

* Whether or not B.I.11 is reimbursed
Comments on Senate Report

I/ Funding Problems

A. Funds for doing reimbursable work.

IF the funds for doing reimbursable work must be

appropriated, can't be retained by the agency, but instead goes into inv. receipts of the treasury, very little will be done under this B.I.1. Presently agencies have authority to do work for other Government agencies in advance of receiving ~~appropriation~~ an actual transfer of funds from the ordering agency. Upon signing an agreement, the agency ordering the work obligates its funds. Private work at an agency usually requires ~~advance~~ ~~funding~~ funds from the private source before the work is started so the Government isn't left holding the bag. If the advance funds are sent to the Treasury, then the performing agency must obtain appropriated funds to do the work. This requires a good deal of planning, a few years in advance of getting private work.

The B.I.11 should permit the applicable agency to

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MEMORANDUM

retain the funds received. DOE has such authority for its R&D program in its organic Act. The appropriations committee then appropriates such receipts yearly.

Regalities
B.I.A similar problem exists with respect to regalities.

One solution is to require the Director to pay the members directly i.e., without going to the Government. Then there is no more receipt problem.

2. Language confusion

H. R. 11 defines "Federal Laboratory" & "Laboratory" then

uses terms such as "Government-operated Federal Laboratories" in

Section 11. In Section 12 it uses "Laboratory" ~~and~~ but

The agreement has title to inventions made by non-employee
inventors which may be licensed by the agreement (b) apply to
small companies or is it limited to employee employees? Section (c)
seems to say no but its not clear.

4. Cooperative R&D Agreements.

A. I'm not sure what this term means. I would
prefer "Collaborative Agreements" instead. and define it as an
agreement to perform work for non-Federal parties. ~~or~~
~~fully reimbursed~~ ^{cost recovery} or ~~partial~~ ~~cost~~ ~~shares~~ I would include the
provisions in the Space Act 42 USC 2473(c)' to
provide the basic authority needed. Perhaps 31 USC 6505
(c) is the ~~small~~ appropriate solution. I don't know.

5. Other Executive Matters

(1) See 11(CA)(1)B - seems to let give my agency the
right to license voluntary assigned invention even if the

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inventor
or other agency.

(2) Section 11(a)(1) uses term "agreements" while "agreements" is defined

many to do with

You also Federal Reserve but doesn't have the ~~off~~ interest efficiency concept in it as does the Energy Act. I would drop reference to Federal Reserve

(4) Section 11(k)(1)(A) uses term "collaborating parties" which is undefined. Is the Federal agency a "collaborating party"?

(5) I don't understand Sec 11(a)(2)(c)

(6) Is there a domestic limitation on Collaborating Parties?

(7) How about a discretionary ^{authority} funds section such as — (let DOE manage)

6. Section 12

(a) Is this authority to give ^{cash} awards to non-Federal ~~other~~ people. If so not clear.

(b) Note use of domestic in Sec 12(a)(1) - should have broader use of term.

(c)

Future Inventive Rights

~ The authority to acquire future inventive rights of

~~inventors~~ ^{inventors} not Employees is unclear. Section 11 (b)(2)(B) says the

Coit can grant such rights to collaborating ~~part~~ party, but where is the ~~small~~ authority to acquire such rights from the members, Not in 501(c)(3). I would add a sentence

to Section 13(a) to the effect that copying can constitute the ^{by requiring an assignment of} employees work or collaborative agreement to ~~acquire~~ future inventive rights to the ~~subject~~ ^{subject} matter of the agreement.