

**§ 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 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. 2787 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 (a)(1) and (c), was repealed by Pub.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 tri-

ennial 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-Wylder 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).

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