

available until expended. Notwithstanding 15 U.S.C. 1525 and 1526, all payments collected by the National Technical Information Service in performing its activities authorized by chapters 23 and 63 of title 15 of the United States Code shall be credited to this Revolving Fund. Without further appropriations action, all expenses incurred in performing the activities of the National Technical Information Service, including modernization, capital equipment and inventory, shall be paid from the fund. A business-type budget for the fund shall be prepared in the manner prescribed by 31 U.S.C. 9103."

**§ 3704b-1. Recovery of operating costs through fee collections**

Operating costs for the National Technical Information Service associated with the acquisition, processing, storage, bibliographic control, and archiving of information and documents shall be recovered primarily through the collection of fees.

(Pub. L. 102-245, title I, § 103(c), Feb. 14, 1992, 106 Stat. 8.)

CODIFICATION

Section was enacted as part of the American Technology Preeminence Act of 1991, and not as part of the Stevenson-Wydler Technology Innovation Act of 1980 which comprises this chapter.

**§ 3704b-2. Transfer of Federal scientific and technical information**

**(a) Transfer**

The head of each Federal executive department or agency shall transfer in a timely manner to the National Technical Information Service unclassified scientific, technical, and engineering information which results from federally funded research and development activities for dissemination to the private sector, academia, State and local governments, and Federal agencies. Only information which would otherwise be available for public dissemination shall be transferred under this subsection. Such information shall include technical reports and information, computer software, application assessments generated pursuant to section 3710(c) of this title, and information regarding training technology and other federally owned or originated technologies. The Secretary shall issue regulations within one year after February 14, 1992, outlining procedures for the ongoing transfer of such information to the National Technical Information Service.

**(b) Annual report to Congress**

As part of the annual report required under section 3704b(f)(3) of this title, the Secretary shall report to Congress on the status of efforts under this section to ensure access to Federal scientific and technical information by the public. Such report shall include—

- (1) an evaluation of the comprehensiveness of transfers of information by each Federal executive department or agency under subsection (a);
- (2) a description of the use of Federal scientific and technical information;
- (3) plans for improving public access to Federal scientific and technical information; and
- (4) recommendations for legislation necessary to improve public access to Federal scientific and technical information.

(Pub. L. 102-245, title I, § 108, Feb. 14, 1992, 106 Stat. 13.)

CODIFICATION

Section was enacted as part of the American Technology Preeminence Act of 1991, and not as part of the Stevenson-Wydler Technology Innovation Act of 1980 which comprises this chapter.

**§ 3705. Cooperative Research Centers**

**(a) Establishment**

The Secretary shall provide assistance for the establishment of Cooperative Research Centers. 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 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).

#### **(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.