

nical evaluation of the marking systems provided for in subsection (b) to determine their effectiveness in police combat situations. The Director shall begin the study within 3 months after November 5, 1988, and such study shall be completed within 9 months after November 5, 1988.

(f) Effective date

This section shall become effective on the date 6 months after November 5, 1988, and shall apply to toy, look-alike, and imitation firearms manufactured or entered into commerce after November 5, 1988.

(g) Preemption of State or local laws or ordinances; exceptions

The provisions of this section shall supersede any provision of State or local laws or ordinances which provide for markings or identification inconsistent with provisions of this section provided that no State shall—

(i) prohibit the sale or manufacture of any look-alike, nonfiring, collector replica of an antique firearm developed prior to 1898, or

(ii) prohibit the sale (other than prohibiting the sale to minors) of traditional B-B, paint ball, or pellet-firing air guns that expel a projectile through the force of air pressure.

(Pub. L. 100-615, § 4, Nov. 5, 1988, 102 Stat. 3190.)

CHAPTER 77—STEEL AND ALUMINUM ENERGY CONSERVATION AND TECHNOLOGY COMPETITIVENESS

Sec.	
5101.	Findings and purposes.
5102.	Definitions.
5103.	Establishment of scientific research and development program to develop competitive manufacturing technologies and increase energy efficiency in steel and aluminum industries.
5104.	Protection of proprietary rights.
5105.	Coordination.
5106.	Repealed.
5107.	Reports.
5108.	Authorization of appropriations.
5109.	Relation of existing program.
5110.	Drug-free workplace.

§ 5101. Findings and purposes

(a) Findings

The Congress finds that—

(1) maintaining viable domestic steel, aluminum, copper, and other metals industries is vital to the national security and economic well being of the United States; and

(2) the promotion of technology competitiveness and energy conservation in the American steel and aluminum industries by the Federal Government through a program of joint research and development will help maintain viable domestic steel and aluminum industries.

(b) Purposes

The purposes of this chapter are to—

(1) increase the energy efficiency and enhance the competitiveness of American steel, aluminum, and copper industries by providing Federal incentives for the establishment of public-private sector research and develop-

ment partnerships to undertake scientific research and development to develop advanced technologies utilizing the expertise of the steel, aluminum, copper, and other metals industries, Government-owned laboratories of the Department of Energy and the National Institute of Standards and Technology, universities, State development agencies, and others; and

(2) continue steel research and development initiative efforts begun under title II of the Interior and Related Agencies portion of the joint resolution entitled “Joint Resolution making further continuing appropriations for the fiscal year 1986, and for other purposes”, approved December 19, 1985 (Public Law 99-190).

(Pub. L. 100-680, § 2, Nov. 17, 1988, 102 Stat. 4073.)

Editorial Notes

REFERENCES IN TEXT

Title II of the Interior and Related Agencies portion of the joint resolution entitled “Joint Resolution making further continuing appropriations for the fiscal year 1986, and for other purposes”, approved December 19, 1985 (Public Law 99-190), referred to in subsec. (b)(2), is Pub. L. 99-190, §101(d) [title II], Dec. 19, 1985, 99 Stat. 1224, 1244. The provisions relating to steel research and development are not classified to the Code.

Statutory Notes and Related Subsidiaries

SHORT TITLE

Pub. L. 100-680, § 1, Nov. 17, 1988, 102 Stat. 4073, provided that: “This Act [enacting this chapter] may be cited as the ‘Steel and Aluminum Energy Conservation and Technology Competitiveness Act of 1988’.”

§ 5102. Definitions

As used in this chapter—

(1) the term “Secretary” means the Secretary of Energy;

(2) the term “domestic company” means a company which is substantially involved in the United States domestic production, processing, or use of steel, aluminum, copper, or other metals and has a substantial percentage of its operations located within the United States;

(3) the terms “management plan” and “plan” mean the Steel Initiative Management Plan issued on April 1, 1987, by the Department of Energy, which establishes the management framework for the steel research and development initiative, and updates to that plan; and

(4) the term “research plan” means the Steel Initiative Research Plan issued in April 1988 by the Department of Energy, and updates to that plan.

(Pub. L. 100-680, § 3, Nov. 17, 1988, 102 Stat. 4073.)

§ 5103. Establishment of scientific research and development program to develop competitive manufacturing technologies and increase energy efficiency in steel and aluminum industries

(a) General authority

The Secretary, pursuant to the authority provided under provisions of the Federal Non-

nuclear Research and Development Act of 1974 (42 U.S.C. 5901, et seq.), shall reestablish an industrial energy conservation and competitive technology program to conduct scientific research and development of steel and aluminum technologies to carry out the purposes of this chapter. Such program shall provide the financial and technical assistance and other incentives which, in the judgment of the Secretary, are necessary to carry out the purposes of this chapter.

(b) Management plan

Within 6 months after November 17, 1988, the Secretary shall publish an update of the management plan to expand the steel research and development initiative to include aluminum and to carry out the purposes of this chapter. The Secretary, from time to time, may further update the management plan. The management plan shall be subject to the following conditions:

(1) For newly initiated research and development proposals submitted under the revised management plan, the non-Federal financial share shall equal at least 30 percent of the total cost of any project.

(2) Existing facilities, equipment, supplies, and other property may be included in the non-Federal share under this section only when they are directly relevant to the project.

(3) The knowledge resulting from research and development activities conducted under this chapter shall be developed for the benefit of the domestic companies who provide financial resources to the program.

(4) The Secretary, for a period of up to 5 years after the development of information that—

(A) results from research and development activities conducted under this chapter; and

(B) would be a trade secret or commercial or financial information that is privileged or confidential, as described in section 5104(a) of this title, if the information had been obtained from a domestic company,

may provide appropriate protections against the dissemination of such information, including exemption from subchapter II of chapter 5 of title 5.

(5) The plan shall assure basic research support, for the research carried out under the research plan, from independent laboratories, universities, and nonprofit organizations, by coordinating activities under the research plan with the basic research efforts of the Department of Energy, such as the Energy Conversion and Utilization Technologies Program and the Materials Processing and Sensor and Controls programs within the Office of Industrial Technologies.

(c) Priorities

Within 6 months after November 17, 1988, the Secretary shall publish an update of the research plan. In reviewing research and development activities for possible inclusion in the research plan, the Secretary shall consider the following:

(1) Steel projects

(A) The direct production of liquid steel from domestic materials.

(B) The production of near-net shape forms from liquid, powder, or solid steel.

(C) The development of universal grades of steel.

(D) The application of automatic processing technology.

(E) The removal of residual elements from steel scrap.

(F) The treatment and storage of waste materials and other byproducts from steel production and processing.

(G) The development of super-plastic steel processing.

(H) The development of advanced sheet and bar steels.

(I) The development of technologies and equipment related to the production of steel that enhance the protection of the environment and the safety and health of workers.

(J) Other steel technologies which, in the judgment of the Secretary, further the purposes of this chapter.

(K) The development of technologies which reduce greenhouse gas emissions.

(2) Aluminum and other projects

(A) The production of aluminum.

(B) The application of automatic processing technology.

(C) The treatment and storage of waste materials and other byproducts from aluminum production and processing.

(D) The manufacture of aluminum mill products.

(E) Aluminum recycling technologies.

(F) The development of technologies and equipment related to the production of aluminum that enhance the protection of the environment and the safety and health of workers.

(G) Aluminum, copper, and other metals technologies which, in the judgment of the Secretary, further the purposes of this chapter.

(d) Industry participation and review

The Secretary shall arrange for participation and review by representatives of each affected industry and by labor in the updating of the management and research plans and in the evaluation of the progress of research and development activities for their industry conducted under this chapter.

(Pub. L. 100-680, § 4, Nov. 17, 1988, 102 Stat. 4074; Pub. L. 102-486, title XXI, § 2106(a)(1), Oct. 24, 1992, 106 Stat. 3070; Pub. L. 110-229, title VI, § 602(b), May 8, 2008, 122 Stat. 853.)

Editorial Notes

REFERENCES IN TEXT

The Federal Nonnuclear Research and Development Act of 1974, referred to in subsec. (a), probably means the Federal Nonnuclear Energy Research and Development Act of 1974, Pub. L. 93-577, Dec. 31, 1974, 88 Stat. 1878, as amended, which is classified generally to chapter 74 (§5901 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 5901 of Title 42 and Tables.

AMENDMENTS

2008—Subsec. (c)(1)(H). Pub. L. 110-229, § 602(b)(1), substituted “sheet and bar steels” for “coatings for sheet steels”.

Subsec. (c)(1)(K). Pub. L. 110-229, § 602(b)(2), added subpar. (K).

1992—Subsec. (b)(5). Pub. L. 102-486 substituted “Industrial Technologies” for “Industrial Programs”.

§ 5104. Protection of proprietary rights

(a) Proprietary rights

No trade secrets or commercial or financial information that is privileged or confidential, under the meaning of section 552(b)(4) of title 5 which is obtained from a domestic company shall be disclosed in the conduct of the management plan or research plan, or as a result of activities under this chapter.

(b) Patent rights vested in United States

All patent rights from inventions developed under the management plan or the research plan implemented pursuant to this chapter shall be vested in accordance with section 5908 of title 42.

(Pub. L. 100-680, § 5, Nov. 17, 1988, 102 Stat. 4075.)

§ 5105. Coordination

The Secretary shall coordinate the research and development conducted under this chapter with other research and development being conducted by the Department of Energy and other Federal agencies in order to increase efficiency and avoid duplication of effort.

(Pub. L. 100-680, § 6, Nov. 17, 1988, 102 Stat. 4076.)

§ 5106. Repealed. Pub. L. 110-229, title VI, § 602(c)(1), May 8, 2008, 122 Stat. 853

Section, Pub. L. 100-680, § 7, Nov. 17, 1988, 102 Stat. 4076, related to expanded steel and aluminum research program in the National Institute of Standards and Technology.

§ 5107. Reports

The Secretary shall prepare and submit annually to the President and the Congress at the close of each fiscal year, beginning with fiscal year 2008, a complete report of the research and development activities carried out under this chapter during the fiscal year involved, including the actual and anticipated obligation of funds, for such activities, together with such recommendations as the Secretary may consider appropriate for further legislative, administrative, and other actions, including actions by the American steel, aluminum, copper, and other metals industries, which should be taken in order to achieve the purposes of this chapter. The report submitted at the close of fiscal year 1991 shall also contain a complete summary of activities under the management plan and the research plan from the first year of their operation, along with an analysis of the extent to which they have succeeded in accomplishing the purposes of this chapter. The reports submitted at the close of fiscal years 1993, 1995, and 1997 shall also contain a complete summary of activities under the management plan and the research plan from the first year of their operation, along with an analysis of the extent to which they have succeeded in accomplishing the purposes of this chapter.

(Pub. L. 100-680, § 8, Nov. 17, 1988, 102 Stat. 4076; Pub. L. 102-486, title XXI, § 2106(a)(2), Oct. 24,

1992, 106 Stat. 3070; Pub. L. 110-229, title VI, § 602(c)(2), May 8, 2008, 122 Stat. 853.)

Editorial Notes

AMENDMENTS

2008—Pub. L. 110-229 inserted “, beginning with fiscal year 2008,” after “close of each fiscal year”.

1992—Pub. L. 102-486 inserted sentence at end relating to reports submitted at the close of fiscal years 1993, 1995, and 1997.

Statutory Notes and Related Subsidiaries

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions in this section relating to submitting annual 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 90 of House Document No. 103-7.

§ 5108. Authorization of appropriations

There are authorized to be appropriated to the Secretary to carry out this chapter \$12,000,000 for each of the fiscal years 2008 through 2012.

(Pub. L. 100-680, § 9, Nov. 17, 1988, 102 Stat. 4076; Pub. L. 102-486, title XXI, § 2106(a)(3), (4), Oct. 24, 1992, 106 Stat. 3070; Pub. L. 110-229, title VI, § 602(a), May 8, 2008, 122 Stat. 853.)

Editorial Notes

AMENDMENTS

2008—Pub. L. 110-229 amended section generally. Prior to amendment, section authorized appropriations to the Secretary and to the Director of the National Institute of Standards and Technology to carry out functions under this chapter.

1992—Subsec. (a)(1). Pub. L. 102-486, § 2106(3), substituted “\$25,000,000 for fiscal year 1991, \$17,968,000 for fiscal year 1992, and \$18,091,000 for each of the fiscal years 1993 through 1997, to be derived from sums authorized under section 13451(e) of title 42” for “and \$25,000,000 for fiscal year 1991”.

Subsec. (b). Pub. L. 102-486, § 2106(4), substituted “1991, 1992, 1993, 1994, 1995, 1996, and 1997, to be derived from sums otherwise authorized to be appropriated to the Institute” for “and 1991”.

§ 5109. Relation of existing program

Proposals received by the Department of Energy before November 17, 1988, may be carried out without regard to changes in the management plan and research plan required by this chapter.

(Pub. L. 100-680, § 10, Nov. 17, 1988, 102 Stat. 4076.)

§ 5110. Drug-free workplace

(a) No department, agency, or instrumentality of the United States receiving funds authorized to be appropriated under this chapter for fiscal year 1989, fiscal year 1990, fiscal year 1991, fiscal year 1992, fiscal year 1993, fiscal year 1994, fiscal year 1995, fiscal year 1996, and fiscal year 1997, or under any other Act authorizing appropriations for fiscal year 1989, fiscal year 1990, fiscal year 1991, fiscal year 1992, fiscal year 1993, fiscal year 1994, fiscal year 1995, fiscal year 1996, and fiscal year 1997, shall obligate or spend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to