

**§ 3712. Personnel exchanges**

The Secretary, the Secretary of Energy, and the Director of the National Science Foundation, jointly, shall establish a program to foster the exchange of scientific and technical personnel among academia, industry, and Federal laboratories. Such program shall include both (1) federally supported exchanges and (2) efforts to stimulate exchanges without Federal funding.

(Pub. L. 96-480, § 20, formerly § 13, Oct. 21, 1980, 94 Stat. 2320; renumbered § 17, Pub. L. 99-502, § 2, Oct. 20, 1986, 100 Stat. 1785; renumbered § 16, Pub. L. 99-502, § 9(e)(1), Oct. 20, 1986, 100 Stat. 1797; renumbered § 17, Pub. L. 100-107, § 3(a), Aug. 20, 1987, 101 Stat. 725; renumbered § 18, Pub. L. 100-418, title V, § 5122(a)(1), Aug. 23, 1988, 102 Stat. 1438; renumbered § 20, Pub. L. 102-240, title VI, § 6019, Dec. 18, 1991, 105 Stat. 2183; Pub. L. 109-58, title X, § 1009(c), Aug. 8, 2005, 119 Stat. 936.)

## AMENDMENTS

2005—Pub. L. 109-58 substituted “, the Secretary of Energy, and the Director of the National Science Foundation” for “and the National Science Foundation”.

**§ 3713. Authorization of appropriations**

(a)(1) There is authorized to be appropriated to the Secretary for the purposes of carrying out sections 3710(g) and 3711 of this title not to exceed \$3,400,000 for the fiscal year ending September 30, 1988.

(2) Of the amount authorized under paragraph (1) of this subsection, \$2,400,000 is authorized only for the Office of Productivity, Technology, and Innovation; and \$500,000 is authorized only for the patent licensing activities of the National Technical Information Service.

(b) In addition to the authorization of appropriations provided under subsection (a) of this section, there is authorized to be appropriated to the Secretary for the purposes of carrying out section 3704a of this title not to exceed \$500,000 for the fiscal year ending September 30, 1988, \$1,000,000 for the fiscal year ending September 30, 1989, and \$1,500,000 for the fiscal year ending September 30, 1990.

(c) Such sums as may be appropriated under subsections (a) and (b) shall remain available until expended.

(d) To enable the National Science Foundation to carry out its powers and duties under this chapter only such sums may be appropriated as the Congress may authorize by law.

(Pub. L. 96-480, § 21, formerly § 14, Oct. 21, 1980, 94 Stat. 2320; renumbered § 18, Pub. L. 99-502, § 2, Oct. 20, 1986, 100 Stat. 1785; renumbered § 17, Pub. L. 99-502, § 9(e)(1), Oct. 20, 1986, 100 Stat. 1797; renumbered § 18, Pub. L. 100-107, § 3(a), Aug. 20, 1987, 101 Stat. 725; renumbered § 19 and amended Pub. L. 100-418, title V, §§ 5122(a)(1), 5152, Aug. 23, 1988, 102 Stat. 1438, 1449; renumbered § 21, Pub. L. 102-240, title VI, § 6019, Dec. 18, 1991, 105 Stat. 2183; Pub. L. 110-69, title III, § 3002(c)(5), Aug. 9, 2007, 121 Stat. 586.)

## AMENDMENTS

2007—Subsec. (a)(1). Pub. L. 110-69, § 3002(c)(5)(A), substituted “sections 3710(g) and 3711” for “sections 3704, 3710(g), and 3711”.

Subsec. (a)(2). Pub. L. 110-69, § 3002(c)(5)(B), struck out “\$500,000 is authorized only for the purpose of carrying out the requirements of the Japanese technical literature program established under section 3704(d) of this title;” after “Innovation;”.

1988—Subsec. (a). Pub. L. 100-418, § 5152, amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: “There is authorized to be appropriated to the Secretary for purposes of carrying out section 3705 of this title, not to exceed \$19,000,000 for the fiscal year ending September 30, 1981, \$40,000,000 for fiscal year ending September 30, 1982, \$50,000,000 for the fiscal year ending September 30, 1983, and \$60,000,000 for each of the fiscal years ending September 30, 1984, and 1985.”

Subsec. (b). Pub. L. 100-418, § 5152, amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: “In addition to authorizations of appropriations under subsection (a) of this section, there is authorized to be appropriated to the Secretary for purposes of carrying out the provisions of this chapter, not to exceed \$5,000,000 for the fiscal year ending September 30, 1981, \$9,000,000 for the fiscal year ending September 30, 1982, and \$14,000,000 for each of the fiscal years ending September 30, 1983, 1984, and 1985.”

**§ 3714. Spending authority**

No payments shall be made or contracts shall be entered into pursuant to the provisions of this chapter (other than sections 3710a, 3710b, and 3710c of this title) except to such extent or in such amounts as are provided in advance in appropriation Acts.

(Pub. L. 96-480, § 22, formerly § 15, Oct. 21, 1980, 94 Stat. 2320; renumbered § 19, Pub. L. 99-502, § 2, Oct. 20, 1986, 100 Stat. 1785; renumbered § 18, and amended Pub. L. 99-502, § 9(b)(13), (e)(1), (4), Oct. 20, 1986, 100 Stat. 1796, 1797; renumbered § 19, Pub. L. 100-107, § 3(a), Aug. 20, 1987, 101 Stat. 725; renumbered § 20, Pub. L. 100-418, title V, § 5122(a)(1), Aug. 23, 1988, 102 Stat. 1438; renumbered § 22, Pub. L. 102-240, title VI, § 6019, Dec. 18, 1991, 105 Stat. 2183; Pub. L. 106-404, § 7(8), Nov. 1, 2000, 114 Stat. 1746.)

## AMENDMENTS

2000—Pub. L. 106-404 made technical amendments to references in original act which appear in text as references to sections 3710a, 3710b, and 3710c of this title.

1986—Pub. L. 99-502, § 9(e)(4), made technical amendment to references to sections 3710a, 3710b, and 3710c of this title to reflect renumbering of corresponding sections of original act.

Pub. L. 99-502, § 9(b)(13), inserted exception relating to sections 3710a, 3710b, and 3710c of this title.

**§ 3715. Use of partnership intermediaries****(a) Authority**

Subject to the approval of the Secretary or head of the affected department or agency, the Director of a Federal laboratory, or in the case of a federally funded research and development center that is not a laboratory (as defined in section 3710a(d)(2) of this title), the Federal employee who is the contract officer, may—

(1) enter into a contract or memorandum of understanding with a partnership intermediary that provides for the partnership intermediary to perform services for the Federal laboratory that increase the likelihood of success in the conduct of cooperative or joint activities of such Federal laboratory with small business firms, institutions of higher education as defined in section 1141(a)<sup>1</sup> of title

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

20, or educational institutions within the meaning of section 2194 of title 10; and

(2) pay the Federal costs of such contract or memorandum of understanding out of funds available for the support of the technology transfer function pursuant to section 3710(b) of this title.

**(b) Omitted**

**(c) “Partnership intermediary” defined**

For purposes of this section, the term “partnership intermediary” means an agency of a State or local government, or a nonprofit entity owned in whole or in part by, chartered by, funded in whole or in part by, or operated in whole or in part by or on behalf of a State or local government, that assists, counsels, advises, evaluates, or otherwise cooperates with small business firms, institutions of higher education as defined in section 1141(a)<sup>1</sup> of title 20, or educational institutions within the meaning of section 2194 of title 10, that need or can make demonstrably productive use of technology-related assistance from a Federal laboratory, including State programs receiving funds under cooperative agreements entered into under section 5121(b) of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 2781 note).

(Pub. L. 96-480, §23, formerly §21, as added Pub. L. 101-510, div. A, title VIII, §827(a), Nov. 5, 1990, 104 Stat. 1606; amended Pub. L. 102-190, div. A, title VIII, §836, Dec. 5, 1991, 105 Stat. 1448; renumbered §23, Pub. L. 102-240, title VI, §6019, Dec. 18, 1991, 105 Stat. 2183; Pub. L. 106-404, §9, Nov. 1, 2000, 114 Stat. 1747.)

REFERENCES IN TEXT

Section 1141(a) of title 20, referred to in subsecs. (a)(1) and (c), was repealed by Pub. L. 105-244, §3, title I, §101(b), title VII, §702, Oct. 7, 1998, 112 Stat. 1585, 1616, 1803, effective Oct. 1, 1998. However, the term “institution of higher education” is defined in section 1001 of Title 20, Education.

CODIFICATION

Subsec. (b) of this section, which required the Secretary to include in each triennial report required under section 3704d of this title a discussion and evaluation of activities carried out pursuant to this section, was omitted because of the termination of the triennial reporting requirement. See Codification note set out after section 3704a of this title.

AMENDMENTS

2000—Subsec. (a)(1). Pub. L. 106-404, §9(1), inserted “, institutions of higher education as defined in section 1141(a) of title 20, or educational institutions within the meaning of section 2194 of title 10” after “small business firms”.

Subsec. (c). Pub. L. 106-404, §9(2), inserted “, institutions of higher education as defined in section 1141(a) of title 20, or educational institutions within the meaning of section 2194 of title 10,” after “small business firms”.

1991—Subsec. (a). Pub. L. 102-190 inserted “that is not a laboratory (as defined in section 3710a(d)(2) of this title)” after “center” in introductory provisions.

PARTICIPATION IN PROGRAMS PROMOTING RESEARCH, DEVELOPMENT, DEMONSTRATION, OR TRANSFER OF TECHNOLOGY

Pub. L. 103-337, div. A, title II, §217(f), Oct. 5, 1994, 108 Stat. 2695, as amended by Pub. L. 105-261, div. C, title

XXXI, §3136, Oct. 17, 1998, 112 Stat. 2248; Pub. L. 111-84, div. A, title II, §254, Oct. 28, 2009, 123 Stat. 2243, provided that:

“(1)(A) A federally funded research and development center of the Department of Defense, of the National Aeronautics and Space Administration, or of the Department of Energy that functions primarily as a research laboratory may respond to solicitations and announcements under programs authorized by the Federal Government for the purpose of promoting the research, development, demonstration, or transfer of technology in a manner consistent with the terms and conditions of such program.

“(B) A federally funded research and development center of the Department of Energy described in subparagraph (A) may respond to solicitations and announcements described in that subparagraph only for activities conducted by the center under contract with or on behalf of the Department of Defense.

“(C) A federally funded research and development center of the National Aeronautics and Space Administration that functions primarily as a research laboratory may respond to broad agency announcements under programs authorized by the Federal Government for the purpose of promoting the research, development, demonstration, or transfer of technology in a manner consistent with the terms and conditions of such program.

“(2) A federally funded research and development center described in paragraph (1)(A) that responds to a solicitation or announcement described in such paragraph shall not be considered to be engaging in a competitive procedure and may use, among other authorities, cooperative research and development agreements provided for under section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a)) [sic] as the instruments of participation in the solicitation or announcement.”

**§ 3716. Critical industries**

**(a) Identification of industries and development of plan**

The Secretary shall—

(1) identify those civilian industries in the United States that are necessary to support a robust manufacturing infrastructure and critical to the economic security of the United States; and

(2) list the major research and development initiatives being undertaken, and the substantial investments being made, by the Federal Government, including its research laboratories, in each of the critical industries identified under paragraph (1).

**(b) Initial report**

The Secretary shall submit a report to the Congress within 1 year after February 14, 1992, on the actions taken under subsection (a).

(Pub. L. 102-245, title V, §504, Feb. 14, 1992, 106 Stat. 24.)

CODIFICATION

Subsec. (c) of this section, which required the Secretary to annually submit to Congress an update of the report submitted under subsec. (b) of this section, terminated, effective May 15, 2000, pursuant to section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance. See, also, page 52 of House Document No. 103-7.

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.