5703 of title 5.

**(i) Federal Advisory Committee Act**

Section 14 of the Federal Advisory Committee Act shall not apply to the Council.

**(j) Support for Council**

The Council shall use Federal funds made available to Sematech as needed for general and administrative support in accomplishing the Council's purposes.

(Pub. L. 100-180, div. A, title II, § 273, Dec. 4, 1987, 101 Stat. 1070; Pub. L. 102-245, title I, § 103(e), Feb. 14, 1992, 106 Stat. 9; Pub. L. 103-160, div. A, title II, § 263(b), (c)(3)-(e), Nov. 30, 1993, 107 Stat. 1608, 1610; Pub. L. 103-337, div. A, title II, § 251, Oct. 5, 1994, 108 Stat. 2702; Pub. L. 106-65, div. A, title IX, § 911(a)(1), Oct. 5, 1999, 113 Stat. 717.)

## REFERENCES IN TEXT

Section 14 of the Federal Advisory Committee Act, referred to in subsec. (i), is section 14 of Pub. L. 92-463, which is set out in the Appendix to Title 5, Government Organization and Employees.

## AMENDMENTS

1999—Subsec. (c)(1). Pub. L. 106-65 substituted “Under Secretary of Defense for Acquisition, Technology, and Logistics” for “Under Secretary of Defense for Acquisition and Technology”.

1994—Subsec. (b)(2)(I). Pub. L. 103-337 inserted “and submit to Congress by March 31 of each year” after “Publish”.

1993—Pub. L. 103-160, § 263(b), substituted “Semiconductor Technology Council” for “Advisory Council” in section catchline.

Subsec. (a). Pub. L. 103-160, § 263(b), added subsec. (a) and struck out former subsec. (a) which read as follows: “There is established the Advisory Council on Federal Participation in Sematech.”

Subsec. (b). Pub. L. 103-160, § 263(b), added subsec. (b) and struck out former subsec. (b) which related to the functions of the Advisory Council of Federal Participation in Sematech.

Subsec. (c). Pub. L. 103-160, § 263(b), added subsec. (c) and struck out former subsec. (c) which related to the membership of the Advisory Council on Federal Participation in Sematech.

Subsec. (d). Pub. L. 103-160, § 263(c)(3)(A), substituted “subsection (c)(7)” for “subsection (c)(6)” and “five

shall be appointed for a term of two years” for “two shall be appointed for a term of two years”.

Subsec. (e). Pub. L. 103-160, § 263(c)(3)(B), substituted “subsection (c)(7)” for “subsection (c)(6)”.

Subsec. (f). Pub. L. 103-160, § 263(c)(3)(C), substituted “Eleven members” for “Seven members”.

Subsec. (g). Pub. L. 103-160, § 263(d), substituted “a Co-chairman” for “the Chairman or a majority of its members”.

Subsec. (j). Pub. L. 103-160, § 263(e), added subsec. (j). 1992—Subsec. (c)(4). Pub. L. 102-245 substituted “Technology” for “Economic Affairs”.

## TERMINATION OF ADVISORY COUNCIL ON FEDERAL PARTICIPATION IN SEMATECH

Pub. L. 103-160, div. A, title II, § 263(a), Nov. 30, 1993, 107 Stat. 1608, provided that: “The advisory council known as the Advisory Council on Federal Participation in Sematech, established by section 273 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (15 U.S.C. 4603), is hereby terminated.”

## FIRST MEETING OF SEMICONDUCTOR TECHNOLOGY COUNCIL

Pub. L. 103-160, div. A, title II, § 263(f), Nov. 30, 1993, 107 Stat. 1610, provided that: “The first meeting of the Semiconductor Technology Council shall be held not later than 45 days after the date of the enactment of this Act [Nov. 30, 1993].”

## REFERENCES TO TERMINATED COUNCIL

Pub. L. 103-160, div. A, title II, § 263(g), Nov. 30, 1993, 107 Stat. 1610, provided that: “A reference in any provision of law to the Advisory Council on Federal Participation in Sematech shall be deemed to refer to the Semiconductor Technology Council established by section 273 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 [15 U.S.C. 4603], as amended by subsection (b).”

**§ 4603a. Study and report by Semiconductor Technology Council****(a) Study and report**

Not later than February 1, 1989, and annually thereafter for each fiscal year in which appropriated funds are expended for Sematech the Semiconductor Technology Council established under section 4603(a) of this title shall conduct a study and submit a report to the Governmental Affairs Committee and the Armed Services Committee of the Senate and to appropriate committees of the House of Representatives concerning Federal participation in Sematech. The study and report shall be conducted under the direction of the Under Secretary of Commerce for Technology.

**(b) Council recommendations and report**

The Council shall include in the report submitted under subsection (a) of this section the following:

(1) identification of potential sources of Federal funding from department and agency budgets for Sematech and recommendations concerning methods and terms of Federal financial participation in Sematech, including grants, loans, loan guarantees, and contributions in kind. The feasibility of methods of Federal recoupment shall also be considered;

(2) definition and assessment of continued Federal participation in Sematech including, but not limited to, issues of technology research and development, civilian and defense industrial base objectives and initiatives, and

commercialization. The report shall include a summary of the most recent plans, milestones, and cost estimates for Sematech, including any changes and alterations, and shall comment on Sematech's accomplishments and shortfalls in the preceding fiscal year;

(3) coordination of inter-agency participation, including all matters pertaining to Federal funding and decisionmaking, and other issues regarding Federal participation in Sematech; and

(4) any other issues and questions the Council deems appropriate shall be considered.

(Pub. L. 100-418, title V, § 5422, Aug. 23, 1988, 102 Stat. 1468; Pub. L. 102-245, title I, § 103(e), Feb. 14, 1992, 106 Stat. 9; Pub. L. 103-160, div. A, title II, § 263(g), Nov. 30, 1993, 107 Stat. 1610.)

#### CODIFICATION

Section was enacted as part of the Omnibus Trade and Competitiveness Act of 1988, and not as part of part F of title II of division A of Pub. L. 100-180 which comprises this subchapter.

#### AMENDMENTS

1993—Pub. L. 103-160 substituted “Semiconductor Technology Council” for “Advisory Council on Federal Participation in Sematech” in section catchline and subsec. (a).

1992—Subsec. (a). Pub. L. 102-245 substituted “Technology” for “Economic Affairs”.

#### CHANGE OF NAME

Committee on Governmental Affairs of Senate changed to Committee on Homeland Security and Governmental Affairs of Senate, effective Jan. 4, 2005, by Senate Resolution No. 445, One Hundred Eighth Congress, Oct. 9, 2004.

### § 4604. Repealed. Pub. L. 104-66, title I, § 1031(a)(2), Dec. 21, 1995, 109 Stat. 714

Section, Pub. L. 100-180, div. A, title II, § 274, Dec. 4, 1987, 101 Stat. 1071, directed Comptroller General to review annual reports submitted by auditor on Sematech funding and transmit comments to Congress.

### § 4605. Export of semiconductor manufacturing

Any export of materials, equipment, and technology developed by Sematech in whole or in part with financial assistance provided under section 4602(a) of this title shall be subject to the Export Administration Act of 1979 (50 U.S.C. App. 2401 et seq.) and shall not be subject to the Arms Export Control Act [22 U.S.C. 2751 et seq.].

(Pub. L. 100-180, div. A, title II, § 275, Dec. 4, 1987, 101 Stat. 1071.)

#### REFERENCES IN TEXT

The Export Administration Act of 1979, referred to in text, is Pub. L. 96-72, Sept. 29, 1979, 93 Stat. 503, as amended, which is classified principally to section 2401 et seq. of Title 50, Appendix, War and National Defense. For complete classification of this Act to the Code, see Short Title note set out under section 2401 of Title 50, Appendix, and Tables.

The Arms Export Control Act, referred to in text, is Pub. L. 90-629, Oct. 22, 1968, 82 Stat. 1320, as amended, which is classified principally to chapter 39 (§ 2751 et seq.) of Title 22, Foreign Relations and Intercourse. For complete classification of this Act to the Code, see Short Title note set out under section 2751 of Title 22 and Tables.

### § 4606. Protection of information

#### (a) Freedom of Information Act

Section 552 of title 5 shall not apply to information obtained by the Federal Government on a confidential basis under section 4602(b)(5) of this title.

#### (b) Intellectual property

Notwithstanding any other provision of law, intellectual property, trade secrets, and technical data owned and developed by Sematech or any of the participants in Sematech may not be disclosed by any officer or employee of the Department of Defense except as provided in the provision included in the memorandum of understanding pursuant to section 4602(b)(5) of this title.

(Pub. L. 100-180, div. A, title II, § 276, Dec. 4, 1987, 101 Stat. 1071.)

### SUBCHAPTER II—DEPARTMENT OF ENERGY SEMICONDUCTOR TECHNOLOGY RESEARCH EXCELLENCE INITIATIVE

### § 4621. Findings

Congress makes the following findings:

(1) Semiconductors and related microelectronic devices are key components in computers, telecommunications equipment, advanced defense systems, and other equipment.

(2) Aggregate sales of such equipment, in excess of \$230,000,000,000 annually, comprise a significant portion of the gross national product of the United States.

(3) The leadership position of the United States in advanced technology is threatened by (A) competition from foreign businesses which is promoted and facilitated by the increasingly active involvement of foreign governments, and (B) other changes in the nature of foreign competition.

(4) The principal cause of the relative shift in strength of the United States and its semiconductor competitors is the establishment of a long-term goal by a major foreign competitor to achieve world superiority in semiconductor research and manufacturing technology and the pursuit of such goal by that competitor by effectively marshalling all of the government, industry, and academic resources needed to achieve that goal.

(5) Although the United States semiconductor industry leads all other principal United States industries in terms of its reinvestment in research and development, that has been insufficient by worldwide standards.

(6) Electronic equipment is essential to protect the national security of the United States, as is evidenced by the allocation of approximately 35 percent of the total research, development, and procurement budgets of the Department of Defense to electronics research.

(7) The Armed Forces of the United States will eventually depend extensively on foreign semiconductor technology unless significant steps are taken, and taken at an early date, to retain United States leadership in semiconductor technology research.

(8) It is in the interests of the national security and national economy of the United