98TH CONGRESS
1ST SESSION

S. 2171

To amend title 35 of the United States Code for the purpose of creating a uniform policy and procedure concerning patent rights in inventions developed with Federal assistance, and for other purposes.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 18 (legislative day, NOVEMBER 14), 1983

Mr. DOLE (for himself, Mr. LAXALT, and Mr. DECONCINI) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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A BILL

To amend title 35 of the United States Code for the purpose of creating a uniform policy and procedure concerning patent rights in inventions developed with Federal assistance, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Uniform Patent Proce-
4 dures Act of 1983".

5 SEC. 2. (a) Chapter 38 of title 35, United States Code,
6 as added by Public Law 96–517 (94 Stat. 3018), is redesig-
7 nated as chapter 18 of such title and all references to such
8 chapter 38 shall be considered references to chapter 18.

1 (b) Part II of title 35, United States Code, is amended
2 by inserting chapter 18, as redesignated herein, after chapter
3 17 of such title.

4 (c) The table of chapters for title 35 is amended by
5 redesignating chapter 38 as chapter 18 and inserting such
6 chapter and section designations at the end of part II.

7 SEC. 3. (a) Section 35 of the United States Code is
8 amended by adding after chapter 18, as redesignated herein,
9 a new chapter as follows:

10 **"CHAPTER 19—PATENT RIGHTS IN INVENTIONS**
11 **MADE WITH FEDERAL ASSISTANCE BY OTHER**
12 **THAN SMALL BUSINESS FIRMS OR NONPROFIT**
13 **ORGANIZATIONS**

"Sec.
"212. Policy and objectives.
"213. Definitions.
"214. Responsibilities.
"215. Disposition of rights.
"216. March-in rights.
"217. Background rights.

14 **"§ 212. Policy and objectives**

15 "In addition to the policy and objectives set forth in
16 section 200 of this title, it is the further policy and objective
17 of the Congress to ensure that all inventions made with Fed-
18 eral support are used in a manner to promote free competi-
19 tion and enterprise.

20 **"§ 213. Definitions**

21 "As used in this chapter, the term—

1 "(1) 'Administrator' means the Administrator of
2 the Office of Federal Procurement Policy or his or her
3 designee;
4 "(2) 'contract' means any contract, grant, or co-
5 operative agreement entered into between any Federal
6 agency (other than the Tennessee Valley Authority)
7 and any person other than a small business firm or
8 nonprofit organization (as defined in section 201 of this
9 title) where a purpose of the contract is the conduct of
10 experimental, developmental, or research work; such
11 term includes any assignment, substitution of parties or
12 subcontract of any tier entered into or executed for the
13 conduct of experimental, developmental, or research
14 work in connection with the performance of that con-
15 tract;
16 "(3) 'contractor' means any person or entity
17 (other than a Federal agency, nonprofit organization,
18 or small business firm, as defined in section 201 of this
19 title) which is a party to the contract;
20 "(4) 'Federal agency' means an executive agency
21 (as defined in section 105 of title 5, United States
22 Code), and the military departments (as defined in sec-
23 tion 102 of title 5, United States Code);
24 "(5) 'Government' means the Government of the
25 United States of America;

1 "(6) 'invention' means any invention or discovery
2 which is or may be patentable or otherwise protectable
3 under this title, or any novel variety of plant which is
4 or may be protectable under the Plant Variety Protec-
5 tion Act (7 U.S.C. 2321 et seq.);
6 "(7) 'practical application' means to manufacture
7 (in the case of a composition or product), to practice (in
8 the case of a processor method), or to operate (in the
9 case of a machine or system), in each case, under such
10 conditions as to establish that the invention is being
11 utilized and that its benefits are, to the extent permit-
12 ted by law or Government regulations, available to the
13 public on reasonable terms or through reasonable li-
14 censing arrangements;
15 "(8) 'Secretary' means the Secretary of Com-
16 merce or his or her designee; and
17 "(9) 'subject invention' means any invention of a
18 contractor conceived or first actually reduced to prac-
19 tice in the performance of work under a contract: *Pro-*
20 *vided*, That, in the case of a variety of plant, the date
21 of determination (as defined in section 41(d) of the
22 Plant Variety Protection Act (7 U.S.C. 2401(d)) must
23 also occur during the period of contract performance.

1 **"§ 214. Responsibilities**

2 "(a) The Secretary is authorized to issue regulations
3 which may be made applicable to all Federal agencies imple-
4 menting the provisions of this chapter, and the Secretary
5 shall proscribe standard patent rights provisions for use under
6 this chapter. The regulations and the standard patent rights
7 provisions shall be subject to public comment before their is-
8 suance.

9 "(b) In order to obtain consistent practices under this
10 chapter and chapter 18 of this title, the Secretary is author-
11 ized and directed (i) to consult with and advise Federal agen-
12 cies concerning the effective and consistent implementation of
13 these chapters, and (ii) to obtain from the agencies informa-
14 tion and data relating to agency practices under these
15 chapters.

16 **"§ 215. Disposition of rights**

17 "(a) Subject to subsection (c) of this section and to sec-
18 tion 216 of this title, each contractor may elect to retain title,
19 either worldwide or in such countries as it may choose, to
20 any subject invention: *Provided, however,* That a Federal
21 agency may, at the time of contracting, limit or eliminate this
22 right, place additional restrictions or conditions on the con-
23 tract that go beyond those set forth in subsection (c) of this
24 section, expand the rights of the Government to license or
25 sublicense, and alter or eliminate the contractor's right under
26 paragraph (6) of subsection (c) of this section if—

"(1) it is determined by a Government authority which is authorized by statute or Executive order to conduct foreign intelligence or counterintelligence activities that this is necessary to protect the security of such activities;

"(2) it is determined that the contractor is not located in the United States or does not have a place of business located in the United States, or is a foreign government; or

"(3) it is determined, on a case-by-case basis, that there are exceptional circumstances requiring such action to better promote the policies and objectives of sections 200 and 212 of this title.

"(b)(1) Each determination required by subsection (a) of this section shall be in writing and, except in the case of paragraph (1) of subsection (a) of this section, the agency shall, within thirty days after the award of the applicable contract, file with the Secretary a copy of each such determination. In the case of a determination under subsection (a)(3) of this section, the statement shall include an analysis supporting the determination and justifying the limitations and conditions being imposed. If the Secretary believes that any individual determination or pattern of determinations is contrary to the terms, policy, or objectives of this Act, the Sec-

1 retary shall so advise the head of the agency concerned and
2 the Administrator and recommend corrective actions.
3 "(2) Whenever the Administrator has determined that
4 one or more Federal agencies are utilizing the authority of
5 paragraph (2) or (3) of subsection (a) in a manner that is
6 contrary to the terms, policy, or objectives of this Act, the
7 Administrator is authorized to issue policies, procedures, and
8 guidelines describing classes of situations in which agencies
9 may not utilize the provisions of paragraph (2) or (3) of sub-
10 section (a).
11 "(c) In accordance with the regulations to be issued by
12 the Secretary, after public comment, each contract that the
13 Government or any Federal agency acting on behalf of the
14 Government may enter into shall employ a patent rights
15 clause containing appropriate provisions to effectuate the fol-
16 lowing:
17 "(1) that the contractor disclose each subject in-
18 vention within a reasonable time after it is made and
19 that, upon request, the contractor will assign the Gov-
20 ernment title to any subject invention not disclosed
21 within such time;
22 "(2) that, unless the Government has acquired the
23 right to title under subsection (a) of this section—
24 "(A) the contractor make a written election,
25 as to the retention of title to the subject invention

1 within a reasonable time after disclosure under
2 paragraph (1) of this subsection;
3 "(B) the Government may, upon request, re-
4 ceive title to any subject invention in any coun-
5 tries in which the contractor has not elected to
6 retain title within such time;
7 "(C) a contractor electing to retain title to a
8 subject invention will file patent applications
9 within reasonable times; and
10 "(D) the Government may, upon request, re-
11 ceive title to any subject invention in any coun-
12 tries in which the contractor has failed to file
13 patent applications within the reasonable times
14 specified pursuant to subparagraph (C) of this sub-
15 section;
16 "(3) that with respect to any subject invention to
17 which a contractor elects to retain title, the United
18 States shall have (unless additional rights have been
19 taken under subsection (a) of this section) a nonexclu-
20 sive, nontransferrable, irrevocable, paid-up license to
21 make, use and sell the subject invention throughout the
22 world by or on behalf of the United States: *Provided,*
23 That the contract may provide for such additional
24 rights, including the right to assign or have assigned
25 foreign patent rights in the invention, as determined by

1 the agency as necessary for meeting the obligations of
2 the United States under any treaty or other interna-
3 tional agreement, arrangement of cooperation, memo-
4 randum of understanding, or similar international ar-
5 rangement, including military agreements relating to
6 weapons development and production;

7 "(4) that the agency may require written reports
8 on the commercial use or other forms of utilization or
9 efforts toward obtaining commercial utilization made by
10 the contractor or its licensees or assignees with respect
11 to any subject invention to which the contractor elects
12 title, pursuant to this section: *Provided*, That any such
13 report, as well as any information on utilization of ef-
14 forts toward obtaining utilization obtained as part of a
15 proceeding under section 216 of this title, shall be
16 treated by the Federal agency as commercial or finan-
17 cial information obtained from a person and privileged
18 or confidential and not subject to disclosure under the
19 Freedom of Information Act (5 U.S.C. 552);

20 "(5) that the contractor, in the event a United
21 States patent application is filed by or on its behalf or
22 by any assignee of the contractor, will include within
23 the specification of such application and any patent is-
24 suing thereon, a statement specifying that the inven-

1 tion was made with Government support and that the
2 Government has certain rights in the invention;
3 "(6) that the contractor, in cases when it does not
4 elect to retain title to a subject invention, shall retain a
5 nonexclusive, royalty free, paid-up, worldwide license,
6 including the right to sublicense affiliates, subsidiaries,
7 and existing licensees to whom the contractor is legally
8 obligated to sublicense in any subject invention to
9 which the Government obtains title, which license shall
10 be revocable only to the extent necessary for the Gov-
11 ernment to grant an exclusive license: *Provided, how-*
12 *ever,* That the contractor shall not be entitled to such a
13 license if the contractor has fraudulently failed to dis-
14 close the subject invention; and
15 "(7) such other administrative requirements that
16 the Secretary determines to be necessary to effectuate
17 the rights of the Government as specified in this chap-
18 ter, which are not inconsistent with this chapter.
19 "(d) Agencies are authorized to include awards to inven-
20 tors to stimulate reporting of subject inventions as an allow-
21 able element of cost if such reporting results in the agency
22 initiating a statutory invention disclosure, the filing of a
23 patent application, or issuance of a patent.
24 "(e)(1) A Federal agency may, at any time, waive all or
25 any part of the rights of the United States under this section

1 or section 216 of this title to any subject invention or class of
2 subject inventions made or which may be made under a con-
3 tract or class of contracts if the agency determines that—
4 "(A) the interests of the United States and the
5 general public will be best served thereby; or
6 "(B) the contract involves cosponsored, cost-shar-
7 ing or joint venture research or development and the
8 contractor or other sponsor or joint venturer is required
9 to make a substantial contribution of funds, facilities,
10 or equipment to the work performed under the con-
11 tract.
12 "(2) The agency shall maintain a record, which shall be
13 available to the public and periodically updated, of determina-
14 tions made under paragraph (1) of this subsection.
15 "(3) In making determinations under paragraph (1) of
16 this subsection, the agency shall consider at least the follow-
17 ing objectives:
18 "(A) encouraging wide availability to the public of
19 the benefits of the experimental, developmental, or re-
20 search programs in the shortest practicable time;
21 "(B) promoting the commercial utilization of such
22 inventions;
23 "(C) encouraging participation by private persons
24 (including the most highly qualified persons) in the

1 Government-sponsored experimental, developmental, or
2 research programs; and
3 "(D) fostering competition and preventing the cre-
4 ation or maintenance of situations inconsistent with the
5 antitrust laws of the United States.
6 "(4) With respect to contracts in which an agency in-
7 vokes paragraphs (1) through (3) of subsection (a) of section
8 215, a Federal agency may, after a subject invention has
9 been identified, waive any limits or additional restrictions or
10 conditions placed on a contractor beyond those set forth in
11 sections 215 and 216 and may allow the contractor to retain
12 the license rights set forth in subsection (c)(6) of this section
13 if such license rights were otherwise limited in the contract.
14 "(f) If a contractor does not elect to retain worldwide
15 title to a subject invention, the Federal agency may consider
16 and, after consultation with the contractor, grant requests for
17 retention of rights by the inventor on such terms and condi-
18 tions as the agency deems appropriate, subject to section 216
19 of this Act.
20 "(g) In any case when a Federal employee is a coinven-
21 tor of any subject invention, the Federal agency employing
22 such coinventor is authorized to transfer or assign whatever
23 rights it may acquire in the subject invention from its employ-
24 ee to the contractor subject to the same conditions set forth

1 in this title as are applicable to the rights the contractor de-
2 rived through its own contract.

3 **"§ 216. March-in rights**

4 "(a) Where a contractor has elected to retain title to a
5 subject invention under section 215 of this title, the Federal
6 agency shall have the right (unless waived under subsection
7 (d) of section 215 of this title), pursuant to policies, proce-
8 dures, and guidelines of the Secretary and subject to the pro-
9 visions of subsection (b) of this section, to grant or require the
10 contractor or his assignee to grant a nonexclusive, partially
11 exclusive, or exclusive license to a responsible applicant or
12 applicants, upon terms reasonable under the circumstances, if
13 the head of the agency or his designee determines that such
14 action is necessary—

15 "(1) because the contractor, assignee, or licensee
16 has not taken, or is not expected to take within a rea-
17 sonable time, effective steps to achieve practical appli-
18 cation of the invention;

19 "(2) to alleviate serious health or safety needs
20 which are not reasonably satisfied by the contractor,
21 his assignees or licensees; or

22 "(3) to meet requirements for public use specified
23 by Federal regulation which are not reasonably satis-
24 fied by the contractors, his assignees or licensees.

1 "(b) A determination made pursuant to this section shall
2 not be considered a contract dispute and shall not be subject
3 to the Contract Disputes Act (41 U.S.C 601 et seq.). Any
4 contractor adversely affected by a determination under this
5 section may, at any time within sixty days after the date the
6 determination is issued, file a petition in the United States
7 Claims Court, which shall have jurisdiction to determine the
8 matter de novo and to affirm, reverse, or modify as appropri-
9 ate, the determination of the Federal agency.

10 **"§ 217. Background rights**

11 "(a) Nothing contained in this chapter shall be construed
12 to deprive the owner of any background patent or of such
13 rights as the owner may have under such patent.

14 "(b) No contract shall contain a provision allowing a
15 Federal agency to require the licensing to third parties of
16 inventions owned by the contractor that are not subject in-
17 ventions unless such provision has been approved by the
18 agency head and a written justification has been signed by
19 such agency head. Any such provision will clearly state
20 whether the licensing may be required in connection with the
21 practice of a subject invention, a specifically identified work
22 object, or both. The agency head may not delegate the au-
23 thority to approve such provisions or to sign the justification
24 required for such provisions.

1 "(c) A Federal agency will not require the licensing of
2 third parties under any such provision unless the agency head
3 determines that the use of the invention by others is neces-
4 sary for the practice of a subject invention or for the use of a
5 work object of the contract and that such action is necessary
6 to achieve practical application of the subject invention or
7 work object. Any such determination will be made on the
8 record after an opportunity for an agency hearing, and the
9 contractor shall be given prompt notification of the determi-
10 nation by certified or registered mail.".

11 (b) The table of chapters for title 35, United States
12 Code, is amended by adding immediately after the item relat-
13 ing to chapter 18 as redesignated herein the following:

"19. Patent rights in inventions made with Federal assistance by other than small business firms or nonprofit organizations.".

14 (c) Chapter 18 of title 35, United States Code, as redes-
15 ignated herein, is amended—

16 (1) by adding "or any novel variety of plant which
17 is or may be protectable under the Plant Variety Pro-
18 tection Act (7 U.S.C. 2321 et seq.)" immediately after
19 "title" in section 201(d);

20 (2) by adding ": *Provided*, That in the case of a
21 variety of plant, the date of determination (as defined
22 in section 41(d) of the Plant Variety Protection Act (7
23 U.S.C. 2401(d))) must also occur during the period of

1 contract performance" immediately after "agreement"
2 in section 201(e);
3 (3) in section 202(a), by amending clause (i) to
4 read as follows: "(i) when the contractor is not located
5 in the United States or does not have a place of busi-
6 ness located in the United States; and
7 (4) by amending section 202(b) to read as follows:
8 "(b)(1) The rights of the Government under paragraph
9 (a) of this section shall not be exercised by a Federal agency
10 unless it first determines that at least one of the conditions
11 identified in subparagraphs (i) through (iii) of paragraph (a)
12 exists. Except in the case of paragraph (a)(iii), the agency
13 shall file with the Secretary of Commerce, within thirty days
14 after the award of the applicable funding agreement, a copy
15 of such determination. In the case of a determination under
16 paragraph (a)(ii), the statement shall include an analysis justi-
17 fying the determination. If the Secretary of Commerce be-
18 lieves that any individual determination or pattern of deter-
19 minations is contrary to the policies and objectives of this
20 chapter or otherwise not in conformance with this chapter,
21 the Secretary shall so advise the head of the agency con-
22 cerned and the Administrator of the Office of Federal Pro-
23 curement Policy, and recommend corrective actions.
24 "(2) Whenever the Administrator of the Office of Feder-
25 al Procurement Policy has determined that one or more Fed-

1 eral agencies are utilizing the authority of subparagraph (i) or
2 (ii) of paragraph (a) of this section in a manner that is con-
3 trary to the policies and objectives of this chapter, the Ad-
4 ministrator is authorized to issue regulations describing
5 classes of situations in which agencies may not exercise the
6 authorities of those subparagraphs.";

7 (5) by amending subparagraphs (1), (2), (3), and
8 (4) of section 202(c) to read as follows:

9 "(1) That the contractor disclose each subject in-
10 vention to the Federal agency within a reasonable time
11 after it becomes known to contractor personnel respon-
12 sible for the administration of patent matters, and that
13 the Federal Government may receive title to any sub-
14 ject invention not disclosed to it within such time.

15 "(2) That the contractor make a written election
16 within two years after disclosure to the Federal agency
17 (or such additional time as may be approved by the
18 Federal agency) whether the contractor will retain title
19 to a subject invention: *Provided*, That in any case
20 where publication, on sale, or public use, has initiated
21 the one year statutory period in which valid patent
22 protection can still be obtained in the United States,
23 the period for election may be shortened by the Feder-
24 al agency to a date that is not more than sixty days
25 prior to the end of the statutory period: *And provided*

1 *further*, That the Federal Government may receive
2 title to any subject invention in which the contractor
3 does not elect to retain rights or fails to elect rights
4 within such times.

5 "(3) That a contractor electing rights in a subject
6 invention agrees to file a patent application prior to
7 any statutory bar date that may occur under this title
8 due to publication, on sale, or public use, and shall
9 thereafter file corresponding patent applications in
10 other countries in which it wishes to retain title within
11 reasonable times, and that the Federal Government
12 may receive title to any subject inventions in the
13 United States or other countries in which the contrac-
14 tor has not filed patent applications on the subject in-
15 vention within such times.

16 "(4) With respect to any invention in which the
17 contractor elects rights, the Federal agency shall have
18 a nonexclusive, nontransferrable, irrevocable, paid-up
19 license to practice or have practiced for or on behalf of
20 the United States any subject invention throughout the
21 world: *Provided*, That the funding agreement may pro-
22 vide for such additional rights, including the right to
23 assign or have assigned foreign patent rights in the
24 subject invention, as are determined by the agency as
25 necessary for meeting the obligations of the United

1 States under any treaty, international agreement, ar-
2 rangement of cooperation, memorandum of understand-
3 ing, or similar arrangement, including military agree-
4 ments relating to weapons development and produc-
5 tion.".

6 (6) by adding the following new paragraph at the
7 end of section 202:

8 "(g) A Federal agency may at any time waive all or any
9 part of the rights of the United States under paragraphs
10 (c) (4) through (8) of this section, section 203, and section 204
11 of this chapter, to any subject inventions made under a fund-
12 ing agreement or class of funding agreements if the agency
13 determines (1) that the interests of the United States and the
14 general public will be best served thereby; or (2) the funding
15 agreement involves cosponsored, cost sharing or joint venture
16 research or venturer is required to make or has made a sub-
17 stantial contribution of funds, facilities, or equipment to the
18 work performed under the funding agreement. The agency
19 shall maintain a record, which shall be available to the public
20 and periodically updated, of determinations made under this
21 paragraph. In making such determinations under clause (A)
22 of this paragraph, the agency shall consider at least the fol-
23 lowing objectives:

24 "(1) encouraging the wide availability to the
25 public of the benefits of the experimental, developmen-

tal, or research program in the shortest practicable time;

"(2) promoting the commercial utilization of such inventions;

"(3) encouraging participation by private persons, including the most highly qualified persons, in Government-sponsored experimental, developmental, or research programs."; and

(7) by striking out "may" in section 202(c)(5) and inserting in lieu thereof "as well as any information on utilization or efforts at obtaining utilization obtained as part of a proceeding under section 203 of this chapter shall";

(8) by striking out "and which is not, itself, engaged in or does not hold a substantial interest in other organizations engaged in the manufacture or sales of products or the use of processes that might utilize the invention or be in competition with embodiments of the invention" in clause (A) of section 202(c)(7) and by striking out clause (B) of section 202(c)(7) and redesignating clauses (C) and (D) of such section as clauses "(B)" and "(C)", respectively;

(9) by adding at the end of section 203 the following:

1 "A determination pursuant to this section shall not be
2 considered a contract dispute and shall not be subject to the
3 Contract Disputes Act (41 U.S.C. 601 et seq.). Any contrac-
4 tor, assignee, or exclusive licensee adversely affected by a
5 determination under this section may, at any time within
6 sixty days after the determination is issued, file a petition in
7 the United States Claims Court, which shall have jurisdiction
8 to determine the manner de novo and to affirm, reverse, or
9 modify as appropriate, the determination of the Federal
10 agency.";

11 (10) by amending section 206 to read as follows:
12 **"§ 206. Uniform clauses and regulations**

13 "The Secretary of Commerce may issue regulations
14 which may be made applicable to Federal agencies imple-
15 menting the provisions of sections 202 through 204 of this
16 chapter and shall establish standard funding agreement provi-
17 sions required under this chapter. The regulations and the
18 standard funding agreement shall be subject to public com-
19 ment before their issuance.";

20 (11) by amending section 207 by adding the fol-
21 lowing new paragraph at the end thereof:

22 "For the purpose of assuring the effective management
23 of Government-owned inventions, the Secretary is authorized
24 to—

1 "(A) assist Federal agency efforts to promote the
2 licensing and utilization of Government-owned inven-
3 tions;
4 "(B) assist Federal agencies in seeking protection
5 and maintaining inventions in foreign countries, includ-
6 ing the payment of fees and costs connected therewith;
7 and
8 "(C) consult with and advise Federal agencies as
9 to areas of science and technology research and devel-
10 opment with potential for commercial utilization.";
11 (12) by amending section 208 by striking out
12 "Administrator of General Services" and inserting in
13 lieu thereof "Secretary of Commerce";
14 (13) by amending section 209—
15 (A) by striking out subsection (c)(2);
16 (B) by redesignating subsection (c)(3) as sub-
17 section (c)(2); and
18 (C) by striking out all in paragraph (d) after
19 "objections" and inserting in lieu thereof a period;
20 and
21 (14) by adding "of the United States" in section
22 211 after "law".
23 SEC. 3. (a) Section 205(a) of the Act of August 14,
24 1946 (7 U.S.C. 1624(a)), is amended by striking out the last
25 sentence thereof.

1 (b) Section 501(c) of the Federal Coal Mine Health and
2 Safety Act of 1969 (30 U.S.C. 951(c)) is amended by striking
3 out the last sentence thereof.

4 (c) Section 106(c) of the National Traffic and Motor Ve-
5 hicle Safety Act of 1966 (15 U.S.C. 1395(c)) is repealed.

6 (d) Section 12(a) of the National Science Foundation
7 Act of 1950 (42 U.S.C. 1871(a)) is repealed.

8 (e)(1) Section 152 of the Atomic Energy Act of 1954
9 (42 U.S.C. 2182) is repealed: *Provided, however,* That such
10 section shall continue to be effective with respect to any ap-
11 plication for a patent in which the statement under oath re-
12 ferred to in such section has been filed or requested to be
13 filed by the Commissioner of Patents and Trademarks prior
14 to the effective date of this Act.

15 (2) The item relating to section 152 in the table of con-
16 tents of the Atomic Energy Act of 1954 is amended to read
17 as follows:

"Sec. 152. Repealed".

18 (f) The National Aeronautics and Space Act of 1958 (42
19 U.S.C. 2451 et seq.) is amended by—

20 (1) repealing subsections (a)–(h) and (j) of section
21 305 thereof (42 U.S.C. 2457): *Provided, however,* That
22 subsections (c), (d), and (e) of such section shall contin-
23 ue to be effective with respect to any application for
24 patents in which the written statement referred to in
25 subsection (c) of such section has been filed or request-

1 ed to be filed by the Commissioner of Patents and
2 Trademarks prior to the effective date of this Act;
3 (2) striking out in section 306(a) thereof (42
4 U.S.C. 2458(a)), "(as defined by section 305)", and by
5 striking "the Inventions and Contributions Board, es-
6 tablished under section 305 of this Act" and inserting
7 in lieu thereof "an Inventions and Contributions Board
8 which shall be established by the Administrator within
9 the Administration"; and
10 (3) striking out in section 203(c) thereof (42
11 U.S.C. 2473(c)), the following: "(including patents and
12 rights thereunder)".
13 (g) Section 6 of the Act of July 7, 1960 (30 U.S.C.
14 666), is repealed.
15 (h) Section 4 of the Helium Act Amendments of 1960
16 (50 U.S.C. 167b) is amended by striking out all after "utili-
17 zation" and inserting in lieu thereof a period.
18 (i) Section 32 of the Arms Control and Disarmament
19 Act (22 U.S.C. 2572) is repealed.
20 (j) Subsection (e) of section 302 of the Appalachian Re-
21 gional Development Act of 1965 (40 U.S.C. App. 302(e)) is
22 repealed.
23 (k) Subsections (a) through (k), (m), and (n) of section 9
24 of the Federal Nonnuclear Energy Research and Develop-
25 ment Act of 1974 (42 U.S.C. 5908) are repealed.

1 (l) Section 5(d) of the Consumer Product Safety Act (15
2 U.S.C. 2054(d)) is repealed.
3 (m) Section 3 of the Act of April 5, 1944 (30 U.S.C.
4 323), is repealed.
5 (n) Section 8001(c)(3) of the Solid Waste Disposal Act
6 (42 U.S.C. 6981(c)(3)) is repealed.
7 (o) Section 6(e) of the Stevenson-Wydler Technology
8 Innovation Act of 1980 (15 U.S.C. 3705(e)) is repealed.
9 (p) Section 10(a) of the Act of June 29, 1935 (7 U.S.C.
10 427i(a)) is amended by striking the last sentence thereof.
11 (q) Section 427(b) of the Federal Mine Safety and
12 Health Act of 1977 (30 U.S.C. 937(b)) is amended by strik-
13 ing the last sentence thereof.
14 (r) Section 306(d) of the Surface Mining Control and
15 Reclamation Act of 1977 (30 U.S.C. 1226(d)) is amended by
16 striking the first two sentences thereof.
17 (s) Section 21(d) of the Federal Fire Prevention and
18 Control Act of 1974 (15 U.S.C. 2218(d)) is repealed.
19 (t) Section 6(b) of the Solar Photovoltaic Energy Re-
20 search, Development, and Demonstration Act of 1978 (42
21 U.S.C. 5585(b)) is amended by striking "7, 8, and 9" and
22 inserting in lieu thereof "7 and 8".
23 (u) Section 12 of the Native Latex Commercialization
24 and Economic Development Act of 1978 (7 U.S.C. 178j) is
25 repealed.

1 (v) Section 408 of the Water Research and Develop-
2 ment Act of 1978 (42 U.S.C. 7879) is repealed.
3 (w)(1) Section 173 of the United States Synthetic Fuels
4 Corporation Act of 1980 (42 U.S.C. 8773) is repealed.
5 (2) The item relating to section 173 in the table of sec-
6 tions of the Energy Security Act (42 U.S.C. 8701 et seq.) is
7 amended to read as follows:

"Sec. 173. Repealed.".

8 SEC. 4. Nothing in this Act shall be deemed to convey
9 to any person immunity from civil or criminal liability, or to
10 create any defense to actions, under any antitrust law of the
11 United States.
12 SEC. 5. (a) This Act shall take effect six months after
13 the date of enactment of this Act.
14 (b) After the effective date of this Act, each Federal
15 agency is authorized, notwithstanding any other law govern-
16 ing the disposition of rights in subject inventions, to allow a
17 contractor or an inventor to retain title to subject inventions
18 made under contracts awarded prior to the effective date of
19 this Act, subject to the same terms and conditions as would
20 apply under this Act had the contract been entered into after
21 the effective date of this Act.
22 SEC. 6. Within twenty-four months after the date of en-
23 actment of this Act and every two years thereafter, the Sec-
24 retary of Commerce shall submit to Congress a report of the
25 implementation of chapters 18 and 19 of title 35, United

1 States Code, including any recommendations for legislative
2 or administrative changes to better achieve the policies and
3 objectives of such chapters.

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