

99<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 3773

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## IN THE SENATE OF THE UNITED STATES

DECEMBER 11 (legislative day, DECEMBER 9), 1985

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

MARCH 20 (legislative day, MARCH 18), 1986

Ordered, that if and when reported by the Committee on Commerce, Science, and  
Transportation, it be sequentially referred to the Committee on the Judiciary  
for a period not to extend beyond thirty calendar days, for the purpose of  
considering sections 4, 5, 6, and 7; and that if H.R. 3773 is not reported at  
such time, the Judiciary Committee shall be immediately discharged of fur-  
ther consideration thereof, and the bill be placed on the calendar

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## AN ACT

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

1        *Be it enacted by the Senate and House of Representa-*  
2        *tives of the United States of America in Congress assembled,*

3        SECTION 1. SHORT TITLE.

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

1 SEC. 2. COOPERATIVE RESEARCH AND DEVELOPMENT  
2 AGREEMENTS.

3 The Stevenson-Wydler Technology Innovation Act of  
4 1980 is amended by redesignating sections 12 through 15 as  
5 sections 15 through 18, and by inserting immediately after  
6 section 11 the following new section:

7 "SEC. 12. COOPERATIVE RESEARCH AND DEVELOPMENT  
8 AGREEMENTS.

9 "(a) GENERAL AUTHORITY.—Each Federal agency  
10 may permit the director of any of its Government-operated  
11 Federal laboratories—

12 "(1) to enter into cooperative research and devel-  
13 opment agreements on behalf of such agency (subject  
14 to subsection (c) of this section) with other Federal  
15 agencies; units of State or local government; industrial  
16 organizations including corporations, partnerships, and  
17 limited partnerships; industrial development organiza-  
18 tions; public and private foundations; nonprofit organi-  
19 zations including universities; licensees of Federal in-  
20 ventions; or other persons; and

21 "(2) to negotiate licensing agreements under sec-  
22 tion 207 of title 35, United States Code, or under  
23 other authorities.

24 "(b) ENUMERATED AUTHORITY.—Under agreements  
25 described in subsection (a)(1), a Government-operated Feder-

1 al laboratory shall have the authority (subject to subsection  
2 (c) of this section)—

3 “(1) to grant or agree to grant in advance, to a  
4 collaborating party, patent licenses or assignments, or  
5 options thereto, in any invention made by a Federal  
6 employee, or made jointly by a Federal employee and  
7 an employee of the collaborating party, under the  
8 agreement, retaining such rights as the Federal labora-  
9 tory deems appropriate; and

10 “(2) to waive in advance, in whole or in part, any  
11 right of ownership which the Federal Government may  
12 have to any subject invention made by a collaborating  
13 party or employee of a collaborating party under the  
14 agreement.

15 “(c) AGENCY PLAN.—(1)(A) Within 180 days after the  
16 election by any Federal agency to implement subsection (a),  
17 revised regulations or instructions for that agency’s coopera-  
18 tive research and development program shall be drafted or  
19 modified. The revised regulations or instructions need not  
20 apply to cooperative agreements entered into prior to the ef-  
21 fective date of such regulations or instructions. Such revised  
22 regulations or instructions shall—

23 “(i) if they give the head of the agency or his des-  
24 ignee an opportunity to disapprove or require the modi-  
25 fication of any such agreement, provide a 30-day

1 period beginning on the date the agreement is present-  
2 ed to him or her by the head of the laboratory con-  
3 cerned within which such action must be taken;

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

6 “(iii) give preference to business units located in  
7 the United States which agree that products embody-  
8 ing inventions made under the cooperative research  
9 and development agreement or produced through the  
10 use of such invention will be manufactured substantial-  
11 ly in the United States;

12 “(iv) establish employee standards of conduct for  
13 resolving potential conflicts of interest, including but  
14 not limited to cases where present or former employees  
15 or their partners negotiate licenses or assignments of  
16 titles to inventions or negotiate cooperative research  
17 and development agreements with Federal agencies  
18 (including the agency with which the employee in-  
19 volved is or was formerly employed); and

20 “(v) contain other elements deemed appropriate  
21 by the agency.

22 “(B) In any case in which the head of an agency or his  
23 designee disapproves or requires the modification of an agree-  
24 ment presented under this section, the head of the agency or  
25 such designee shall transmit a written explanation of such

1 disapproval or modification to the head of the laboratory  
2 concerned.

3 “(C) If, in implementing subparagraph (A)(iv), an  
4 agency is unable to resolve potential conflicts of interest  
5 within its current statutory framework, it shall propose nec-  
6 essary statutory changes to be forwarded to its authorizing  
7 committees in Congress.

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

10 “(d) DEFINITION.—As used in this section, the term  
11 ‘cooperative research and development agreement’ means  
12 any agreement between one or more Federal laboratories and  
13 one or more non-Federal parties under which the laboratory  
14 or laboratories will provide personnel, services, facilities,  
15 equipment, or other resources (but not funds to non-Federal  
16 parties) and the non-Federal party or parties will provide  
17 funds, personnel, services, facilities, equipment, or other re-  
18 sources toward the conduct of specified research or develop-  
19 ment efforts which are consistent with the missions of the  
20 agency; except that such term does not include a procure-  
21 ment contract as that term is used in section 6303 of title 31,  
22 United States Code, or a cooperative agreement as that term  
23 is used in section 6305 of such title.

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

4       **SEC. 3. ESTABLISHMENT OF FEDERAL LABORATORY CONSOR-**  
5                       **TIUM FOR TECHNOLOGY TRANSFER.**

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

8               (1) by redesignating subsection (e) as subsection  
9               (f); and

10              (2) by inserting after subsection (d) the following  
11              new subsection:

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

19              “(A) develop and administer techniques, training  
20              courses, and materials concerning technology transfer  
21              to increase the awareness of Federal laboratory em-  
22              ployees regarding the commercial potential of laborato-  
23              ry technology and innovations, except that such tech-  
24              niques, courses, and materials may be administered

1 only with the consent of the Federal laboratory  
2 concerned;

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

7 “(C) provide a clearinghouse for requests for tech-  
8 nical assistance from States and units of local govern-  
9 ments, businesses, industrial development organiza-  
10 tions, not-for-profit organizations including universities,  
11 Federal agencies and laboratories, and other persons,  
12 and—

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

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

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

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

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

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

7 “(G) with the consent of any Federal laboratory,  
8 assist such laboratory to establish technical volunteer  
9 service programs for the purpose of providing technical  
10 assistance to communities related to such laboratory;

11 “(H) facilitate communication and cooperation be-  
12 tween Offices of Research and Technology Applica-  
13 tions of Federal laboratories and regional, State, and  
14 local technology transfer organizations; and

15 “(I) establish advisory committees in each Federal  
16 laboratory consortium region composed of representa-  
17 tives from State and local governments, large and  
18 small business, universities, and other appropriate per-  
19 sons to advise on the effectiveness of the program (and  
20 the members of any such advisory committee shall  
21 serve at no expense to the government).

22 “(2) The membership of the Consortium shall consist of  
23 the Federal laboratories described in clause (1) of subsection  
24 (b) and such other laboratories as may choose to join the  
25 Consortium. The representatives to the Consortium shall in-



1 clude a senior staff member of each Federal laboratory which  
2 is a member of the Consortium and a representative appoint-  
3 ed from each Federal agency with one or more member  
4 laboratories.

5 “(3) The representatives to the Consortium shall elect a  
6 Chairman of the Consortium.

7 “(4) The Director of the National Science Foundation  
8 shall provide the Consortium on a reimbursable basis with  
9 administrative services, such as office space, personnel, and  
10 support services of the Foundation, as requested by the Con-  
11 sortium and approved by such Director.

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

22 “(6)(A) Subject to subparagraph (B), an amount equal to  
23 0.005 percent of that portion of the research and develop-  
24 ment budget of each Federal agency that is to be utilized by  
25 the laboratories of such agency for a fiscal year referred to in

1 subparagraph (B)(ii) shall be transferred by such agency to  
2 the National Science Foundation at the beginning of the  
3 fiscal year involved. Amounts so transferred shall be provided  
4 by the Foundation to the Consortium for the purpose of car-  
5 rying out activities of the Consortium under this subsection.

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

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

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

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

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

18 (a) **RESPONSIBILITY FOR TECHNOLOGY TRANSFER.—**  
19 Section 11(a) of the Stevenson-Wydler Technology Innova-  
20 tion Act of 1980 (15 U.S.C. 3710(a)) is amended—

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

22 (2) by adding at the end thereof the following new  
23 paragraphs:

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

4       “(3) Each laboratory director shall ensure that efforts to  
5 transfer technology are considered positively in laboratory job  
6 descriptions, employee promotion policies, and evaluation of  
7 the job performance of scientists and engineers in the  
8 laboratory.”.

9       (b) RESEARCH AND TECHNOLOGY APPLICATIONS OF-  
10 FICES.—(1) Section 11(b) of such Act (15 U.S.C. 3710(b)) is  
11 amended—

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

18             (B) by inserting immediately before the next to  
19 last sentence the following new sentence: “Further-  
20 more, individuals filling positions in an Office of Re-  
21 search and Technology Applications shall be included  
22 in the overall laboratory/agency management develop-  
23 ment program so as to ensure that highly competent  
24 technical managers are full participants in the technol-  
25 ogy transfer process.”;

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

5 (D) by striking out “either requirement (1) or (2)”  
6 in the last sentence and inserting in lieu thereof “such  
7 requirement”.

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

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

12 “(1) to prepare application assessments for select-  
13 ed research and development projects in which that  
14 laboratory is engaged and which in the opinion of the  
15 laboratory may have potential commercial applica-  
16 tions;”;

17 (B) by inserting “all” before “federally owned” in  
18 paragraph (2);

19 (C) by striking out “the Center for the Utilization  
20 of Federal Technology” in paragraph (3) and inserting  
21 in lieu thereof “the National Technical Information  
22 Service, the Federal Laboratory Consortium for Tech-  
23 nology Transfer,”; and

24 (D) by striking out “in response to requests from  
25 State and local government officials” in paragraph (4)

1 and inserting in lieu thereof “to State and local gov-  
2 ernment officials”.

3 (c) DISSEMINATION OF TECHNICAL INFORMATION.—  
4 Section 11(d) of such Act (15 U.S.C. 3710(d)) is amended—

5 (1) by striking out “(d)” and all that follows down  
6 through “shall—” and inserting in lieu thereof the  
7 following:

8 “(d) DISSEMINATION OF TECHNICAL INFORMATION.—  
9 The National Technical Information Service shall—”;

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

11 (3) by striking out “existing” in paragraph (3),  
12 and redesignating such paragraph as paragraph (2);

13 (4) by striking out paragraph (4) and inserting in  
14 lieu thereof the following:

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

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

24 (6) by striking out “(c)(4)” in subsection (4) as so  
25 redesignated and inserting in lieu thereof “(c)(3)”.

1 (d) AGENCY REPORTING.—Section 11(f) of such Act  
2 (15 U.S.C. 3710(e)) (as redesignated by section 3(1) of this  
3 Act) is amended—

4 (1) by striking out “prepare biennially a report  
5 summarizing the activities” in the first sentence and  
6 inserting in lieu thereof “report annually to the Con-  
7 gress, as part of the agency’s annual budget submis-  
8 sion, on the activities”; and

9 (2) by striking out the second sentence.

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

14 “(g) FUNCTIONS OF THE SECRETARY.—The Secretary,  
15 in consultation with other Federal agencies, may—

16 “(1) make available to interested agencies the ex-  
17 pertise of the Department of Commerce regarding the  
18 commercial potential of inventions and methods and  
19 options for commercialization which are available to  
20 the Federal laboratories, including research and devel-  
21 opment limited partnerships;

22 “(2) develop and disseminate to appropriate  
23 agency and laboratory personnel model provisions for  
24 use on a voluntary basis in cooperative research and  
25 development arrangements; and

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

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

6           The Stevenson-Wydler Technology Innovation Act of  
7   1980 (as amended by the preceding provisions of this Act) is  
8   further amended by inserting after section 12 the following  
9   new section:

10   **“SEC. 13. REWARDS FOR SCIENTIFIC, ENGINEERING, AND**  
11                                   **TECHNICAL PERSONNEL OF FEDERAL AGEN-**  
12                                   **CIES.**

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

19           “(1) inventions, innovations, or other outstanding  
20           scientific or technological contributions of value to the  
21           United States due to commercial applications or due to  
22           contributions to missions of the Federal agency or the  
23           Federal government, or

24           “(2) exemplary activities that promote the domes-  
25           tic transfer of science and technology developed within

1 the Federal Government and result in utilization of  
2 such science and technology by American industry or  
3 business, universities, State or local governments, or  
4 other non-Federal parties.”.

5 **SEC. 6. DISTRIBUTION OF ROYALTIES RECEIVED BY FEDERAL**  
6 **AGENCIES.**

7 The Stevenson-Wydler Technology Innovation Act of  
8 1980 (as amended by the preceding provisions of this Act) is  
9 further amended by inserting after section 13 the following  
10 new section:

11 **“SEC. 14. DISTRIBUTION OF ROYALTIES RECEIVED BY FEDER-**  
12 **AL AGENCIES.**

13 “(a) **IN GENERAL.**—(1) Except as provided in para-  
14 graph (2), any royalties or other income received by a Feder-  
15 al agency from the licensing or assignment of inventions  
16 under agreements entered into under section 12, and from  
17 inventions of Government-operated Federal laboratories li-  
18 censed under section 207 of title 35, United States Code, or  
19 under any other provision of law shall be retained by the  
20 agency involved in the production of the income. Such funds  
21 shall be transferred by the agency to its Government-operat-  
22 ed laboratories, with the major share of the royalties or other  
23 income from any invention going to the laboratory where the  
24 invention occurred; and the funds so transferred to any such  
25 laboratory may be used or obligated by that laboratory during



1 the fiscal year in which they are received or during the suc-  
2 ceeding fiscal year—

3           “(A) for payment of expenses incidental to the ad-  
4 ministration and licensing of inventions by that labora-  
5 tory or by the agency with respect to inventions which  
6 occurred at that laboratory, including the fees or other  
7 costs for the services of other agencies, persons, or or-  
8 ganizations for invention management and licensing  
9 services;

10           “(B) to reward scientific, engineering, and techni-  
11 cal employees of that laboratory as part of the  
12 agency’s reward program established pursuant to the  
13 preceding section of this Act; provided that any pay-  
14 ment made under this paragraph shall be in addition to  
15 the regular pay of the employee involved and to any  
16 other awards made to that employee, and shall not  
17 affect the entitlement of the employee to any regular  
18 pay, annuity, or award to which he is otherwise enti-  
19 tled or for which he is otherwise eligible or limit the  
20 amount thereof;

21           “(C) to further scientific exchange among the gov-  
22 ernment-operated laboratories of the agency; or

23           “(D) for scientific research and development, for  
24 education and training of employees of that consistent  
25 with the research and development mission and objec-

1       tives of the agency; and for other activities that in-  
2       crease the licensing potential for transfer of the tech-  
3       nology of the Government-operated laboratories of the  
4       agency.

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

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

17       “(b) CERTAIN ASSIGNMENTS.—In the event that the  
18 invention involved was one assigned to the Federal agency—

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

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

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

4 “(c) REPORTS.—In making their annual budget submis-  
5 sions Federal agencies shall submit, to the appropriate au-  
6 thorization and appropriation committees of both Houses of  
7 the Congress, summaries of the amount of royalties or other  
8 income received and expenditures made (including inventor  
9 awards) under this section.”.

10 SEC. 7. MISCELLANEOUS AND CONFORMING AMENDMENTS.

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

14 (b) CHANGES IN TERMINOLOGY OR ADMINISTRATIVE  
15 STRUCTURE.—(1) Section 3(2) of the Stevenson-Wydler  
16 Technology Innovation Act of 1980 is amended by striking  
17 out “centers for industrial technology” and inserting in lieu  
18 thereof “cooperative research centers”.

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

20 (A) by striking out “Industrial Technology” in  
21 paragraph (1) and inserting in lieu thereof “Productivi-  
22 ty, Technology, and Innovation”;

23 (B) by striking out “ ‘Director’ means the Direc-  
24 tor of the Office of Industrial Technology” in para-  
25 graph (3) and inserting in lieu thereof “ ‘Assistant Sec-

1       retary' means the Assistant Secretary for Productivity,  
2       Technology, and Innovation”;

3               (C) by striking out “Centers for Industrial Tech-  
4       nology” in paragraph (4) and inserting in lieu thereof  
5       “Cooperative Research Centers”;

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

9               (E) by striking out “owned and funded” in para-  
10       graph (6) as so redesignated and inserting in lieu there-  
11       of “owned, leased, or otherwise used by a Federal  
12       agency and funded”.

13       (3) Section 5(a) of such Act is amended by striking out  
14       “Industrial Technology” and inserting in lieu thereof “Pro-  
15       ductivity, Technology, and Innovation”.

16       (4) Section 5(b) of such Act is amended by striking out  
17       “DIRECTOR” and inserting in lieu thereof “ASSISTANT SEC-  
18       RETARY”, and by striking out “a Director of the Office” and  
19       all that follows and inserting in lieu thereof “an Assistant  
20       Secretary for Productivity, Technology, and Innovation.”.

21       (5) Section 5(c) of such Act is amended by striking out  
22       “the Director” each place it appears and inserting in lieu  
23       thereof “the Assistant Secretary”.

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

1 "SEC. 6. COOPERATIVE RESEARCH CENTERS."

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

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

7 (9) Section 6(e) of such Act is amended to read as  
8 follows:

9 "(e) RESEARCH AND DEVELOPMENT UTILIZATION.—  
10 In the promotion of technology from research and develop-  
11 ment efforts by Centers under this section, chapter 18 of title  
12 35, United States Code, shall apply to the extent not incon-  
13 sistent with this section."

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

15 (11) The heading of section 8 of such Act is amended by  
16 striking out "CENTERS FOR INDUSTRIAL TECHNOLOGY" and  
17 inserting in lieu thereof "COOPERATIVE RESEARCH CEN-  
18 TERS".

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

22 (c) RELATED CONFORMING AMENDMENT.—Section  
23 210 of title 35, United States Code, is amended by adding at  
24 the end thereof the following new subsection:

25 "(e) The provisions of the Stevenson-Wydler Technolo-  
26 gy Innovation Act of 1980, as amended by the Federal Tech-

1 nology Transfer Act of 1985, shall take precedence over the  
2 provisions of this chapter to the extent that they permit or  
3 require a disposition of rights in subject inventions which is  
4 inconsistent with such chapter.”.

5 (d) ADDITIONAL DEFINITIONS.—Section 4 of such Act  
6 (as amended by subsection (b)(2) of this section) is further  
7 amended by adding at the end thereof the following new  
8 paragraphs:

9 “(8) ‘Federal agency’ means any executive agency  
10 as defined in section 105 of title 5, United States  
11 Code, and the military departments as defined in sec-  
12 tion 102 of such title.

13 “(9) ‘Invention’ means any invention or discovery  
14 which is or may be patentable or otherwise protected  
15 under title 35, United States Code, or any novel  
16 variety of plant which is or may be protectable under  
17 the Plant Variety Protection Act (7 U.S.C. 2321 et  
18 seq.).

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

22 “(11) ‘Small business firm’ means a small business  
23 concern as defined in section 2 of Public Law 85-536  
24 (15 U.S.C. 632) and implementing regulations of the  
25 Administrator of the Small Business Administration.”.

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

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

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

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

13           (3) Section 13(a)(1) of such Act (as redesignated by  
14 paragraph (1) of this subsection) is amended by striking out  
15 “section 12” in the matter preceding subparagraph (A) and  
16 inserting in lieu thereof “section 11”.

          Passed the House of Representatives December 9,  
1985.

Attest:                                   BENJAMIN J. GUTHRIE,  
*Clerk.*