

§ 1355. Conditions precedent to acceptance of plans and programs for review and approval by Secretary

The Secretary shall not accept the five-year plan of a State for review and approval under this chapter unless the Governor of the State or his designee determines and certifies that the plan is consistent with State policies and objectives; and the Secretary shall not accept an annual technical services program for review and approval under this chapter unless the designated agency has, as certified thereto by the Governor or his designee—

(a) invited all qualified institutions in the State to submit proposals for providing technical services under the chapter;

(b) coordinated its programs with other States and with other publicly supported activities within the State, as appropriate;

(c) established adequate rules to insure that no officer or employee of the State, the designated agency, or any participating institution, shall receive compensation for technical services he performs, for which funds are provided under this chapter, from sources other than his employer, and shall not otherwise maintain any private interest in conflict with his public responsibility;

(d) determined that matching funds will be available from State or other non-Federal sources;

(e) determined that such technical services program does not provide a service which on the date of such certification is economically and readily available in such State from private technical services, professional consultants, or private institutions;

(f) planned no services specially related to a particular firm or company, public work, or other capital project except insofar as the services are of general concern to the industry and commerce of the community, State, or region;

(g) provided for making public all reports prepared in the course of furnishing technical services supported under this chapter or for making them available at cost to any person on request.

(Pub. L. 89-182, § 5, Sept. 14, 1965, 79 Stat. 681.)

§ 1356. Review and approval of plans and programs by Secretary

The Secretary shall review the five-year plan and each annual program submitted by a designated agency under section 1354 or 1357 of this title, and shall approve only those which (1) bear the certification required by the Governor or his designee under section 1355 of this title; (2) comply with regulations and meet criteria that the Secretary shall promulgate and publish in the Federal Register; and (3) otherwise accomplish the purpose of this chapter.

(Pub. L. 89-182, § 6, Sept. 14, 1965, 79 Stat. 681.)

§ 1357. Interstate cooperation in administration and coordination of plans and programs

Two or more States may cooperate in administering and coordinating their plans and programs supported under this chapter, in which

event all or part of the sums authorized and payable under section 1360 of this title to all of the cooperating States may be paid to the designated agency, participating institutions, or persons authorized to receive them under the terms of the agreement between the cooperating States. When the cooperative agreement designates an interstate agency to act on behalf of all of the cooperating States, it shall submit to the Secretary for review and approval under section 1356 of this title an interstate five-year plan and an annual interstate technical services program which, as nearly as practicable, shall meet the requirements of sections 1354 and 1355 of this title.

(Pub. L. 89-182, § 7, Sept. 14, 1965, 79 Stat. 681.)

§ 1358. Consent of Congress for interstate compacts; reservation of right to alter, amend, or repeal

(a) The consent of the Congress is given to any two or more States to enter into agreement or compacts, not in conflict with any law of the United States, for cooperative efforts and mutual assistance and in designating agencies, under section 1357 of this title, for accomplishing the purposes of this chapter.

(b) The right to alter, amend, or repeal this section, or consent granted by this section, is expressly reserved.

(Pub. L. 89-182, § 8, Sept. 14, 1965, 79 Stat. 682.)

§ 1359. Advisory councils for technical services; appointment; functions; compensation and expenses

Each designated agency shall appoint an advisory council for technical services, the members of which shall represent broad community interests and shall be qualified to evaluate programs submitted under section 1354 of this title. The advisory council shall review each annual program, evaluate its relation to the purposes of this chapter, and report its findings to the designated agency and the Governor or his designee. Each report of each advisory council shall be available to the Secretary on request. Members of any such advisory council shall not be compensated for serving as such, but may be reimbursed for necessary expenses incurred by them in connection with attending meetings of any advisory council of which they are members.

(Pub. L. 89-182, § 9, Sept. 14, 1965, 79 Stat. 682.)

TERMINATION OF ADVISORY COUNCILS

Advisory councils in existence on Jan. 5, 1973, to terminate not later than the expiration of the 2-year period following Jan. 5, 1973, unless, in the case of a council established by the President or an officer of the Federal Government, such council is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a council established by the Congress, its duration is otherwise provided by law. See sections 3(2) and 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, 776, set out in the Appendix to Title 5, Government Organization and Employees.

§ 1360. Appropriations and payments

(a) Authorization of appropriations

There are authorized to be appropriated for the purposes of this chapter, \$10,000,000 for the

fiscal year ending June 30, 1966; \$20,000,000 for the fiscal year ending June 30, 1967; \$30,000,000 for the fiscal year ending June 30, 1968; \$6,600,000 for the fiscal year ending June 30, 1969; \$10,000,000 for the fiscal year ending June 30, 1970; \$10,000,000 for the fiscal year ending June 30, 1971.

(b) Authorization of annual payments; maximum amounts

From these amounts, the Secretary is authorized to make an annual payment to each designated agency, participating institution, or person authorized to receive payments in support of each approved technical services program. Maximum amounts which may be paid to the States under this subsection shall be fixed in accordance with regulations which the Secretary shall promulgate and publish in the Federal Register from time to time, considering (1) population according to the last decennial census; (2) business, commercial, industrial and economic development and productive efficiency; and (3) technical resources.

(c) Payments for programs of special merit or additional programs

The Secretary may reserve an amount equal to not more than 20 per centum of the total amount appropriated for each year under this section and is authorized to make payments from such amount to any designated agency or participating institution for technical services programs which he determines have special merit or to any qualified institution for additional programs which he determines are necessary to accomplish the purposes of this chapter, under criteria and regulations that he shall promulgate and publish in the Federal Register.

(d) Expenses of administration

An amount equal to not more than 5 per centum of the total amount appropriated each year under this section shall be available to the Secretary for the direct expenses of administering this chapter.

(e) Limitations on payments

(1) No amount paid for any technical services program under subsection (b) or (c) shall exceed the amount of non-Federal funds expended to carry out such program: *Provided*, That the Secretary may pay an amount not to exceed \$25,000 a year for each of the first three fiscal years to each designated agency, other than a designated agency under section 1357 of this title, to assist in the preparation of the five-year plan and the initial annual technical services programs, without regard to any of the preceding requirements of this section.

(2) No funds appropriated pursuant to the provisions of this section shall be paid to any designated agency, participating institution, or person on account of any such agency or institution, to carry out any technical services activity or program in any State if such activity or program duplicates any activity or program readily available in such State from Federal or State agencies, including publicly supported institutions of higher learning in such State.

(Pub. L. 89-182, §10, Sept. 14, 1965, 79 Stat. 682; Pub. L. 90-422, July 24, 1968, 82 Stat. 423.)

AMENDMENTS

1968—Subsec. (a). Pub. L. 90-422 authorized appropriation of \$6,600,000 for fiscal year ending June 30, 1969, \$10,000,000 for fiscal year ending June 30, 1970, and \$10,000,000 for fiscal year ending June 30, 1971.

§ 1361. Reference services to assist designated agencies to obtain information outside State

The Secretary is authorized and directed to aid designated agencies in carrying out their technical services programs by providing reference services which a designated agency may use to obtain scientific, technical, and engineering information from sources outside the State or States which it serves, for the purposes of this chapter.

(Pub. L. 89-182, §11, Sept. 14, 1965, 79 Stat. 683.)

§ 1362. Rules and regulations

The Secretary is authorized to establish such policies, standards, criteria, and procedures and to prescribe such rules and regulations as he may deem necessary or appropriate for the administration of this chapter.

(Pub. L. 89-182, §12, Sept. 14, 1965, 79 Stat. 683.)

§ 1363. Prohibition against control over educational institutions; functions or responsibilities of other departments not affected

(a) Control of educational institutions

Nothing contained in this chapter shall be construed as authorizing a department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over, or impose any requirements or conditions with respect to the personnel, curriculum, methods of instruction, or administration of any educational institution.

(b) Functions of other agencies

Nothing contained in this chapter shall be deemed to affect the functions or responsibilities under law of any other department or agency of the United States.

(Pub. L. 89-182, §13, Sept. 14, 1965, 79 Stat. 683.)

§ 1364. Annual report by designated agencies to Secretary; reports by Secretary to President and Congress

(a) Agency reports

Each designated agency shall make an annual report to the Secretary on or before the first day of September of each year on the work accomplished under the technical services program and the status of current services, together with a detailed statement of the amounts received under any of the provisions of this chapter during the preceding fiscal year, and of their disbursement.

(b) Reports of Secretary of Commerce

The Secretary shall make a complete report with respect to the administration of this chapter to the President and the Congress not later than January 31 following the end of each fiscal year for which amounts are appropriated pursuant to this chapter.

(Pub. L. 89-182, §14, Sept. 14, 1965, 79 Stat. 683.)