

96TH CONGRESS
1ST SESSION

S. 1215

Entitled the "Science and Technology Research and Development Utilization Policy Act".

IN THE SENATE OF THE UNITED STATES

MAY 22 (legislative day, MAY 21), 1979

Mr. SCHMITT (for himself, Mr. CANNON, and Mr. STEVENSON) introduced the following bill; which was read twice and referred jointly, by unanimous consent, to the Committees on Commerce, Science, and Transportation and Governmental Affairs with instructions that if one committee orders the bill reported, the other has 60 days in which to act

A BILL

Entitled the "Science and Technology Research and Development Utilization Policy Act".

1 *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

3 **TITLE I—POLICY**

4 **SEC. 101. FINDINGS.**

5 The Congress, recognizing the profound impact of science, engineering, and technology policy on the economic, social, political, technological well-being, and the health and

1 safety of the Nation as a whole, hereby finds and declares
2 that:

3 (1) The United States has recently experienced a
4 decline in the process of industrial innovation and pro-
5 ductivity which is integrally related to, and adversely
6 impacts upon, domestic productivity, the rate of eco-
7 nomic growth, the level of employment, the balance of
8 trade, and the attainment of other national goals.

9 (2) The national support of scientific and techno-
10 logical research and development is indispensable to
11 sustained growth and economic stability, and it is in
12 the national interest to maximize the benefits to the
13 general public from such investment.

14 (3) Scientific and technological developments and
15 discoveries resulting from work performed with Gov-
16 ernment contracts constitute a valuable national re-
17 source which should be developed in a manner consist-
18 ent with the public interest and the equities of the re-
19 spective parties.

20 (4) Current Federal policy with respect to the al-
21 location of rights to the results of federally sponsored
22 research and development deters contractor participa-
23 tion in Government contracts, delays technological
24 progress, and stifles the innovative process.

1 (5) The present United States system for the ac-
2 quisition of intellectual property rights resulting from
3 privately funded research and development, while fun-
4 damentally sound, is in need of modifications to dimin-
5 ish the existing uncertainty and the high costs incurred
6 in enforcing proprietary rights.

7 (6) There is a need for the establishment and im-
8 plementation of a flexible Government-wide policy for
9 the management and utilization of the results of feder-
10 ally funded research and development. This policy
11 should promote the progress of science and the useful
12 arts, encourage the efficient commercial utilization of
13 technological developments and discoveries, guarantee
14 the protection of the public interest, and recognize the
15 equities of the contracting parties.

16 SEC. 102. PURPOSE.

17 It is the purpose of this Act to—

18 (1) establish and maintain a Federal policy for the
19 management and use of the results of federally spon-
20 sored science and technology research and develop-
21 ment; and

22 (2) insure the effective implementation of the pro-
23 visions of this Act, and to monitor on a continuing
24 basis the impact of Federal science and technology
25 policies on innovation and technology development.

1 SEC. 103. DEFINITIONS.

2 As used in this Act the term—

3 (1) "contract" means any contract, grant, agree-
4 ment, commitment, understanding, or other arrange-
5 ment entered into between any Federal agency and
6 any person where a purpose of the contract is the con-
7 duct of experimental, developmental, or research work.
8 Such term includes any assignment, substitution of par-
9 ties, or subcontract of any type entered into or exe-
10 cuted for the conduct of experimental, developmental,
11 or research work in connection with the performance of
12 that contract;

13 (2) "contractor" means any person or other entity
14 that is a party to the contract;

15 (3) "disclosure" means a written statement suffi-
16 ciently complete as to technical detail to convey to one
17 skilled in the art to which the invention pertains a
18 clear understanding of the nature, purpose, operation,
19 and as the case may be, physical, chemical, or electri-
20 cal characteristics of the invention;

21 (4) "Federal agency" means an "executive
22 agency" as defined by section 105 of title 5, United
23 States Code, and the military departments as defined
24 by section 102 of title 5, United States Code;

1 (5) "Federal employees" means all employees as
2 defined in section 2105 of title 5, United States Code,
3 and members of the uniformed services;

4 (6) "Government" means the Government of the
5 United States of America;

6 (7) "invention" means any invention, discovery,
7 innovation, or improvement which is or may reasonably
8 be patentable subject matter as defined in title 35,
9 United States Code;

10 (8) "inventor" means any person, other than a
11 contractor, who has made an invention under a contract
12 but who has not agreed to assign his rights in
13 such invention to the contractor;

14 (9) "made under the contract" or "made under a
15 contract" when used in relation to any invention
16 means the conception or first actual reduction to practice
17 of such invention in the course of any work under
18 the contract or under a contract, respectively;

19 (10) "nonprofit organization" means universities
20 and other institutions of higher education or an organization
21 of the type described in section 501(c)(3) of the
22 Internal Revenue Code of 1954 (26 U.S.C. 501(c)) and
23 exempt from taxation under section 501(a) of the Internal
24 Revenue Code (26 U.S.C. 501(a));

1 (11) "person" means any individual, partnership,
2 corporation, association, institution, or other entity;

3 (12) "practical application" means to manufacture
4 in the case of a composition or product, to practice in
5 the case of a process or method or to operate in the
6 case of a machine or system, and, in each case, under
7 such conditions as to establish that the invention is
8 being worked and that its benefits are available to the
9 public either on reasonable terms or through reason-
10 able licensing arrangements; and

11 (13) "qualified technology transfer program",
12 when used in relation to a nonprofit organization,
13 means a program which includes—

14 (i) an established patent policy which is con-
15 sistent with the policy set forth in this Act and is
16 administered on a continuous basis by an officer
17 or entity responsible to the nonprofit organization;

18 (ii) agreements with employees requiring
19 them to assign either to the organization, its des-
20 ignee, or the Government any invention conceived
21 or first actually reduced to practice in the course
22 of or under Government contracts or assurance
23 that such agreements are obtained prior to the as-
24 signment of personnel to Government-supported
25 research and development projects;

TITLE II—IMPLEMENTATION

10 SEC. 201. RESPONSIBILITIES.

11 (a) The Secretary of Commerce, hereinafter referred to
12 as the Secretary, shall coordinate, direct, and review the im-
13 plementation and administration of the Federal policy set
14 forth in this Act with respect to the ownership of inventions
15 resulting from federally sponsored research and development,
16 and promote the efficient and effective utilization of the re-
17 sults of federally sponsored research and development.

18 (b) With a view to obtaining consistent application of
19 the policies of this Act, the Secretary is authorized and di-
20 rected—

21 (1) to consult and advise with Federal agencies
22 concerning the effective implementation and operation
23 of the policies, purposes, and objectives of this Act:

24 (2) subject to the authority of the Office of Feder-
25 al Procurement Policy, to formulate and recommend to

1 the President such proposed rules, regulations, and
2 procedures necessary and desirable to assure the con-
3 sistent application of the provisions of this Act;

4 (3) to accumulate, analyze, and disseminate data
5 necessary to evaluate the administration and effective-
6 ness of the policies set forth in this Act;

7 (4) to determine with administrative finality any
8 dispute between a Federal agency and an aggrieved
9 party arising under title III or title IV of this Act;

10 (5) monitor, on a continuing basis, the rights of
11 the Government under section 304 of this Act in any
12 invention made under a contract of a Federal agency,
13 and take all suitable and necessary steps to protect and
14 enforce the rights of the Government in any such in-
15 vention; and

16 (6) to perform such other duties as may be pre-
17 scribed by the President or by statute.

18 (c) For the purpose of assuring the effective manage-
19 ment of Government-owned inventions, the Secretary is au-
20 thorized and directed to—

21 (1) assist and coordinate agency efforts to promote
22 the licensing and utilization of Government-owned in-
23 ventions;

24 (2) accept custody and administration, in whole or
25 in part, of Government rights in any invention for the

1 purpose of protecting the United States interest therein
2 and promoting the effective utilization of any such
3 invention;

4 (3) develop and manage a Government-wide pro-
5 gram designed to stimulate the transfer of Govern-
6 ment-owned technology to the private sector through
7 the development, demonstration, and dissemination of
8 information regarding potential applications and eval-
9 uate and assist where appropriate the participation of
10 the private sector in the technology transfer process;

11 (4) evaluate, with the assistance of the originating
12 agency, Government-owned inventions in order to
13 identify those inventions with the greatest commercial
14 potential and to promote the development of inventions
15 so identified;

16 (5) assist the Federal agencies in seeking protec-
17 tion and maintaining inventions in foreign countries, in-
18 cluding the payment of fees and costs connected there-
19 with;

20 (6) make market surveys and other investigations
21 for determining the potential of inventions for domestic
22 and foreign licensing and other utilization;

23 (7) acquire technical information and engage in
24 negotiations and other activities for promoting the li-
25 censing and other utilization of Government-owned in-

1 ventions and to demonstrate the practicability of the
2 inventions for the purpose of enhancing their
3 marketability;

4 (8) consult and advise Federal agencies as to
5 areas of science and technology research and develop-
6 ment with potential for commercial utilization; and

7 (9) receive funds from fees, royalties, sales, or
8 other management of Government-owned inventions
9 authorized under this Act: *Provided, however,* That
10 such funds will be used only for the purpose of this
11 Act.

12 (d) The Secretary shall submit an annual report of its
13 activities to Congress, including therein (1) relevant statisti-
14 cal data regarding the disposition of invention disclosures re-
15 sulting from federally funded research and development; (2)
16 any recommendation as to legislative or administrative
17 changes necessary to better achieve the policy and purposes
18 of this Act; and (3) an analysis of the impact of Federal poli-
19 cies on the purposes of this Act.

20 (e) The Secretary shall establish such interagency com-
21 mittees as are necessary to assist in the review and formula-
22 tion of rules, regulations, and procedures implementing the
23 provisions of this Act.

1 (f) There are authorized to be appropriated to the Secre-
2 tary of Commerce to carry out the provisions of this title, the
3 sum of \$3,000,000 for fiscal year 1980.

4 **SEC. 202. AGENCY TECHNOLOGY UTILIZATION PROGRAM.**

5 To assist in the transfer of Government-owned innova-
6 tive technology resulting from Federal research and develop-
7 ment for application and use in industry, agriculture, medi-
8 cine, transportation, and other critical sectors of the econ-
9 omy, each Federal agency supporting research and develop-
10 ment activities shall develop and implement a technology uti-
11 lization program. Specific program objectives shall include,
12 but not be limited to—

13 (1) expedite and facilitate the application and use
14 of technology by shortening the time between genera-
15 tion of advanced technologies and their use in the
16 economy and provide greater incentives for use of so-
17 cially beneficial innovations;

18 (2) encourage multiple secondary uses of technol-
19 ogy in industry, education, and government where
20 there is a wide spectrum of technological problems and
21 needs; and

22 (3) understand more fully the technology transfer
23 process and its impact on the economy, and to manage
24 and optimize the process in a systematic way.

1 SEC. 203. EXPIRATION.

2 The authorities conferred upon the Secretary under this
3 title shall expire and terminate 7 years following the effective
4 date of this Act unless renewed by action of Congress.

5 **TITLE III—ALLOCATION OF RIGHTS—**6 **GOVERNMENT CONTRACTORS**

7 SEC. 301. RIGHTS OF THE GOVERNMENT.

8 (a) Each Federal agency shall acquire on behalf of the
9 United States, at the time of entering into a contract, title to
10 any invention made under the contract of a Federal agency if
11 the agency determines—

12 (1) the services of the contractor are for the oper-
13 ation of a Government-owned research or production
14 facility;

15 (2) acquisition of title is necessary because of the
16 classified nature of the work being performed under the
17 contract;

18 (3) because of the exceptional circumstances, ac-
19 quisition of title by the Government is necessary to
20 assure the adequate protection of the public health,
21 safety, or welfare;

22 (4) in the case of a nonprofit organization, that
23 such institution does not have a qualified technology
24 transfer program as defined in section 103 of this Act;
25 or

1 (5) the principal purpose of the contract is to de-
2 velop or improve products, processes, or methods
3 which will be required for use by Government regula-
4 tions:

5 *Provided, however,* That the Federal agency may subse-
6 quently waive all or any part of the rights of the United
7 States under this section to such invention in conformity with
8 the provisions of section 303.

9 (b) The rights of the Government under subsection (a)
10 shall not be exercised by the Federal agency unless it deter-
11 mines that one of the enumerated criteria exist and it files a
12 determination statement with the Secretary.

13 **SEC. 302. RIGHTS OF THE CONTRACTOR.**

14 (a) In all other situations not specified in section 301,
15 the contractor or inventor shall have the option of retaining
16 title to any invention made under the contract. Such rights
17 shall be subject to the limitations set forth in section 304 and
18 the provisions of section 305. Said option shall be exercised
19 by notifying the Government at the time of disclosure of the
20 invention or within such time thereafter as may be provided
21 in the contract. The Government shall obtain title to any
22 invention for which this option is not exercised.

23 (b) When the Government obtains title to an invention
24 under section 301, the contractor shall retain a nonexclusive,
25 royalty-free license which shall be revocable only to the

1 extent necessary for the Government to grant an exclusive
2 license.

3 SEC. 303. WAIVER.

4 A Federal agency may at any time waive all or any part
5 of the rights of the United States under this title to any in-
6 vention or class of inventions made or which may be made by
7 any person or class of persons under the contract of the
8 agency if the agency determines that the condition justifying
9 acquisition of title by the Government under section 301 no
10 longer exists or the interests of the United States and the
11 general public will be best served thereby. The agency shall
12 maintain a record, which shall be made public and periodical-
13 ly updated, of determinations made under this section. In
14 making such determinations, the agency shall consider the
15 following objectives:

16 (1) encouraging the wide availability to the public
17 of the benefits of the experimental, developmental, or
18 research programs in the shortest practicable time;

19 (2) promoting the commercial utilization of such
20 inventions;

21 (3) encouraging participation by private persons in
22 the Government-sponsored experimental, developmen-
23 tal, or research programs; and

1 (4) fostering competition and preventing undue
2 market concentration or the creation or maintenance of
3 other situations inconsistent with the antitrust laws.

4 **SEC. 304. MARCH-IN-RIGHTS.**

5 (a) Where a contractor has retained title to an invention
6 under section 302 or 303, the Federal agency shall have the
7 right, pursuant to regulations and subject to the provisions of
8 subsection (b), to—

9 (1) require the contractor to grant a nonexclusive,
10 partially exclusive, or exclusive license to a responsible
11 applicant or applicants, upon terms reasonable under
12 the circumstances, or to require an assignment of title
13 to the Government if the agency determines such
14 action is necessary because the contractor has not filed
15 a patent application on the invention within a reason-
16 able period of time or has not taken, or is not expected
17 to take within a reasonable time, effective steps to
18 achieve practical application of the invention; or

19 (2) require the contractor to grant a nonexclusive,
20 partially exclusive, or exclusive license to a responsible
21 applicant or applicants, upon terms reasonable under
22 the circumstances, if the agency determines such action
23 is necessary—

24 (i) to alleviate a serious threat to the public
25 health, safety, or welfare needs which is not rea-

1 sonably satisfied by the contractor or its licensees
2 or otherwise required for the protection of nation-
3 al security;

4 (ii) to meet requirements for public use by
5 Federal regulation which are not satisfied by the
6 contractor or its licensees; or

7 (iii) because the actions of the contractor
8 beyond the exercise of the exclusive rights in the
9 invention have tended substantially to lessen com-
10 petition or to result in undue market concentra-
11 tion in any section of the United States in any
12 line of commerce to which the technology relates,
13 or to create and maintain other situations incon-
14 sistent with the antitrust laws.

15 (b) The rights of the Federal agency under subsection
16 (a) shall be subject to the prior approval of the Secretary who
17 shall make a determination after a formal hearing with affect-
18 ed parties present and conducted in accordance with the
19 rules, regulations, and procedures adopted by the Secretary.

20 **SEC. 305. GENERAL PROVISIONS.**

21 (a) Each contract entered into by the Government shall
22 contain such terms and conditions as the agency deems ap-
23 propriate for the protection of the interests of the United
24 States and the general public, including appropriate provi-
25 sions to—

1 (1) require periodic written reports at reasonable
2 intervals in the commercial utilization or efforts at ob-
3 taining commercial utilization that are being made by
4 the inventor or contractor or their licensees or assign-
5 ees: *Provided*, That any such information shall be
6 treated by the Federal agency as commercial or finan-
7 cial information obtained from a person and privileged
8 or confidential and not subject to disclosure under the
9 Freedom of Information Act;

10 (2) reserve to the United States at least an irrevo-
11 cable, nonexclusive, paid-up license to make, use, and
12 sell the invention throughout the world by or on behalf
13 of the United States and States and domestic municipal
14 governments, unless the agency determines that it
15 would not be in the public interest to acquire the li-
16 cense for the States and domestic municipal govern-
17 ments;

18 (3) require the prompt disclosure by the contractor
19 or inventor to that agency of any invention made under
20 the contract: *Provided*, That Federal agencies are au-
21 thorized to withhold from disclosure to the public, in-
22 formation disclosing any invention made under the con-
23 tract of an agency for a reasonable time in order for a
24 United States or foreign patent application to be filed;

1 (4) require an election by the contractor within a
2 reasonable time after disclosure as to whether the con-
3 tractor intends to file a patent application on any in-
4 vention made under the contract;

5 (5) require a declaration by the contractor within
6 a reasonable time after disclosure of the contractors
7 intent to commercialize or otherwise achieve the wide-
8 spread utilization of the invention by the public; and

9 (6) reserve to the United States and the contrac-
10 tor or inventor rights in each such invention in con-
11 formity with the provisions of this title.

12 (b) Agency determinations as to the rights to inventions
13 under this title shall be made in an expeditious manner with-
14 out unnecessary delay.

15 **SEC. 306. BACKGROUND RIGHTS.**

16 Nothing contained in this Act shall be construed to de-
17 prive the owner of any background patent or to such rights
18 as the owner may have thereunder.

19 **SEC. 307. GOVERNMENT LICENSING AUTHORITY.**

20 (a) A Federal agency may grant exclusive or partially
21 exclusive licenses in any invention to which the Government
22 has acquired title if the agency determines that—

23 (1) the desired practical application has not been
24 achieved, or is not likely to be achieved within a rea-

1 sonable period of time by the granting of a nonexclu-
2 sive license;

3 (2) exclusive or partially exclusive licensing is a
4 reasonable and necessary incentive to call forth the in-
5 vestment of risk capital to bring the invention to prac-
6 tical application; and

7 (3) the proposed terms and scope of exclusivity
8 are not greater than reasonably necessary to provide
9 the incentive for bringing the invention to practical ap-
10 plication.

11 **TITLE IV—ALLOCATION OF RIGHTS—FEDERAL
12 EMPLOYEES**

13 **SEC. 401. ALLOCATION OF RIGHTS.**

14 (a) Except as otherwise provided in subsections (b) and
15 (c), the Government shall obtain the entire right, title, and
16 interest in and to all inventions made by any Federal em-
17 ployee if the agency determines that—

18 (1) the invention was made during working hours;
19 (2) the invention was made with a contribution by
20 the Government of facilities, equipment, materials,
21 funds, or information, or of time or services of other
22 Government employees on official duty; or

23 (3) the invention bears a direct relation to the
24 duties of the Federal employee-inventor, or are made
25 in consequence of his employment.

1 (b) Where the interest of the Government is insufficient
2 to require acquisition of title by the Government but the in-
3 vention bears an indirect relation to the duties of the Federal
4 employee-inventor, the employee shall have the option of ac-
5 quiring title to such invention, subject, however, to the reser-
6 vation by the Government of a nonexclusive, irrevocable,
7 royalty-free license in the invention with the power to grant
8 licenses for all governmental purposes. The Government
9 shall obtain title to any invention for which this option is not
10 exercised.

11 (c) In all situations not falling within subsections (a) and
12 (b), a Federal employee shall be entitled to retain the entire
13 right, title, and interest in and to any invention made by the
14 employee.

15 **SEC. 402. PRESUMPTION OF OWNERSHIP.**

16 (a) In applying the criteria of section 401 to the facts
17 and circumstances relating to the making of any particular
18 invention, it shall be presumed that an invention falls within
19 the criteria of section 401(a) when made by a Federal em-
20 ployee who is employed or assigned to—

- 21 (1) invent, improve, or perfect any article, ma-
22 chine, manufacture process, or composition of matter;
23 (2) conduct or perform research or development
24 work, or both;

1 (3) supervise, direct, coordinate, or review federal-
2 ly financed or conducted research or development
3 work, or both; or

4 (4) act in a liaison capacity among Federal or
5 non-Federal agencies or individuals engaged in such
6 work.

7 (b) The presumption established by subsection (a) may
8 be rebutted by the facts or circumstances of the conditions
9 under which any particular invention is made.

10 **SEC. 403. REVIEW.**

11 Federal agency determinations regarding the respective
12 rights of the Government and the Federal employee-inventor
13 are to be reviewed by the Secretary in accordance with rules,
14 regulations, and procedures adopted by the Secretary when-
15 ever—

16 (1) the Federal agency fails to obtain title under
17 the provisions of section 401(a); or

18 (2) the Federal employee-inventor who claims to
19 be aggrieved by the determination requests such a
20 review.

21 **SEC. 404. INCENTIVES AWARDS PROGRAM.**

22 (a) Subject to the provisions of this section, the agency
23 is authorized, upon its own initiative or upon application of
24 any person, to make a monetary award or otherwise offer
25 recognition, in such amount and upon such terms as it shall

1 deem appropriate, to any Federal employee-inventor for any
2 scientific or technical invention determined by the agency to
3 have significant value.

4 (b) Awards shall be granted pursuant to the provisions
5 of chapter 45 of title 5 and chapter 57 of title 1 of the United
6 States Code, and in accordance with regulations issued there-
7 under except as modified by this Act.

8 (c) In granting awards under this section, due considera-
9 tion shall be given to—

10 (1) the extent to which the invention advances the
11 state of the art;

12 (2) the amount expended by the employee-inven-
13 tor for development of such invention;

14 (3) the importance of the invention in terms of its
15 value and benefits to the Government and the United
16 States;

17 (4) the extent to which the invention has achieved
18 utilization by the public; and

19 (5) the amount of any compensation previously re-
20 ceived by the employee-inventor for or on account of
21 the use of such invention by the United States.

22 (d) If more than one applicant under subsection (a)
23 claims an interest in the same contribution, the agency shall
24 ascertain the respective interest of such applicants, and shall
25 apportion any award to be made with respect to such inven-

1 tion among such applicants in such proportions as it shall
2 determine to be equitable.

3 (e) No award may be made under subsection (a) with
4 respect to any invention unless the applicant surrenders, by
5 such means as the agency shall determine to be effective, all
6 claims which such applicant may have to receive any com-
7 pensation (other than the award made under this section) for
8 the use of such invention or any element thereof at any time
9 by or on behalf of the United States or by or on behalf of any
10 foreign government pursuant to any treaty or agreement with
11 the United States, within the United States or at any other
12 place.

13 (f) No award may be made under subsection (a) in any
14 amount exceeding \$100,000, unless the agency has transmit-
15 ted to the appropriate committees of the Congress a full and
16 complete report concerning the amount and terms of, and the
17 basis for, such proposed award, and 30 calendar days of reg-
18 ular session of the Congress have expired after receipt of
19 such report by such committees.

20 (g) A cash award and expense for honorary recognition
21 of a Federal employee-inventor shall be paid from the funds
22 appropriated for the sponsoring Federal agency.

1 **TITLE V—MISCELLANEOUS**2 **SEC. 501. REPEAL OF EXISTING STATUTORY RESEARCH AND**
3 **DEVELOPMENT AUTHORIZATIONS.**

4 The following Acts are hereby amended as follows:

5 (a) Section 10(a) of the Act of June 29, 1935, as added
6 by title I of the Act of August 14, 1946 (7 U.S.C. 427(a); 60
7 Stat. 1085) is amended by striking out the following: "Any
8 contracts made pursuant to this authority shall contain re-
9 quirements making the results of research and investigations
10 available to the public through dedication, assignment to the
11 Government, or such other means as the Secretary shall
12 determine.".13 (b) Section 205(a) of the Act of August 14, 1946 (7
14 U.S.C. 1624(a); 60 Stat. 1090) is amended by striking out
15 the following: "Any contract made pursuant to this section
16 shall contain requirements making the result of such research
17 and investigations available to the public by such means as
18 the Secretary of Agriculture shall determine.".19 (c) Section 501(c) of the Federal Coal Mine Health and
20 Safety Act of 1969 (30 U.S.C. 951(c); 83 Stat. 742) is
21 amended by striking out the following: "No research, demon-
22 strations, or experiments shall be carried out, contracted for,
23 sponsored, cosponsored, or authorized under authority of this
24 Act, unless all information, uses, products, processes, pat-
25 ents, and other developments resulting from such research,

1 demonstrations, or experiments will (with such exception and
2 limitation, if any, as the Secretary or the Secretary of
3 Health, Education, and Welfare may find to be necessary in
4 the public interest) be available to the general public.”.

5 (d) Section 106(c) of the National Traffic and Motor Ve-
6 hicle Safety Act of 1966 (15 U.S.C. 1395(c); 80 Stat. 721) is
7 repealed.

8 (e) Section 12 of the National Science Foundation Act
9 of 1950 (42 U.S.C. 1871(a); 82 Stat. 360) is repealed.

10 (f) Section 152 of the Atomic Energy Act of 1954 (42
11 U.S.C. 2182; 68 Stat. 943) is repealed.

12 (g) The National Aeronautics and Space Act of 1958
13 (72 Stat. 426) is amended—

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

22 (2) by inserting the following new section 305:

23 “SEC. 305. INVENTIONS AND CONTRIBUTIONS
24 BOARD.—Each proposal for any waiver of patent rights held
25 by the Administrator shall be referred to an Inventions and

1 Contributions Board which shall be established by the Ad-
2 ministrator within the Administration. Such Board shall
3 accord to each interested party an opportunity for hearing,
4 and shall transmit to the Administrator its findings of fact
5 with respect to such proposal and its recommendations for
6 action to be taken with respect thereto.”;

7 (3) by striking out section 306 thereof (42 U.S.C.

8 2458(a));

(4) by inserting at the end of section 203(b) thereof (42 U.S.C. 2478(a)); the following new paragraph:

11 “(14) to provide effective contractual provisions
12 for reporting of the results of the activities of the Ad-
13 ministration, including full and complete technical re-
14 porting of any innovation made in the course of or
15 under any contract of the Administration.”;

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

18 “(e) For the purpose 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.”; and

(6) by striking out the following in such section:
“(including patents and rights thereunder).”.

23 (h) Section 6 of the Coal Research and Development
24 Act of 1960 (30 U.S.C. 666; 74 Stat. 337) is repealed.

1 (i) Section 4 of the Helium Act Amendments of 1960
2 (50 U.S.C. 167b; 74 Stat. 920) is amended by striking out
3 the following: "*Provided, however,* That all research con-
4 tracted for, sponsored, cosponsored, or authorized under au-
5 thority of this Act shall be provided for in such a manner that
6 all information, uses, processes, patents, and other develop-
7 ments resulting from such research developed by Govern-
8 ment expenditure will (with such exceptions and limitations,
9 if any, as the Secretary may find to be necessary in the inter-
10 est of national defense) be available to the general public:
11 *And provided further,* That nothing contained herein shall be
12 construed as to deprive the owner of any background patent
13 relating thereto to such rights as he may have thereunder."
14 and by inserting in lieu thereof a period.

15 (j) Section 32 of the Arms Control and Disarmament
16 Act of 1961 (22 U.S.C. 2572; 75 Stat. 634) is repealed.

17 (k) Subsection (e) of section 302 of the Appalachian Re-
18 gional Development Act of 1965 (40 U.S.C. App. 302(e); 79
19 Stat. 5) is repealed.

20 (l) Subsection (e) of section 203 of the Solid Waste Dis-
21 posal Act (42 U.S.C. 3253(c); 70 Stat. 997) is repealed.

22 (m) Section 216 of title 38, United States Code, is
23 amended by striking out subsection (a)(2) thereof and by re-
24 designating subsection (a)(3) thereof as (a)(2).

1 (n) Except for paragraph (1) of section 9 of the Federal
2 Nonnuclear Energy Research and Development Act of 1974
3 (42 U.S.C. 5901; 88 Stat. 1878) is repealed.

4 (o) Section 3 of the Act of June 22, 1976 (42 U.S.C.
5 1959d, note; 90 Stat. 694), is repealed.

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

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

11 (r) Section 3 of the Act of April 5, 1954 (30 U.S.C.
12 323; 58 Stat. 191), is repealed.

13 (s) Section 8001 of the Solid Waste Disposal Act (42
14 U.S.C. 6981; 90 Stat. 2892) is repealed.

15 (t) Section 5 of the Act of July 3, 1952 (42 U.S.C.
16 1954(b)) is repealed.

17 (u) Section 303 of the Act of July 17, 1964 (42 U.S.C.
18 1961c-3) is repealed.

19 **SEC. 502. EFFECTIVE DATE.**

20 This Act shall take effect 6 months after the date of
21 enactment of this Act.

22 **SEC. 503. AUTHORIZATION FOR APPROPRIATIONS.**

23 There are authorized to be appropriated such sums as
24 may be necessary to carry out the provisions of this Act.