

(2) Within 90 days after October 24, 1988, the Secretary of Commerce shall submit to the Congress a report on the current fee structure of the Service, including an explanation of the basis for the fees, taking into consideration all applicable costs, and the adequacy of the fees, along with reasons for the declining sales at the Service of scientific, technical, and engineering publications. Such report shall explain any actions planned or taken to increase such sales at reasonable fees.

(3) The Secretary shall submit an annual report to the Congress which shall—

(A) summarize the operations of the Service during the preceding year, including financial details and staff levels broken down by major activities;

(B) detail the operating plan of the Service, including specific expense and staff needs, for the upcoming year;

(C) set forth details of modernization progress made in the preceding year;

(D) describe the long-term modernization plans of the Service; and

(E) include the results of the most recent annual audit carried out under subsection (d).

(4) The Secretary shall also give the Congress detailed advance notice of not less than 30 calendar days of—

(A) any proposed reduction-in-force;

(B) any joint venture or cooperative agreement which involves a financial incentive to the joint venturer or contractor; and

(C) any change in the operating plan submitted under paragraph (3)(B) which would result in a variation from such plan with respect to expense levels of more than 10 percent.

(Pub. L. 100-519, title II, §212, Oct. 24, 1988, 102 Stat. 2594; Pub. L. 102-140, title II, Oct. 28, 1991, 105 Stat. 804; Pub. L. 102-245, title V, §506(c), Feb. 14, 1992, 106 Stat. 27; Pub. L. 110-161, div. B, title I, §109, Dec. 26, 2007, 121 Stat. 1893; Pub. L. 113-235, div. H, title I, §1301(b), Dec. 16, 2014, 128 Stat. 2537.)

#### REFERENCES IN TEXT

This section, referred to in subsec. (a)(1), was in the original “this subtitle”, meaning subtitle B (§§211, 212) of title II of Pub. L. 100-519, Oct. 24, 1988, 102 Stat. 2594, which enacted section 3704b of this title and amended section 3710 of this title. For complete classification of this subtitle to the Code, see Short Title of 1988 Amendment note set out under section 3701 of this title and Tables.

Section 13(a)(4) of the Stevenson-Wydler Technology Innovation Act of 1980, referred to in subsec. (a)(3), probably means section 14(a)(4) of the Act, which is classified to section 3710(c)(a)(4) of this title. Section 13 of the Act was renumbered section 14 by Pub. L. 100-418, title V, §5122(a)(1), Aug. 23, 1988, 102 Stat. 1438.

The Act entitled “An Act to provide for the dissemination of technological, scientific, and engineering information to American business and industry, and for other purposes” enacted September 9, 1950, referred to in subsec. (e)(6), is act Sept. 9, 1950, ch. 936, 64 Stat. 823, as amended, which is classified generally to chapter 23 (§1151 et seq.) of this title. For complete classification of this Act to the Code, see Tables.

The Stevenson-Wydler Technology Innovation Act of 1980, referred to in subsec. (e)(6), is Pub. L. 96-480, Oct. 21, 1980, 94 Stat. 2311, which is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 3701 of this title and Tables.

#### CODIFICATION

Section was enacted as part of the National Technical Information Act of 1988, and not as part of the Stevenson-Wydler Technology Innovation Act of 1980 which comprises this chapter.

Subsec. (a)(4) of this section repealed subsec. (h) of section 3710 of this title.

#### AMENDMENTS

2007—Subsec. (b). Pub. L. 110-161 substituted “Director of the National Institute of Standards and Technology” for “Under Secretary of Commerce for Technology”.

1992—Subsec. (e)(5). Pub. L. 102-245 inserted “, including producing and disseminating information products in electronic format” after “engineering information”.

1991—Subsec. (a)(1)(E). Pub. L. 102-140 added subpar. (E).

#### CHANGE OF NAME

“Government Publishing Office” substituted for “Government Printing Office” in subsec. (e)(3) on authority of section 1301(b) of Pub. L. 113-235, set out as a note preceding section 301 of Title 44, Public Printing and Documents.

#### TERMINATION OF ADVISORY BOARDS

Advisory boards established after Jan. 5, 1973, to terminate not later than the expiration of the 2-year period beginning on the date of their establishment, unless, in the case of a board established by the President or an officer of the Federal Government, such board is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a board 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.

#### NATIONAL TECHNICAL INFORMATION SERVICE REVOLVING FUND

Pub. L. 102-395, title II, Oct. 6, 1992, 106 Stat. 1853, provided that: “For establishment of a National Technical Information Service Revolving Fund, \$8,000,000 without fiscal year limitation: *Provided*, That unexpended balances in Information Products and Services shall be transferred to and merged with this account, to remain available until expended. Notwithstanding 15 U.S.C. 1525 and 1526, all payments collected by the National Technical Information Service in performing its activities authorized by chapters 23 and 63 of title 15 of the United States Code shall be credited to this Revolving Fund. Without further appropriations action, all expenses incurred in performing the activities of the National Technical Information Service, including modernization, capital equipment and inventory, shall be paid from the fund. A business-type budget for the fund shall be prepared in the manner prescribed by 31 U.S.C. 9103.”

#### § 3704b-1. Recovery of operating costs through fee collections

Operating costs for the National Technical Information Service associated with the acquisition, processing, storage, bibliographic control, and archiving of information and documents shall be recovered primarily through the collection of fees.

(Pub. L. 102-245, title I, §103(c), Feb. 14, 1992, 106 Stat. 8.)

#### 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.

**§ 3704b-2. Transfer of Federal scientific and technical information**

**(a) Transfer**

The head of each Federal executive department or agency shall transfer in a timely manner to the National Technical Information Service unclassified scientific, technical, and engineering information which results from federally funded research and development activities for dissemination to the private sector, academia, State and local governments, and Federal agencies. Only information which would otherwise be available for public dissemination shall be transferred under this subsection. Such information shall include technical reports and information, computer software, application assessments generated pursuant to section 3710(c) of this title, and information regarding training technology and other federally owned or originated technologies. The Secretary shall issue regulations within one year after February 14, 1992, outlining procedures for the ongoing transfer of such information to the National Technical Information Service.

**(b) Annual report to Congress**

As part of the annual report required under section 3704b(f)(3) of this title, the Secretary shall report to Congress on the status of efforts under this section to ensure access to Federal scientific and technical information by the public. Such report shall include—

- (1) an evaluation of the comprehensiveness of transfers of information by each Federal executive department or agency under subsection (a);
- (2) a description of the use of Federal scientific and technical information;
- (3) plans for improving public access to Federal scientific and technical information; and
- (4) recommendations for legislation necessary to improve public access to Federal scientific and technical information.

(Pub. L. 102-245, title I, § 108, Feb. 14, 1992, 106 Stat. 13.)

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.

**§ 3705. Cooperative Research Centers**

**(a) Establishment**

The Secretary shall provide assistance for the establishment of Cooperative Research Centers. Such Centers shall be affiliated with any university, or other nonprofit institution, or group thereof, that applies for and is awarded a grant or enters into a cooperative agreement under this section. The objective of the Centers is to enhance technological innovation through—

- (1) the participation of individuals from industry and universities in cooperative technological innovation activities;
- (2) the development of the generic research base, important for technological advance and innovative activity, in which individual firms have little incentive to invest, but which may have significant economic or strategic importance, such as manufacturing technology;

(3) the education and training of individuals in the technological innovation process;

(4) the improvement of mechanisms for the dissemination of scientific, engineering, and technical information among universities and industry;

(5) the utilization of the capability and expertise, where appropriate, that exists in Federal laboratories; and

(6) the development of continuing financial support from other mission agencies, from State and local government, and from industry and universities through, among other means, fees, licenses, and royalties.

**(b) Activities**

The activities of the Centers shall include, but need not be limited to—

(1) research supportive of technological and industrial innovation including cooperative industry-university research;

(2) assistance to individuals and small businesses in the generation, evaluation, and development of technological ideas supportive of industrial innovation and new business ventures;

(3) technical assistance and advisory services to industry, particularly small businesses; and

(4) curriculum development, training, and instruction in invention, entrepreneurship, and industrial innovation.

Each Center need not undertake all of the activities under this subsection.

**(c) Requirements**

Prior to establishing a Center, the Secretary shall find that—

(1) consideration has been given to the potential contribution of the activities proposed under the Center to productivity, employment, and economic competitiveness of the United States;

(2) a high likelihood exists of continuing participation, advice, financial support, and other contributions from the private sector;

(3) the host university or other nonprofit institution has a plan for the management and evaluation of the activities proposed within the particular Center, including:

(A) the agreement between the parties as to the allocation of patent rights on a non-exclusive, partially exclusive, or exclusive license basis to and inventions conceived or made under the auspices of the Center; and

(B) the consideration of means to place the Center, to the maximum extent feasible, on a self-sustaining basis;

(4) suitable consideration has been given to the university's or other nonprofit institution's capabilities and geographical location; and

(5) consideration has been given to any effects upon competition of the activities proposed under the Center.

**(d) Planning grants**

The Secretary is authorized to make available nonrenewable planning grants to universities or nonprofit institutions for the purpose of developing a plan required under subsection (c)(3).