

individuals and companies which have made outstanding contributions in technology; and
 (5) encouraging the exchange of scientific and technical personnel among academia, industry, and Federal laboratories.

(Pub. L. 96-480, §3, Oct. 21, 1980, 94 Stat. 2312; Pub. L. 99-502, §9(b)(1), (f)(2), Oct. 20, 1986, 100 Stat. 1795, 1797.)

AMENDMENTS

1986—Par. (2). Pub. L. 99-502, §9(b)(1), substituted “co-operative research centers” for “centers for industrial technology”.

Par. (3). Pub. L. 99-502, §9(f)(2), inserted “, including inventions, software, and training technologies,”.

§ 3703. Definitions

As used in this chapter, unless the context otherwise requires, the term—

(1) “Office” means the Office of Technology Policy established under section 3704 of this title.

(2) “Secretary” means the Secretary of Commerce.

(3) “Under Secretary” means the Under Secretary of Commerce for Technology appointed under section 3704(b)(1) of this title.

(4) “Centers” means the Cooperative Research Centers established under section 3705 or 3707 of this title.

(5) “Nonprofit institution” means an organization owned and operated exclusively for scientific or educational purposes, no part of the net earnings of which inures to the benefit of any private shareholder or individual.

(6) “Federal laboratory” means any laboratory, any federally funded research and development center, or any center established under section 3705 or 3707 of this title that is owned, leased, or otherwise used by a Federal agency and funded by the Federal Government, whether operated by the Government or by a contractor.

(7) “Supporting agency” means either the Department of Commerce or the National Science Foundation, as appropriate.

(8) “Federal agency” means any executive agency as defined in section 105 of title 5 and the military departments as defined in section 102 of such title, as well as any agency of the legislative branch of the Federal Government.

(9) “Invention” means any invention or discovery which is or may be patentable or otherwise protected under title 35 or any novel variety of plant which is or may be protectable under the Plant Variety Protection Act (7 U.S.C. 2321 et seq.).

(10) “Made” when used in conjunction with any invention means the conception or first actual reduction to practice of such invention.

(11) “Small business firm” means a small business concern as defined in section 632 of this title and implementing regulations of the Administrator of the Small Business Administration.

(12) “Training technology” means computer software and related materials which are developed by a Federal agency to train employees of such agency, including but not limited to software for computer-based instructional systems and for interactive video disc systems.

(13) “Clearinghouse” means the Clearinghouse for State and Local Initiatives on Productivity, Technology, and Innovation established by section 3704a of this title.

(Pub. L. 96-480, §4, Oct. 21, 1980, 94 Stat. 2312; Pub. L. 99-502, §9(b)(2), (d), Oct. 20, 1986, 100 Stat. 1795, 1796; Pub. L. 100-418, title V, §5122(b), Aug. 23, 1988, 102 Stat. 1439; Pub. L. 100-519, title II, §201(d)(1), Oct. 24, 1988, 102 Stat. 2594; Pub. L. 102-245, title III, §304, Feb. 14, 1992, 106 Stat. 20; Pub. L. 106-404, §7(1), (2), Nov. 1, 2000, 114 Stat. 1745.)

REFERENCES IN TEXT

The Plant Variety Protection Act, referred to in par. (9), is Pub. L. 91-577, Dec. 24, 1970, 84 Stat. 1542, as amended, which is classified principally to chapter 57 (§2321 et seq.) of Title 7, Agriculture. For complete classification of this Act to the Code, see Short Title note set out under section 2321 of Title 7 and Tables.

AMENDMENTS

2000—Pars. (4), (6). Pub. L. 106-404 made technical amendments to references in original act which appear in text as references to sections 3705 and 3707 of this title.

1992—Par. (8). Pub. L. 102-245 inserted before period at end “, as well as any agency of the legislative branch of the Federal Government”.

1988—Par. (1). Pub. L. 100-519, §201(d)(1)(A), substituted “Technology Policy” for “Productivity, Technology, and Innovation”.

Par. (3). Pub. L. 100-519, §201(d)(1)(B), amended par. (3) generally, substituting provisions defining “Under Secretary” for provisions defining “Assistant Secretary”.

Par. (13). Pub. L. 100-418 added par. (13).

1986—Par. (1). Pub. L. 99-502, §9(b)(2)(A), substituted “Productivity, Technology, and Innovation” for “Industrial Technology”.

Par. (3). Pub. L. 99-502, §9(b)(2)(B), substituted “‘Assistant Secretary’ means the Assistant Secretary for Productivity, Technology, and Innovation” for “‘Director’ means the Director of the Office of Industrial Technology”.

Par. (4). Pub. L. 99-502, §9(b)(2)(C), substituted “Cooperative Research Centers” for “Centers for Industrial Technology”.

Par. (6). Pub. L. 99-502, §9(b)(2)(D), (E), redesignated par. (7) as (6), substituted “owned, leased, or otherwise used by a Federal agency and funded” for “owned and funded”, and struck out former par. (6) which defined “Board” to mean the National Industrial Technology Board established pursuant to section 3709 of this title.

Pars. (7) to (12). Pub. L. 99-502, §9(b)(2)(D), (d), redesignated pars. (7) and (8) as (6) and (7), respectively, and added pars. (8) to (12).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 638 of this title.

§ 3704. Commerce and technological innovation

(a) Establishment

There is established in the Department of Commerce a Technology Administration, which shall operate in accordance with the provisions, findings, and purposes of this chapter. The Technology Administration shall include—

(1) the National Institute of Standards and Technology;

(2) the National Technical Information Service; and

(3) a policy analysis office, which shall be known as the Office of Technology Policy.

(b) Under Secretary and Assistant Secretary

The President shall appoint, by and with the advice and consent of the Senate, to the extent provided for in appropriations Acts—