

CHAPTER 2-300

OFFICE OF THE GENERAL COUNSEL

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2-300-10 ORGANIZATION

The Office of the General Counsel, under the supervision of a General Counsel, shall consist of:

- Immediate Office of the General Counsel
 - Regional Attorneys
 - Division of Business and Administrative Law
 - Division of Education
 - Division of Food and Drugs
 - Division of Health Insurance
 - Division of Legislation
 - Division of Old-Age and Survivors Insurance
 - Division of Public Health
 - Division of Welfare and Rehabilitation

2-300-20 GENERAL COUNSEL

- A. The General Counsel is directly responsible to the Secretary. He serves as special adviser to the Secretary on legal matters in connection with the administration of the Department.
- B. In the absence or disability of the General Counsel the Associate General Counsel shall act for him.

2-300-30 OFFICE OF THE GENERAL COUNSEL

- A. The Office of the General Counsel is responsible for:
 - 1. Furnishing all legal services and advice to the Secretary, Under Secretary, and all offices, branches, or units of the Department in connection with the operations and administration of the Department.
 - 2. Furnishing legal services and advice on such other matters as may be submitted by the Secretary, the Under Secretary, and any other person authorized by the Secretary to request such service or advice.
 - 3. Representing the Department in all litigation when such direct representation is authorized by law, and in other cases making and supervising contacts with attorneys responsible for the conduct of such litigation.

(2-300-40A Continued)

3. To arrange for the maintenance and control of the necessary files and records of such claims and situations.
 4. To generally direct and coordinate the activities of the operating agencies and offices of the Department in carrying out the provisions of this section.
- B. Any notice or writing, required by 28 U.S.C. §2675(b) to be served on the Department or on an operating agency or office, may be served on the Department Claims Officer.
- C. The Department Claims Officer shall, as often as he deems proper but not less than once a year, submit to the Secretary a report of his activities pursuant to this section. Such report or reports shall include all of the data required by the Statutes to be reported by the Secretary to the Congress and may also include any accident trends, practices, procedures, or other circumstances, including the operation of safety programs, as evidenced by situations and claims which come to his attention in the performance of his duties and which may indicate the need for administrative action.

2-300-50 DELEGATION BY THE SECRETARY OF AUTHORITY UNDER PUBLIC LAW 87-693 FOR RECOVERY OF THE COST OF HOSPITAL AND MEDICAL CARE AND TREATMENT FURNISHED BY THE UNITED STATES.

- A. Pursuant to the authority contained in the Federal Medical Care Recovery Act (42 U.S.C. 2651-2653) as amended, and in accordance with the regulations of the Attorney General (28 CFR Part 43), the General Counsel is authorized, in connection with any claim for the recovery of the reasonable value of hospital and medical care and treatment furnished by this Department to (1) accept the full amount of a claim and execute a release therefor, (2) compromise or settle and execute a release of any claim, not in excess of \$20,000, which the United States has for the reasonable value of such care or treatment, or (3) waive and in this connection release any claim, not in excess of \$20,000, in whole or in part, either for the convenience of the Government, or if he determines that collection would result in undue hardship upon the person who suffered the injury or disease for which care and treatment were furnished, and (4) with the prior approval of the Department of Justice, compromise, settle, or waive any claim in excess of \$20,000 and execute a release therefor.

Office of the Secretary
PATENT ACTIVITIES
Statement of Organization and
Delegations of Authority

The Statement of Organization and Delegations of Authority of the Department, 20 F.R. 1996 as amended, is further amended to include under Part 1, "Organization of the Department," Chapter 1-901 as follows:

CHAPTER 1-901

DEPARTMENT PATENT ACTIVITIES

- 1-901-00 Purpose.
1-901-10 Responsibilities.

1-901-00 Purpose.

This chapter describes the organization for patent activities within the Department.

1-901-10 Responsibilities.

A. Office of the Secretary—1. Assistant Secretary (Health and Scientific Affairs).

- a. Administers the patent program of the Department.
- b. Advises the Secretary, members of his staff, and the operating agencies on all matters relating to patents.
- c. Evaluates current patent policy and develops policy to meet changing needs.
- d. Issues patent administration procedures and recommends regulations for issuance by the Secretary.
- e. Coordinates Department patent activities.
- f. Receives reports of inventions by employees and holders of Department grants, fellowships and contracts.
- g. Makes determinations of rights in inventions and patents in which the Department has an interest.
- h. Issues licenses to applicants under patent applications and patents owned by the Government as represented by the Department and accepts licenses issued to the Government as represented by the Department.
- i. Maintains records and documents incident to patent administration.
- j. Maintains liaison with Congress and other Federal departments and agencies on matters involving patent policy and programs.

2. **Office of General Counsel.** The General Counsel will designate a Department Patent Counsel who will be responsible for:

- a. Rendering legal interpretations with respect to all patent matters within the Department.
- b. Performing legal review of all patent determinations.
- c. Providing legal advice on patent matters to the Assistant Secretary (Health and Scientific Affairs).
- d. Furnishing legal counsel to the Department Patent Board.
- e. Providing other legal services, such as conducting patent searches, filing and prosecuting patent applications, and drafting legal documents such as assignments and licenses incident to patent administration for which the Department has responsibility.

f. Maintaining liaison with the Patent Office, Department of Commerce, on legal matters in the administration of the Department's patent responsibilities.

3. **Department Patent Board.** The Department Patent Board shall be composed of the Deputy Under Secretary, as Chairman, and representatives from the following staff officers and operating agencies:

- Assistant Secretary (Health and Scientific Affairs).
- Assistant Secretary for Administration.
- Department Patent Counsel.
- Public Health Service.
- Office of Education.
- Food and Drug Administration.
- Vocational Rehabilitation Administration.
- Welfare Administration.

The Department Patent Board shall upon the request of the Assistant Secretary (Health and Scientific Affairs):

- a. Advise the Assistant Secretary (Health and Scientific Affairs) on patent policy matters.
- b. Provide the Assistant Secretary (Health and Scientific Affairs) a medium through which to evaluate the effectiveness of Department patent policy and the administration of such policy.
- c. Assist in the development of patent policy and administrative procedure.
- d. Provide a forum for discussion of all matters pertaining to inventions and patents.
- e. Review proposed changes in regulations.

B. Operating agencies. The head of each operating agency is responsible, in accordance with Department policy, for:

1. Including patent clauses in grants, contracts, and fellowships as appropriate to implement the Department patent regulations and policies.
2. Educating employees, contractors, and grantees as to the need for reporting inventions.
3. Appraising the effectiveness of reporting.
4. Evaluating the impact of patent policy on agency operations.
5. Assisting, as requested, in the development of patent determinations.
6. Providing such advice as the Assistant Secretary (Health and Scientific Affairs) may require on the most effective means of relating patent policy and procedure to program objectives.

7. Providing such other information or reports as the Assistant Secretary may request.

Dated: April 25, 1967.

WILLIAM J. CONRY,
Acting Secretary.

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