

Union Calendar No. 243

99TH CONGRESS
1ST SESSION

H. R. 3773

[Report No. 99-415]

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

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 18, 1985

Mr. FUQUA (for himself, Mr. MICHEL, Mr. LUNDINE, Mr. WALGREN, Mr. LUJAN, Mr. BOEHLERT, Mr. BROWN of California, Mr. MINETA, Mr. RITTER, Mr. VALENTINE, Mr. HENRY, Mr. BRUCE, Mr. COBEY, and Mr. WIRTH) introduced the following bill; which was referred to the Committee on Science and Technology

DECEMBER 5, 1985

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Omit the part struck through and insert the part printed in italic]

A BILL

To amend the Stevenson-Wydler Technology Innovation Act of 1980 to promote technology transfer by authorizing Government-operated laboratories to enter into cooperative research agreements and by establishing a Federal Laboratory

Consortium for Technology Transfer within the National Science Foundation, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

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

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

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

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

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

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

1 zations including universities; licensees of Federal in-
2 ventions; or other persons; and

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

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

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

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

22 “(c) AGENCY PLAN.—(1)(A) Within 180 days ~~after the~~
23 ~~enactment of this section~~, *after the election by any Federal*
24 *agency to implement subsection (a)*, revised regulations or
25 instructions for ~~each agency's~~ *that agency's* cooperative re-

1 search and development program shall be drafted or modified.
2 The revised regulations or instructions need not apply to co-
3 operative agreements entered into prior to the effective date
4 of such regulations or instructions. Such revised regulations
5 or instructions shall—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 “(I) *establish advisory committees in each Fed-*
24 *eral laboratory consortium region composed of repre-*
25 *sentatives from State and local governments, large and*

1 *small business, universities, and other appropriate per-*
2 *sons to advise on the effectiveness of the program (and*
3 *the members of any such advisory committee shall*
4 *serve at no expense to the government).*

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

13 “(3) The representatives to the Consortium shall elect a
14 Chairman of the Consortium.

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

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

1 year or years involved) under paragraph (6), concerning the
2 activities of the Consortium and the expenditures made by it
3 under this subsection during the year for which the report is
4 made.

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

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

16 “(i) the amount so transferred by that agency (as
17 determined under such subparagraph) would exceed
18 \$10,000; and

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

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

1 SEC. 4. UTILIZATION OF FEDERAL TECHNOLOGY.

2 (a) RESPONSIBILITY FOR TECHNOLOGY TRANSFER.—

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

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

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

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

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

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

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

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

1 *individuals filling positions in an Office of Research*
2 *and Technology Applications shall be included in the*
3 *overall laboratory/agency management development*
4 *program so as to ensure that highly competent technical*
5 *managers are full participants in the technology trans-*
6 *fer process.”;*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16 (2) by striking out the second sentence.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8 **“SEC. 6. COOPERATIVE RESEARCH CENTERS.”**

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

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

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

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

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

22 ~~(11) The heading of section 8 of such Act is amended by~~
23 ~~striking out “CENTERS FOR INDUSTRIAL TECH-~~
24 ~~NOLOGY” and inserting in lieu thereof “COOPERA-~~
25 ~~TIVE RESEARCH CENTERS”.~~

1 (11) *The heading of section 8 of such Act is amended by*
2 *striking out “CENTERS FOR INDUSTRIAL TECHNOLO-*
3 *GY” and inserting in lieu thereof “COOPERATIVE RE-*
4 *SEARCH CENTERS”.*

5 (12) Section 8(a) of such Act is amended by striking out
6 “Centers for Industrial Technology” and inserting in lieu
7 thereof “Cooperative Research Centers”.

8 (c) RELATED CONFORMING AMENDMENT.—Section
9 210 of title 35, United States Code, is amended by adding at
10 the end thereof the following new subsection:

11 “(e) The provisions of the Stevenson-Wydler Technolo-
12 gy Innovation Act of 1980, as amended by the Federal Tech-
13 nology Transfer Act of 1985, shall take precedence over the
14 provisions of this chapter to the extent that they permit or
15 require a disposition of rights in subject inventions which is
16 inconsistent with such chapter.”.

17 (d) ADDITIONAL DEFINITIONS.—Section 4 of such Act
18 (as amended by subsection (b)(2) of this section) is further
19 amended by adding at the end thereof the following new
20 paragraphs:

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

1 “(9) ‘Invention’ means any invention or discovery
2 which is or may be patentable or otherwise protected
3 under title 35, United States Code, or any novel varie-
4 ty of plant which is or may be protectable under the
5 Plant Variety Protection Act (7 U.S.C. 2321 et seq.).

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

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

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

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

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

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

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

Union Calendar No. 243

99TH CONGRESS
1ST SESSION

H. R. 3773

[Report No. 99-415]

A BILL

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

DECEMBER 5, 1985

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed