

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 (a)(1) and (c), was repealed by Pub.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

**(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.

**§ 3717. National Quality Council****(a) Establishment and functions**

There is established a National Quality Council (hereafter in this section referred to as the "Council"). The functions of the Council shall be—

- (1) to establish national goals and priorities for Quality performance in business, education, government, and all other sectors of the Nation;
- (2) to encourage and support the voluntary adoption of these goals and priorities by companies, unions, professional and business associations, coalition groups, and units of government, as well as private and nonprofit organizations;
- (3) to arouse and maintain the interest of the people of the United States in Quality performance, and to encourage the adoption and institution of Quality performance methods by all corporations, government agencies, and other organizations; and
- (4) to conduct a White House Conference on Quality Performance in the American Workplace that would bring together in a single forum national leaders in business, labor, education, professional societies, the media, government, and politics to address Quality performance as a means of improving United States competitiveness.

**(b) Membership**

The Council shall consist of not less than 17 or more than 20 members, appointed by the Secretary. Members shall include—

- (1) at least 2 but not more than 3 representatives from manufacturing industry;
- (2) at least 2 but not more than 3 representatives from service industry;
- (3) at least 2 but not more than 3 representatives from national Quality not-for-profit organizations;
- (4) two representatives from education, one with expertise in elementary and secondary education, and one with expertise in post-secondary education;
- (5) one representative from labor;
- (6) one representative from professional societies;
- (7) one representative each from local and State government;

(8) one representative from the Federal Quality Institute;

(9) one representative from the National Institute of Standards and Technology;

(10) one representative from the Department of Defense;

(11) one representative from a civilian Federal agency not otherwise represented on the Council, to be rotated among such agencies every 2 years; and

(12) one representative from the Foundation for the Malcolm Baldrige National Quality Award.

**(c) Terms**

The term of office of each member of the Council appointed under paragraphs (1) through (7) of subsection (b) shall be 2 years, except that when making the initial appointments under such paragraphs; the Secretary shall appoint not more than 50 percent of the members to 1 year terms. No member appointed under such paragraphs shall serve on the Council for more than 2 consecutive terms.

**(d) Chairman and Vice Chairman**

The Secretary shall designate one of the members initially appointed to the Council as Chairman. Thereafter, the members of the Council shall annually elect one of their number as Chairman. The members of the Council shall also annually elect one of their members as Vice Chairman. No individual shall serve as Chairman or Vice Chairman for more than 2 consecutive years.

**(e) Executive Director and employees**

The Council shall appoint and fix the compensation of an Executive Director, who shall hire and fix the compensation of such additional employees as may be necessary to assist the Council in carrying out its functions. In hiring such additional employees, the Executive Director shall ensure that no individual hired has a conflict of interest with the responsibilities of the Council.

**(f) Funding**

There is established in the Treasury of the United States a National Quality Performance Trust Fund, into which all funds received by the Council, through private donations or otherwise, shall be deposited. Amounts in such Trust Fund shall be available to the Council, to the extent provided in advance in appropriations Acts, for the purpose of carrying out the functions of the Council under this Act.

**(g) Contributions**

The Council may not accept private donations from a single source in excess of \$25,000 per year. Private donations from a single source in excess of \$10,000 per year may be accepted by the Council only on approval of two-thirds of the Council.

**(h) Annual report**

The Council shall annually submit to the President and the Congress a comprehensive and detailed report on—

- (1) the progress in meeting the goals and priorities established by the Council;
- (2) the Council's operations, activities, and financial condition;