017-005

PROBLEMS AND RECOMMENDED SOLUTIONS
FEDERAL TECHNOLOGY TRANSFER ACT OF 1986
Senate Report 99-283

Problem 1: Paragraph 11(b)(1) on page 25 says that the term cooperative research and development agreement does not include a procurement contract or cooperative agreement as those terms are used in sections 6303, 6304, and 6305 of title 31 U.S.C. The text of the report, however, says on page 11 that these arrangements are expected to be forms of cooperative agreements as established by 31 U.S.C. 6305.

Recommended Solution: Revise the report text to say:

> Most of the cooperative arrangements and patent assignments are not expected to be forms of cooperative agreements...

Problem 2: Both sections 11 and 12 use the term "laboratory" but it is only defined for section 11. The same definition should apply to both.

Recommended Solution: Revise paragraph 11(3)(d) to read,

> As used in this section and section 12, the term---

Problem 3: While it is intended for laboratories to use funds provided by a collaborating party under subparagraph 11(a)(2)(A), the language may not be strong enough to keep laboratories from being required to turn them into the Treasury. This is because:

- o There is no provision in section 11 to do more than accept funds from collaborating parties while section 12 provides for agencies to keep, distribute, and use royalties, and eventually for the appropriation of them.

- o Section 17 on page 28 says that no payments shall be made or contracts entered into pursuant to this Act except to such extent or in such amounts as are provided in advance in appropriation acts.

- o 31 U.S.C. 1341 says that an officer or employee of the Government may not involve the Government in a contract or obligation for the payment of money before an appropriation is made unless authorized by law.

- o 31 U.S.C. 3302 says that except as provided by another law, an official or agent of the Government shall keep the money safe without using it and deposit it in the Treasury as soon as practicable without deduction for any charge or claim.

Recommended Solutions:

a. Revise subparagraph 11 (a)(2)(A) to say:

accept, retain, and use funds, services, and property from collaborating parties and provide services and property to collaborating parties;

b. Revise section 17 to say:

No payments shall be made or contracts shall be entered into pursuant to this Act except to such extent or in such amounts as are provided in advance in appropriation Acts or are provided to a laboratory by a collaborating party under a cooperative research and development agreement for use by the laboratory in accordance with such agreement as authorized by section 11.

concerning its activities and the results thereof.

(b) Research, development, etc., in ground propulsion technologies and solar heating and cooling technologies

(1) The Administration shall, to the extent of appropriated funds, initiate, support, and carry out such research, development, demonstration, and other related activities in ground propulsion technologies as are provided for in sections 2503 through 2509 of title 15.

(2) The Administration shall initiate, support, and carry out such research, development, demonstrations, and other related activities in solar heating and cooling technologies (to the extent that funds are appropriated therefor) as are provided for in sections 5503, 5504, and 5507 of this title.

(c) Powers of Administration in performance of its functions

In the performance of its functions the Administration is authorized—

(1) to make, promulgate, issue, rescind, and amend rules and regulations governing the manner of its operations and the exercise of the powers vested in it by law;

(2) to appoint and fix the compensation of such officers and employees as may be necessary to carry out such functions. Such officers and employees shall be appointed in accordance with the civil-service laws and their compensation fixed in accordance with chapter 51 and subchapter III of chapter 53 of title 5, except that (A) to the extent the Administrator deems such action necessary to the discharge of his responsibilities, he may appoint not more than four hundred and twenty-five of the scientific, engineering, and administrative personnel of the Administration without regard to such laws, and may fix the compensation of such personnel not in excess of the highest rate of grade 18 of the General Schedule, and (B) to the extent the Administrator deems such action necessary to recruit specially qualified scientific and engineering talent, he may establish the entrance grade for scientific and engineering personnel without previous service in the Federal Government at a level up to two grades higher than the grade provided for such personnel under the General Schedule, and fix their compensation accordingly;

(3) to acquire (by purchase, lease, condemnation, or otherwise), construct, improve, repair, operate, and maintain laboratories, research and testing sites and facilities, aeronautical and space vehicles, quarters and related accommodations for employees and dependents of employees of the Administration, and such other real and personal property (including patents), or any interest therein, as the Administration deems necessary within and outside the continental United States; to acquire by lease or otherwise, through the Administrator of General Services, buildings or parts of buildings in the District of Columbia for the use of the Administration for a period not to exceed ten years without regard to section 34 of title 40; to lease to others such real and personal property; to sell and otherwise dispose of real and personal property (including patents and rights thereunder) in accordance with the provisions of the Federal Property and Administrative Services Act of 1949, as amended [40 U.S.C. 471 et seq.]; and to provide by contract or otherwise for cafeterias and other necessary facilities for the welfare of employees of the Administration at its installations and purchase and maintain equipment therefor;

(4) to accept unconditional gifts or donations of services, money, or property, real, personal, or mixed, tangible or intangible;

(5) without regard to section 3324(a) and (b) of title 31, to enter into and perform such contracts, leases, cooperative agreements, or other transactions as may be necessary in the conduct of its work and on such terms as it may deem appropriate, with any agency or instrumentality of the United States, or with any State, Territory, or possession, or with any political subdivision thereof, or with any person, firm, association, corporation, or educational institution. To the maximum extent practicable and consistent with the accomplishment of the purpose of this chapter, such contracts, leases, agreements, and other transactions shall be allocated by the Administrator in a manner which will enable small-business concerns to participate equitably and proportionately in the conduct of the work of the Administration;

(6) to use, with their consent, the services, equipment, personnel, and facilities of Federal and other agencies with or without reimbursement, and on a similar basis to cooperate with other public and private agencies and instrumentalities in the use of services, equipment, and facilities. Each department and agency of the Federal Government shall cooperate fully with the Administration in making its services, equipment, personnel, and facilities available to the Administration, and any such department or agency is authorized, notwithstanding any other provision of law, to transfer to or to receive from the Administration, without reimbursement, aeronautical and space vehicles, and supplies and equipment other than administrative supplies or equipment;

(7) to appoint such advisory committees as may be appropriate for purposes of consultation and advice to the Administration in the performance of its functions;

(8) to establish within the Administration such offices and procedures as may be appropriate to provide for the greatest possible coordination of its activities under this chapter with related scientific and other activities being carried on by other public and private agencies and organizations;

(9) to obtain services as authorized by section 3109 of title 5, but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS–18;

(10) when determined by the Administrator to be necessary, and subject to such security investigations as he may determine to be appropriate, to employ aliens without regard to

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4 F.R. 9559, as
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(3) to acquire (by purchase, lease, condemnation, or otherwise), construct, improve, repair, operate, and maintain laboratories, research and testing sites and facilities, aeronautical and space vehicles, quarters and related accommodations for employees and dependents of employees of the Administration, and such other real and personal property (including patents), or any interest therein, as the Administration deems necessary within and outside the continental United States; to acquire by lease or otherwise, through the Administrator of General Services, buildings or parts of buildings in the District of Columbia for the use of the Administration for a period not to exceed ten years without regard to section 34 of title 40; to lease to others such real and personal property; to sell and otherwise dispose of real and personal property (including patents and rights thereunder) in accordance with the provisions of the Federal Property and Administrative Services Act of 1949, as amended [40 U.S.C. 471 et seq.]; and to provide by contract or otherwise for cafeterias and other necessary facilities for the welfare of employees of the Administration at its installations and purchase and maintain equipment therefor;

(4) to accept unconditional gifts or donations of services, money, or property, real, personal, or mixed, tangible or intangible;

(5) without regard to section 3324(a) and (b) of title 31, to enter into and perform such contracts, leases, cooperative agreements, or other transactions as may be necessary in the conduct of its work and on such terms as it may deem appropriate, with any agency or instrumentality of the United States, or with any State, Territory, or possession, or with any political subdivision thereof, or with any person, firm, association, corporation, or educational institution. To the maximum extent practicable and consistent with the accomplishment of the purpose of this chapter, such contracts, leases, agreements, and other transactions shall be allocated by the Administrator in a manner which will enable small-business concerns to participate equitably and proportionately in the conduct of the work of the Administration;

(6) to use, with their consent, the services, equipment, personnel, and facilities of Federal and other agencies with or without reimbursement, and on a similar basis to cooperate with other public and private agencies and instrumentalities in the use of services, equipment, and facilities. Each department and agency of the Federal Government shall cooperate fully with the Administration in making its services, equipment, personnel, and facilities available to the Administration, and any such department or agency is authorized, notwithstanding any other provision of law, to transfer to or to receive from the Administration, without reimbursement, aeronautical and space vehicles, and supplies and equipment other than administrative supplies or equipment;

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—DEPOSITS AND
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3, 1982, 96 Stat. 948.)

REVISION NOTES

	Source (Statutes at Large)
	June 10, 1921, ch. 18, § 304(1st par. 1st sentence), 42 Stat. 24. R.S. § 305(less disbursement).

ds "public money" are sub-
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for consistency. In clause (5), the word "submit" is substituted for "render" for consistency. The words "and shall transmit a copy thereof, when settled, to the Secretary of the Treasury" are omitted because of the restatement. In clause (6), the words "Secretary of the Treasury . . . or either of them" are omitted because of the restatement. The word "public" is added for consistency.

In subsection (b), the words "Except as provided in section 3326 of this title" are added for clarity. The words "endorse . . . as required by subsection (a)(4) of this section" are substituted for "so signed" for clarity and consistency.

§ 3302. Custodians of money

(a) Except as provided by another law, an official or agent of the United States Government having custody or possession of public money shall keep the money safe without—

(1) lending the money;

(2) using the money;

(3) depositing the money in a bank; and

(4) exchanging the money for other amounts.

(b) Except as provided in section 3718(b) of this title, an official or agent of the Government receiving money for the Government from any source shall deposit the money in the Treasury as soon as practicable without deduction for any charge or claim.

(c) A person having custody or possession of public money, including a disbursing official having public money not for current expenditure, shall deposit the money without delay, but not later than the 30th day after the custodian receives the money, in the Treasury or with a depositary designated by the Secretary of the Treasury under law. The Secretary or a depositary receiving a deposit shall issue duplicate receipts for the money deposited. The original receipt is for the Secretary and the duplicate is for the custodian.

(d) An official or agent not complying with subsection (b) of this section may be removed from office. The official or agent may be required to forfeit to the Government any part of the money held by the official or agent and to which the official or agent may be entitled.

(e) An official or agent of the Government having custody or possession of public money shall keep an accurate entry of each amount of public money received, transferred, and paid.

(f) When authorized by the Secretary, an official or agent of the Government having custody or possession of public money, or performing other fiscal agent services, may be allowed necessary expenses to collect, keep, transfer, and pay out public money and to perform those services. However, money appropriated for those expenses may not be used to employ or pay officers and employees of the Government.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 948; Pub. L. 97-452, § 1(10), Jan. 12, 1983, 96 Stat. 2468.)

HISTORICAL AND REVISION NOTES

1982 ACT

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
3302(a)	31:521.	R.S. § 3639; June 6, 1972, Pub. L. 92-310, § 231(r), 86 Stat. 210.
3302(b)	31:484.	R.S. § 3617.
3302(c)	31:495.	R.S. § 3621; restated May 28, 1896, ch. 252, § 5, 29 Stat. 179.
3302(d)	31:490.	R.S. § 3619.
3302(e)	31:525.	R.S. § 3643.
3302(f)	31:545.	R.S. § 3653; Aug. 7, 1882, ch. 433, § 1(2d complete par. on p. 312), 22 Stat. 312; Jan. 22, 1925, ch. 87(2d par. under heading "Division of Bookkeeping and Warrants"), 43 Stat. 767.
	31:1023(b).	June 1, 1955, ch. 119, § 1(b), 69 Stat. 82.

In subsection (a), before clause (1), the words "Except as provided by another law" are substituted for "than as specially allowed by law" in 31:521 for clarity and consistency. The words "an official or agent of the United States Government having custody or possession of public money" are substituted for "The Treasurer of the United States, all assistant treasurers [subsequently changed to 'all depositaries designated in accordance with section 476 of this title' because of 31:476], and those performing the duties of assistant treasurer, all collectors of the customs, all surveyors of the customs, acting also as collectors, all receivers of public moneys at the several land offices, all postmasters, and all public officers of whatsoever character . . . all the public money collected by them, or otherwise at any time placed in their possession and custody" to eliminate unnecessary words and for consistency in the revised title. The words "till the same is ordered, by the proper department or officer of the Government, to be transferred or paid out" are omitted as superseded by source provisions restated in the chapter. The text of 31:521(words after semicolon) is omitted as unnecessary because of the restatement.

In subsection (b), the words "any abatement or" are omitted as surplus. The words "for any charge or claim" are substituted for "on account of salary, fees, costs, charges, expenses, or claim of any description whatever", and the words "shall deposit the money in the Treasury" are substituted for "The gross amount of all moneys received from whatever source for the use of the United States, . . . shall be paid . . . into the Treasury", to eliminate unnecessary words. The words "except as otherwise provided in section 487 of this title" are omitted because 31:487 is obsolete. The text of 31:484(last sentence) is omitted as superseded by title 39.

In subsection (c), the word "Secretary" is substituted for "Treasurer" because of the source provisions restated in section 321(c) of the revised title. The balance of subsection (c) is substituted for 31:495(words before proviso) for clarity and consistency. The text of 31:495(proviso) is omitted as superseded by title 39.

Subsection (d) is substituted for 31:490 for clarity and consistency.

In subsection (e), the words "official or agent having custody or possession of public money" are substituted for "persons charged by law with the safekeeping, transfer, and disbursements of the public moneys" for consistency and to eliminate unnecessary words. The words "other than those connected with the United States Postal Service" are omitted as superseded by title 39.

In subsection (f), the word "expressly" is omitted as surplus. The words "official or agent having custody or possession" are substituted for 31:545(words before 21st comma) for consistency and to eliminate unnecessary words. The words "additional . . . fireproof of

chests or vaults or other necessary expenses of" are omitted as surplus. The words "employ or pay officers and employees of the Government" are substituted for "clerical services or payment of employees of any nature or grade" for consistency in the revised title and with other titles of the United States Code.

1983 ACT

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
3302(b)	31 App.:484.	Oct. 25, 1982, Pub. L. 97-365, § 13(a), 96 Stat. 1757.

The reference to "952(g)(2)" in 31 App.:484 is incorrect and should be "952(f)(2)".

AMENDMENTS

1983—Subsec. (b). Pub. L. 97-452 added the exception relating to section 3718(b) of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 327, 3322, 3718 of this title; title 10 section 7605; title 15 section 2514; title 22 sections 1475e, 4226; title 38 section 1820; title 42 section 5812.

§ 3303. Designation of depositaries

(a) The Secretary of the Treasury designates depositaries of money as provided in this section and under other law.

(b) When necessary to carry out the business of the United States Government and under conditions the Secretary decides are necessary, the Secretary may designate depositaries in foreign countries and in territories and possessions of the United States to receive deposits of public money. The Secretary shall give preference to United States financial institutions the Secretary decides are safe and able to give the service required.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 949.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
3303(a)	(no source).	
3303(b)	31:473.	June 19, 1922, ch. 228, 42 Stat. 662.

Subsection (a) is added to inform the reader that there are numerous other laws providing for the designation of depositaries. These other laws are scattered throughout the titles of the United States Code.

In subsection (b), the words "carry out" are substituted for "transaction" for consistency. The words "terms and . . . as to security and otherwise" and "of public moneys" are omitted as surplus. The words "territories and possessions of the United States" are substituted for "Territories and insular possessions of the United States" for consistency. The words "to receive deposits of public money" are added for clarity.

§ 3304. Transfers of public money from depositaries

The Secretary of the Treasury may transfer public money in the possession of a depositary—

(1) to the Treasury; and

(2) if the Secretary believes the safety of the public money and convenience require it, to another depositary.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 949.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
3304	31:522.	R.S. § 3640.

In the section, before clause (1), the words "except as provided in section 523 of this title" are omitted as superseded by title 39. The words "of the United States, to the credit of the Treasurer" are omitted as unnecessary. In clause (2), the words "if the Secretary believes the safety of the public money and convenience require it" are substituted for "as the safety of the public moneys and the convenience of the public service shall seem to him to require" for clarity and to eliminate unnecessary words.

§ 3305. Audits of depositaries

The Secretary of the Treasury, or an officer, employee, or agent designated by the Secretary, may audit a depositary of public money. For uniformity and accuracy in accounts and safety of public money, an individual conducting an audit shall audit a depositary's—

(1) books;

(2) accounts;

(3) returns; and

(4) public money on hand and the way the money is kept.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 949.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
3305	31:548.	R.S. § 3649.

In the section, before clause (1), the words "or an officer, employee, or agent designated by the Secretary" are substituted for "and for that purpose to appoint special agents, as occasion may require" for clarity and consistency. The words "may audit a depositary of public money" are substituted for "is authorized to cause examinations to be made of the books, accounts and money on hand, of the several depositaries" to eliminate unnecessary words and for consistency. The words "with such compensation, not exceeding $6 per day and traveling expenses, as he may think reasonable, to be fixed and declared at the time of each appointment" are omitted as superseded by 5:3109 and ch. 57. The words "be instructed to" and "as well" are omitted as surplus.

SUBCHAPTER II—PAYMENTS

§ 3321. Disbursing authority in the executive branch

(a) Except as provided in this section or another law, only officers and employees of the Department of the Treasury designated by the Secretary of the Treasury as disbursing officials may disburse public money available for expenditure by an executive agency.

(b) For economy and efficiency, the Secretary may delegate the authority to disburse public money to officers and employees of other executive agencies.

(c) The head of each of the following executive agencies shall designate personnel of the agency as disbursing officials to disburse public money available for expenditure by the agency:

(1) United States Marshal's Office.

(B) "Redemption of stamps (Internal Revenue)";

(C) "Refunding legacy taxes, Act of March 30, 1928";

(D) "Repayment of taxes on distilled spirits destroyed by casualty"; and

(E) "Refunds and payments of processing and related taxes".

(b) Disbursements may be made from the appropriation made by this section only for—

(1) refunds to the limit of liability of an individual tax account; and

(2) refunds due from credit provisions of the Internal Revenue Code of 1954 (26 U.S.C. 1 et seq.) enacted before January 1, 1978.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 923.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
1324(a)	31:725q-1a(1st par.).	June 19, 1948, ch. 558, § 101(words before proviso in par. under heading "Bureau of Internal Revenue"), 62 Stat. 561.
1324(b)	31:725q-1a(last par.).	June 19, 1948, ch. 558, 62 Stat. 560, § 302(last par); added Sept. 8, 1978, Pub. L. 95-355, § 303, 92 Stat. 563.

In subsection (a), the words "Necessary amounts are appropriated to the Secretary of the Treasury" are added to reflect the introductory language of the Act of June 19, 1948. The words "on and after June 19, 1948" are omitted as executed.

In subsection (b), the words "appropriation made by this section" are substituted for "the appropriation to the Treasury Department entitled 'Bureau of Internal Revenue Refunding Internal-Revenue Collections' " to eliminate unnecessary words.

REFERENCES IN TEXT

Act of March 30, 1928, referred to in subsec. (a)(2)(C), is act Mar. 30, 1928, ch. 302, 45 Stat. 398, which is not classified to the Code.

SUBCHAPTER III—LIMITATIONS, EXCEPTIONS, AND PENALTIES

§ 1341. Limitations on expending and obligating amounts

(a)(1) An officer or employee of the United States Government or of the District of Columbia government may not—

(A) make or authorize an expenditure or obligation exceeding an amount available in an appropriation or fund for the expenditure or obligation; or

(B) involve either government in a contract or obligation for the payment of money before an appropriation is made unless authorized by law.

(2) This subsection does not apply to a corporation getting amounts to make loans (except paid in capital amounts) without legal liability of the United States Government.

(b) An article to be used by an executive department in the District of Columbia that could be bought out of an appropriation made to a regular contingent fund of the department may not be bought out of another amount available for obligation.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 923.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
1341(a)	31:665(a), (d)(2)(last sentence related to spending and obligations).	R.S. § 3679(a), (d)(2)(last sentence related to spending and obligations); Mar. 3, 1905, ch. 1484, § 4(1st par.), 33 Stat. 1257; Feb. 27, 1906, ch. 510, § 3, 34 Stat. 48; restated Sept. 6, 1950, ch. 896, § 1211, 64 Stat. 765.
1341(b)	31:669(words after semicolon).	Aug. 23, 1912, ch. 350, § 6(words after semicolon), 37 Stat. 414.

In subsection (b), the words "another amount available for obligation" are substituted for "any other fund" for consistency in the revised title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1349, 1350, 1351 of this title; title 2 section 60a-2; title 5 section 5307; title 12 section 1749bbb-8; title 20 sections 241-1, 646, 1225; title 22 sections 277d-3, 1461b, 3723; title 42 sections 2204, 2204a, 2210, 2295, 2394.

§ 1342. Limitation on voluntary services

An officer or employee of the United States Government or of the District of Columbia government may not accept voluntary services for either government or employ personal services exceeding that authorized by law except for emergencies involving the safety of human life or the protection of property. This section does not apply to a corporation getting amounts to make loans (except paid in capital amounts) without legal liability of the United States Government.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 923.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
1342	31:665(b). 31:665(d)(2)(last sentence related to voluntary services).	R.S. § 3679(b), (d)(2)(last sentence related to voluntary services); Mar. 3, 1905, ch. 1484, § 4(1st par.), 33 Stat. 1257; Feb. 27, 1906, ch. 510, § 3, 34 Stat. 48; restated Sept. 6, 1950, ch. 896, § 1211, 64 Stat. 765.

The words "District of Columbia government" are added because of section 47-105 of the D.C. Code.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1349, 1350, 1351 of this title; title 2 section 60a-2; title 5 sections 575, 3102, 3111, 5307; title 15 sections 636, 2076, 2218; title 18 section 4204; title 19 section 2171; title 21 section 1114; title 22 sections 277d-3, 1461b, 2509, 3723; title 29 section 1579; title 33 section 1123; title 42 sections 2204, 2204a, 2210, 2295, 2394, 3789h, 4343, 5613; title 47 sections 154, 332.

§ 1343. Buying and leasing passenger motor vehicles and aircraft

(a) In this section, buying a passenger motor vehicle or aircraft includes a transfer of the vehicle or aircraft between agencies.

ticular tasks relating to the functions of the committee. Such fellowship shall be for 2-year periods and the recipients of such fellowships shall be selected pursuant to such criteria as may be established by the committee.

(Pub. L. 95-209, § 6, Dec. 13, 1977, 91 Stat. 1483.)

CODIFICATION

Section was not enacted as part of the Atomic Energy Act of 1954.

SUBCHAPTER III—RESEARCH

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in section 5817 of this title.

§ 2051. Research and development assistance

(a) Contracts and loans for research activities

The Commission is directed to exercise its powers in such manner as to insure the continued conduct of research and development and training activities in the fields specified below, by private or public institutions or persons, and to assist in the acquisition of an ever-expanding fund of theoretical and practical knowledge in such fields. To this end the Commission is authorized and directed to make arrangements (including contracts, agreements, and loans) for the conduct of research and development activities relating to—

(1) nuclear processes;

(2) the theory and production of atomic energy, including processes, materials, and devices related to such production;

(3) utilization of special nuclear material and radioactive material for medical, biological, agricultural, health, or military purposes;

(4) utilization of special nuclear material, atomic energy, and radioactive material and processes entailed in the utilization or production of atomic energy or such material for all other purposes, including industrial or commercial uses, the generation of usable energy, and the demonstration of advances in the commercial or industrial application of atomic energy;

(5) the protection of health and the promotion of safety during research and production activities; and

(6) the preservation and enhancement of a viable environment by developing more efficient methods to meet the Nation's energy needs.

(b) Grants and contributions for facilities in educational and training institutions

The Commission is further authorized to make grants and contributions to the cost of construction and operation of reactors and other facilities and other equipment to colleges, universities, hospitals, and eleemosynary or charitable institutions for the conduct of educational and training activities relating to the fields in subsection (a) of this section.

(c) Purchase of supplies without advertising

The Commission may (1) make arrangements pursuant to this section, without regard to the provisions of section 5 of title 41, upon certification by the Commission that such action is necessary in the interest of the common defense and security, or upon a showing by the Commission that advertising is not reasonably practicable; (2) make partial and advance payments under such arrangements; and (3) make available for use in connection therewith such of its equipment and facilities as it may deem desirable.

(d) Prevention of dissemination of information prohibited; other conditions of agreements

The arrangements made pursuant to this section shall contain such provisions (1) to protect health, (2) to minimize danger to life or property, and (3) to require the reporting and to permit the inspection of work performed thereunder, as the Commission may determine. No such arrangement shall contain any provisions or conditions which prevent the dissemination of scientific or technical information, except to the extent such dissemination is prohibited by law.

(Aug. 1, 1946, ch. 724, § 31, as added Aug. 30, 1954, ch. 1073, § 1, 68 Stat. 927, and amended Aug. 6, 1956, ch. 1015, §§ 2, 3, 70 Stat. 1069; Dec. 19, 1970, Pub. L. 91-560, § 1, 84 Stat. 1472; Aug. 11, 1971, Pub. L. 92-84, title II, § 201(a), 85 Stat. 307.)

PRIOR PROVISIONS

Provisions similar to this section were contained in section 1803(a) of this title prior to the general amendment and renumbering of act Aug. 1, 1946 by act Aug. 30, 1954, ch. 1073, 68 Stat. 921.

AMENDMENTS

1971—Subsec. (a)(6). Pub. L. 92-84 added subsec. (a)(6).

1970—Subsec. (a)(4). Pub. L. 91-560 added commercial uses as an additional purpose and substituted "demonstration of advances in the commercial or industrial application of atomic energy" for "demonstration of the practical value of utilization or production facilities for industrial or commercial purposes".

1956—Subsec. (a). Act Aug. 6, 1956, § 2, inserted the words "and training" after the word "development" in the first sentence.

Subsec. (b). Act Aug. 6, 1956, § 3, added subsec. (b) and redesignated former subsecs. (b) and (c), as subsecs. (c) and (d).

Subsecs. (c), (d). Act Aug. 6, 1956, § 3, redesignated former subsecs. (b) and (c) as (c) and (d).

TRANSFER OF FUNCTIONS

For transfer of certain functions from the Nuclear Regulatory Commission to the Chairman thereof, see Reorg. Plan No. 1 of 1980, 45 F.R. 40561, 94 Stat. 3585, set out as a note under section 5841 of this title.

The Atomic Energy Commission was abolished and all functions under subsec. (b) of this section were transferred to the Administrator of the Energy Research and Development Administration, and the functions under subsecs. (a), (c), and (d) of this section were transferred jointly to the Nuclear Regulatory Commission and the Administrator by sections 5814 and 5841 of this title. The Energy Research and Development Administration was terminated and functions vested by law in the Administrator thereof were transferred to the Secretary of Energy (unless otherwise specifically provided) by sections 7151(a) and 7293 of this title.