

IN THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES

[JUNE---1976] APRIL 6, 1977

Mr. Thornton (for himself and Mr. Teague) introduced the following bill; which was [read-twice-and] referred jointly to the Committees on the Judiciary and Science and Technology

A BILL

To establish a uniform Federal [~~policy~~] system for [~~intellectual property-arising-from-F~~] management, protection and utilization of the results of federally[-]sponsored scientific and technological research and development; [~~to-protect-and-encourage-utilization-of-such-technology~~] and to further the public interest of the United States domestically and abroad; and for other related purposes.

1 Be it enacted by the Senate and House of Representatives
2 of the United States of America in Congress assembled,
3 That this Act, which may be cited as the "Uniform Federal
4 [~~Intellectual-Property-Policy~~] Research and Development
5 Utilization Act of [1976] 1977" [~~is hereby adopted~~].

[~~Title I--FEDERAL-INTELLECTUAL-PROPERTY-POLICY~~]
TITLE I--POLICY

[~~Sec.~~]

Sec. 101. Findings.

Sec. 102. Declaration of purpose.

[~~Title~~] TITLE II--FUNCTIONS OF THE OFFICE OF SCIENCE AND TECHNOLOGY POLICY AND THE FEDERAL COORDINATING COUNCIL FOR SCIENCE, ENGINEERING, AND TECHNOLOGY

[~~Sec.~~]

Sec. 201. Federal Coordinating Council for Science, Engineering, and Technology.

[~~202--Board-for-Intellectual-Property-~~]

[Title] TITLE III--ALLOCATION OF PROPERTY RIGHTS IN INVENTIONS
RESULTING FROM FEDERALLY[-] SPONSORED
RESEARCH AND DEVELOPMENT

CHAPTER 1.--INVENTIONS OF CONTRACTORS

- [See-]
Sec. 311. Criteria for the allocation of property rights
in [S]subject [F]inventions.
Sec. 312. [~~Other-provisions~~] Reporting requirements and
declaration of intent.
Sec. 313. Minimum rights to Federal Government and the
public.
Sec. 314. Contractor's rights.
Sec. 315. Related provisions.
Sec. 316. Judicial review.

CHAPTER 2.--INVENTIONS OF FEDERAL EMPLOYEES

- [See-]
Sec. 321. Reporting of inventions.
Sec. 322. Criteria for the allocation of rights to
inventions.
Sec. 323. Application of criteria.
Sec. 324. Review of Federal agency determinations.
Sec. 325. Reassignment of rights.
Sec. 326. Incentive Awards Program.
Sec. 327. Income sharing from patent licenses.
Sec. 328. Conflict of interest.

[Title] TITLE IV--DOMESTIC AND FOREIGN PROTECTION AND LICENSING
OF FEDERALLY[-] OWNED INVENTIONS

- [See-]
Sec. 401. Authorit[ies]y of Federal agencies.
Sec. 402. Authorit[ies]y of the [Department] Secretary of
Commerce in cooperation with other Federal agencies.
Sec. 403. Authorit[ies]y of Administrator of General
Services [Administration].
Sec. 404. Grants of an exclusive or partially exclusive
license.

[Title] TITLE V--MISCELLANEOUS

CHAPTER 1.--[~~OTHER-RELATED-PROVISIONS~~] DEFINITIONS;
RELATIONSHIP TO OTHER LAWS

- [See-]
Sec. 511. Definitions.
Sec. 512. Relationship to [~~antitrust~~] other laws.

CHAPTER 2. AMENDMENT TO OTHER ACTS

- [See-]
Sec. 521. Identified Acts Amended

CHAPTER 3. EFFECTIVE DATE PROVISION

- [See-]
Sec. 531. Effective date of Act.

1 [Title] TITLE I-- [FEDERAL-INTELLECTUAL-PROPERTY] POLICY

[Sec.]

[101--Findings]

[102--Declaration-of-purpose]

2 [~~S-101--Findings~~] FINDINGS

3 Sec. 101. The Congress, recognizing the profound impact of
4 science and technology on society and the interrelations
5 of scientific, technological, economic, social, political,
6 and institutional factors, hereby finds that[+]--

7 [(a)--The] (1) inventions in scientific and technological
8 fields resulting from work performed under Federal
9 research and development programs constitute a valuable
10 national resource;

11 [(b)--A] (2) Federal policy on the allocations of rights
12 to inventions resulting from [F]federally[-]sponsored research
13 and development should stimulate inventors, meet the needs
14 of the Federal Government, recognize the equities of the
15 Federal employee-inventor and the Federal Government
16 contractor, and serve the public interest; and

17 [(c)--F] (3) the public interest would be better served if
18 greater efforts were made to obtain patent protection[7
19 both-domestic-and-foreign7] and to promote [the-interests
20 of-the-United-States-and] the commercial use of new techno-
21 logy resulting from [F]federally[-]sponsored research and
22 development, both in the United States and foreign
23 countries, as appropriate.

24 [~~Sec--102--Declaration-of-purpose~~] DECLARATION OF PURPOSE

25 Sec. 102. It is the purpose of this Act to[+]--

26 [(a)--E] (1) establish a uniform Federal [policy] system
27 for [matters-of-intellectual-property-arising-from-F] the
28 management and use of the results of federally[-]sponsored
29 scientific and technological research and development;

30 [(b)--P] (2) provide for uniform implementation of the provisions
31 of this Act, and to make a continuing effort to monitor
32 such implementation;

1 [~~(e)~~--~~¶~~] (3) allocate rights to [~~contractor~~] inventions
2 by contractors which result from [F]federally[-]sponsored
3 research and development so as to --

4 [~~(1)~~] (A) encourage the participation of the most
5 qualified and competent contractors,

6 [~~(2)~~] (B) foster competition,

7 [~~(4)~~] (C) reduce the administrative burdens, both for
8 the Federal agencies and its contractors[;], and

9 [~~(3)~~] (D) protect the public investment in research
10 and development by promot[e]ing the widespread

11 utilization of the inventions[; ~~and~~];

12 [~~(d)~~--~~¶~~] (4) allocate rights to Federal employee inventions
13 in an equitable manner;

14 [~~(e)~~--~~¶~~] (5) provide for a domestic and foreign protection
15 and licensing program to obtain commercial utilization of
16 [F]federally[-]owned inventions, with the objective of
17 strengthening the Nation's economy and expanding its domestic
18 and foreign markets; and

19 [~~(f)~~--~~¶~~] (6) amend all other Acts and abolish the Executive
20 [O]orders regarding the allocation of rights to inventions
21 which result from [F]federally[-]sponsored research and develop-
22 ment and the licensing of [F]federally[-]owned patents.

1 [Title] TITLE II--FUNCTIONS OF THE OFFICE OF SCIENCE
2 AND TECHNOLOGY POLICY AND THE FEDERAL
3 COORDINATING COUNCIL FOR SCIENCE,
4 ENGINEERING, AND TECHNOLOGY

[Sec.]

[201.--Federal-Coordinating-Council-for-Science,
Engineering, and Technology.]

[202.--Board-for-Intellectual-Property.]

[§-201.--Federal-Coordinating-Council-for-Science,
Engineering, and Technology.]

5 Sec. 201. (a) The Federal Coordinating Council for Science,
6 Engineering, and Technology (established by [Title-IV,
7 P.L.-94-282]) section 401 of the National Science and
8 Technology Policy, Organization, and Priorities Act of
9 1976 (42 U.S.C. 6651) (hereinafter in this Act referred
10 to as the "Council") shall make recommendations to the
11 Director of the Office of Science and Technology Policy [-(OSFP)]
12 (hereinafter in this title referred to as the "Director"),
13 with regard to [:-]--

14 (1) [U] uniform and effective planning and administra-
15 tion of Federal programs pertaining to inventions,
16 patents, trademarks, copyrights, rights in technical
17 data, and matters connected therewith [:-];

18 (2) [U] uniform policies, regulations, guidelines, and
19 practices to carry out the provisions of this Act
20 and other Federal Government objectives in the field
21 of intellectual property [:-]; and

22 (3) [U] uniformity and effectiveness of interpretation
23 and implementation by individual Federal agencies of
24 the provisions of this Act and other related Federal
25 Government policies, regulations, and practices.

26 (b) Recommendations regarding matters set forth in
27 subsection (a) which are made by the [COUNCIL] Council and
28 adopted by the Director [will-be-promulgated] shall be
29 transmitted to [the] Federal agencies through appropriate
30 channels.

31 (c) In order to carry out the responsibilities set
32 forth in subsections (a) and (b), the [COUNCIL] Council is
33 authorized to --

34 (1) [A] acquire data and reports from [the] Federal

1 agencies on the interpretation and implementation
2 of this Act and related policies, regulations, and
3 practices[-];

4 (2) [R]review on its own initiative, or upon request
5 by a Federal agency, Federal agency implementation
6 of the provisions of this Act[-];

7 (3) [A]analyze on a continuing basis data acquired
8 by the [COUNCIL] Council;

9 (4) [C]consider problems and developments in the
10 fields of inventions, patents, trademarks, copyrights,
11 rights in technical data, and matters connected
12 therewith and the impact [of-such] thereof on Federal
13 Government policy or uniform accommodation or
14 implementation by Federal agencies[-]; and

15 (5) [P]publish annually a report on [COUNCIL] Council
16 efforts, findings, and recommendations made under this
17 section.

18 ~~[S-202--Board-for-Intellectual-Property-~~

19 ~~The-Director-shall-establish-or-designate-a-Board-or~~
20 ~~Boards-for-intellectual-property-(hereinafter-referred~~
21 ~~to-as-the-"BOARD")-as-required,-to-make-approvals-and~~
22 ~~determinations-and-to-hear-appeals-as-provided-for-in~~
23 ~~this-Act.--In-exercising-its-authority-and-in-developing~~
24 ~~its-rules-and-procedures,-the-BOARD-shall-consult-with~~
25 ~~the-COUNCIL-and-such-Federal-agencies-as-may-be~~
26 ~~appropriate.--The-BOARD-may-perform-any-and-all-acts,~~
27 ~~and-issue-such-orders,-not-inconsistent-with-the-Act,~~
28 ~~as-may-be-necessary-in-the-execution-of-its-functions-~~
29 ~~Decisions-of-the-BOARD-under-Sections-311-(b)-(2)-(C),~~
30 ~~(D),-(E)-and-(F)-of-this-Act,-shall-be-appealable-to~~
31 ~~the-United-States-Court-of-Claims.]~~

1 ~~[Title]~~ TITLE III--ALLOCATION OF PROPERTY RIGHTS IN INVENTIONS
2 RESULTING FROM FEDERALLY[-]SPONSORED RESEARCH
3 AND DEVELOPMENT

4 CHAPTER 1.--INVENTIONS OF CONTRACTORS

~~[Sec.]~~

~~[311.--Criteria-for-the-allocation-of-property-rights
in-Subject-Inventions.]~~

~~[312.--Other-provisions.]~~

~~[§-311.--Criteria-for-the-allocation-of-property-rights
in-Subject-Inventions.]~~

5 CRITERIA FOR THE ALLOCATION OF PROPERTY RIGHTS IN
6 SUBJECT INVENTIONS

7 Sec. 311. The allocation of property rights in ~~[§]~~subject
8 ~~[§]~~inventions shall be determined by uniform regulations,
9 issued by the Administrator of General Services and the
10 Secretary of Defense, employing a single patent rights clause
11 in all instances except as may be provided in such regulations,
12 subject to the minimum rights acquired under ~~[§]~~section
13 ~~[311. (b) (2)]~~ 313(a) (2), or as provided in ~~[§]~~section ~~[312-(e)]~~
14 315(d). Such a patent rights clause shall include the
15 provisions ~~[for-the-following:]~~ required by section 312,
16 313, 314, and subsections (a), (b), and (c) of section 315.
17 ~~[(a)--Reporting-requirements-and-declaration-of-intent.--]~~

18 REPORTING REQUIREMENTS AND DECLARATION OF INTENT

19 Sec. 312. The contractor shall promptly provide the sponsoring
20 Federal agency with (1) a disclosure of each ~~[§]~~subject
21 ~~[§]~~invention which is or may be patentable under the laws
22 of the United States; (2) an election whether the con-
23 tractor intends to file a patent application on the
24 ~~[§]~~subject ~~[§]~~invention; and (3) if the contractor elects to
25 file, a declaration of the contractor's intent to com-
26 mercialize or otherwise achieve the widespread utiliza-
27 tion of the invention by the public. The Federal
28 Government ~~[may]~~ shall withhold publication or release to
29 the public of information disclosing such invention for a
30 reasonable time in order for a patent application to be
31 filed.

1 ~~[(b)--Minimum rights to the Federal Government and the~~
2 ~~public.--]~~

3 MINIMUM RIGHTS TO THE FEDERAL GOVERNMENT AND

4 THE PUBLIC

5 Sec. 313. (a) Each Federal agency shall acquire on behalf
6 of the Federal Government at the time of contracting[+]--

7 (1) [Where] an agreement that, if the contractor
8 elects not to file a patent application on a [S]subject
9 [F]invention in any country, title to such an invention[s,]
10 shall be assigned to the Federal Government, subject to
11 [any-revocable-or-irrevocable-nonexclusive-license-which
12 the-contractor-may-be-permitted-to-retain] the rights
13 retained by the contractor under section 314; and

14 (2) [Where] an agreement that, if the contractor elects
15 to file a patent application in accordance with [sub-
16 ~~section-(c):]~~ section 314 --

17 ~~[(B)--A]~~ (A) the Federal agency shall have a nonexclusive,
18 nontransferable, irrevocable, paid-up license to practice
19 or have practiced for the Federal Government any [S]subject
20 [F]invention throughout the world by or on behalf of
21 the Federal Government (including any Federal agency),
22 and [it] may [acquire], if provided in such agreement,
23 have additional rights to sublicense any State or domestic
24 local government or to sublicense any foreign
25 government pursuant to foreign policy considera-
26 tions, or any existing or future treaty or
27 agreement when the Federal agency determines it
28 would be in the national interest to acquire such
29 additional rights[-];

30 ~~[(A)](B)~~ [F]the Federal agency shall have the right to
31 require periodic written reports at reasonable intervals
32 and [particularly], when specifically requested by [the
33 Federal] such agency, reports on the commercial use or
34 other form of utilization by the public that is being
35 made or is intended to be made of any [S]subject [F]invention

1 (C) ~~[The right of]~~ the Federal agency shall have the
2 right to require the contractor to grant a nonexclusive,
3 partially exclusive, or exclusive license to a
4 responsible applicant or applicants in any field
5 of use [of] to the [S]subject [H]invention, upon
6 terms reasonable under the circumstances, or, if the
7 contractor refuses, to grant such licenses itself[
8 ~~or to require an assignment of the Subject Invention~~
9 ~~to the Federal Government,~~ if the [Federal] agency
10 determines such action is necessary because the
11 contractor has not taken, or is not expected to take
12 within a reasonable time, effective steps to achieve
13 practical application of the [S]subject [H]invention
14 in such field of use[~~---Such determination of the~~
15 ~~Federal agency may be appealed to the BOARD.~~];

16 (D) ~~[The right of the BOARD]~~ the Federal agency shall
17 have the right to require the contractor to grant a
18 nonexclusive, partially exclusive, or exclusive license
19 to a responsible applicant or applicants, upon terms
20 reasonable under the circumstances, or [to determine
21 ~~that the Federal agency should grant such a license~~
22 ~~itself, following a hearing upon notice thereof to the~~
23 ~~public, upon a petition by an interested person~~
24 ~~justifying such hearing, if the BOARD determines,~~
25 ~~upon review of such material as the BOARD deems~~
26 ~~relevant, and after the contractor or such other~~
27 ~~interested person has had the opportunity to provide~~
28 ~~such relevant and material information as the BOARD~~
29 ~~may require], if the contractor refuses, to grant such~~
30 a license itself if the agency determines, in accordance
31 with subsection (b), that such action is necessary[+] --

1 (i) to alleviate health, safety, or
2 welfare needs ~~[, provided]~~ which are not reasonably
3 satisfied by the contractor [and/or] or its licensees;
4 ~~[are not satisfying such needs consistent with~~
5 ~~conditions reasonable under the circumstances, or]~~

6 (ii) ~~[to the extent that the Subject Invention~~
7 ~~is required]~~ to meet requirements for public use
8 by Federal regulation[, provided] which are not
9 reasonably satisfied by the contractor [and/or]
10 or its licensees; or [are not satisfying market
11 needs created by the Federal regulations
12 consistent with conditions reasonable under
13 the circumstances.]

14 (iii) because the exclusive rights to such subject
15 invention in the contractor have tended substantially
16 to lessen competition or to result in undue market
17 concentration in any section of the United States
18 in any line of commerce to which the technology
19 relates, or to create or maintain other situations
20 inconsistent with the antitrust laws; and

21 ~~[(B) -- The right of the BOARD to require~~
22 ~~the contractor to grant a nonexclusive, partially~~
23 ~~exclusive, or exclusive license to a responsible~~
24 ~~applicant or applicants, upon terms reasonable under~~
25 ~~the circumstances, or to determine that the Federal~~
26 ~~agency should grant such a license itself, following~~
27 ~~a hearing upon notice thereof to the public, upon a~~
28 ~~petition by an interested person justifying such~~
29 ~~hearing, if the BOARD determines, upon review of such~~
30 ~~material as the BOARD deems relevant, and after the~~
31 ~~contractor or other interested person has had the~~
32 ~~opportunity to provide such relevant and material~~
33 ~~information as the BOARD may require, that the~~
34 ~~exclusive rights to such Subject Invention in the~~
35 ~~contractor has tended substantially to lessen~~
36 ~~competition or to result in undue market concentration~~

1 in any section of the United States in any line of
2 commerce to which the technology relates, or to
3 create or maintain other situations inconsistent
4 with the antitrust laws.

5 [~~(F)~~--The right of the BOARD,] (E) the Federal agency
6 shall have the right, commencing ten years from the
7 date the [S]subject [F]invention was made or [five]
8 seven years after first public use or on sale in the
9 United States, whichever occurs first[7] (excepting
10 that time before Federal regulatory agencies necessary
11 to obtain premarket clearance), to require the
12 contractor to grant a nonexclusive, partially
13 exclusive, or exclusive license to a responsible
14 applicant or applicants, upon terms reasonable
15 under the circumstances, or, [~~to determine that the~~
16 ~~Federal agency should~~] if the contractor refuses,
17 to grant such a license itself[7-following-a-hearing
18 upon notice thereof to the public, upon a petition by
19 a prospective licensee who has attempted unsuccessfully
20 to obtain such a license from the contractor and
21 justifying such a hearing, if the BOARD determines,]
22 (in view of the factors set forth in [S]section
23 [312.] 315(b)) [7] that such licensing would best
24 support the overall purposes of this Act[7], except
25 that this subparagraph shall not apply to contractors
26 who are small business firms as defined by the Small
27 Business Administration.

28 [~~(3)~~--Prior to any action pursuant to Sections
29 311.(b)(2)(D), (E), and (F), the BOARD shall consult
30 with the Federal agency involved.]

31 (b) The determinations required under subparagraphs (D) and
32 (E) to be made in accordance with this subsection shall be
33 made upon the basis of such information as may be presented

1 by the contractor, any interested person, or any Federal
2 agency. Such determination shall be made after public
3 notice and opportunity for hearing if --

4 (1) in the case of subparagraph (D), such a hearing
5 is requested by any interested person justifying such a
6 hearing; and

7 (2) in the case of subparagraph (E), such a hearing
8 is requested by a prospective licensee, who has attempted
9 unsuccessfully to obtain such a license from the contractor,
10 justifying such a hearing.

11 CONTRACTOR'S RIGHTS

12 [~~(c)---Contractor's rights---~~] Sec. 314. The contractor shall
13 retain a defeasible title to only those [S]subject [E]inventions
14 (including the right to license or assign all or part
15 of its interests therein) on which the contractor files
16 a United States patent application and declares its intent
17 to achieve practical application of the [S]subject [E]invention.
18 Such title in the contractor shall permit the contractor to
19 retain exclusive commercial rights to the invention subject
20 to all the rights granted to the Federal Government
21 in [sub]section [~~(b)(2)~~] 313(a)(2). The contractor's employee
22 inventor may also retain [the] contractor's rights under
23 this subsection with permission of the contractor at the
24 discretion of the sponsoring Federal agency. The contractor
25 shall also retain a nonexclusive, royalty-free license under
26 all other reported subject inventions, which license shall
27 be revocable only to the extent necessary for the Federal
28 Government to grant an exclusive license in accordance with
29 the provisions of section 404, under any patent which may
30 issue thereon.

31 [~~§-312---Other-provisions-~~]

32 RELATED PROVISIONS

33 [~~(a)---Extension-of-contractor's-exclusive-commercial~~
34 rights---] Sec. 315. (a) Each sponsoring Federal agency,
35 for good cause shown by the contractor, may extend the period
36 of the contractor's exclusive commercial rights provided

1 for in [S]section [~~311-(b)-(2)-(F)~~] 313(a)(2)(E) following public
2 notice [~~to-the-public~~] and an opportunity for filing written
3 objections. The grant of such an extension shall be based
4 upon a determination by the Federal agency, upon review
5 of such material as it deems relevant, and after the
6 contractor [and] or any other interested person[s-have]
7 or Federal agency has had an opportunity to provide such
8 relevant and material information as the Federal agency may
9 require, that such extension would best support the overall
10 purposes of this Act. [~~The-Federal-agency-determination~~
11 ~~may-be-appealed-to-the-BOARD-by-the-contractor-or-an~~
12 ~~interested-person-involved-in-such-determination.~~]

13 (b) [~~BOARD-considerations.~~] In determining whether
14 the right to require licensing or the right of the
15 Federal agency to license set forth in [S]section
16 [~~311-(b)-(2)-(F)~~] 313(a)(2)(E) should be exercised, the
17 [~~BOARD~~] Federal agency may consider, among others, the
18 following type of factors, as appropriate:

- 19 (1) [~~F~~] the relative contributions of the Federal
20 Government and the contractor or its assignees or
21 licensees, if any, to the making and commercialization
22 of the [S]subject [~~F~~] invention;
- 23 (2) [~~F~~] the relative contributions of the Federal
24 Government and the contractor or its assignees or
25 licensees, if any, to the field of technology to
26 which the [S]subject [~~F~~] invention relates;
- 27 (3) [~~F~~] the degree to which utilization of the
28 [S]subject [~~F~~] invention has satisfied the purposes of
29 the program under which the [S]subject [~~F~~] invention was
30 made;
- 31 (4) [~~F~~] the type and scope of the [S]subject [~~F~~] invention
32 and the magnitude of the problem it solves;
- 33 (5) [~~F~~] the effect of such licensing on competition
34 and widespread utilization of the [S]subject [~~F~~] invention;
- 35 (6) [~~F~~] the effect of such licensing on incentives
36 to commercialize this and other [S]subject [~~F~~] inventions;

1 (7) [¶]the extent to which the [§]subject [¶]invention is
2 concerned with the public health, safety or welfare;

3 and

4 (8) [¶]the effect of such licensing in assisting
5 small businesses and minority business enterprises[
6 ~~as well as~~] and in improving conditions within
7 economically depressed, low-income, and labor
8 surplus areas.

9 (c) When it is determined that the right to require
10 licensing or the right of the Federal agency to license
11 should be exercised[~~the BOARD~~] pursuant to subparagraph
12 (C), (D), or (E) of section 313(a)(2), the Federal agency
13 may specify terms and conditions, including royalties to
14 be charged, if any, and the duration and field of use of
15 the license[~~;~~], if appropriate.

16 [~~(c)---Alternative-criteria-for-the-allocation-of~~
17 ~~property-rights-in-Subject-Inventions.~~]

18 (d)(1) The [H]head of a Federal agency may deviate on a
19 case-by-case basis from the single patent rights
20 clause normally used pursuant to section 311, provided
21 that such deviation[s] shall be published in the Federal
22 Register and [~~reported~~] transmitted to the [COUNCIL]
23 Council for [~~review-in-accordance-with-its-responsibility~~]
24 performance of its functions under [§]section 201[~~-(a)~~]
25 of this Act.

26 (2) The regulations adopted pursuant to [§]section 311
27 may permit deviation to the minimum rights acquired
28 under [§]section [~~311-(b)-(2)~~]313(a)(2) on a class
29 basis in[~~;~~]

30 (A) contracts involving cosponsored, cost
31 sharing, or joint venture research when the con-
32 tractor is required to make a substantial contri-
33 bution of funds, facilities, or equipment to the
34 work performed under the contract; and

35 (B) special contracting situations such as
36 Federal price or purchase supports and Federal
37 loan or loan guarantees.

1 (3) No deviation under this subsection shall waive
2 in whole or in part, the minimum rights to be secured
3 for the Federal Government set forth in [S]section
4 [311-(b)-(2)-(E)] 313(a)(2)(D)(iii).

5 JUDICIAL REVIEW

6 Sec. 316. Any person adversely affected by a Federal
7 agency determination made under subparagraph (C), (D), or
8 (E) of section 313(a)(2) or under subsection (a), (b), or
9 (c) of section 315 may, at any time within sixty days after
10 the determination is issued, file a petition to the United
11 States Court of Claims which shall have jurisdiction to
12 determine the matter de novo and to affirm, reverse, or
13 modify as appropriate, the determination of the Federal agency.

14 CHAPTER 2.--INVENTIONS OF FEDERAL EMPLOYEES

[Sec.]

~~[321.--Reporting-of-inventions.]~~

~~[322.--Criteria-for-the-allocation-of-rights-to~~
~~-inventions.]~~

~~[323.--Application-of-criteria.]~~

~~[324.--Review-of-Federal-agency-determinations.]~~

~~[325.--Reassignment-of-rights.]~~

~~[326.--Incentive-Awards-Program.]~~

~~[327.--Income-sharing-from-patent-licenses.]~~

~~[328.--Conflict-of-interest.]~~

[S-321.--Reporting-of-inventions.]

15 REPORTING OF INVENTIONS

16 Sec. 321. All inventions made by Federal employees while
17 under the administrative jurisdiction of a Federal agency
18 shall be reported to the designated authority of that Federal
19 agency.

20 ~~[S-322.--Criteria-for-the-allocation-of-rights-to-inventions.]~~

21 CRITERIA FOR THE ALLOCATION OF RIGHTS TO

22 INVENTIONS

23 Sec. 322. Subject to prescribed rules and regulations issued
24 by the Commissioner of the United States Patent and Trademark
25 Office, each Federal agency shall determine the respective
26 rights of the Federal Government and of the Federal employee-
27 inventor in and to any invention made by a Federal employee
28 while under the administrative jurisdiction of such agency,
29 in accordance with the following criteria:

1 (a) The Federal Government shall obtain, subject to
2 subsection (c), the entire right, title and interest
3 in and to all inventions made by any Federal employee
4 which bear a relation to the duties of the Federal
5 employee-inventor, or are made in consequence of his
6 employment;

7 (b) A Federal employee shall be entitled to retain
8 the entire right, title and interest in and to any
9 invention made by the employee-inventor, subject to a
10 nonexclusive, nontransferable, irrevocable, paid-up
11 license to practice or have practiced for the Federal
12 Government any such invention throughout the world by
13 or on behalf of the Federal Government (including any
14 Federal agency) in any case where the invention does not
15 bear a relation to the duties of the employee-inventor
16 or was not made in consequence of his employment, but
17 was made with a contribution by the Federal Government
18 of facilities, equipment, materials, funds, or informa-
19 tion, or of time or services of other Federal employees
20 on official duty~~[7--and-further7--t]~~. The Federal agency
21 may acquire additional rights to sublicense any State or
22 domestic local government or to sublicense any foreign
23 government pursuant to foreign policy considerations, or
24 any existing or future treaty or agreement, where the
25 Federal agency determines it would be in the national
26 interest to acquire such additional rights;

27 (c) The Federal employee may obtain the entire right,
28 title, and interest in and to an invention in any country,
29 subject to the license and sublicensing rights set forth
30 in subsection (b), where the Federal agency determines that
31 there is insufficient interest in the invention to justify
32 seeking patent protection in that country, although the
33 Federal Government may have taken title to the invention
34 or ~~may be entitled to the entire, right, title and~~
35 interest therein under subsection (a), ~~[provided-however7]~~
36 except that nothing in this paragraph shall prevent a Federal

1 agency from publishing or dedicating to the public such an
2 invention if it is in the public interest[7-and].

3 (d) A Federal employee shall be entitled to retain
4 the entire right, title, and interest in and to any
5 invention made by the employee in any case not
6 falling within subsection[s] (a), (b), or (c).

7 (e) Notwithstanding subsection (2) of this section, a
8 Federal agency may enter into agreements with other public
9 or private parties wherein future or identified inventions
10 falling within the criteria of subsection (a) and made in
11 performance of cosponsored, cost-sharing, or joint venture
12 research involving a substantial contribution of funds,
13 facilities, equipment, or employees by such parties, may be
14 allocated in a manner satisfying the contribution of such
15 parties.

16 [~~S-323--Application-of-criteria-~~]

17 APPLICATION OF CRITERIA

18 Sec. 323. (a) In applying the criteria of [S]section 322
19 to the fact and circumstances relating to the making of any
20 particular invention[7]--

21 (1) it shall be presumed that an invention falls
22 within the criteria of [S]section 322[7](a) when made by
23 a Federal employee who is employed or assigned to --

24 (A) invent or improve or perfect any art, machine,
25 manufacture, or composition of matter,

26 (B) conduct or perform research[7] or development work,
27 or both,

28 (C) supervise, direct, coordinate, or review
29 [F]federally[-]financed or conducted research[7] or
30 development work, or both, or

31 (D) act in a liaison capacity among Federal or
32 non-Federal agencies[,] or individuals engaged in
33 such work; and

1 (2) it shall be presumed that an invention falls
2 within the criteria of [S]section 322[?] (b) when made
3 by any other Federal employee.

4 (b) Either presumption [of] required by subsection (a)
5 may be rebutted by the facts or circumstances [attendant
6 upon] of the conditions under which any particular invention
7 is made.

8 [~~S-324---Review-of-Federal-agency-determinations-~~]

9 REVIEW OF FEDERAL AGENCY DETERMINATIONS

10 Sec. 324. Federal agency determinations regarding the
11 respective rights of the Federal Government and the Federal
12 employee-inventor are to be reviewed in accordance with
13 prescribed rules and regulations issued pursuant to
14 [S]section 322 [where] whenever --

15 (1) the Federal agency determines not to acquire
16 all right, title and interest in an invention, or

17 (2) the Federal employee-inventor who is aggrieved by
18 the determination requests such a review.

19 [~~S-325---Reassignment-of-rights-~~]

20 REASSIGNMENT OF RIGHTS

21 Sec. 325. [Where] Whenever a Federal agency finds on the
22 basis of new evidence that it has acquired rights in an
23 invention greater than the Federal Government is entitled to
24 assert under the criteria of [S]section 322, the Federal
25 agency shall adjust such inequity by granting [greater] such
26 rights to the Federal employee-inventor as may be necessary to
27 correct the inequity.

28 [~~S-326--Incentive-Awards-Program-~~]

29 INCENTIVE AWARDS PROGRAM

30 Sec. 326. (a) Incentive Awards may be granted to Federal
31 employee-inventors in order to[?] --

32 (1) [M]monetarily reward or otherwise recognize
33 Federal employees for inventions; and

34 (2) [S]stimulate inventive creativeness and encourage
35 Federal employees to disclose their inventions

1 and ~~[thus-to]~~ thereby enhance the transfer and utilization
2 of related technology.

3 (b) These awards shall be granted pursuant to the
4 provisions of ~~[Title-5, Chapter-45]~~ chapter 45 of title 5 and
5 ~~[Title-10, Chapter-57]~~ chapter 57 of title 10, United States
6 Code, and in accordance with ~~[implementing]~~ regulations
7 issued thereunder except as modified ~~[herein]~~ by this Act.
8 ~~[Existing-statutory-provisions-for-awards-shall-remain-unaffected~~
9 ~~by-this-section.]~~

10 (c) The amount of the award for an invention ~~[will]~~ shall
11 be based on~~[-]~~ --

12 (1) ~~[F]~~the extent to which the invention advances the
13 state of the art;

14 (2) ~~[F]~~the scope of the application of the invention;

15 (3) ~~[F]~~the importance of the invention in terms of
16 its value and benefits to the Federal Government;

17 and

18 (4) ~~[F]~~the extent to which the invention has achieved
19 utilization by the public.

20 (d) Awards of up to \$10,000 for an invention ~~[of-up-to~~
21 ~~\$10,000]~~ may be granted by the ~~[H]~~head of a Federal agency.
22 Awards in excess of \$10,000 but ~~[not-in-excess-of-\$50,000]~~
23 less than \$35,000 may be granted --

24 (1) for Federal civilian employees by the ~~[H]~~head of
25 the Federal agency with the approval of the Civil
26 Service Commission~~[7]~~;

27 (2) for members of the Armed Forces with the
28 approval of the Secretary of Defense~~[7-and]~~;

29 (3) for members of the United States Coast
30 Guard when not operating as a service in the
31 Navy with the approval of the Secretary of
32 Transportation~~[7]~~;

1 (4) for members of the Commissioned Corps of the
2 United States Public Health Service with the approval
3 of the Secretary of Health, Education, and Welfare; and
4 (5) for members of the Commissioned Corps of the
5 National Oceanic and Atmospheric Administration with
6 the approval of the Secretary of Commerce,

7 upon recommendation that the invention is highly exceptional
8 and unusually outstanding. Awards in excess of [~~\$50,000~~
9 \$35,000] may be made in those instances where the [H]head of
10 the Federal agency, based upon the value and benefit of the
11 inventor's contribution, recommends to the Chairman of the
12 Civil Service Commission and the Director of the Office of
13 Management and Budget that a Presidential award be made.
14 Upon endorsement of both the Chairman of the Civil Service
15 Commission and the Director of the Office of Management
16 and Budget and approval by the President, an award in
17 excess of [~~\$50,000~~] \$35,000 and an honorary recognition, may
18 be granted as deemed appropriate.

19 (e) A cash award under this section is in addition
20 to the regular pay of the recipient. Acceptance of
21 a cash award under this section constitutes an agreement
22 that any use by the Federal Government of an idea, method,
23 or device for which the award is made does not form the
24 basis of a further claim of any nature against the
25 Federal Government by the recipient, his heirs, or
26 assigns.

27 (f) A cash award and expense for honorary recognition
28 of a Federal employee-inventor shall be paid from the
29 fund or appropriation of the Federal agency primarily
30 benefiting. The [H]head of the Federal agency shall determine
31 the amount to be paid by [~~each~~] the Federal agency for Federal
32 agency awards and the President shall determine the
33 amount of the award to be paid by each Federal agency
34 for Presidential awards made under subsection (d).

1 (g) Nothing contained in this section shall be
2 construed to limit the discretionary power of the Federal
3 agency to grant or not grant an incentive award under
4 this section.

5 ~~[§-327---Income-sharing-from-patent-licenses-]~~

6 INCOME SHARING FROM PATENT LICENSES

7 Sec. 327. In addition to awards as provided in [§]section
8 326, in instances where a Federal agency grants income bearing
9 patent licenses for an invention, such Federal agency
10 may share the income received with the Federal employee-
11 inventor.

12 ~~[§-328---Conflict-of-interest-]~~

13 CONFLICT OF INTEREST

14 Sec. 328. Determinations of an appointing official pursuant
15 to [§]section 208(b) of [§]title 18, United States Code,
16 regarding the promotion of a Federal employee's invention by
17 such employee shall be subject to regulations prescribed by
18 the Secretary of Commerce with the concurrence of the Civil
19 Service Commission and the Attorney General.

1 [Title] TITLE IV--DOMESTIC AND FOREIGN PROTECTION AND LICENSING
2 OF FEDERALLY[-]OWNED INVENTIONS

[Sec-]

[401---Authorities-of-Federal-agencies-]

[402---Authorities-of-the-Department-of-Commerce
in-cooperation-with-other-Federal-agencies-]

[403---Authorities-of-General-Services-Administration-]

[404---Grants-of-an-exclusive-or-partially-exclusive
license-]

[§-401---Authorities-of-Federal-agencies-]

3 AUTHORITY OF FEDERAL AGENCIES

4 Sec. 401. [The] Federal agencies are authorized[+] to --

5 [~~a~~---~~to~~] (1) apply for, obtain and maintain patents or
6 other forms of protection in the United States and in foreign
7 countries on inventions in which the Federal Government
8 owns a right, title or interest;

9 [~~b~~---~~to~~] (2) promote the licensing of inventions covered by
10 [F]federally[-]owned patent applications, patents, or other
11 forms of protection obtained with the objective of
12 maximizing utilization by the public of the inventions
13 covered thereby[+];

14 [~~c~~---~~to~~] (3) grant nonexclusive, exclusive, or partially
15 exclusive licenses under [F]federally[-]owned patent applica-
16 tions, patents or other forms of protection obtained,
17 royalty-free or for royalties or other consideration,
18 and on such terms and conditions including the grant to
19 the licensee of the right of enforcement pursuant to the
20 provisions of [~~Title-35-Chapter-28-USE~~] chapter 28 of
21 title 35, United States Code, as deemed appropriate in
22 the public interest[+];

23 [~~d~~---~~to~~] (4) make market surveys and other investigations
24 for determining the potential of inventions for domestic
25 and foreign licensing and other forms of utilization;
26 [~~to~~] acquire technical information and engage in negotiations
27 and other activities for promoting the licensing and
28 the purpose of enhancing their marketability and
29 public utilization[+];

1 ~~[(e)--Fe]~~ (5) withhold publication or release to the public
2 information disclosing any invention in which the Federal
3 Government owns or may own a right, title, or interest for a
4 reasonable time in order for a patent application to be filed~~[-]~~;

5 ~~[(f)--Fe]~~ (6) undertake the above and all other suitable
6 and necessary steps to protect and administer rights to
7 inventions on behalf of the Federal Government either
8 directly or through contract;

9 ~~[(g)--Fe]~~ (7) transfer custody and administration, in
10 whole or in part, to the Department of Commerce or to
11 other Federal agencies, of the right, title, or interest
12 in any invention for the purpose of administering the
13 authorities set forth in ~~[subsections-(a)]~~ paragraphs (1)
14 through ~~[(d)]~~ (4), without regard to the provisions of the
15 Federal Property and Administrative Services Act of 1949
16 (40 U.S.C. 471); and

17 ~~[(h)--Fe]~~ (8) designate the Department of Commerce as
18 recipient of any or all funds received from fees, royalties,
19 or other management of ~~[F]~~ federally~~[-]~~ owned inventions
20 authorized under this Act.

21 ~~[\S-402.--Authorities-of-the-Department-of-Commerce-in~~
22 ~~cooperation-with-other-Federal-agencies-]~~

23 AUTHORITY OF THE SECRETARY OF COMMERCE IN
24 COOPERATION WITH OTHER FEDERAL AGENCIES

25 Sec. 402. The ~~[Department]~~ Secretary of Commerce is
26 authorized in cooperation with other Federal agencies to:

27 ~~[(a)--Fe]~~ (1) coordinate a program for assisting all
28 Federal agencies in carrying out the authorit~~ies~~y set
29 forth in ~~[\S]~~ section 401;

30 ~~[(b)--Fe]~~ (2) publish notification of all ~~[F]~~ federally~~[-]~~
31 owned inventions that are available for licensing;

32 ~~[(c)--Fe]~~ (3) evaluate inventions referred by Federal
33 agencies, and patent applications filed thereon, in order
34 to identify those inventions with the greatest commercial
35 potential and to insure promotion and utilization by the
36 public of inventions so identified;

1 ~~[(d)--To]~~ (4) assist the Federal agencies in seeking and
2 maintaining protection on inventions in the United States
3 and in foreign countries, including the payment of fees
4 and costs connected therewith;

5 ~~[(e)--To]~~ (5) accept custody and administration, in whole
6 or in part, of the right, title, and interest in any
7 invention for the purposes set forth in [S]sections 401~~[(a)]~~(1)
8 through ~~[(d)]~~ (4), with the approval of the Federal agency
9 concerned without regard to the provisions of the
10 Federal Property and Administrative Service Act of
11 1949 (40 U.S.C. 471);

12 ~~[(f)--To]~~ (6) receive funds from fees, royalties, or other
13 management of [F]federally[-]owned inventions authorized
14 under this Act~~[-provided,-however,-that]~~ but such funds
15 ~~[will]~~ shall be used only for the purpose of this Act; and

16 ~~[(g)--To]~~ (7) undertake these and such other functions either
17 directly or through contracts as are necessary and
18 appropriate to accomplish the purposes ~~[of Title IV]~~
19 of this [Act] title.

20 ~~[S-403.--Authorities-of-the-General-Services-Administration.]~~

21 AUTHORITY OF THE ADMINISTRATOR OF GENERAL SERVICES

22 Sec. 403. The Administrator of General Services is authorized
23 to promulgate regulations specifying the terms and conditions
24 upon which any [F]federally[-]owned invention may be licensed
25 on a nonexclusive, partially exclusive, or exclusive basis.

26 ~~[S-404.--Grants-of-an-exclusive-or-partially-exclusive-license.]~~

27 GRANTS OF AN EXCLUSIVE OR PARTIALLY EXCLUSIVE

28 LICENSE

29 Sec. 404. (a) Federal agencies may grant exclusive or
30 partially exclusive licenses in any invention covered by a
31 [F]federally[-]owned domestic patent or patent application only
32 if, after public notice ~~[to the public]~~ and opportunity for
33 filing written objections, it is determined that~~[-]~~--

34 (1) [F]the interests of the Federal Government
35 and the public will best be served by the proposed

1 license, in view of the applicant's intentions,
2 plans, and ability to bring the invention to
3 practical application or otherwise promote the
4 invention's utilization by the public;

5 (2) [F]the desired practical application has
6 not been achieved, or is not likely expeditiously
7 to be achieved, under any nonexclusive license which
8 has been granted, or which may be granted, on the
9 invention;

10 (3) [E]exclusive or partially exclusive licensing is
11 a reasonable and necessary incentive to call forth
12 the investment of risk capital and expenditures
13 to bring the invention to practical application
14 or otherwise promote the invention's utilization
15 by the public; and

16 (4) [F]the proposed terms and scope of exclusivity
17 are not greater than reasonably necessary to
18 provide the incentive for bringing the invention
19 to practical application or otherwise promote the
20 invention's utilization by the public;

21 [provided] except that[7] a Federal agency shall not grant such
22 exclusive or partially exclusive license if it determines
23 that the grant of such license will tend substantially
24 to lessen competition or result in undue concentration
25 in any section of the country in any line of commerce
26 to which the technology to be licensed relates, or to
27 create or maintain other situations inconsistent with
28 the antitrust laws.

29 (b) After consideration of whether the interests
30 of the Federal Government or United States industry in
31 foreign commerce will be enhanced, Federal agencies
32 may grant exclusive or partially exclusive licenses in
33 any invention covered by a foreign patent application
34 or patent after public notice [~~to-the-public~~] and opportunity
35 for filing written objections[~~,-provided~~] except that, a
36 Federal agency shall not grant such exclusive or partially

1 exclusive license if it determines that the grant of such
2 license will tend substantially to lessen competition
3 or result in undue concentration in any section of the
4 country in any line of commerce to which the technology
5 to be licensed relates, or to create or maintain other
6 situations inconsistent with the antitrust laws.

7 (c) The Federal agency shall maintain a record of
8 determinations to grant exclusive or partially exclusive
9 licenses.

10 (d) Any grant of an exclusive or partially exclusive
11 license shall contain such terms and conditions as the
12 Federal agency may determine to be appropriate for the
13 protection of the interests of the Federal Government
14 and the public, including provisions for the following:

15 (1) [~~F~~] periodic written reports at reasonable
16 intervals including, [~~and~~] when specifically requested
17 by the Federal agency, [~~on~~] the extent of the commercial
18 or other use by the public that is being made or
19 is intended to be made of the invention;

20 (2) [~~A~~] a nonexclusive, nontransferable, irrevocable,
21 paid-up license to practice or have practiced
22 for the Federal Government the licensed invention
23 throughout the world by or on behalf of the Federal
24 Government (including any Federal agency), and
25 the additional right to sublicense any State
26 or domestic local government or to sublicense any
27 foreign government pursuant to foreign policy
28 considerations, or any existing or future treaty
29 or agreement if the Federal agency determines it
30 would be in the national interest to retain such
31 additional rights; [~~and~~]

32 (3) [~~F~~] the right [~~in~~] of the Federal agency to terminate
33 such license in whole or in part unless the
34 licensee demonstrates to the satisfaction of the
35 Federal agency that the licensee has taken
36 effective steps, or within a reasonable time

1 [thereafter] is expected to take such steps, [necessary]
2 to accomplish substantial commercial or other use
3 of the invention by the public[-]; and
4 (4) [¶] the right in the Federal agency, commencing
5 three years after the grant of a license, to require
6 the licensee to grant a nonexclusive or partially
7 exclusive license to a responsible applicant or
8 applicants, upon terms reasonable under the circum-
9 stances, and in appropriate circumstances to terminate
10 the license in whole or in part, [following-a-hearing
11 upon] after public notice [thereof-to-the-public,] and
12 opportunity for a hearing, upon a petition by an
13 interested person justifying such hearing, if the
14 Federal agency determines, upon review of such material
15 as it deems relevant, and after the licensee, or other
16 interested person, has had the opportunity to provide
17 such relevant and material information as the Federal
18 agency may require, that such license has tended
19 substantially to lessen competition or to result in
20 undue concentration in any section of the country in
21 any line of commerce to which the technology relates,
22 or to create or maintain other situations inconsistent
23 with the antitrust laws.

1 (f) The term "[S]_subject [F]_invention" means any invention
2 or discovery of the contractor conceived or first actually
3 reduced to practice in the course of or under a contract.

4 (g) The term "practical application" means to manu-
5 facture in the case of a composition or product, to
6 practice in the case of a process, or to operate in the
7 case of a machine or system, and, in each case, under
8 such conditions as to establish that the invention is
9 being worked and that its benefits are available to the
10 public either on reasonable terms or through reasonable
11 licensing arrangements.

12 (h) The term "person" means any individual, partnership,
13 corporation, association, institution, or other entity.

14 (i) The term "made", when used in relation to any
15 invention, means the conception or first actual reduction
16 to practice of such invention.

17 (j) The term "antitrust law" means--

18 (1) the Act entitled "An Act to protect trade
19 and commerce against unlawful restraints and
20 monopolies", approved July 2, 1890 (15 U.S.C. 1
21 et seq.), as amended;

22 (2) the Act entitled "An Act to supplement existing
23 laws against unlawful restraints and monopolies,
24 and for other purposes", approved October 15, 1914
25 (15 U.S.C. 12 et seq.) as amended;

26 (3) the Federal Trade Commission Act (15 U.S.C.
27 41 et seq.), as amended;

28 (4) sections 73 and 74 of the Act entitled "An
29 Act to reduce taxation to provide revenue for
30 the Federal Government, and for other purposes",
31 approved August 27, 1894 (15 U.S.C. 8 and 9), as
32 amended; and

33 (5) the Act of June 19, 1936, chapter 592 (15
34 U.S.C. 13, 13a, 13b, and 21a).

1 ~~[§-512.--Relationship-to-Antitrust-Laws.]~~

2 RELATIONSHIP TO OTHER LAWS

3 Sec. 512. Nothing in this Act shall be deemed to convey
4 to any individual, corporation, or other business organization
5 immunity from civil or criminal liability, or to create defenses
6 to actions, under the Antitrust Laws.

7 CHAPTER 2.--AMENDMENT TO OTHER ACTS

~~[See-]~~

~~[521.--Identified-Acts-Amended.]~~

~~[§-521.--Identified-Acts-Amended.]~~

8 IDENTIFIED ACTS AMENDED

9 Sec. 521. The following ~~[identified]~~ Acts are hereby amended
10 as ~~[set-forth-below]~~ follows:

11 (a) ~~[Section-10(a)-of-the-Act-of-June-29,--1935,--as~~
12 ~~added-by-Title-1-of-the-Agricultural-Research~~
13 ~~and-Marketing-Act-of-August-14,--1946]~~ Section 10(a)
14 of the Act of June 29, 1935, as added by ~~[P]~~title 1 of the
15 Act of August 14, 1946 (7 U.S.C. 427i(a); 60 Stat. 1085) is
16 amended by striking out the following: "Any contracts
17 made pursuant to this authority shall contain requirements
18 making the results of research and investigations available
19 to the public through dedication, assignment to the
20 Government, or such other means as the Secretary shall
21 determine." ~~[-Amends-7-U.S.C.-427i(a)-.]~~

22 (b) ~~[Section-205(a)-of-the-Agricultural-Research-and~~
23 ~~Marketing-Act-of-August-14,--1946]~~ Section 205(a)
24 of the Act of August 14, 1946 (7 U.S.C. 1624(a); 60 Stat.
25 1090 ~~[7-as-amended]~~) is amended by striking out the following
26 ~~[language]~~: "Any contract made pursuant to this section
27 shall contain requirements making the result of such
28 research and investigations available to the public by
29 such means as the Secretary of Agriculture shall determine."
30 ~~[-Amends-7-U.S.C.-1624(a)-.]~~

31 (c) ~~[Section-501(c)-of-the-Federal-Coal-Mine-Health~~
32 ~~and-Safety-Act-of-1969]~~ Section 501(c) of the Federal
33 Coal Mine Health and Safety Act of 1969 (~~[P-Br--91-173]~~ 30 U.S.C.
34 951(c); 83 Stat. 742) is amended by striking out the following
35 ~~[language thereof]~~: "No research, demonstrations, or experiments

1 shall be carried out, contracted for, sponsored, cosponsored,
2 or authorized under authority of this Act, unless all information,
3 uses, products, processes, patents, and other developments
4 resulting from such research, demonstrations, or experiments
5 will (with such exception and limitation, if any, as the
6 Secretary or the Secretary of Health, Education, and
7 Welfare may find to be necessary in the public interest)
8 be available to the general public." [~~Amends-30-U.S.C.-~~
9 ~~951(e)-~~]

10 (d) [~~Section-106(e)-of-the-National-Traffic-and-Motor~~
11 ~~Vehicle-Safety-Act-of-1966~~] Section 106(c) of the
12 National Traffic and Motor Vehicle Safety Act of 1966
13 ([~~P.L.-89-563~~] 15 U.S.C. 1395(c); 80 Stat. 721) is repealed.
14 [~~Amends-15-U.S.C.-1395(e)-~~]

15 (e) [~~Section-12-of-the-National-Science-Foundation~~
16 ~~Act-of-1950~~] Section 12 of the National Science
17 Foundation Act of 1950 ([~~P.L.-90-407~~] 42 U.S.C. 1871(a);
18 82 Stat. 360) is repealed. [~~Amends-42-U.S.C.-1871(a)-~~]

19 (f) [~~Section-152-of-the-Atomic-Energy-Act-of-1954~~] Section
20 152 of the Atomic Energy Act of 1954 ([~~P.L.-83-703~~] 42 U.S.C.
21 2182; 68 Stat. 943) is repealed. [~~Amends-42-U.S.C.-2182-~~]

22 (g) [~~The-National-Aeronautics-and-Space-Act-of-1958~~] The
23 National Aeronautics and Space Act of 1958 ([~~P.L.-85-568~~]
24 72 Stat. 426 [~~-as-amended~~]) is amended [by] --

25 (1) by repealing section 305 thereof[~~7~~] (42 U.S.C. 2457):

26 [~~p~~] Provided, however, [t] That subsections (c), (d), and

27 (e) of [~~said~~] such section [305] shall continue to be
28 effective with respect to any application for patents in
29 which the written statement referred to in subsection (c)
30 of [~~said~~] such section [305] has been filed or requested
31 to be filed by the Commissioner of Patents and Trademarks
32 prior to the effective date of this Act [~~amends-42-U.S.C.-~~
33 ~~2457~~];

1 (2) by striking out, [the-following-language] in subsection
2 306(a) thereof[~~---(1)~~] 42 U.S.C. 2458(a)), "(as defined
3 by section 305)"; and [~~2~~] by striking out "the Inventions
4 and Contributions Board, established under section 305 of
5 this Act" and inserting in lieu thereof [~~the-following~~
6 language]: "an Inventions and Contributions Board which
7 shall be established by the Administrator within the
8 Administration" [~~amends-42-U.S.C.-2458~~];

9 (3) by inserting at the end of section 203[-](c) thereof
10 (42 U.S.C. 2478(a)); the following new subparagraph:

11 "(14) [~~F~~] to provide effective contractual provisions
12 for the reporting of the results of the activities of the
13 Administration, including full and complete technical
14 reporting of any innovation made in the course of or under
15 any contract of the Administration.";

16 (4) by inserting at the end of section 203 thereof
17 (42 U.S.C. 2478) the following new subsection:

18 "(d) For the purposes of chapter 17 of title 35 of the
19 United States Code the Administration shall be considered a
20 defense agency of the United States." [~~amends-42-U.S.C.-~~
21 ~~2478~~]; and

22 (5) by striking out the following [from] in such
23 section [203-thereof]: "(including patents and rights
24 thereunder)". [~~Amends-42-U.S.C.-2473~~]

25 (h) [~~Section-6-of-the-Coal-Research-and-Development~~
26 ~~Act-of-1960~~] Section 6 of the Coal Research and Development
27 Act of 1960 ([~~P.L.-86-599~~] 30 U.S.C. 666; 74 Stat. 337) is
28 repealed. [~~Amends-30-U.S.C.-666~~]

29 (i) [~~Section-4-of-Helium-Act-of-Amendments-of-1960~~] Section
30 4 of Helium Act Amendments of 1960 ([~~P.L.-86-777~~] 50 U.S.C. 167b;
31 74 Stat. 920) is amended by striking out the following
32 [~~language-thereof~~]: "Provided, however, [~~t~~] That all research
33 contracted for, sponsored, cosponsored, or authorized under
34 authority of this Act shall be provided for in such a manner
35 that all information, uses, products, processes, patents, and

1 other developments resulting from such research developed
2 by Government expenditure will (with such exceptions and
3 limitations, if any as the Secretary may find to be necessary
4 in the interest of national defense) be available to the
5 general public: And provided further, [t]That nothing
6 contained herein shall be construed as to deprive the
7 owner of any background patent relating thereto to such
8 rights as he may have thereunder." [~~Amends-50-U.S.C.-~~
9 ~~167b-~~] and by inserting in lieu thereof a period.

10 (j) [~~Subsection-(b)-of-Section-4-of-the-Saline~~
11 ~~Water-Conversion-Act-of-1961~~

12 ~~Subsection-(b)-of-section-4-of-the-Saline-Water~~
13 ~~Conversion-Act-of-1961-(P.L.-87-295, 75-Stat.-628), as~~
14 ~~amended by Subsection-(d)-of-Section-6-of-the-Saline-Water~~
15 ~~Conversion-Act-of-1971, P.L.-92-60, is repealed.---(Amends~~
16 ~~42-U.S.C.-1954(b)-)~~

17 ~~(k)---Section-32-of-the-Arms-Control-and-Disarmament~~
18 ~~Act-of-1961] Section 32 of the Arms Control and~~

19 Disarmament Act of 1961 ([P.L.-87-297] 22 U.S.C. 2572;
20 75 Stat. 634) is repealed. [~~Amends-22-U.S.C.-2572-~~]

21 [~~1)---Section-303-of-the-Water-Resources-Act-of-1964~~

22 ~~Section-303-of-the-Water-Resources-Act-of-1964~~

23 ~~(P.L.-88-379, 78-Stat.-332) is repealed.---(Amends-42~~

24 ~~U.S.C.-1961c-3-)~~

25 ~~(m)---Subsection-(e)-of-Section-302-of-the-Appalachian~~
26 ~~Regional-Development-Act-of-1965]~~

27 (k) Subsection (e) of section 302 of the Appalachian
28 Regional Development Act of 1965 ([P.L.-89-4] 40 U.S.C.

29 App. 302(e); 79 Stat.5; [as-amended]) is repealed. [~~Amends~~

30 ~~40-U.S.C.-App.-302(e)-)~~

31 [~~(n)---Subsection-(e)-of-Section-204-of-the-Solid~~
32 ~~Waste-Disposal-Act]~~

33 (l) Subsection (c) of section 203 of the Solid Waste

34 Disposal Act ([P.L.-89-272] 42 U.S.C. 3253(c); 79 Stat. 997)

35 is repealed. [~~Amends-42-U.S.C.-3253(e)-)~~

36 [~~(o)---Section-216-of-Title-38, United States Code]~~

37 (m) Section 216 of [F]title 38, United States Code, is

38 amended by [deleting] striking out subsection (a)(2) thereof

1 and by redesignating subsection (a)(3) thereof as (a)(2).

2 [~~(Amends-38-U.S.C.-216(a)(2)-)~~]

3 [~~(p)--Section-9-of-Federal-Nonnuclear-Energy~~
4 ~~Research-and-Development-Act-of-1974]~~

5 (n) Except for paragraph (1) of [S]section 9 of the Federal
6 Nonnuclear Energy Research and Development Act of 1974,
7 [~~Public-Law-93-577~~] (42 U.S.C. 5901; 88 Stat. 1878) is repealed
8 [~~except-for-paragraph-(1)-of-Section-9~~].

9 [~~(q)--Section-3-of-the-Saline-Water-Conversion~~
10 ~~Program-Authorization-Act-for-Fiscal-Year-1977]~~

11 (o) Section 3 of the [~~Saline-Water-Conversion-Program~~
12 ~~Authorization]~~ Act [~~for-Fiscal-Year-1977, P.L.-94-316]~~
13 of June 22, 1976 (42 U.S.C. 1959d, note; 90 Stat. 694), is
14 repealed.

15 (p) Section 5(i) of the Tennessee Valley Authority Act
16 of 1933 (16 U.S.C. 831d(i); 48 Stat. 61), is amended by
17 striking both proviso clauses at the end thereof.

18 (q) Section 5(d) of the Consumer Product Safety Act
19 (15 U.S.C. 2054(d); 88 Stat. 1211) is repealed.

20 (r) [~~Reserved-~~] Section 3 of the Act of April 5, 1944
21 (30 U.S.C. 323; 58 Stat. 191), is repealed.

22 (s) [~~Reserved-~~] Section 8001 of the Solid Waste Disposal
23 Act (42 U.S.C. 6981; 90 Stat. 2829) is repealed.

24 [~~(t)--Reserved-~~]

25 CHAPTER 3--EFFECTIVE DATE PROVISION

[~~See-~~]
[~~531---Effective-date-of-Act-~~]

26 Sec. 531. This Act shall take effect on the first day of the
27 seventh month beginning after the date of enactment of
28 this Act, except that regulations implementing this Act
29 may be issued prior to such day.