

(A) determines that all of the restitutionary amounts to which section 4501(a) of this title applies have been collected and disbursed as provided in this chapter; and

(B) submits to Congress the final report required by section 4505 of this title.

(2) Such final report shall include the determination (and the justification thereof) described in paragraph (1)(A). Such report shall also be published in the Federal Register.

**(b) Exception**

The requirements of section 4502(d)<sup>1</sup> of this title shall continue to be applicable to the use of restitutionary amounts received under this chapter as long as such funds remain available. (Pub. L. 99-509, title III, §3007, Oct. 21, 1986, 100 Stat. 1887.)

REFERENCES IN TEXT

Section 4502(d) of this title, referred to in subsec. (b), was repealed by section 4502(e) of this title.

**§ 4507. Definitions**

For purposes of this chapter:

(1) The term “Secretary” means the Secretary of Energy.

(2) The term “subpart V regulations” means the provisions of Subpart V—Special Procedures for Distribution of Refunds (10 CFR 205.280–205.288) and any amendment made after October 21, 1986, and all precedents and decisions under such regulations, but only to the extent that such provisions, precedents, decisions, and amendments are consistent with the provisions of this chapter.

(3) The term “energy conservation programs” means—

(A) the program under part A of the Energy Conservation and Existing Buildings Act of 1976 (42 U.S.C. 6861 and following);

(B) the programs under part D of title III of the Energy Policy and Conservation Act (relating to primary and supplemental State energy conservation programs; 42 U.S.C. 6321 and following);

(C) the program under part G of title III of the Energy Policy and Conservation Act (relating to energy conservation for schools and hospitals; 42 U.S.C. 6371 and following); and

(D) the program under the National Energy Extension Service Act (42 U.S.C. 7001 and following).

(4) The term “person” includes refiners, retailers, resellers, farmer cooperatives, transportation entities, public and private utilities, school districts, Federal, State, and local governmental entities, farmers, and other individuals and their successors.

(5) The term “State” means each of the several States, the District of Columbia, the commonwealth of Puerto Rico, and any territory or possession of the United States.

(Pub. L. 99-509, title III, §3008, Oct. 21, 1986, 100 Stat. 1887.)

REFERENCES IN TEXT

The Energy Conservation and Existing Buildings Act of 1976, referred to in par. (3)(A), probably means the

<sup>1</sup> See References in Text note below.

Energy Conservation and Existing Buildings Act of 1976, which is title IV of Pub. L. 94-385, Aug. 14, 1976, 90 Stat. 1150, as amended. Part A of the Energy Conservation and Existing Buildings Act of 1976, is classified generally to part A (§6861 et seq.) of subchapter III of chapter 81 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 6801 of Title 42 and Tables.

The Energy Policy and Conservation Act, referred to in par. (3)(B), (C), is Pub. L. 94-163, Dec. 22, 1975, 89 Stat. 871, as amended. Parts D and G of title III of the Energy Policy and Conservation Act are classified generally to parts B (§6321 et seq.) and E (§6371 et seq.), respectively, of subchapter III of chapter 77 of Title 42. For complete classification of this Act to the Code, see Short Title note set out under section 6201 of Title 42 and Tables.

The National Energy Extension Service Act, referred to in par. (3)(D), is title V of Pub. L. 95-39, June 3, 1977, 91 Stat. 191, as amended, which was classified principally to chapter 83 (§7001 et seq.) of Title 42 and was repealed by Pub. L. 102-486, title I, §143(a), Oct. 24, 1992, 106 Stat. 2843. For complete classification of this Act to the Code, see Short Title note set out under section 7001 of Title 42 and Tables.

**CHAPTER 72—SEMICONDUCTOR RESEARCH**

**SUBCHAPTER I—COOPERATIVE RESEARCH PROGRAM**

- Sec. 4601. Findings, purposes, and definitions.
- 4602. Grants to Sematech.
- 4603. Semiconductor Technology Council.
- 4603a. Study and report by Semiconductor Technology Council.
- 4604. Repealed.
- 4605. Export of semiconductor manufacturing.
- 4606. Protection of information.

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

- 4621. Findings.
- 4622. Establishment of semiconductor manufacturing technology research initiative.
- 4623. Participation of national laboratories of Department of Energy.
- 4624. Personnel exchanges.
- 4625. Other Department of Energy resources.
- 4626. Budgeting for semiconductor manufacturing technology research.
- 4627. Cost-sharing agreements.
- 4628. Department of Energy oversight of cooperative agreements relating to Initiative.
- 4629. Avoidance of duplication.
- 4630. Authorization of appropriations.
- 4631. Technology transfer.
- 4632. Semiconductor research and development.

**SUBCHAPTER I—COOPERATIVE RESEARCH PROGRAM**

**§ 4601. Findings, purposes, and definitions**

**(a) Findings**

The Congress finds that it is in the national economic and security interests of the United States for the Department of Defense to provide financial assistance to the industry consortium known as Sematech for research and development activities in the field of semiconductor manufacturing technology.

**(b) Purposes**

The purposes of this subchapter are—

- (1) to encourage the semiconductor industry in the United States—

(A) to conduct research on advanced semiconductor manufacturing techniques; and

(B) to develop techniques to use manufacturing expertise for the manufacture of a variety of semiconductor products; and

(2) in order to achieve the purpose set out in paragraph (1), to provide a grant program for the financial support of semiconductor research activities conducted by Sematech.

**(c) Definitions**

In this subchapter:

(1) The terms “Semiconductor Technology Council” and “Council” mean the advisory council established by section 4603 of this title.

(2) The term “Sematech” means a consortium of firms in the United States semiconductor industry established for the purposes of (A) conducting research concerning advanced semiconductor manufacturing techniques, and (B) developing techniques to adapt manufacturing expertise to a variety of semiconductor products.

(Pub. L. 100-180, div. A, title II, § 271, Dec. 4, 1987, 101 Stat. 1068; Pub. L. 103-160, div. A, title II, § 263(c)(1), Nov. 30, 1993, 107 Stat. 1610.)

AMENDMENTS

1993—Subsec. (c)(1). Pub. L. 103-160 substituted “Semiconductor Technology Council” for “Advisory Council on Federal Participation in Sematech”.

**§ 4602. Grants to Sematech**

**(a) Authority to make grants**

The Secretary of Defense shall make grants, in accordance with section 6304 of title 31, to Sematech in order to defray expenses incurred by Sematech in conducting research on and development of semiconductor manufacturing technology. The grants shall be made in accordance with a memorandum of understanding entered into under subsection (b) of this section.

**(b) Memorandum of understanding**

The Secretary of Defense shall enter into a memorandum of understanding with Sematech for the purposes of this subchapter. The memorandum of understanding shall require the following:

(1) That Sematech have—

(A) a charter agreed to by all representatives of the semiconductor industry that are participating members of Sematech; and

(B) an annual operating plan that is developed in consultation with the Secretary of Defense and the Semiconductor Technology Council.

(2) That the total amount of funds made available to Sematech by Federal, State, and local government agencies for any fiscal year for the support of research and development activities of Sematech under this section may not exceed 50 percent of the total cost of such activities.

(3) That Sematech, in conducting research and development activities pursuant to the memorandum of understanding, cooperate with and draw on the expertise of the national laboratories of the Department of Energy and

of colleges and universities in the United States in the field of semiconductor manufacturing technology.

(4) That an independent, commercial auditor be retained (A) to determine the extent to which the funds made available to Sematech by the United States for the research and development activities of Sematech have been expended in a manner that is consistent with the purposes of this subchapter, the charter of Sematech, and the annual operating plan of Sematech, and (B) to submit to the Secretary of Defense, Sematech, and the Comptroller General of the United States an annual report containing the findings and determinations of such auditor.

(5) That (A) the Secretary of Defense be permitted to use intellectual property, trade secrets, and technical data owned and developed by Sematech in the same manner as a participant in Sematech and to transfer such intellectual property, trade secrets, and technical data to Department of Defense contractors for use in connection with Department of Defense requirements, and (B) the Secretary not be permitted to transfer such property to any person for commercial use.

(6) That Sematech take all steps necessary to maximize the expeditious and timely transfer of technology developed and owned by Sematech to the participants in Sematech in accordance with the agreement between Sematech and those participants and for the purpose of improving manufacturing productivity of United States semiconductor firms.

**(c) Construction of memorandum of understanding**

The memorandum of understanding entered into under subsection (b) of this section shall not be considered to be a contract for the purpose of any law or regulation relating to the formation, content, and administration of contracts awarded by the Federal Government and subcontracts under such contracts, including section 2306a of title 10, section 2168 of the Appendix to title 50, and the Federal Acquisition Regulations, and such provisions of law and regulation shall not apply with respect to the memorandum of understanding.

**(d) Funding for FY88**

Of the amounts appropriated to the Defense Agencies for fiscal year 1988 for research, development, test, and evaluation, \$100,000,000 may be obligated only to make grants under this section.

(Pub. L. 100-180, div. A, title II, § 272, Dec. 4, 1987, 101 Stat. 1068; Pub. L. 103-160, div. A, title II, § 263(c)(2), Nov. 30, 1993, 107 Stat. 1610.)

AMENDMENTS

1993—Subsec. (b)(1)(B). Pub. L. 103-160 substituted “Semiconductor Technology Council” for “Advisory Council on Federal Participation in Sematech”.

**§ 4603. Semiconductor Technology Council**

**(a) Establishment**

There is established the Semiconductor Technology Council.