

(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

In the promotion of technology from research and development efforts by Centers under this section, chapter 18 of title 35 shall apply to the extent not inconsistent with this section.

(Pub. L. 96-480, §7, formerly §6, Oct. 21, 1980, 94 Stat. 2313; Pub. L. 99-502, §9(b)(6)-(10), Oct. 20, 1986, 100 Stat. 1796; renumbered §7, Pub. L. 100-418, title V, §5122(a)(1), Aug. 23, 1988, 102 Stat. 1438.)

#### PRIOR PROVISIONS

A prior section 7 of Pub. L. 96-480 was renumbered section 8 and is classified to section 3706 of this title.

#### AMENDMENTS

1986—Subsec. (a). Pub. L. 99-502, §9(b)(7), substituted "Cooperative Research Centers" for "Centers for Industrial Technology".

Subsec. (b)(1). Pub. L. 99-502, §9(b)(8), struck out "basic and applied" after "industry-university".

Subsec. (e). Pub. L. 99-502, §9(b)(9), amended subsec. (e) generally. Prior to amendment, subsec. (e) provided that a Center of Industrial Technology had the option to acquire title to an invention conceived or made under its auspices and supported by Federal funds, authorized supporting agency to require the Center to grant licenses to the invention to responsible applicants in certain cases, and provided for judicial review of licensing determinations by the supporting agency.

Subsec. (f). Pub. L. 99-502, §9(b)(10), struck out subsec. (f) which read as follows: "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."

#### MODEL PROGRAM

Pub. L. 101-510, div. A, title VIII, §827(b), Nov. 5, 1990, 104 Stat. 1607, as amended by Pub. L. 102-190, div. A, title X, §1062(a)(2), Dec. 5, 1991, 105 Stat. 1475, provided that:

"(1) In the administration of applicable provisions of the Stevenson-Wydler Technology Innovation Act of 1980 [15 U.S.C. 3701 et seq.] or section 5121(b) of the Omnibus Trade and Competitiveness Act of 1988 [Pub. L. 100-418, 15 U.S.C. 2781 note], the Secretary of Commerce shall develop, in consultation with the Secretary of Defense and the Secretary of Energy, model programs for national defense laboratories.

"(2) Model programs under this subsection shall involve Federal laboratories, small businesses, and partnership intermediaries. The purpose of the model programs is to demonstrate successful relationships between the Federal Government, State and local governments, and small businesses which encourage economic growth through the commercial application of technology resulting from federally funded research.

"(3) In this subsection, the term 'national defense laboratory' means any laboratory, federally funded research and development center (FFRDC), or other center established under section 7 or 9 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3705, 3707) that is owned by the Federal Government, whether operated by the Federal Government or by a contractor, and—

"(A) is under the jurisdiction of the Secretary of Defense; or

"(B) is under the jurisdiction of the Secretary of Energy, but only if the primary function of the laboratory, FFRDC, or other center under the Secretary's jurisdiction is to support the national defense activities of the Department of Defense or the Department of Energy."

### § 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 Assistant Secretary 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, §8, formerly §7, Oct. 21, 1980, 94 Stat. 2315; renumbered §8 and amended Pub. L.

100-418, title V, §§ 5115(b)(1), 5122(a)(1), Aug. 23, 1988, 102 Stat. 1433, 1438.)

#### PRIOR PROVISIONS

A prior section 8 of Pub. L. 96-480 was renumbered section 9 and is classified to section 3707 of this title.

#### AMENDMENTS

1988—Subsec. (b). Pub. L. 100-418, § 5115(b)(1), substituted “Assistant Secretary” for “Director”.

### § 3707. National Science Foundation Cooperative Research Centers

#### (a) Establishment and provisions

The National Science Foundation shall provide assistance for the establishment of Cooperative Research Centers. 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.

#### (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, § 9, formerly § 8, Oct. 21, 1980, 94 Stat. 2316; Pub. L. 99-502, § 9(b)(11), (12), (e)(2)(B), Oct. 20, 1986, 100 Stat. 1796, 1797; renumbered § 9, Pub. L. 100-418, title V, § 5122(a)(1), Aug. 23, 1988, 102 Stat. 1438; Pub. L. 106-404, § 7(4), Nov. 1, 2000, 114 Stat. 1745.)

#### 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.

#### PRIOR PROVISIONS

A prior section 9 of Pub. L. 96-480 was renumbered section 10 and is classified to section 3708 of this title.

#### AMENDMENTS

2000—Subsecs. (a), (b). Pub. L. 106-404 made technical amendments to references in original act which appear in text as references to section 3705 of this title.

1986—Subsec. (a). Pub. L. 99-502 substituted “Cooperative Research Centers” for “Centers for Industrial Technology” and struck out last sentence which read as follows: “The provisions of sections 3705(e) and 3705(f) of this title shall apply to Centers established under this section.”

### § 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, 3710, 3710d, 3711a, 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, § 10, formerly § 9, Oct. 21, 1980, 94 Stat. 2316; Pub. L. 99-502, § 9(e)(2)(C), Oct. 20, 1986, 100 Stat. 1797; Pub. L. 100-107, § 3(b), Aug. 20, 1987, 101 Stat. 727; renumbered § 10 and amended Pub. L. 100-418, title V, § 5122(a)(1), (c), Aug. 23, 1988, 102 Stat. 1438, 1439; Pub. L. 102-240, title VI, § 6019, Dec. 18, 1991, 105 Stat. 2183.)

#### PRIOR PROVISIONS

A prior section 10 of Pub. L. 96-480 was renumbered section 11 and is classified to section 3710 of this title.

Another prior section 10 of Pub. L. 96-480 related to National Industrial Technology Board and was classified to section 3709 of this title, prior to repeal by section 9(a) of Pub. L. 99-502.

#### AMENDMENTS

1991—Subsec. (d). Pub. L. 102-240 made technical amendment to reference to section 3712 of this title to reflect renumbering of corresponding section of original act.

1988—Subsec. (d). Pub. L. 100-418, § 5122(c), made technical amendment to references to sections 3705, 3707, 3710, 3710d, 3711a, and 3712 of this title to reflect renumbering of corresponding sections of original act.

1987—Subsec. (d). Pub. L. 100-107 inserted reference to section 3711a of this title.