

98th CONGRESS
1st Session

S. _____

IN THE SENATE OF THE UNITED STATES

Mr. Dole introduced the following bill; which was read twice and referred to the Committee on _____

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 Representatives
2 of the United States of America in Congress assembled, That
3 this Act may be cited as the "Uniform Patent Procedures Act
4 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 redesignated
7 as chapter 18 of such title and all references to such
8 chapter ~~38~~ shall be considered references to chapter 18.

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

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

15 Sec. 3. (a) Section 35 of the United States Code is
16 amended by adding after chapter 18, as redesignated herein, a
17 new chapter as follows:

18 "CHAPTER 19--PATENT RIGHTS IN INVENTIONS MADE WITH FEDERAL
19 ASSISTANCE BY OTHER THAN SMALL BUSINESS FIRMS OR NONPROFIT

1

ORGANIZATIONS

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

2 ''§ 212. Policy and objectives

3 ''In addition to the policy and objectives set forth in
4 section 202 of this title, it is the further policy and
5 objective of the Congress to ensure that all inventions made
6 with Federal support are used in a manner to promote free
7 competition and enterprise.

8 ''§ 213. Definitions

9 ''As used in this chapter, the term--

10 ''(1) 'Administrator' means the Administrator of the
11 Office of Federal Procurement Policy or his or her
12 designee;

13 ''(2) 'contract' means any contract, grant, or
14 cooperative agreement entered into between any Federal
15 agency (other than the Tennessee Valley Authority) and
16 any person other than a small business firm or nonprofit
17 organization (as defined in section 201 of this title)
18 where a purpose of the contract is the conduct of
19 experimental, developmental, or research work; such term
20 includes any assignment, substitution of parties or
21 subcontract of any tier entered into or executed for the
22 conduct of experimental, developmental, or research work
23 in connection with the performance of that contract;

24 ''(3) 'contractor' means any person or entity (other
25 than a Federal agency, nonprofit organization, or small
26 business firm, as defined in section 201 of this title)
27 which is a party to the contract;

28 ''(4) 'Federal agency' means an executive agency (as
29 defined in section 125 of title 5, United States Code),
30 and the military departments (as defined in section 102

1 of title 5, United States Code);

2 "(5) 'Government' means the Government of the United
3 States of America;

4 "(6) 'invention' means any invention or discovery
5 which is or may be patentable or otherwise protectable
6 under this title, or any novel variety of plant which is
7 or may be protectable under the Plant Variety Protection
8 Act (7 U.S.C. 2321 et seq.);

9 "(7) 'practical application' means to manufacture
10 (in the case of a composition or product), to practice
11 (in the case of a processor method), or to operate (in
12 the case of a machine or system), in each case, under
13 such conditions as to establish that the invention is
14 being utilized and that its benefits are, to the extent
15 permitted by law or Government regulations, available to
16 the public on reasonable terms or through reasonable
17 licensing arrangements;

18 "(8) 'Secretary' means the Secretary of Commerce or
19 his or her designee; and

20 "(9) 'subject invention' means any invention of a
21 contractor conceived or first actually reduced to
22 practice in the performance of work under a contract:
23 Provided, That, in the case of a variety of plant, the
24 date of determination (as defined in section 41 (d) of
25 the Plant Variety Protection Act (7 U.S.C. 2401 (d)) must
26 also occur during the period of contract performance.

27 "§ 214. Responsibilities

28 "(a) The Secretary is authorized to issue regulations
29 which may be made applicable to all Federal agencies
30 implementing the provisions of this chapter, and the
31 Secretary shall proscribe standard patent rights provisions
32 for use under this chapter. The regulations and the standard
33 patent rights provisions shall be subject to public comment
34 before their issuance.

1 “(b) In order to obtain consistent practices under this
2 chapter and chapter 18 of this title, the Secretary is
3 authorized and directed (i) to consult with and advise
4 Federal agencies concerning the effective and consistent
5 implementation of these chapters, and (ii) to obtain from the
6 agencies information and data relating to agency practices
7 under these chapters.

8 “§ 215. Disposition of rights

9 “(a) Subject to subsection (c) of this section and to
10 section 216 of this title, each contractor may elect to
11 retain title, either worldwide or in such countries as it may
12 choose, to any subject invention: Provided, however, That a
13 Federal agency may, at the time of contracting, limit or
14 eliminate this right, place additional restrictions or
15 conditions on the contract that go beyond those set forth in
16 subsection (c) of this section, expand the rights of the
17 Government to license or sublicense, and alter or eliminate
18 the contractor's right under paragraph (6) of subsection (c)
19 of this section if--

20 “(1) it is determined by a Government authority
21 which is authorized by statute or executive order to
22 conduct foreign intelligence or counterintelligence
23 activities that this is necessary to protect the security
24 of such activities;

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

29 “(3) it is determined, on a case-by-case basis, that
30 there are exceptional circumstances requiring such action
31 to better promote the policies and objectives of sections
32 200 and 212 of this title.

33 “(b) (1) Each determination required by subsection (a)
34 of this section shall be in writing and, except in the case

1 of paragraph (1) of subsection (a) of this section, the
2 agency shall, within 30 days after the award of the
3 applicable contract, file with the Secretary a copy of each
4 such determination. In the case of a determination under
5 subsection (a) (3) of this section, the statement shall
6 include an analysis supporting the determination and
7 justifying the limitations and conditions being imposed. If
8 the Secretary believes that any individual determination or
9 pattern of determinations is contrary to the terms, policy,
10 or objectives of this Act, the Secretary shall so advise the
11 head of the agency concerned and the Administrator and
12 recommend corrective actions.

13 "(2) Whenever the Administrator has determined that one
14 or more Federal agencies are utilizing the authority of
15 paragraph (2) or (3) of subsection (a) in a manner that is
16 contrary to the terms, policy, or objectives of this Act, the
17 Administrator is authorized to issue policies, procedures,
18 and guidelines describing classes of situations in which
19 agencies may not utilize the provisions of paragraph (2) or
20 (3) of subsection (a).

21 "(c) In accordance with the regulations to be issued by
22 the Secretary, after public comment, each contract that the
23 Government or any Federal agency acting on behalf of the
24 Government, may enter into shall employ a patent rights clause
25 containing appropriate provisions to effectuate the
26 following:

27 "(1) that the contractor disclose each subject
28 invention within a reasonable time after it is made and
29 that, upon request, the contractor will assign the
30 Government title to any subject invention not disclosed
31 within such time;

32 "(2) that, unless the Government has acquired the
33 right to title under subsection (a) of this section--

34 "(A) the contractor make a written election, as

1 to the retention of title to the subject invention
2 within a reasonable time after disclosure under
3 paragraph (1) of this subsection;

4 "(B) the Government may, upon request, receive
5 title to any subject invention in any countries in
6 which the contractor has not elected to retain title
7 within such time;

8 "(C) a contractor electing to retain title to a
9 subject invention will file patent applications
10 within reasonable times; and

11 "(D) the Government may, upon request, receive
12 title to any subject invention in any countries in
13 which the contractor has failed to file patent
14 applications within the reasonable times specified
15 pursuant to subparagraph (C) of this subsection;

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
20 nonexclusive, nontransferrable, irrevocable, paid-up
21 license to make, use and sell the subject invention
22 throughout the world by or on behalf of the United
23 States: Provided, That the contract may provide for such
24 additional rights, including the right to assign or have
25 assigned foreign patent rights in the invention, as
26 determined by the agency as necessary for meeting the
27 obligations of the United States under any treaty or
28 other international agreement, arrangement of
29 cooperation, memorandum of understanding, or similar
30 international arrangement, including military agreements
31 relating to weapons development and production;

32 "(4) that the agency may require written reports on
33 the commercial use or other forms of utilization or
34 efforts toward obtaining commercial utilization made by

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1 the contractor or its licensees or assignees with respect
2 to any subject invention to which the contractor elects
3 title, pursuant to this section: Provided, That any such
4 report, as well as any information on utilization of
5 efforts toward obtaining utilization obtained as part of
6 a proceeding under section 216 of this title, shall be
7 treated by the Federal agency as commercial or financial
8 information obtained from a person and privileged or
9 confidential and not subject to disclosure under the
10 Freedom of Information Act (5 U.S.C. 552);

11 "(5) that the contractor, in the event a United
12 States patent application is filed by or on its behalf or
13 by any assignee of the contractor, will include within
14 the specification of such application and any patent
15 issuing thereon, a statement specifying that the
16 invention was made with Government support and that the
17 Government has certain rights in the invention;

18 "(6) that the contractor, in cases when it does not
19 elect to retain title to a subject invention, shall
20 retain a nonexclusive, royalty free, paid-up, worldwide
21 license, including the right to sublicense affiliates,
22 subsidiaries, and existing licensees to whom the
23 contractor is legally obligated to sublicense in any
24 subject invention to which the Government obtains title,
25 which license shall be revocable only to the extent necessary
26 for the Government to grant an exclusive license; Provided,
27 however, That the contractor shall not be entitled to such a
28 license if the contractor has fraudulently failed to disclose
29 the subject invention; and

30 "(7) such other administrative requirements that the
31 Secretary determines to be necessary to effectuate the
32 rights of the Government as specified in this chapter,
33 which are not inconsistent with this chapter.

34 "(d) Agencies are authorized to include awards to

1 inventors to stimulate reporting of subject inventions as an
2 allowable element of cost if such reporting results in the
3 agency initiating a statutory invention disclosure, the
4 filing of a patent application, or issuance of a patent.

5 “(e) (1) A Federal agency may, at any time, waive all or
6 any part of the rights of the United States under this
7 section or section 216 of this title to any subject invention
8 or class of subject inventions made or which may be made
9 under a contract or class of contracts if the agency
10 determines that--

11 “(A) the interests of the United States and the
12 general public will be best served thereby; or

13 “(B) the contract involves cosponsored, cost-sharing
14 or joint venture research or development and the
15 contractor or other sponsor or joint venturer is required
16 to make a substantial contribution of funds, facilities,
17 or equipment to the work performed under the contract.

18 “(2) The agency shall maintain a record, which shall be
19 available to the public and periodically updated, of
20 determinations made under paragraph (1) of this subsection.

21 “(3) In making determinations under paragraph (1) of
22 this subsection, the agency shall consider at least the
23 following objectives:

24 “(A) encouraging wide availability to the public of
25 the benefits of the experimental, developmental, or
26 research programs in the shortest practicable time;

27 “(B) promoting the commercial utilization of such
28 inventions;

29 “(C) encouraging participation by private persons
30 (including the most highly qualified persons) in the
31 Government-sponsored experimental, developmental, or
32 research programs; and

33 “(D) fostering competition and preventing the
34 creation or maintenance of situations inconsistent with

1 the antitrust laws of the United States.

2 "(4) With respect to contracts in which an agency
3 invokes paragraphs (1) through (3) of subsection (a) of
4 section 215, a Federal agency may, after a subject invention
5 has been identified, waive any limits or additional
6 restrictions or conditions placed on a contractor beyond
7 those set forth in sections 215 and 216 and may allow the
8 contractor to retain the license rights set forth in
9 subsection (c) (6) of this section if such license rights
10 were otherwise limited in the contract.

11 "(f) If a contractor does not elect to retain worldwide
12 title to a subject invention, the Federal agency may consider
13 and, after consultation with the contractor, grant requests
14 for retention of rights by the inventor on such terms and
15 conditions as the agency deems appropriate, subject to
16 section 216 of this Act.

17 "(g) In any case when a Federal employee is a coinventor
18 of any subject invention, the Federal agency employing such
19 coinventor is authorized to transfer or assign whatever
20 rights it may acquire in the subject invention from its
21 employee to the contractor subject to the same conditions set
22 forth in this title as are applicable to the rights the
23 contractor derived through its own contract.

24 "§ 216. March-in rights

25 "(a) Where a contractor has elected to retain title to a
26 subject invention under section 215 of this title, the
27 Federal agency shall have the right (unless waived under
28 subsection (d) of section 215 of this title), pursuant to
29 policies, procedures, and guidelines of the Secretary and
30 subject to the provisions of subsection (b) of this section,
31 to grant or require the contractor or his assignee to grant a
32 nonexclusive, partially exclusive, or exclusive license to a
33 responsible applicant or applicants, upon terms reasonable
34 under the circumstances, if the head of the agency or his

1 designee determines that such action is necessary--

2 “(1) because the contractor, assignee, or licensee
3 has not taken, or is not expected to take within a
4 reasonable time, effective steps to achieve practical
5 application of the invention;

6 “(2) to alleviate serious health or safety needs
7 which are not reasonably satisfied by the contractor, his
8 assignees or licensees; or

9 “(3) to meet requirements for public use specified
10 by Federal regulation which are not reasonably satisfied
11 by the contractors, his assignees or licensees.

12 “(b) A determination made pursuant to this section shall
13 not be considered a contract dispute and shall not be subject
14 to the Contract Disputes Act (41 U.S.C 601 et seq.). Any
15 contractor adversely affected by a determination under this
16 section may, at any time within 60 days after the date the
17 determination is issued, file a petition in the United States
18 Claims Court, which shall have jurisdiction to determine the
19 matter de novo and to affirm, reverse, or modify as
20 appropriate, the determination of the Federal agency.

21 “§ 217. Background rights

22 “(a) Nothing contained in this chapter shall be
23 construed to deprive the owner of any background patent or of
24 such rights as the owner may have under such patent.

25 “(b) No contract shall contain a provision allowing a
26 Federal agency to require the licensing to third parties of
27 inventions owned by the contractor that are not subject
28 inventions unless such provision has been approved by the
29 agency head and a written justification has been signed by
30 such agency head. Any such provision will clearly state
31 whether the licensing may be required in connection with the
32 practice of a subject invention, a specifically identified
33 work object, or both. The agency head may not delegate the
34 authority to approve such provisions or to sign the

1 justification required for such provisions.

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

12 (b) The table of chapters for title 35, United States
13 Code, is amended by adding immediately after the item
14 relating 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.”.

15 (c) Chapter 18 of title 35, United States Code, as
16 redesignated herein, is amended--

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

21 (2) by adding “: Provided, That in the case of a
22 variety of plant, the date of determination (as defined
23 in section 41 (d) of the Plant Variety Protection Act (7
24 U.S.C. 2401 (d))) must also occur during the period of
25 contract performance” immediately after “agreement” in
26 section 201 (e);

27 (3) in section 202 (a), by amending clause (i) to
28 read as follows: “(i) when the contractor is not located
29 in the United States or does not have a place of business
30 located in the United States; and

31 (4) by amending section 202 (b) to read as follows:

32 “(b) (1) The rights of the Government under paragraph

1 (a) of this section shall not be exercised by a Federal
2 agency unless it first determines that at least one of the
3 conditions identified in subparagraphs (i) through (iii) of
4 paragraph (a) exists. Except in the case of paragraph (a)
5 (iii), the agency shall file with the Secretary of Commerce,
6 within 30 days after the award of the applicable funding
7 agreement, a copy of such determination. In the case of a
8 determination under paragraph (a) (ii), the statement shall
9 include an analysis justifying the determination. If the
10 Secretary of Commerce believes that any individual
11 determination or pattern of determinations is contrary to the
12 policies and objectives of this chapter or otherwise not in
13 conformance with this chapter, the Secretary shall so advise
14 the head of the agency concerned and the Administrator of the
15 Office of Federal Procurement Policy, and recommend
16 corrective actions.

17 "(2) Whenever the Administrator of the Office of Federal
18 Procurement Policy has determined that one or more Federal
19 agencies are utilizing the authority of subparagraph (i) or
20 (ii) of paragraph (a) of this section in a manner that is
21 contrary to the policies and objectives of this chapter, the
22 Administrator is authorized to issue regulations describing
23 classes of situations in which agencies may not exercise the
24 authorities of those subparagraphs.";

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

27 "(1) That the contractor disclose each subject
28 invention to the Federal agency within a reasonable time
29 after it becomes known to contractor personnel
30 responsible for the administration of patent matters, and
31 that the Federal Government may receive title to any
32 subject invention not disclosed to it within such time.

33 "(2) That the contractor make a written election
34 within 2 years after disclosure to the Federal agency (or

1 such additional time as may be approved by the Federal
2 agency) whether the contractor will retain title to a
3 subject invention: Provided, That in any case where
4 publication, on sale, or public use, has initiated the 1
5 year statutory period in which valid patent protection
6 can still be obtained in the United States, the period
7 for election may be shortened by the Federal agency to a
8 date that is not more than sixty days prior to the end of
9 the statutory period: And provided further, That the
10 Federal Government may receive title to any subject
11 invention in which the contractor does not elect to
12 retain rights or fails to elect rights within such times.

13 "(3) That a contractor electing rights in a subject
14 invention agrees to file a patent application prior to
15 any statutory bar date that may occur under this title
16 due to publication, on sale, or public use, and shall
17 thereafter file corresponding patent applications in
18 other countries in which it wishes to retain title within
19 reasonable times, and that the Federal Government may
20 receive title to any subject inventions in the United
21 States or other countries in which the contractor has not
22 filed patent applications on the subject invention within
23 such times.

24 "(4) With respect to any invention in which the
25 contractor elects rights, the Federal agency shall have a
26 nonexclusive, nontransferrable, irrevocable, paid-up
27 license to practice or have practiced for or on behalf of
28 the United States any subject invention throughout the
29 world; Provided, That the funding agreement may provide
30 for such additional rights, including the right to assign
31 or have assigned foreign patent rights in the subject
32 invention, as are determined by the agency as necessary
33 for meeting the obligations of the United States under
34 any treaty, international agreement, arrangement of

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1 cooperation, memorandum of understanding, or similar
2 arrangement, including military agreements relating to
3 weapons development and production.''.
4

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

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

23 '(1) encouraging the wide availability to the public
24 of the benefits of the experimental, developmental, or
25 research program in the shortest practicable time;

26 '(2) promoting the commercial utilization of such
27 inventions;

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

32 (7) by striking out 'may' in section 202 (c) (5)
33 and inserting in lieu thereof 'as well as any
34 information on utilization or efforts at obtaining
utilization obtained as part of a proceeding under

1 section 203 of this chapter shall'';

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

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

13 ''A determination pursuant to this section shall not be
14 considered a contract dispute and shall not be subject to the
15 Contract Disputes Act (41 U.S.C. 601 et seq.). Any
16 contractor, assignee, or exclusive licensee adversely
17 affected by a determination under this section may, at any
18 time within 60 days after the determination is issued, file a
19 petition in the United States Claims Court, which shall have
20 jurisdiction to determine the manner de novo and to affirm,
21 reverse, or modify as appropriate, the determination of the
22 Federal agency.'';

23 (10) by amending section 206 to read as follows:

24 ''§ 206. Uniform clauses and regulations.

25 ''The Secretary of Commerce may issue regulations which
26 may be made applicable to Federal agencies implementing the
27 provisions of sections 202 through 204 of this chapter and
28 shall establish standard funding agreement provisions
29 required under this chapter. The regulations and the standard
30 funding agreement shall be subject to public comment before
31 their issuance.'';

32 (11) by amending section 207 by adding the following
33 new paragraph at the end thereof:

34 ''For the purpose of assuring the effective management of

1 Government-owned inventions, the Secretary is authorized to--

2 “(A) assist Federal agency efforts to promote the
3 licensing and utilization of Government-owned inventions;

4 “(B) assist Federal agencies in seeking protection
5 and maintaining inventions in foreign countries,
6 including the payment of fees and costs connected
7 therewith; and

8 “(C) consult with and advise Federal agencies as to
9 areas of science and technology research and development
10 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
17 subsection (c) (2); and

18 (C) by striking out all in paragraph (d) after
19 “objections” and inserting in lieu thereof a
20 period; 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, 1946
24 (7 U.S.C. 1624 (a)), is amended by striking out the last
25 sentence thereof.

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

29 (c) Section 106 (c) of the National Traffic and Motor
30 Vehicle Safety Act of 1966 (15 U.S.C. 1395 (c)) is repealed.

31 (c) Section 12 (a) of the National Science Foundation Act
32 of 1950 (42 U.S.C. 1871 (a)) is repealed.

33 (e) (1) Section 152 of the Atomic Energy Act of 1954 (42
34 U.S.C. 2182) is repealed: Provided, however, That such

1 section shall continue to be effective with respect to any
2 application for a patent in which the statement under oath
3 referred to in such section has been filed or requested to be
4 filed by the Commissioner of Patents and Trademarks prior to
5 the effective date of this Act.

6 (2) The item relating to section 152 in the table of
7 contents of the Atomic Energy Act of 1954 is amended to read
8 as follows:

“Sec. 152. Repealed”.

9 (f) The National Aeronautics and Space Act of 1958 (42
10 U.S.C. 2451 et seq.) is amended by--

11 (1) repealing subsections (a)-(h) and (j) of section
12 305 thereof (42 U.S.C. 2457): Provided, however, That
13 subsections (c), (d), and (e) of such section shall
14 continue to be effective with respect to any application
15 for patents in which the written statement referred to in
16 subsection (c) of such section has been filed or
17 requested to be filed by the Commissioner of Patents and
18 Trademarks prior to the effective date of this Act;

19 (2) striking out in section 306 (a) thereof (42
20 U.S.C. 2458 (a)), “(as defined by section 305)”, and by
21 striking “the Inventions and Contributions Board,
22 established under section 305 of this Act” and inserting
23 in lieu thereof “an Inventions and Contributions Board
24 which shall be established by the Administrator within
25 the Administration; and

26 (3) striking out in section 203 (c) thereof “(42
27 U.S.C. 2473 (c)), the following: “(including patents and
28 rights thereunder)”.

29 (g) Section 6 of the Act of July 7, 1960 (38 U.S.C. 666),
30 is repealed.

31 (h) Section 4 of the Helium Act Amendments of 1952 (52
32 U.S.C. 167b) is amended by striking out all after
33 “utilization” and inserting in lieu thereof a period.

1 (i) Section 32 of the Arms Control and Disarmament Act
2 (22 U.S.C. 2572) is repealed.

3 (j) Subsection (e) of section 322 of the Appalachian
4 Regional Development Act of 1965 (40 U.S.C. App. 302 (e)) is
5 repealed.

6 (k) Subsections (a) through (k), (m), and (n) of section
7 9 of the Federal Nonnuclear Energy Research and Development
8 Act of 1974 (42 U.S.C. 5908) are repealed. ✓

9 (l) Section 5 (d) of the Consumer Product Safety Act (15
10 U.S.C. 2054 (d)) is repealed.

11 (m) Section 3 of the Act of April 5, 1944 (30 U.S.C. 323),
12 is repealed.

13 (n) Section 8001 (c) (3) of the Solid Waste Disposal Act
14 (42 U.S.C. 6981 (c) (3)) is repealed.

15 (o) Section 6 (e) of the Stevenson-Wydler Technology
16 Innovation Act of 1980 (15 U.S.C. 3705 (e)) is repealed.

17 (p) Section 10 (a) of the Act of June 29, 1935 (7 U.S.C.
18 4271 (a)) is amended by striking the last sentence thereof.

19 (q) Section 427 (b) of the Federal Mine Safety and Health
20 Act of 1977 (30 U.S.C. 937 (b)) is amended by striking the
21 last sentence thereof.

22 (r) Section 305 (d) of the Surface Mining Control and
23 Reclamation Act of 1977 (30 U.S.C. 1226 (d)) is amended by
24 striking the first two sentences thereof.

25 (s) Section 21 (d) of the Federal Fire Prevention and
26 Control Act of 1974 (15 U.S.C. 2218 (d)) is repealed.

27 (t) Section 6 (b) of the Solar Photovoltaic Energy
28 Research, Development, and Demonstration Act of 1978 (42
29 U.S.C. 5585 (b)) is amended by striking ``7, 8, and 9`` and
30 inserting in lieu thereof ``7 and 8``.

31 (u) Section 12 of the Native Latex Commercialization and
32 Economic Development Act of 1978 (7 U.S.C. 173j) is repealed.

33 (v) Section 403 of the Water Research and Development Act
34 of 1978 (42 U.S.C. 7879) is repealed.

1 (w) (1) Section 173 of the United States Synthetic Fuels
2 Corporation Act of 1980 (42 U.S.C. 8773) is repealed.

3 (2) The item relating to section 173 in the table of
4 sections of the Energy Security Act (42 U.S.C. 8701 et seq.)
5 is amended to read as follows:

“Sec. 173. Repealed.”

6 Sec. 4. Nothing in this Act shall be deemed to convey to
7 any person immunity from civil or criminal liability, or to
8 create any defense to actions, under any antitrust law of the
9 United States.

10 Sec. 5. (a) This Act shall take effect 6 months after the
11 date of enactment of this Act.

12 (b) After the effective date of this Act, each Federal
13 agency is authorized, notwithstanding any other law governing
14 the disposition of rights in subject inventions, to allow a
15 contractor or an inventor to retain title to subject
16 inventions made under contracts awarded prior to the
17 effective date of this Act, subject to the same terms and
18 conditions as would apply under this Act had the contract
19 been entered into after the effective date of this Act.

20 Sec. 6. Within 24 months after the date of enactment of
21 this Act and every two years thereafter, the Secretary of
22 Commerce shall submit to Congress a report of the
23 implementation of chapters 18 and 19 of title 35, United
24 States Code, including any recommendations for legislative or
25 administrative changes to better achieve the policies and
26 objectives of such chapters.