

(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;

(3) contributions to the Council from non-Federal sources;

(4) plans for the Council's operations and activities for the future; and

(5) any other information or recommendations the Council considers appropriate.

(Pub. L. 102-245, title V, §507, Feb. 14, 1992, 106 Stat. 27.)

REFERENCES IN TEXT

This Act, referred to in subsec. (f), is Pub. L. 102-245, Feb. 14, 1992, 106 Stat. 7, known as the American Technology Preeminence Act of 1991. For complete classification of this Act to the Code, see Short Title of 1992 Amendment note set out under section 3701 of this title and Tables.

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.

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions in subsec. (h) of this section relating to annually submitting a report to Congress, see section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance, and page 184 of House Document No. 103-7.

**§ 3718. President's Council on Innovation and Competitiveness**

**(a) In general**

The President shall establish a President's Council on Innovation and Competitiveness.

**(b) Duties**

The duties of the Council shall include—

(1) monitoring implementation of public laws and initiatives for promoting innovation, including policies related to research funding, taxation, immigration, trade, and education that are proposed in this Act or in any other Act;

(2) providing advice to the President with respect to global trends in competitiveness and innovation and allocation of Federal resources in education, job training, and technology research and development considering such global trends in competitiveness and innovation;

(3) in consultation with the Director of the Office of Management and Budget, developing a process for using metrics to assess the impact of existing and proposed policies and rules that affect innovation capabilities in the United States;

(4) identifying opportunities and making recommendations for the heads of executive agencies to improve innovation, monitoring, and reporting on the implementation of such recommendations;

(5) developing metrics for measuring the progress of the Federal Government with respect to improving conditions for innovation, including through talent development, investment, and infrastructure improvements; and

(6) submitting to the President and Congress an annual report on such progress.

**(c) Membership and coordination**

**(1) Membership**

The Council shall be composed of the Secretary or head of each of the following:

- (A) The Department of Commerce.
- (B) The Department of Defense.
- (C) The Department of Education.
- (D) The Department of Energy.
- (E) The Department of Health and Human Services.
- (F) The Department of Homeland Security.
- (G) The Department of Labor.
- (H) The Department of the Treasury.
- (I) The National Aeronautics and Space Administration.
- (J) The Securities and Exchange Commission.
- (K) The National Science Foundation.
- (L) The Office of the United States Trade Representative.
- (M) The Office of Management and Budget.
- (N) The Office of Science and Technology Policy.
- (O) The Environmental Protection Agency.
- (P) The Small Business Administration.
- (Q) Any other department or agency designated by the President.

**(2) Chairperson**

The Secretary of Commerce shall serve as Chairperson of the Council.

**(3) Coordination**

The Chairperson of the Council shall ensure appropriate coordination between the Council and the National Economic Council, the National Security Council, and the National Science and Technology Council.

**(4) Meetings**

The Council shall meet on a semi-annual basis at the call of the Chairperson and the initial meeting of the Council shall occur not later than 6 months after August 9, 2007.

**(d) Development of innovation agenda**

**(1) In general**

The Council shall develop a comprehensive agenda for strengthening the innovation and competitiveness capabilities of the Federal Government, State governments, academia, and the private sector in the United States.

**(2) Contents**

The comprehensive agenda required by paragraph (1) shall include the following:

- (A) An assessment of current strengths and weaknesses of the United States investment in research and development.
- (B) Recommendations for addressing weaknesses and maintaining the United States as a world leader in research and development and technological innovation, including strategies for increasing the participation of individuals identified in section 1885a or 1885b of title 42 in science, technology, engineering, and mathematics fields.
- (C) Recommendations for strengthening the innovation and competitiveness capabilities of the Federal Government, State governments, academia, and the private sector in the United States.

**(3) Advisors**

**(A) Recommendation**

Not later than 30 days after August 9, 2007, the National Academy of Sciences, in con-

sultation with the National Academy of Engineering, the Institute of Medicine, and the National Research Council, shall develop and submit to the President a list of 50 individuals that are recommended to serve as advisors to the Council during the development of the comprehensive agenda required by paragraph (1). The list of advisors shall include appropriate representatives from the following:

- (i) The private sector of the economy.
- (ii) Labor.
- (iii) Various fields including information technology, energy, engineering, high-technology manufacturing, health care, and education.
- (iv) Scientific organizations.
- (v) Academic organizations and other nongovernmental organizations working in the area of science or technology.
- (vi) Nongovernmental organizations, such as professional organizations, that represent individuals identified in section 1885a or 1885b of title 42 in the areas of science, engineering, technology, and mathematics.

**(B) Designation**

Not later than 30 days after the date that the National Academy of Sciences submits the list of recommended individuals to serve as advisors, the President shall designate 50 individuals to serve as advisors to the Council.

**(C) Requirement to consult**

The Council shall develop the comprehensive agenda required by paragraph (1) in consultation with the advisors.

**(4) Initial submission and updates**

**(A) Initial submission**

Not later than 1 year after August 9, 2007, the Council shall submit to Congress and the President the comprehensive agenda required by paragraph (1).

**(B) Updates**

At least once every 2 years, the Council shall update the comprehensive agenda required by paragraph (1) and submit each such update to Congress and the President.

**(e) Optional assignment**

Notwithstanding subsection (a) and paragraphs (1) and (2) of subsection (c), the President may designate an existing council to carry out the requirements of this section.

(Pub. L. 110-69, title I, §1006, Aug. 9, 2007, 121 Stat. 578.)

CODIFICATION

Section was enacted as part of the America Creating Opportunities to Meaningfully Promote Excellence in Technology, Education, and Science Act, also known as the America COMPETES Act, and not as part of the Stevenson-Wydler Technology Innovation Act of 1980 which comprises this chapter.

DESIGNATION OF THE COMMITTEE ON TECHNOLOGY OF THE NATIONAL SCIENCE AND TECHNOLOGY COUNCIL TO CARRY OUT CERTAIN REQUIREMENTS OF THE AMERICA COMPETES ACT

Memorandum of the President of the United States, Apr. 10, 2008, 73 F.R. 20523, provided:

Memorandum for the Director of the Office of Science and Technology Policy

By the authority vested in me as President of the United States by the Constitution and the laws of the United States of America, including section 1006(e) of the America COMPETES Act (Public Law 110-69) (the "Act"), I hereby designate the Committee on Technology of the National Science and Technology Council to carry out the responsibilities assigned to the Council on Innovation and Competitiveness in section 1006 of the Act.

The Director of the Office of Science and Technology Policy is authorized and directed to publish this memorandum in the Federal Register.

GEORGE W. BUSH.

### § 3719. Prize competitions

#### (a) Definitions

In this section:

##### (1) Agency

The term "agency" means a Federal agency.

##### (2) Director

The term "Director" means the Director of the Office of Science and Technology Policy.

##### (3) Federal agency

The term "Federal agency" has the meaning given under section 3703 of this title, except that term shall not include any agency of the legislative branch of the Federal Government.

##### (4) Head of an agency

The term "head of an agency" means the head of a Federal agency.

#### (b) In general

Each head of an agency, or the heads of multiple agencies in cooperation, may carry out a program to award prizes competitively to stimulate innovation that has the potential to advance the mission of the respective agency.

#### (c) Prize competitions

For purposes of this section, a prize competition may be 1 or more of the following types of activities:

(1) A point solution prize that rewards and spurs the development of solutions for a particular, well-defined problem.

(2) An exposition prize competition that helps identify and promote a broad range of ideas and practices that may not otherwise attract attention, facilitating further development of the idea or practice by third parties.

(3) Participation prize competitions that create value during and after the competition by encouraging contestants to change their behavior or develop new skills that may have beneficial effects during and after the competition.

(4) Such other types of prize competitions as each head of an agency considers appropriate to stimulate innovation that has the potential to advance the mission of the respective agency.

#### (d) Topics

In selecting topics for prize competitions, the head of an agency shall consult widely both within and outside the Federal Government, and may empanel advisory committees.

#### (e) Advertising

The head of an agency shall widely advertise each prize competition to encourage broad participation.

#### (f) Requirements and registration

For each prize competition, the head of an agency shall publish a notice on a publicly accessible Government website, such as [www.challenge.gov](http://www.challenge.gov), announcing—

(1) the subject of the prize competition;

(2) the rules for being eligible to participate in the prize competition;

(3) the process for participants to register for the prize competition;

(4) the amount of the cash prize purse or non-cash prize award; and

(5) the basis on which a winner will be selected.

#### (g) Eligibility

To be eligible to win a cash prize purse under this section, an individual or entity—

(1) shall have registered to participate in the prize competition under any rules promulgated by the head of an agency under subsection (f);

(2) shall have complied with all the requirements under this section;

(3) in the case of a private entity, shall be incorporated in and maintain a primary place of business in the United States, and in the case of an individual, whether participating singly or in a group, shall be a citizen or permanent resident of the United States; and

(4) may not be a Federal entity or Federal employee acting within the scope of their employment.

#### (h) Consultation with Federal employees

An individual or entity shall not be deemed ineligible under subsection (g) because the individual or entity used Federal facilities or consulted with Federal employees during a prize competition if the facilities and employees are made available to all individuals and entities participating in the prize competition on an equitable basis.

#### (i) Liability

##### (1) In general

###### (A) Definition

In this paragraph, the term "related entity" means a contractor or subcontractor at any tier, and a supplier, user, customer, cooperating party, grantee, investigator, or detailee.

###### (B) Liability

Registered participants shall be required to agree to assume any and all risks and waive claims against the Federal Government and its related entities, except in the case of willful misconduct, for any injury, death, damage, or loss of property, revenue, or profits, whether direct, indirect, or consequential, arising from their participation in a prize competition, whether the injury, death, damage, or loss arises through negligence or otherwise.

##### (2) Insurance

Participants shall be required to obtain liability insurance or demonstrate financial responsibility, in amounts determined by the head of an agency, for claims by—

(A) a third party for death, bodily injury, or property damage, or loss resulting from