

Calendar No. 66299TH CONGRESS
1ST SESSION**H. R. 3773****[Report No. 99-283]****IN THE SENATE OF THE UNITED STATES**

DECEMBER 11 (legislative day, DECEMBER 9), 1985

Received; read twice and referred to the Committee on Commerce, Science, and
Transportation

MARCH 20 (legislative day, MARCH 18), 1986

Ordered, that when reported by the Committee on Commerce, Science and Trans-
portation, the bill be referred to the Committee on the Judiciary for a period
not to exceed thirty calendar days to consider sections 4, 5, 6, and 7.

APRIL 21, 1986

Reported by Mr. DANFORTH, with amendment

[Strike out all after the enacting clause and insert the part printed in italic]

APRIL 21, 1986

Sequentially referred to the Committee on the Judiciary for a period not to extend
beyond thirty calendar days, for the purpose of considering sections 4, 5, 6,
and 7, pursuant to the order of March 20, 1986

MAY 21 (legislative day, MAY 19), 1986

Committee discharged; placed on the calendar

AN ACTTo amend the Stevenson-Wydler Technology Innovation Act of
1980 to promote technology transfer by authorizing Gov-

ernment-operated laboratories to enter into cooperative research agreements and by establishing a Federal Laboratory Consortium for Technology Transfer within the National Science Foundation, 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 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Federal Technology
5 Transfer Act of 1985".

6 **SEC. 2. COOPERATIVE RESEARCH AND DEVELOPMENT**
7 **AGREEMENTS.**

8 The Stevenson-Wydler Technology Innovation Act of
9 1980 is amended by redesignating sections 12 through 15 as
10 sections 15 through 18, and by inserting immediately after
11 section 11 the following new section:

12 **"SEC. 12. COOPERATIVE RESEARCH AND DEVELOPMENT**
13 **AGREEMENTS.**

14 **"(a) GENERAL AUTHORITY.**—Each Federal agency
15 may permit the director of any of its Government-operated
16 Federal laboratories—

17 **"(1) to enter into cooperative research and devel-**
18 **opment agreements on behalf of such agency (subject**
19 **to subsection (c) of this section) with other Federal**
20 **agencies; units of State or local government; industrial**
21 **organizations including corporations, partnerships, and**
22 **limited partnerships; industrial development organiza-**

1 tions; public and private foundations; nonprofit organi-
2 zations including universities; licensees of Federal in-
3 ventions; or other persons; and

4 “(2) to negotiate licensing agreements under sec-
5 tion 207 of title 35, United States Code, or under
6 other authorities.

7 “(b) ENUMERATED AUTHORITY.—Under agreements
8 described in subsection (a)(1), a Government-operated Feder-
9 al laboratory shall have the authority (subject to subsection
10 (e) of this section)—

11 “(1) to grant or agree to grant in advance, to a
12 collaborating party, patent licenses or assignments, or
13 options thereto, in any invention made by a Federal
14 employee, or made jointly by a Federal employee and
15 an employee of the collaborating party, under the
16 agreement, retaining such rights as the Federal labora-
17 tory deems appropriate; and

18 “(2) to waive in advance, in whole or in part, any
19 right of ownership which the Federal Government may
20 have to any subject invention made by a collaborating
21 party or employee of a collaborating party under the
22 agreement.

23 “(c) AGENCY PLAN.—(1)(A) Within 180 days after the
24 election by any Federal agency to implement subsection (a),
25 revised regulations or instructions for that agency’s coopera-

1 tive research and development program shall be drafted or
2 modified. The revised regulations or instructions need not
3 apply to cooperative agreements entered into prior to the ef-
4 fective date of such regulations or instructions. Such revised
5 regulations or instructions shall—

6 “(i) if they give the head of the agency or his des-
7 signee an opportunity to disapprove or require the modi-
8 fication of any such agreement, provide a 30-day
9 period beginning on the date the agreement is present-
10 ed to him or her by the head of the laboratory con-
11 cerned within which such action must be taken;

12 “(ii) give special consideration to small business
13 firms, and consortia involving small business firms;

14 “(iii) give preference to business units located in
15 the United States which agree that products embody-
16 ing inventions made under the cooperative research
17 and development agreement or produced through the
18 use of such invention will be manufactured substantial-
19 ly in the United States;

20 “(iv) establish employee standards of conduct for
21 resolving potential conflicts of interest, including but
22 not limited to cases where present or former employees
23 or their partners negotiate licenses or assignments of
24 titles to inventions or negotiate cooperative research
25 and development agreements with Federal agencies

1 (including the agency with which the employee in-
2 volved is or was formerly employed); and

3 "(v) contain other elements deemed appropriate
4 by the agency.

5 "(B) In any case in which the head of an agency or his
6 designee disapproves or requires the modification of an agree-
7 ment presented under this section, the head of the agency or
8 such designee shall transmit a written explanation of such
9 disapproval or modification to the head of the laboratory
10 concerned.

11 "(C) If, in implementing subparagraph (A)(iv), an
12 agency is unable to resolve potential conflicts of interest
13 within its current statutory framework, it shall propose nec-
14 essary statutory changes to be forwarded to its authorizing
15 committees in Congress.

16 "(2) Each agency shall maintain a record of all agree-
17 ments entered into under this section.

18 "(d) DEFINITION.—As used in this section, the term
19 'cooperative research and development agreement' means
20 any agreement between one or more Federal laboratories and
21 one or more non-Federal parties under which the laboratory
22 or laboratories will provide personnel, services, facilities,
23 equipment, or other resources (but not funds to non-Federal
24 parties) and the non-Federal party or parties will provide
25 funds, personnel, services, facilities, equipment, or other re-

1 sources toward the conduct of specified research or develop-
 2 ment efforts which are consistent with the missions of the
 3 agency; except that such term does not include a procure-
 4 ment contract as that term is used in section 6303 of title 31,
 5 United States Code, or a cooperative agreement as that term
 6 is used in section 6305 of such title.

7 “(e) RELATIONSHIP TO OTHER LAWS.—Nothing in
 8 this section is intended to limit or diminish existing authori-
 9 ties of any agency.”

10 **SEC. 3. ESTABLISHMENT OF FEDERAL LABORATORY CONSOR-**
 11 **TIUM FOR TECHNOLOGY TRANSFER.**

12 Section 11 of the Stevenson-Wydler Technology Inno-
 13 vation Act of 1980 (15 U.S.C. 3710) is amended—

14 (1) by redesignating subsection (e) as subsection
 15 (f); and

16 (2) by inserting after subsection (d) the following
 17 new subsection:

18 “(e) ESTABLISHMENT OF FEDERAL LABORATORY
 19 CONSORTIUM FOR TECHNOLOGY TRANSFER.—(1) There is
 20 hereby established the Federal Laboratory Consortium for
 21 Technology Transfer (hereinafter referred to as the ‘Consorti-
 22 um’) which shall be within the National Science Foundation
 23 and which, in cooperation with Federal laboratories and the
 24 private sector, shall—

1 “(A) develop and administer techniques, training
2 courses, and materials concerning technology transfer
3 to increase the awareness of Federal laboratory em-
4 ployees regarding the commercial potential of laborato-
5 ry technology and innovations, except that such tech-
6 niques, courses, and materials may be administered
7 only with the consent of the Federal laboratory
8 concerned;

9 “(B) furnish advice and assistance requested by
10 Federal agencies and laboratories for use in their tech-
11 nology transfer programs (including the planning of
12 seminars for small business and other industry);

13 “(C) provide a clearinghouse for requests for tech-
14 nical assistance from States and units of local govern-
15 ments, businesses, industrial development organiza-
16 tions, not-for-profit organizations including universities,
17 Federal agencies and laboratories, and other persons,
18 and—

19 “(i) to the extent that such requests can be
20 responded to with published information available
21 to the National Technical Information Service,
22 refer such requests to that Service; and

23 “(ii) otherwise refer these requests to the
24 appropriate Federal laboratories and agencies;

1 “(D) facilitate communication and coordination
2 between Offices of Research and Technology Applica-
3 tions of Federal laboratories;

4 “(E) utilize (with the consent of the agency in-
5 volved) the expertise and services of the National Sci-
6 ence Foundation, the Department of Commerce, the
7 National Aeronautics and Space Administration, and
8 other Federal agencies, as necessary;

9 “(F) with the consent of any Federal laboratory,
10 facilitate the use by such laboratory of appropriate
11 technology transfer mechanisms such as personnel ex-
12 changes and computer-based systems;

13 “(G) with the consent of any Federal laboratory,
14 assist such laboratory to establish technical volunteer
15 service programs for the purpose of providing technical
16 assistance to communities related to such laboratory;

17 “(H) facilitate communication and cooperation be-
18 tween Offices of Research and Technology Applica-
19 tions of Federal laboratories and regional, State, and
20 local technology transfer organizations; and

21 “(I) establish advisory committees in each Federal
22 laboratory consortium region composed of representa-
23 tives from State and local governments, large and
24 small business, universities, and other appropriate per-
25 sons to advise on the effectiveness of the program (and

1 the members of any such advisory committee shall
2 serve at no expense to the government).

3 “(2) The membership of the Consortium shall consist of
4 the Federal laboratories described in clause (1) of subsection
5 (b) and such other laboratories as may choose to join the
6 Consortium. The representatives to the Consortium shall in-
7 clude a senior staff member of each Federal laboratory which
8 is a member of the Consortium and a representative appoint-
9 ed from each Federal agency with one or more member
10 laboratories.

11 “(3) The representatives to the Consortium shall elect a
12 Chairman of the Consortium.

13 “(4) The Director of the National Science Foundation
14 shall provide the Consortium on a reimbursable basis with
15 administrative services, such as office space, personnel, and
16 support services of the Foundation, as requested by the Con-
17 sortium and approved by such Director.

18 “(5) Not later than one year after the date of the enact-
19 ment of this subsection, and every year thereafter, the Chair-
20 man of the Consortium shall submit a report to the President,
21 to the appropriate authorization and appropriation commit-
22 tees of both Houses of the Congress, and to each agency with
23 respect to which a transfer of funding is made (for the fiscal
24 year or years involved) under paragraph (6), concerning the
25 activities of the Consortium and the expenditures made by it

1 under this subsection during the year for which the report is
2 made.

3 “(6)(A) Subject to subparagraph (B), an amount equal to
4 0.005 percent of that portion of the research and develop-
5 ment budget of each Federal agency that is to be utilized by
6 the laboratories of such agency for a fiscal year referred to in
7 subparagraph (B)(ii) shall be transferred by such agency to
8 the National Science Foundation at the beginning of the
9 fiscal year involved. Amounts so transferred shall be provided
10 by the Foundation to the Consortium for the purpose of ear-
11 rying out activities of the Consortium under this subsection.

12 “(B) A transfer may be made by any Federal agency
13 under subparagraph (A), for any fiscal year, only if—

14 “(i) the amount so transferred by that agency (as
15 determined under such subparagraph) would exceed
16 \$10,000; and

17 “(ii) such transfer is made with respect to the
18 fiscal year 1987, 1988, 1989, 1990, or 1991.

19 “(C) The heads of Federal agencies and their designees,
20 and the directors of Federal laboratories, are authorized to
21 provide such additional support for operations of the Consor-
22 tium as they deem appropriate.”

1 **SEC. 4. UTILIZATION OF FEDERAL TECHNOLOGY.**

2 (a) **RESPONSIBILITY FOR TECHNOLOGY TRANSFER.—**

3 Section 11(a) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710(a)) is amended—

4 (1) by inserting “(1)” after “POLICY.—”; and

5 (2) by adding at the end thereof the following new
6 paragraphs:

7 “(2) Technology transfer, consistent with mission re-
8 sponsibilities, is a responsibility of each laboratory science
9 and engineering professional.

10 “(3) Each laboratory director shall ensure that efforts to
11 transfer technology are considered positively in laboratory job
12 descriptions, employee promotion policies, and evaluation of
13 the job performance of scientists and engineers in the
14 laboratory.”

15 (b) **RESEARCH AND TECHNOLOGY APPLICATIONS OFFICES.—**
16 (1) Section 11(b) of such Act (15 U.S.C. 3710(b)) is
17 amended—

18 (A) by striking out “a total annual budget exceed-
19 ing \$20,000,000 shall provide at least one professional
20 individual full-time” and inserting in lieu thereof “200
21 or more full-time scientific, engineering, and related
22 technical positions shall provide one or more full-time
23 equivalent positions”;

24 (B) by inserting immediately before the next to
25 last sentence the following new sentence: “Further-
26

1 more, individuals filling positions in an Office of Re-
2 search and Technology Applications shall be included
3 in the overall laboratory/agency management develop-
4 ment program so as to ensure that highly competent
5 technical managers are full participants in the technol-
6 ogy transfer process.”;

7 (C) by striking out “requirements set forth in (1)
8 and/or (2) of this subsection” in the next to last sen-
9 tence and inserting in lieu thereof “requirement set
10 forth in clause (2) of the preceding sentence”; and

11 (D) by striking out “either requirement (1) or (2)”
12 in the last sentence and inserting in lieu thereof “such
13 requirement”.

14 (2) Section 11(e) of such Act (15 U.S.C. 3710(e)) is
15 amended—

16 (A) by striking out paragraph (1) and inserting in
17 lieu thereof the following:

18 “(1) to prepare application assessments for select-
19 ed research and development projects in which that
20 laboratory is engaged and which in the opinion of the
21 laboratory may have potential commercial applica-
22 tions.”;

23 (B) by inserting “all” before “federally owned” in
24 paragraph (2);

1 (C) by striking out "the Center for the Utilization
2 of Federal Technology" in paragraph (3) and inserting
3 in lieu thereof "the National Technical Information
4 Service, the Federal Laboratory Consortium for Tech-
5 nology Transfer,"; and

6 (D) by striking out "in response to requests from
7 State and local government officials" in paragraph (4)
8 and inserting in lieu thereof "to State and local gov-
9 ernment officials".

10 (e) ~~DISSEMINATION OF TECHNICAL INFORMATION.~~

11 Section 11(d) of such Act (15 U.S.C. 3710(d)) is amended—

12 (1) by striking out "(d)" and all that follows down
13 through "shall—" and inserting in lieu thereof the
14 following:

15 "~~(d) DISSEMINATION OF TECHNICAL INFORMATION.~~

16 The National Technical Information Service shall—";

17 (2) by striking out paragraph (2);

18 (3) by striking out "existing" in paragraph (3),
19 and redesignating such paragraph as paragraph (2);

20 (4) by striking out paragraph (4) and inserting in
21 lieu thereof the following:

22 "(3) receive requests for technical assistance from
23 State and local governments, respond to such requests
24 with published information available to the Service,
25 and refer such requests to the Federal Laboratory Con-

1 consortium for Technology Transfer to the extent that
2 such requests need a response involving more than the
3 published information available to the Service;";

4 (5) by redesignating paragraphs (5) and (6) as
5 paragraphs (4) and (5), respectively; and

6 (6) by striking out "(e)(4)" in subsection (4) as so
7 redesignated and inserting in lieu thereof "(e)(3)".

8 (d) AGENCY REPORTING.—Section 11(f) of such Act
9 (15 U.S.C. 3710(e)) (as redesignated by section 3(1) of this
10 Act) is amended—

11 (1) by striking out "prepare biennially a report
12 summarizing the activities" in the first sentence and
13 inserting in lieu thereof "report annually to the Con-
14 gress, as part of the agency's annual budget submis-
15 sion, on the activities"; and

16 (2) by striking out the second sentence.

17 (e) FUNCTIONS OF THE SECRETARY.—Section 11 of
18 such Act (as amended by the preceding provisions of this Act)
19 is further amended by adding at the end thereof the follow-
20 ing new subsection:

21 "(g) FUNCTIONS OF THE SECRETARY.—The Secretary,
22 in consultation with other Federal agencies, may—

23 "(1) make available to interested agencies the ex-
24 pertise of the Department of Commerce regarding the
25 commercial potential of inventions and methods and

1 options for commercialization which are available to
 2 the Federal laboratories, including research and devel-
 3 opment limited partnerships;

4 “(2) develop and disseminate to appropriate
 5 agency and laboratory personnel model provisions for
 6 use on a voluntary basis in cooperative research and
 7 development arrangements; and

8 “(3) furnish advice and assistance, upon request,
 9 to Federal agencies concerning their cooperative re-
 10 search and development program and projects.”

11 **SEC. 5. REWARDS FOR SCIENTIFIC, ENGINEERING, AND TECH-**
 12 **NICAL PERSONNEL OF FEDERAL AGENCIES.**

13 The Stevenson-Wydler Technology Innovation Act of
 14 1980 (as amended by the preceding provisions of this Act) is
 15 further amended by inserting after section 12 the following
 16 new section:

17 **“SEC. 13. REWARDS FOR SCIENTIFIC, ENGINEERING, AND**
 18 **TECHNICAL PERSONNEL OF FEDERAL AGEN-**
 19 **CIES.**

20 “The head of each Federal agency that is making ex-
 21 penditures at a rate of more than \$50,000,000 per fiscal year
 22 for research and development in its Government-operated
 23 laboratories shall use the appropriate statutory authority to
 24 develop and implement a cash awards program to reward its
 25 scientific, engineering, and technical personnel for—

1 “(1) inventions, innovations, or other outstanding
2 scientific or technological contributions of value to the
3 United States due to commercial applications or due to
4 contributions to missions of the Federal agency or the
5 Federal government, or

6 “(2) exemplary activities that promote the domes-
7 tic transfer of science and technology developed within
8 the Federal Government and result in utilization of
9 such science and technology by American industry or
10 business, universities, State or local governments, or
11 other non-Federal parties.”

12 **SEC. 6. DISTRIBUTION OF ROYALTIES RECEIVED BY FEDERAL**
13 **AGENCIES.**

14 The Stevenson-Wydler Technology Innovation Act of
15 1980 (as amended by the preceding provisions of this Act) is
16 further amended by inserting after section 13 the following
17 new section:

18 **“SEC. 14. DISTRIBUTION OF ROYALTIES RECEIVED BY FEDER-**
19 **AL AGENCIES.**

20 “(a) **IN GENERAL.**—(1) Except as provided in para-
21 graph (2), any royalties or other income received by a Feder-
22 al agency from the licensing or assignment of inventions
23 under agreements entered into under section 12, and from
24 inventions of Government-operated Federal laboratories li-
25 censed under section 207 of title 35, United States Code, or

1 under any other provision of law shall be retained by the
2 agency involved in the production of the income. Such funds
3 shall be transferred by the agency to its Government-operat-
4 ed laboratories, with the major share of the royalties or other
5 income from any invention going to the laboratory where the
6 invention occurred; and the funds so transferred to any such
7 laboratory may be used or obligated by that laboratory during
8 the fiscal year in which they are received or during the suc-
9 ceeding fiscal year—

10 “(A) for payment of expenses incidental to the ad-
11 ministration and licensing of inventions by that labora-
12 tory or by the agency with respect to inventions which
13 occurred at that laboratory, including the fees or other
14 costs for the services of other agencies, persons, or or-
15 ganizations for invention management and licensing
16 services;

17 “(B) to reward scientific, engineering, and techni-
18 cal employees of that laboratory as part of the
19 agency’s reward program established pursuant to the
20 preceding section of this Act; provided that any pay-
21 ment made under this paragraph shall be in addition to
22 the regular pay of the employee involved and to any
23 other awards made to that employee, and shall not
24 affect the entitlement of the employee to any regular
25 pay, annuity, or award to which he is otherwise enti-

1 titled or for which he is otherwise eligible or limit the
2 amount thereof;

3 "(C) to further scientific exchange among the gov-
4 ernment-operated laboratories of the agency; or

5 "(D) for scientific research and development, for
6 education and training of employees of that consistent
7 with the research and development mission and objec-
8 tives of the agency, and for other activities that in-
9 crease the licensing potential for transfer of the tech-
10 nology of the Government-operated laboratories of the
11 agency.

12 Any of such funds not so used or obligated by the end of the
13 fiscal year succeeding the fiscal year in which they are re-
14 ceived shall be paid into the Treasury of the United States.

15 "(2) If the royalties received by an agency in any fiscal
16 year exceed 5 percent of the budget of the Government-oper-
17 ated laboratories of the agency for that year, 75 percent of
18 such excess shall be paid to the Treasury of the United
19 States and the remaining 25 percent may be used or obligat-
20 ed for the purposes described in subparagraphs (A) through
21 (C) of paragraph (1) during that fiscal year or the succeeding
22 fiscal year. Any funds not so used or obligated shall be paid
23 into the Treasury of the United States.

24 "(b) CERTAIN ASSIGNMENTS.—In the event that the
25 invention involved was one assigned to the Federal agency—

1 “(1) by a contractor, grantee, or party to a coop-
2 erative agreement with the agency, or

3 “(2) by an employee of the agency who was not
4 working in a Government-operated laboratory at the
5 time the invention was made,

6 the agency unit that funded or employed the entity that made
7 such assignment shall be considered to be a Government-
8 operated laboratory for purposes of this section.

9 “(e) **REPORTS.**—In making their annual budget submis-
10 sions Federal agencies shall submit, to the appropriate au-
11 thorization and appropriation committees of both Houses of
12 the Congress, summaries of the amount of royalties or other
13 income received and expenditures made (including inventor
14 awards) under this section.”

15 **SEC. 7. MISCELLANEOUS AND CONFORMING AMENDMENTS.**

16 (a) **REPEAL OF NATIONAL INDUSTRIAL TECHNOLOGY**
17 **BOARD.**—Section 10 of the Stevenson-Wydler Technology
18 Innovation Act of 1980 (15 U.S.C. 3709) is repealed.

19 (b) **CHANGES IN TERMINOLOGY OR ADMINISTRATIVE**
20 **STRUCTURE.**—(1) Section 3(2) of the Stevenson-Wydler
21 Technology Innovation Act of 1980 is amended by striking
22 out “centers for industrial technology” and inserting in lieu
23 thereof “cooperative research centers”.

24 (2) Section 4 of such Act is amended—

1 (A) by striking out "Industrial Technology" in
2 paragraph (1) and inserting in lieu thereof "Productivi-
3 ty, Technology, and Innovation";

4 (B) by striking out " 'Director' means the Direc-
5 tor of the Office of Industrial Technology" in para-
6 graph (3) and inserting in lieu thereof " 'Assistant Sec-
7 retary' means the Assistant Secretary for Productivity,
8 Technology, and Innovation";

9 (C) by striking out "Centers for Industrial Tech-
10 nology" in paragraph (4) and inserting in lieu thereof
11 "Cooperative Research Centers";

12 (D) by striking out paragraph (6); and redesignat-
13 ing paragraphs (7) and (8) as paragraphs (6) and (7),
14 respectively; and

15 (E) by striking out "owned and funded" in para-
16 graph (6) as so redesignated and inserting in lieu there-
17 of "owned, leased, or otherwise used by a Federal
18 agency and funded".

19 (3) Section 5(a) of such Act is amended by striking out
20 "Industrial Technology" and inserting in lieu thereof "Pro-
21 ductivity, Technology, and Innovation".

22 (4) Section 5(b) of such Act is amended by striking out
23 "DIRECTOR" and inserting in lieu thereof "ASSISTANT SEC-
24 RETARY"; and by striking out "a Director of the Office" and

1 all that follows and inserting in lieu thereof "an Assistant
2 Secretary for Productivity, Technology, and Innovation."

3 (5) Section 5(e) of such Act is amended by striking out
4 "the Director" each place it appears and inserting in lieu
5 thereof "the Assistant Secretary".

6 (6) The heading of section 6 of such Act is amended to
7 read as follows:

8 **"SEC. 6. COOPERATIVE RESEARCH CENTERS."**

9 (7) Section 6(a) of such Act is amended by striking out
10 "Centers for Industrial Technology" and inserting in lieu
11 thereof "Cooperative Research Centers".

12 (8) Section 6(b)(1) of such Act is amended by striking
13 out "basic and applied".

14 (9) Section 6(c) of such Act is amended to read as
15 follows:

16 **"(c) RESEARCH AND DEVELOPMENT UTILIZATION.—**
17 **In the promotion of technology from research and develop-**
18 **ment efforts by Centers under this section, chapter 18 of title**
19 **35, United States Code, shall apply to the extent not incon-**
20 **sistent with this section."**

21 (10) Section 6(f) of such Act is repealed.

22 (11) The heading of section 8 of such Act is amended by
23 striking out "CENTERS FOR INDUSTRIAL TECHNOLOGY" and
24 inserting in lieu thereof "COOPERATIVE RESEARCH GEN-
25 TERS".

1 (12) Section 8(a) of such Act is amended by striking out
2 "Centers for Industrial Technology" and inserting in lieu
3 thereof "Cooperative Research Centers".

4 (c) RELATED CONFORMING AMENDMENT.—Section
5 210 of title 35, United States Code, is amended by adding at
6 the end thereof the following new subsection:

7 " (c) The provisions of the Stevenson-Wydler Technolo-
8 gy Innovation Act of 1980, as amended by the Federal Tech-
9 nology Transfer Act of 1985, shall take precedence over the
10 provisions of this chapter to the extent that they permit or
11 require a disposition of rights in subject inventions which is
12 inconsistent with such chapter."

13 (d) ADDITIONAL DEFINITIONS.—Section 4 of such Act
14 (as amended by subsection (b)(2) of this section) is further
15 amended by adding at the end thereof the following new
16 paragraphs:

17 "(8) 'Federal agency' means any executive agency
18 as defined in section 105 of title 5, United States
19 Code, and the military departments as defined in sec-
20 tion 102 of such title.

21 "(9) 'Invention' means any invention or discovery
22 which is or may be patentable or otherwise protected
23 under title 35, United States Code, or any novel
24 variety of plant which is or may be protectable under

1 the Plant Variety Protection Act (7 U.S.C. 2321 et
2 seq.).

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

6 “(11) ‘Small business firm’ means a small busi-
7 ness concern as defined in section 2 of Public Law 85-
8 536 (15 U.S.C. 632) and implementing regulations of
9 the Administrator of the Small Business Administra-
10 tion.”.

11 (e) REDESIGNATION OF SECTIONS TO REFLECT
12 CHANGES MADE BY PRECEDING PROVISIONS.—(1) Such
13 Act (as amended by the preceding provisions of this Act) is
14 further amended by redesignating sections 11 through 18 as
15 sections 10 through 17, respectively.

16 (2)(A) Section 5(d) of such Act is amended by inserting
17 “(as then in effect)” after “sections 5, 6, 8, 11, 12, and 13 of
18 this Act”.

19 (B) Section 8(a) of such Act is amended by striking out
20 the last sentence.

21 (C) Section 9(d) of such Act is amended by striking out
22 “or 13” and inserting in lieu thereof “or 12”.

23 (3) Section 13(a)(1) of such Act (as redesignated by
24 paragraph (1) of this subsection) is amended by striking out

1 “section 12” in the matter preceding subparagraph (A) and
2 inserting in lieu thereof “section 11”.

3 *That this Act may be cited as the “Federal Technology*
4 *Transfer Act of 1986”.*

5 *UTILIZATION OF FEDERAL TECHNOLOGY*

6 *SEC. 2. (a) Section 11(a) of the Stevenson-Wydler*
7 *Technology Innovation Act of 1980 (15 U.S.C. 3710(a)) is*
8 *amended—*

9 *(1) by inserting “(1)” after “POLICY.—”; and*

10 *(2) by adding at the end thereof the following:*

11 *“(2) Each laboratory director shall ensure that efforts to*
12 *transfer technology are considered positively in laboratory job*
13 *descriptions, employee promotion policies, and evaluation of*
14 *the job performance of scientists and engineers in the labora-*
15 *tory.”.*

16 *(b)(1) Section 11(b) of such Act (15 U.S.C. 3710(b)) is*
17 *amended—*

18 *(A) by striking “a total amount budget exceeding*
19 *\$20,000,000 shall provide at least one professional in-*
20 *dividual full-time” and inserting in lieu thereof “200*
21 *or more full-time scientific, engineering, and related*
22 *technical positions shall provide one or more full-time*
23 *equivalent positions”;*

24 *(B) by striking “requirements set forth in (1)*
25 *and/or (2) of this subsection” and inserting in lieu*

1 thereof "requirement set forth in clause (2) of the pre-
2 ceding sentence"; and

3 (C) by striking "either requirement (1) or (2)" in
4 the last sentence and inserting in lieu thereof "such
5 requirement".

6 (2) Section 11(c) of such Act (15 U.S.C. 3710(c)) is
7 amended—

8 (A) by amending paragraph (1) to read as fol-
9 lows:

10 "(1) to prepare application assessments for select-
11 ed research and development projects in which that lab-
12 oratory is engaged and which in the opinion of the lab-
13 oratory may have potential commercial applications;"

14 (B) by striking "the Center for the Utilization of
15 Federal Technology" in paragraph (3) and inserting in
16 lieu thereof "the National Technical Information Serv-
17 ice, the Federal Laboratory Consortium for Technology
18 Transfer,"; and by striking "; and" inserting in lieu
19 thereof a semicolon;

20 (C) by striking "in response to requests from
21 State and local government officials." in paragraph (4)
22 and inserting in lieu thereof "to State and local gov-
23 ernment officials; and"; and

24 (D) by adding after paragraph (4) the following:

1 “(5) to participate, where feasible, in regional, State,
2 and local government programs designed to facilitate or
3 stimulate the transfer of technology for the benefit of
4 the region, State, or local jurisdiction in which the
5 Federal laboratory is located.”

6 (c) Section 11(d) of such Act (15 U.S.C. 3710(d)) is
7 amended—

8 (1) by striking all from “(d)” through “shall—”
9 and inserting in lieu thereof the following:

10 “(d) DISSEMINATION OF TECHNICAL INFORMA-
11 TION.—The National Technical Information Service
12 shall—”;

13 (2) by striking paragraph (2);

14 (3) by striking “existing” in paragraph (3), and
15 redesignating such paragraph as paragraph (2);

16 (4) by striking paragraph (4) and inserting in
17 lieu thereof the following:

18 “(3) receive requests for technical assistance from
19 State and local governments, respond to such requests
20 with published information available to the Service,
21 and refer such requests to the Federal Laboratory Con-
22 sortium for Technology Transfer to the extent that such
23 requests require a response involving more than the
24 published information available to the Service;”;

1 (5) by redesignating paragraphs (5) and (6) as
2 paragraphs (4) and (5), respectively; and

3 (6) by striking "(c)(4)" in paragraph (4), as so
4 redesignated, and inserting in lieu thereof "(c)(3)".

5 (d) Section 11(e) of such Act (15 U.S.C. 3710(e)) is
6 amended by striking "Center for the Utilization of Federal
7 Technology" and inserting in lieu thereof "Secretary".

8 **ESTABLISHMENT OF FEDERAL LABORATORY CONSORTIUM**

9 **FOR TECHNOLOGY TRANSFER**

10 **SEC. 3.** Section 11 of the Stevenson-Wydler Technolo-
11 gy Innovation Act of 1980 (15 U.S.C. 3710), is amended by
12 section 2 of this Act, is further amended—

13 (1) by redesignating subsection (e) as subsection
14 (f); and

15 (2) by inserting after subsection (d) the following:

16 “(e) **ESTABLISHMENT OF FEDERAL LABORATORY**
17 **CONSORTIUM FOR TECHNOLOGY TRANSFER.**—(1) There is
18 hereby established the Federal Laboratory Consortium for
19 Technology Transfer (hereinafter referred to as the ‘Consorti-
20 um’) which, in cooperation with Federal laboratories and pri-
21 vate sector, shall—

22 “(A) develop and, with the consent of the Federal
23 laboratory concerned, administer techniques, training
24 courses, and materials concerning technology transfer
25 to increase the awareness of Federal laboratory em-

1 *ployees regarding the commercial potential of labora-*
2 *tory technology and innovations;*

3 “(B) furnish advice and assistance requested by
4 Federal agencies and laboratories for use in their tech-
5 nology transfer programs (including the planning of
6 seminars for small business and other industry);

7 “(C) provide a clearinghouse, at the laboratory
8 level, for requests for technical assistance from States
9 and units of local governments, businesses, industrial
10 development organizations, not-for-profit organizations
11 (including universities), Federal agencies and laborato-
12 ries, and other persons, and—

13 “(i) to the extent that a response to such re-
14 quests can be made with published information
15 available to the National Technical Information
16 Service, refer such requests to that Service; and

17 “(ii) otherwise refer such requests to the ap-
18 propriate Federal laboratories and agencies;

19 “(D) facilitate communication and coordination
20 between Offices of Research and Technology Applica-
21 tions of Federal laboratories;

22 “(E) utilize (with the consent of the agency in-
23 volved) the expertise and services of the National Sci-
24 ence Foundation, the Department of Commerce, the

1 *National Aeronautics and Space Administration, and*
2 *other Federal agencies, as necessary;*

3 *“(F) with the consent of any Federal laboratory,*
4 *facilitate the use by such laboratory of appropriate*
5 *technology transfer mechanisms such as personnel ex-*
6 *changes and computer-based systems;*

7 *“(G) with the consent of any Federal laboratory,*
8 *assist such laboratory to establish programs, such as*
9 *technical volunteer services, for the purpose of provid-*
10 *ing technical assistance to communities related to such*
11 *laboratory; and*

12 *“(H) facilitate communication and cooperation be-*
13 *tween Offices of Research and Technology Applications*
14 *of Federal laboratories and regional, State, and local*
15 *technology transfer organizations.*

16 *“(2) The membership of the Consortium shall consist of*
17 *the Federal laboratories described in clause (1) of subsection*
18 *(b) and such other laboratories as may choose to join the*
19 *Consortium. The representatives to the Consortium shall in-*
20 *clude a senior staff member of each Federal laboratory which*
21 *is a member of the Consortium and a representative ap-*
22 *pointed from each Federal agency with one or more*
23 *member laboratories.*

24 *“(3) The representatives to the Consortium shall elect a*
25 *Chairman of the Consortium.*

1 “(4) *The Director of the National Bureau of Standards*
2 *shall provide the Consortium, on a reimbursable basis, with*
3 *administrative services, such as office space, personnel, and*
4 *support services of the Bureau, as requested by the Consor-*
5 *tium and approved by such Director.*

6 “(5) *Not later than 1 year after the date of the enact-*
7 *ment of this subsection, and every year thereafter, the Chair-*
8 *man of the Consortium shall submit a report to the President,*
9 *to the appropriate authorization and appropriation commit-*
10 *tees of both Houses of the Congress, and to each agency with*
11 *respect to which a transfer of funding is made (for the fiscal*
12 *year or years involved) under paragraph (6), concerning the*
13 *activities of the Consortium and the expenditures made by it*
14 *under this subsection during the year for which the report is*
15 *made.*

16 “(6)(A) *Subject to subparagraph (B), an amount equal*
17 *to 0.005 percent of that portion of the research and develop-*
18 *ment budget of each Federal agency that is to be utilized by*
19 *the laboratories of such agency for a fiscal year referred to in*
20 *subparagraph (B)(ii) shall be transferred by such agency to*
21 *the National Bureau of Standards at the beginning of the*
22 *fiscal year involved. Amounts so transferred shall be provided*
23 *by the Bureau to the Consortium for the purpose of carrying*
24 *out activities of the Consortium under this subsection.*

1 “(B) A transfer may be made by any Federal agency
2 under subparagraph (A), for any fiscal year, only if—

3 “(i) the amount so transferred by that agency (as
4 determined under such subparagraph) would exceed
5 \$10,000; and

6 “(ii) such transfer is made with respect to the
7 fiscal year 1987, 1988, 1989, 1990, or 1991.

8 “(C) The heads of Federal agencies and their designees,
9 and the directors of Federal laboratories, may provide such
10 additional support for operations of the Consortium as they
11 consider appropriate.”

12 FUNCTIONS OF THE SECRETARY OF COMMERCE

13 SEC. 4. Section 11 of such Act (15 U.S.C. 3710), as
14 amended by this Act, is further amended by adding at the
15 end thereof the following:

16 “(g) FUNCTIONS OF THE SECRETARY.—(1) The Sec-
17 retary, in consultation with other Federal agencies, may—

18 “(A) make available to interested agencies the
19 expertise of the Department of Commerce regarding the
20 commercial potential of inventions and methods and
21 options for commercialization which are available to
22 Federal laboratories, including research and develop-
23 ment limited partnerships;

24 “(B) develop and disseminate to appropriate
25 agency and laboratory personnel model provisions for

1 use on a voluntary basis in cooperative research and
2 development arrangements; and

3 “(C) furnish advice and assistance, upon request,
4 to Federal agencies concerning their cooperative re-
5 search and development programs and projects.

6 “(2) Two years after the date of enactment of this sub-
7 section, and every 2 years thereafter, the Secretary shall
8 submit a report to the President and the Congress on the use
9 by the agencies and the Secretary of the authorities specified
10 in this Act. Other Federal agencies shall, to the extent per-
11 mitted by law, provide the Secretary with all information
12 necessary to prepare such reports.”

13 **COOPERATIVE RESEARCH AND DEVELOPMENT**

14 **AGREEMENTS**

15 *SEC. 5. The Stevenson-Wydler Technology Innovation*
16 *Act of 1980 is amended by redesignating sections 12 through*
17 *15 as sections 15 through 18, respectively, and by inserting*
18 *after section 11 the following:*

19 **“SEC. 12. COOPERATIVE RESEARCH AND DEVELOPMENT**

20 **AGREEMENTS.**

21 **“(a) GENERAL AUTHORITY.—(1) Each Federal**
22 **agency may permit the director of any of its Government-**
23 **operated Federal laboratories—**

24 **“(A) to enter into cooperative research and devel-**
25 **opment arrangements (subject to such regulations or**
26 **review procedures as the agency considers appropriate)**

1 with other Federal agencies, units of State or local
2 government, industrial organizations (including corpo-
3 rations, partnerships, and limited partnerships), public
4 and private foundations, non-profit organizations (in-
5 cluding universities), or other persons (including
6 licensees of inventions owned by the Federal agency);
7 and

8 “(B) to negotiate licensing agreements under sec-
9 tion 207 of title 35, United States Code, or other au-
10 thorities for Government-owned inventions made at the
11 laboratory and other inventions of Federal employees
12 that may be voluntarily assigned to the Government.

13 “(2) Under arrangements entered into pursuant to para-
14 graph (1), a laboratory may—

15 “(A) accept funds, services, and property from col-
16 laborating parties and provide services and property to
17 collaborating parties;

18 “(B) grant or agree to grant in advance to a col-
19 laborating party patent licenses, assignments; or
20 options thereto, in any invention made by a Federal
21 employee under the arrangement, retaining such rights
22 as the Federal agency considers appropriate;

23 “(C) waive, in whole or in part, any right of
24 ownership which the Government may have under any
25 other statute to any inventions made by a collaborating

1 party or employee of a collaborating party under the
2 arrangement; and

3 “(D) to the extent consistent with any applicable
4 agency requirements, permit employees or former em-
5 ployees to the laboratory to participate in efforts to
6 commercialize inventions they made while in the serv-
7 ice of the United States.

8 “(3) Each agency shall maintain a record of all agree-
9 ments entered into under this section.

10 “(b) DEFINITION.—As used in this section, the term—

11 “(1) ‘cooperative research and development agree-
12 ment’ means any agreement between one or more Fed-
13 eral laboratories and one or more non-Federal parties
14 under which the Government provides personnel, serv-
15 ices, facilities, equipment, or other resources (but not
16 funds to non-Federal parties) and the non-Federal par-
17 ties provide funds, personnel, services, facilities, equip-
18 ment, or other resources toward the conduct of specified
19 research or development efforts which are consistent
20 with the missions of the agency, except that such term
21 does not include a procurement contract or cooperative
22 agreement as those terms are used in sections 6303,
23 6304, and 6305 of title 31, United States Code; and

24 “(2) ‘laboratory’ means a facility or group of
25 facilities owned, leased, or otherwise used by a Federal

1 *agency, a substantial purpose of which is the perform-*
2 *ance of research and development by employees of the*
3 *Federal Government.”*

4 *“(c) RELATIONSHIP TO OTHER LAWS.—Nothing in*
5 *this section is intended to limit or diminish existing authori-*
6 *ties of any agency.”*

7 *REWARDS FOR SCIENTIFIC, ENGINEERING, AND*
8 *TECHNICAL PERSONNEL OF FEDERAL AGENCIES*

9 *SEC. 6. The Stevenson-Wydler Technology Innovation*
10 *Act of 1980, as amended by this Act, is further amended by*
11 *inserting after section 12 the following:*

12 *“SEC. 13. REWARDS FOR SCIENTIFIC, ENGINEERING, AND TECH-*
13 *NICAL PERSONNEL OF FEDERAL AGENCIES.*

14 *“(a) CASH AWARDS PROGRAM.—The head of each*
15 *Federal agency that is making expenditures at a rate of more*
16 *than \$50,000,000 per fiscal year for research and develop-*
17 *ment in its Government-operated laboratories shall use the*
18 *appropriate statutory authority to develop and implement a*
19 *cash awards program to reward its scientific, engineering,*
20 *and technical personnel for—*

21 *“(1) inventions, innovations, or other outstanding*
22 *scientific or technological contributions of value to the*
23 *United States due to commercial applications or due to*
24 *contributions to missions of the Federal agency or the*
25 *Federal Government; and*

1 “(2) *exemplary activities that promote the domes-*
2 *tic transfer of science and technology developed within*
3 *the Federal Government and result in utilization of*
4 *such science and technology by American industry or*
5 *business, universities, State or local governments, or*
6 *other non-Federal parties.*

7 “(b) *PAYMENT OF ROYALTIES.—Any royalties or*
8 *other income received by an agency from the licensing or as-*
9 *signment of inventions under this section or under section*
10 *207 of title 35, United States Code, or other authority shall*
11 *be retained by the agency whose laboratory produced the in-*
12 *vention, except that beginning with fiscal year 1988, such*
13 *royalties or other income shall be subject to appropriations,*
14 *and shall be disposed of as follows:*

15 “(1) *At least 15 percent of the royalties or other*
16 *income received each year by the agency on account of*
17 *any invention shall be paid to the inventor or coinven-*
18 *tors if they were employees of the agency at the time*
19 *the invention was made. Payments made under this*
20 *paragraph are in addition to the regular pay of the em-*
21 *ployee and to any awards made to that employee, and*
22 *such payments shall not affect the entitlement or limit*
23 *the amount of the regular pay, annuity, or other*
24 *awards to which the employee is otherwise entitled or*
25 *for which the employee is otherwise eligible.*

1 “(2) The balance of any royalties or related
2 income earned during any fiscal year after paying the
3 inventors’ portions under paragraph (1) shall be trans-
4 ferred to the agency’s Government-operated laboratories
5 with a substantial percentage being returned to the lab-
6 oratories whose inventions produced the royalties or
7 income. Such royalties or income may be retained by
8 the laboratory up to the limits specified in this para-
9 graph, and used—

10 “(A) for mission-related research and devel-
11 opment of the laboratory;

12 “(B) to support development and education
13 programs for employees of the laboratory;

14 “(C) to reward employees of the laboratory
15 for contributing to the development of new technol-
16 ogies and assisting in the transfer of technology to
17 the private sector, and for inventions of value to
18 the Government that will not produce royalties;

19 “(D) to further scientific exchange to and
20 from the laboratory; and

21 “(E) for payment of patenting costs and fees
22 and other expenses incidental to promoting, ad-
23 ministering, and licensing inventions, including
24 the fees or costs for services of other agencies or

1 other persons or organizations for invention man-
2 agement and licensing services.

3 If the balance for any laboratory after paying the in-
4 ventors' shares under paragraph (1) exceeds 5 percent
5 of the annual budget of the laboratory, 75 percent of
6 the excess shall be paid to the Treasury of the United
7 States and the remaining 25 percent shall be used for
8 the purposes listed in subparagraphs (A) through (E),
9 by the end of the fiscal year subsequent to the one in
10 which they were received. Any funds not so used or ob-
11 ligated by the end of such fiscal year shall be paid to
12 the Treasury of the United States.

13 "(c) ASSIGNED INVENTIONS.—If the invention was
14 one assigned to the agency either (1) by a contractor, grantee,
15 or the recipient of a cooperative agreement of the agency, or
16 (2) by an employee of the agency that was not working in the
17 laboratory at the time the invention was made, the agency
18 unit that funded or employed or assigned the assignee shall,
19 for purposes of this section, be considered to be a laboratory.

20 "(d) REPORTS.—In making their annual budget sub-
21 missions, Federal agencies shall submit to the appropriate
22 authorization and appropriations committees of both Houses
23 of the Congress summaries of the amount of royalties or other
24 income received and expenditures made (including inventor
25 awards) under this section."

1 **EMPLOYEE ACTIVITIES**

2 **SEC. 7.** *The Stevenson-Wydler Technology Innovation*
3 *Act of 1980, as amended by this Act, is further amended by*
4 *inserting after section 13 the following:*

5 **"SEC. 14. EMPLOYEE ACTIVITIES.**

6 **"(a) IN GENERAL.**—*If a Federal agency which has the*
7 *right of ownership to an invention under this Act does not*
8 *intend to file for a patent application or otherwise to promote*
9 *commercialization of such invention, the agency may allow*
10 *the inventor, if the inventor is a Government employee or*
11 *former employee who made the invention during the course of*
12 *employment with the Government, to retain title to the inven-*
13 *tion (subject to reservation by the Government of a nonexclu-*
14 *sive, nontransferrable, irrevocable, paid up license to practice*
15 *or have practiced the invention throughout the world by or on*
16 *behalf of the Government). In addition, the agency may con-*
17 *dition the inventor's right to title on the timely filing of a*
18 *patent application in cases when the Government determines*
19 *that it has or may have a need to practice the invention.*

20 **"(b) DEFINITION.**—*For purposes of this section, Feder-*
21 *al employees include 'special Government employees' as de-*
22 *finied in section 202 of title 18, United States Code.*

23 **"(c) RELATIONSHIP TO OTHER LAWS.**—*Nothing in*
24 *this section is intended to limit or diminish existing authori-*
25 *ties of any agency."*

1 MISCELLANEOUS AND CONFORMING AMENDMENTS

2 SEC. 8. (a) Section 10 of the Stevenson-Wydler Tech-
3 nology Innovation Act of 1980 (15 U.S.C. 3709) is repealed.

4 (b)(1) Section 3(2) of such Act (15 U.S.C. 3702(2)) is
5 amended by striking "centers for industrial technology" and
6 inserting in lieu thereof "cooperative research centers".

7 (2) Section 4 of such Act (15 U.S.C. 3703) is amend-
8 ed—

9 (A) by striking "Industrial Technology" in para-
10 graph (1) and inserting in lieu thereof "Productivity,
11 Technology, and Innovation";

12 (B) by striking "Director" means the Director of
13 the Office of Industrial Technology" in paragraph (3)
14 and inserting in lieu thereof "'Assistant Secretary'
15 means the Assistant Secretary for Productivity, Tech-
16 nology, and Innovation";

17 (C) by striking "Centers for Industrial Technolo-
18 gy" in paragraph (4) and inserting in lieu thereof
19 "Cooperative Research Centers";

20 (D) by striking paragraph (6), and redesignating
21 paragraphs (7) and (8) as paragraphs (6) and (7), re-
22 spectively; and

23 (E) by striking "owned and funded" in para-
24 graph (6), as so redesignated, and inserting in lieu

1 thereof "owned, leased, or otherwise used by a Federal
2 agency and funded".

3 (3) Section 5(a) of such Act (15 U.S.C. 3704(a)) is
4 amended by striking "Industrial Technology" and inserting
5 in lieu thereof "Productivity, Technology, and Innovation".

6 (4) Section 5(b) of such Act (15 U.S.C. 3704(b)) is
7 amended by striking "DIRECTOR" and inserting in lieu
8 thereof "ASSISTANT SECRETARY", and by striking all from
9 "a Director of the Office" and inserting in lieu thereof "an
10 Assistant Secretary for Productivity, Technology, and Inno-
11 vation."

12 (5) Section 5(c) of such Act (15 U.S.C. 3704(c)) is
13 amended by striking "the Director" each place it appears and
14 inserting in lieu thereof "the Assistant Secretary".

15 (6) The heading of section 6 of such Act is amended to
16 read as follows:

17 **"SEC. 6. COOPERATIVE RESEARCH CENTERS."**

18 (7) Section 6(a) of such Act (15 U.S.C. 3705(a)) is
19 amended by striking "Centers for Industrial Technology"
20 and inserting in lieu thereof "Cooperative Research Cen-
21 ters".

22 (8) Section 6(b)(1) of such Act (15 U.S.C. 3705(b)(1))
23 is amended by striking "basic and applied".

24 (9) Section 6(e) of such Act (15 U.S.C. 3705(e)) is
25 amended to read as follows:

1 “(e) *RESEARCH AND DEVELOPMENT UTILIZATION.*—
 2 *In the promotion of technological innovation and commercial-*
 3 *ization of research and development efforts by Centers under*
 4 *this section, chapter 18 of title 35, United States Code, shall*
 5 *apply.*”

6 “(10) Section 6(f) of such Act (15 U.S.C. 3705(f)) is
 7 repealed.

8 “(11) The heading of section 8 of such Act is amended by
 9 striking “*CENTERS FOR INDUSTRIAL TECHNOLOGY*” and
 10 inserting in lieu thereof “*COOPERATIVE RESEARCH CEN-*
 11 *TERS*”.

12 “(12) Section 8(a) of such Act (15 U.S.C. 3707(a)) is
 13 amended by striking “*Centers for Industrial Technology*”
 14 and inserting in lieu thereof “*Cooperative Research Cen-*
 15 *ters*”.

16 “(c) Section 4 of such Act (15 U.S.C. 3703), as amend-
 17 ed by subsection (b)(2) of this section, is further amended by
 18 adding at the end thereof the following:

19 “(8) ‘*Federal agency*’ means any executive
 20 agency as defined in section 105 of title 5, United
 21 States Code, and the military departments, as defined
 22 in section 102 of such title.

23 “(9) ‘*Invention*’ means any invention or discovery
 24 which is or may be patentable or otherwise protected
 25 under title 35, United States Code, or any novel varie-

1 *ty of plant which is or may be protectable under the*
2 *Plant Variety Protection Act (7 U.S.C. 2321 et seq.).*

3 *“(10) ‘Made’, when used in conjunction with any*
4 *invention, means the conception or first actual reduc-*
5 *tion to practice of such invention.”.*

6 *(d)(1) Such Act (as amended by this Act) is further*
7 *amended by redesignating sections 11 through 18 as sections*
8 *10 through 17, respectively.*

9 *(2)(A) Section 5(d) of such Act (15 U.S.C. 3704(d)) is*
10 *amended by inserting “(as then in effect)” after “Act” the*
11 *second time it appears.*

12 *(B) Section 8(a) of such Act (15 U.S.C. 3707(a)) is*
13 *amended by striking the last sentence.*

14 *(C) Section 9(d) of such Act (15 U.S.C. 3708(d)) is*
15 *amended by striking “or 13” and inserting in lieu thereof*
16 *“10, or 14”.*

Calendar No. 662

99TH CONGRESS
2D SESSION

H. R. 3773

[Report No. 99-283]

AN ACT

To amend the Stevenson-Wydler Technology Innovation Act of 1980 to promote technology transfer by authorizing Government-operated laboratories to enter into cooperative research agreements and by establishing a Federal Laboratory Consortium for Technology Transfer within the National Science Foundation, and for other purposes.

MAY 21 (legislative day, MAY 19), 1986

Committee discharged; placed on the calendar