

97TH CONGRESS
1ST SESSION

H. R. 4564

To establish a uniform Federal system for management, protection, and utilization of the results of federally sponsored scientific and technological research and development; and to further the public interest of the United States domestically and abroad, and for other related purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 23, 1981

Mr. ERTEL (for himself, Mr. FUQUA, Mr. WALGREN, Mr. BROWN of California, Mr. HOLLENBECK, Mr. LAFALCE, Mr. AUCCOIN, Mr. MURPHY, Mrs. HECKLER, Mr. HUGHES, and Mr. WINN) introduced the following bill; which was referred jointly to the Committees on the Judiciary and Science and Technology

A BILL

To establish a uniform Federal system for management, protection, and utilization of the results of federally sponsored scientific and technological research and development; and to further the public interest of the United States domestically and abroad, and for other related purposes.

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*
 3 That this Act may be cited as the "Uniform Federal Re-
 4 search and Development Utilization Act of 1981".

TITLE I—POLICY

- Sec. 101. Findings.
- Sec. 102. Declaration of purpose.

TITLE II—FUNCTIONS OF THE OFFICE OF SCIENCE AND TECHNOLOGY POLICY AND THE FEDERAL COORDINATING COUNCIL FOR SCIENCE, ENGINEERING, AND TECHNOLOGY

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

TITLE III—ALLOCATION OF PROPERTY RIGHTS IN INVENTIONS RESULTING FROM FEDERALLY SPONSORED RESEARCH AND DEVELOPMENT

- Sec. 301. Ownership and rights of the Government.
- Sec. 302. Rights of the contractor.
- Sec. 303. Waiver.
- Sec. 304. March-in-rights.
- Sec. 305. General provisions.
- Sec. 306. Judicial review.
- Sec. 307. Contractor's payments to the Government.
- Sec. 308. Background rights.

TITLE IV—DOMESTIC AND FOREIGN PROTECTION AND LICENSING OF FEDERALLY OWNED INVENTIONS

- Sec. 401. Authority of Federal agencies.
- Sec. 402. Authority of the Secretary of Commerce in cooperation with other Federal agencies.
- Sec. 403. Authority of Administrator of General Services.
- Sec. 404. Grants of an exclusive or partially exclusive license.

TITLE V—MISCELLANEOUS

CHAPTER 1—DEFINITIONS; RELATIONSHIP TO OTHER LAWS

- Sec. 511. Definitions.
- Sec. 512. Relationship to other laws.

CHAPTER 2—AMENDMENTS TO OTHER ACTS

- Sec. 521. Identified Acts amended.

CHAPTER 3—EFFECTIVE DATE PROVISION

- Sec. 531. Effective date.

TITLE I—POLICY

FINDINGS

1
2
3 SEC. 101. The Congress, recognizing the profound
4 impact of science and technology on society and the interrela-
5 tions of scientific, technological, economic, social, political,
6 and institutional factors, hereby finds that—

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

11 (2) Federal policy on the allocations of rights to
12 inventions resulting from federally sponsored research
13 and development should stimulate inventors, meet the
14 needs of the Federal Government, and serve the public
15 interest; and

16 (3) the public interest would be better served if
17 greater efforts were made to promote the commercial
18 use of new technology resulting from federally spon-
19 sored research and development, both in the United
20 States and foreign countries, as appropriate.

DECLARATION OF PURPOSE

21
22 SEC. 102. It is the purpose of this Act to—

23 (1) establish a uniform Federal system for the
24 management and use of the results of federally spon-

1 sored scientific and technological research and develop-
2 ment;

3 (2) provide for uniform implementation of the pro-
4 visions of this Act, and to make a continuing effort to
5 monitor such implementation;

6 (3) allocate rights to inventions by contractors
7 which result from federally sponsored research and de-
8 velopment so as to—

9 (A) encourage the participation of the most
10 qualified and competent contractors,

11 (B) foster competition,

12 (C) reduce the administrative burdens, both
13 for the Federal agencies and its contractors, and

14 (D) protect the public investment in research
15 and development by promoting the widespread
16 utilization of inventions;

17 (4) provide for a domestic and foreign protection
18 and licensing program to obtain commercial utilization
19 of federally owned inventions, with the objective of
20 strengthening the Nation's economy and expanding its
21 domestic and foreign markets; and

22 (5) amend or repeal other Acts and Executive
23 orders regarding the allocation of rights to inventions
24 which result from federally sponsored research and de-
25 velopment and the licensing of federally owned patents.

1 TITLE II—FUNCTIONS OF THE OFFICE OF SCI-
2 ENCE AND TECHNOLOGY POLICY AND THE
3 FEDERAL COORDINATING COUNCIL FOR SCI-
4 ENCE, ENGINEERING, AND TECHNOLOGY
5 FEDERAL COORDINATING COUNCIL FOR SCIENCE,
6 ENGINEERING, AND TECHNOLOGY

7 SEC. 201. (a) The Federal Coordinating Council for Sci-
8 ence, Engineering, and Technology (established by section
9 401 of the National Science and Technology Policy, Organi-
10 zation, and Priorities Act of 1976 (42 U.S.C. 6651)) (herein-
11 after in this Act referred to as the “Council”) shall make
12 recommendations to the Director of the Office of Science and
13 Technology Policy (hereinafter in this title referred to as the
14 “Director”), with regard to—

15 (1) uniform and effective planning and administra-
16 tion of Federal programs pertaining to inventions, pat-
17 ents, trademarks, copyrights, rights in technical data,
18 and matters connected therewith;

19 (2) uniform policies, regulations, guidelines, and
20 practices to carry out the provisions of this Act and
21 other Federal Government objectives in the field of in-
22 tellectual property; and

23 (3) uniformity and effectiveness of interpretation
24 and implementation by individual Federal agencies of

1 the provisions of this Act and other related Federal
2 Government policies, regulations, and practices.

3 (b) Recommendations regarding matters set forth in sub-
4 section (a) which are made by the Council and adopted by the
5 Director shall be transmitted to Federal agencies through ap-
6 propriate channels.

7 (c) In order to carry out the responsibilities set forth in
8 subsections (a) and (b), the Council is authorized to—

9 (1) acquire data and reports from Federal agencies
10 on the interpretation and implementation of this Act
11 and related policies, regulations, and practices;

12 (2) review on its own initiative, or upon request
13 by a Federal agency, Federal agency implementation
14 of the provisions of this Act;

15 (3) analyze on a continuing basis data acquired by
16 the Council;

17 (4) consider problems and developments in the
18 fields of inventions, patents, trademarks, copyrights,
19 rights in technical data, and matters connected there-
20 with and the impact thereof on Federal Government
21 policy or uniform accommodation or implementation by
22 Federal agencies; and

23 (5) publish annually a report on Council efforts,
24 findings, and recommendations made under this sec-
25 tion.

1 TITLE III—ALLOCATION OF PROPERTY RIGHTS
2 IN INVENTIONS RESULTING FROM FEDERAL-
3 LY SPONSORED RESEARCH AND DEVELOP-
4 MENT

5 OWNERSHIP AND RIGHTS OF THE GOVERNMENT

6 SEC. 301. (a) Each Federal agency shall acquire on
7 behalf of the Federal Government, at the time of entering
8 into a contract, title to any invention made under the con-
9 tract of a Federal agency if the agency determines that—

10 (1) the services of the contractor are for the oper-
11 ation of Federal research and development centers, in-
12 cluding Government-owned research or production
13 facilities;

14 (2) the restriction or elimination of the right to
15 retain title to any subject invention is necessary to pro-
16 tect the national security nature of such activities;

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

21 (4) the principal purpose of the contract is to de-
22 velop or improve products, processes, or methods
23 which will be required for use by Government regula-
24 tions: *Provided, however,* That the Federal agency may
25 subsequently waive all or any part of the rights of the

1 Federal Government, under this section to such inven-
2 tion in conformity with the provisions of section 303.

3 (b) In other situations not covered by subsection (a) each
4 Federal agency shall acquire on behalf of the Federal Gov-
5 ernment, at the time of contracting—

6 (1) an agreement that, if the contractor elects not
7 to file a patent application on a subject invention in
8 any country, title to such an invention shall be as-
9 signed to the Federal Government, subject to the
10 rights retained by the contractor under section 302;
11 and

12 (2) an agreement that, if the contractor elects to
13 file a patent application in accordance with section
14 302—

15 (A) the Federal agency shall have the right
16 to require periodic written reports at reasonable
17 intervals and, when specifically requested by such
18 agency, reports on the commercial use or other
19 form of utilization by the public that is being
20 made or is intended to be made of any subject in-
21 vention: *Provided*, That any such information
22 shall be treated by the Federal agency as com-
23 mercial or financial information obtained from a
24 person and privileged or confidential and not sub-

1 ernment shall obtain title to any invention for which this
2 option is not exercised.

3 (b) When the Government obtains title to an invention
4 under section 301, the contractor shall retain a nonexclusive,
5 royalty-free license which shall be revocable only to the
6 extent necessary for the Government to grant an exclusive
7 license.

8

WAIVER

9 SEC. 303. A Federal agency may at any time waive all
10 or any part of the rights of the United States under this title
11 to any invention or class of inventions made or which may be
12 made by any person or class of persons under the contract of
13 the agency if the agency determines that the condition justi-
14 fying acquisition of title by the Government under section
15 301 no longer exists or the interests of the United States and
16 the general public will be best served thereby. The agency
17 shall maintain a record, which shall be made public and peri-
18 odically updated, of determinations made under this section.
19 In making such determinations, the agency shall consider the
20 following objectives:

21 (1) encouraging the wide availability to the public
22 of the benefits of the experimental, developmental, or
23 research programs in the shortest practicable time;

24 (2) promoting the commercial utilization of such
25 inventions;

1 301, 302, and 304, and each contract entered into by the
2 Federal agency shall include provisions to—

3 (1) require a prompt disclosure by the contractor
4 of each subject invention which is or may be patentable
5 under the laws of the United States;

6 (2) require an election whether the contractor in-
7 tends to file a patent application on the subject inven-
8 tion;

9 (3) require, if the contractor elects to file, a decla-
10 ration of the contractor's intent to commercialize or
11 otherwise achieve the widespread utilization of the in-
12 vention by the public;

13 (4) require an obligation on the part of the con-
14 tractor, in the event a United States patent application
15 is filed by or on its behalf or by any assignee of the
16 contractor, to include within the specification of such
17 application, and any patent issuing thereon, a state-
18 ment specifying that the invention was made with
19 Government support and that the Government has cer-
20 tain rights in the invention; and

21 (5) permit deviation to the minimum rights ac-
22 quired under sections 301(b)(2) and 304(a) on a class
23 basis in—

24 (A) contracts involving cosponsored, cost
25 sharing, or joint venture research when the con-

1 tractor is required to make a substantial contribu-
2 tion of funds, facilities, or equipment to the work
3 performed under the contract; and

4 (B) special contracting situations such as
5 Federal price or purchase supports and Federal
6 loan or loan guarantees.

7 No deviation under this subsection shall waive, in whole or in
8 part, the minimum rights to be secured for the Federal Gov-
9 ernment set forth in section 304(a)(4). The Federal Govern-
10 ment shall withhold publication or release to the public of
11 information disclosing any invention subject to the uniform
12 regulations issued under this subsection for a reasonable time
13 in order for a United States or foreign patent application to
14 be filed.

15 (b) When it is determined that the right to require li-
16 censing or the right of the Federal agency to license should
17 be exercised pursuant to section 304(a), the Federal agency
18 may specify terms and conditions, including royalties to be
19 charged, if any, and the duration and field of use of the li-
20 cense, if appropriate. Agency determinations as to the rights
21 to inventions under this title shall be made in an expeditious
22 manner without unnecessary delay.

23 JUDICIAL REVIEW

24 SEC. 306. Any person adversely affected by a Federal
25 agency determination made under section 304(a) or 305(b)

1 may, at any time within sixty days after the determination is
2 issued, file a petition to the United States Court of Claims
3 which shall have jurisdiction to determine the matter de novo
4 and to affirm, reverse, or modify as appropriate, the determi-
5 nation of the Federal agency.

6 CONTRACTOR'S PAYMENTS TO THE GOVERNMENT

7 SEC. 307. (a) The Administrator of the General Serv-
8 ices Administration and the Secretary of Defense shall issue
9 regulations which will provide payment to the Government
10 for Federal funding of research and development activities
11 through the sharing of royalties or revenues or both with the
12 contractor. Such regulations shall provide, to the extent ap-
13 propriate, a standard contractual clause to be included in all
14 Federal research and development contracts.

15 (b) Such regulations may allow the agency to waive all
16 or part of the payment set forth in subsection (a) above at the
17 time of contracting or at the request of the contractor where
18 the agency determines that—

19 (1) the probable administrative costs are likely to
20 be greater than the expected amount of payment; or

21 (2) the Federal Government's contribution to the
22 technology as licensed or utilized is insubstantial com-
23 pared with private investment made or to be made in
24 the technology; or

1 TITLE IV—DOMESTIC AND FOREIGN PROTEC-
2 TION AND LICENSING OF FEDERALLY
3 OWNED INVENTIONS

4 AUTHORITY OF FEDERAL AGENCIES

5 SEC. 401. Federal agencies are authorized to—

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

10 (2) promote the licensing of inventions covered by
11 federally owned patent applications, patents, or other
12 forms of protection obtained with the objective of maxi-
13 mizing utilization by the public of the inventions cov-
14 ered thereby;

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

23 (4) make market surveys and other investigations
24 for determining the potential of inventions for domestic
25 and foreign licensing and other forms of utilization; ac-

1 quire technical information and engage in negotiations
2 and other activities for promoting the licensing and for
3 the purpose of enhancing their marketability and public
4 utilization;

5 (5) withhold publication or release to the public
6 information disclosing any invention in which the Fed-
7 eral Government owns or may own a right, title, or in-
8 terest for a reasonable time in order for a patent appli-
9 cation to be filed;

10 (6) undertake the above and all other suitable and
11 necessary steps to protect and administer rights to in-
12 ventions on behalf of the Federal Government either
13 directly or through contract;

14 (7) transfer custody and administration, in whole
15 or in part, to the Department of Commerce or to other
16 Federal agencies, of the right, title, or interest in any
17 invention for the purpose of administering the authori-
18 ties set forth in paragraphs (1) through (4), without
19 regard to the provisions of the Federal Property and
20 Administrative Services Act of 1949 (40 U.S.C. 471);
21 and

22 (8) designate the Department of Commerce as re-
23 cipient of any or all funds received from fees, royalties,
24 or other management of federally owned inventions au-
25 thorized under this Act.

1 AUTHORITY OF THE SECRETARY OF COMMERCE IN
2 COOPERATION WITH OTHER FEDERAL AGENCIES

3 SEC. 402. The Secretary of Commerce is authorized in
4 cooperation with other Federal agencies to—

5 (1) coordinate a program for assisting all Federal
6 agencies in carrying out the authority set forth in sec-
7 tion 401;

8 (2) publish notification of all federally owned in-
9 ventions that are available for licensing;

10 (3) evaluate inventions referred by Federal agen-
11 cies, and patent applications filed thereon, in order to
12 identify those inventions with the greatest commercial
13 potential and to insure promotion and utilization by the
14 public of inventions so identified;

15 (4) assist the Federal agencies in seeking and
16 maintaining protection on inventions in the United
17 States and in foreign countries, including the payment
18 of fees and costs connected therewith;

19 (5) accept custody and administration, in whole or
20 in part, of the right, title, and interest in any invention
21 for the purposes set forth in section 401 (1) through
22 (4), with the approval of the Federal agency concerned
23 without regard to the provisions of the Federal Proper-
24 ty and Administrative Service Act of 1949 (40 U.S.C.
25 471);

1 to bring the invention to practical application or other-
2 wise promote the invention's utilization by the public;

3 (2) the desired practical application has not been
4 achieved, or is not likely expeditiously to be achieved,
5 under any nonexclusive license which has been grant-
6 ed, or which may be granted, on the invention;

7 (3) exclusive or partially exclusive licensing is a
8 reasonable and necessary incentive to call forth the in-
9 vestment of risk capital and expenditures to bring the
10 invention to practical application or otherwise promote
11 the invention's utilization by the public; and

12 (4) the proposed terms and scope of exclusivity
13 are not greater than reasonably necessary to provide
14 the incentive for bringing the invention to practical ap-
15 plication or otherwise promote the invention's utiliza-
16 tion by the public;

17 except that a Federal agency shall not grant such exclusive
18 or partially exclusive license if it determines that the grant of
19 such license will tend substantially to lessen competition or
20 result in undue concentration in any section of the country in
21 any line of commerce to which the technology to be licensed
22 relates, or to create or maintain other situations inconsistent
23 with the antitrust laws.

24 (b) After consideration of whether the interests of the
25 Federal Government or United States industry in foreign

1 commerce will be enhanced, Federal agencies may grant ex-
2 clusive or partially exclusive licenses in any invention cov-
3 ered by a foreign patent application or patent after public
4 notice and opportunity for filing written objections except
5 that, a Federal agency shall not grant such exclusive or par-
6 tially exclusive license if it determines that the grant of such
7 license will tend substantially to lessen competition or result
8 in undue concentration in any section of the country in any
9 line of commerce to which the technology to be licensed re-
10 lates, or to create or maintain other situations inconsistent
11 with the antitrust laws.

12 (c) The Federal agency shall maintain a record of deter-
13 minations to grant exclusive or partially exclusive licenses.

14 (d) Any grant of an exclusive or partially exclusive li-
15 cense shall contain such terms and conditions as the Federal
16 agency may determine to be appropriate for the protection of
17 the interests of the Federal Government and the public, in-
18 cluding provisions for the following:

19 (1) periodic written reports at reasonable intervals
20 including, when specifically requested by the Federal
21 agency, the extent of the commercial or other use by
22 the public that is being made or is intended to be made
23 of the invention;

24 (2) a nonexclusive, nontransferable, irrevocable,
25 paid-up license to practice or have practiced for the

1 Federal Government the licensed invention throughout
2 the world by or on behalf of the Federal Government
3 (including any Federal agency), and the additional right
4 to sublicense any State or domestic local government
5 or to sublicense any foreign government pursuant to
6 foreign policy considerations, or any existing or future
7 treaty or agreement if the Federal agency determines
8 it would be in the national interest to retain such addi-
9 tional rights;

10 (3) the right of the Federal agency to terminate
11 such license in whole or in part unless the licensee
12 demonstrates to the satisfaction of the Federal agency
13 that the licensee has taken effective steps, or within a
14 reasonable time is expected to take such steps, to ac-
15 complish substantial commercial or other use of the in-
16 vention by the public; and

17 (4) the right of the Federal agency, commencing
18 three years after the grant of a license, to require the
19 licensee to grant a nonexclusive or partially exclusive
20 license to a responsible applicant or applicants, upon
21 terms reasonable under the circumstances, and in ap-
22 propriate circumstances to terminate the license in
23 whole or in part, after public notice and opportunity for
24 a hearing, upon a petition by an interested person jus-
25 tifying such hearing, if the Federal agency determines,

1 upon review of such material as it deems relevant, and
2 after the licensee, or other interested person, has had
3 the opportunity to provide such relevant and material
4 information as the Federal agency may require, that
5 such license has tended substantially to lessen competi-
6 tion or to result in undue concentration in any section
7 of the country in any line of commerce to which the
8 technology relates, or to create or maintain other situ-
9 ations inconsistent with the antitrust laws.

10 TITLE V—MISCELLANEOUS

11 CHAPTER 1—DEFINITIONS; RELATIONSHIP TO OTHER

12 LAWS

13 DEFINITIONS

14 SEC. 511. As used in this Act—

15 (1) The term “Federal agency” means an “execu-
16 tive agency” as defined by section 105 of title 5,
17 United States Code, and the military departments de-
18 fined by section 102 of title 5, United States Code.

19 (2) The term “contract” means any contract,
20 grant, or agreement entered into between any Federal
21 agency and any person for the performance of experi-
22 mental, developmental, or research work substantially
23 funded by the Federal Government. Such term includes
24 any assignment, substitution of parties, or subcontract
25 of any type entered into for the performance of experi-

1 mental, developmental, or research work under a con-
2 tract.

3 (3) The term “contractor” means any person (as
4 defined in section 1 of title 1, United States Code) that
5 is a party to the contract.

6 (4) The term “invention” means any invention or
7 discovery and includes any art, method, process, ma-
8 chine, manufacture, design, or composition of matter,
9 or any new and useful improvement thereof, or any va-
10 riety of plant, which is or may be patentable or other-
11 wise protectable under the laws of the United States.

12 (5) The term “subject invention” means any in-
13 vention or discovery of the contractor conceived or first
14 actually reduced to practice in the course of or under a
15 contract.

16 (6) The term “practical application” means to
17 manufacture in the case of a composition or product, to
18 practice in the case of a process, or to operate in the
19 case of a machine or system, and, in each case, under
20 such conditions as to establish that the invention is
21 being worked and that its benefits are available to the
22 public either on reasonable terms or through reason-
23 able licensing arrangements.

1 (7) The term “person” means any individual,
2 partnership, corporation, association, institution, or
3 other entity.

4 (8) The term “made”, when used in relation to
5 any invention, means the conception or first actual re-
6 duction to practice of such invention.

7 (9) The term “antitrust law” means—

8 (A) the Act entitled “An Act to protect trade
9 and commerce against unlawful restraints and mo-
10 nopolies”, approved July 2, 1890 (15 U.S.C. 1 et
11 seq.), as amended;

12 (B) the Act entitled “An Act to supplement
13 existing laws against unlawful restraints and mo-
14 nopolies, and for other purposes”, approved Octo-
15 ber 15, 1914 (15 U.S.C. 12 et seq.), as amended;

16 (C) the Federal Trade Commission Act (15
17 U.S.C. 41 et seq.), as amended;

18 (D) sections 73 and 74 of the Act entitled
19 “An Act to reduce taxation to provide revenue for
20 the Federal Government, and for other purposes”,
21 approved August 27, 1894 (15 U.S.C. 8 and 9),
22 as amended; and

23 (E) the Act of June 19, 1936 (15 U.S.C. 13,
24 13a, 13b, and 21a).

1 RELATIONSHIP TO OTHER LAWS

2 SEC. 512. Nothing in this Act shall be deemed to
3 convey to any individual, corporation, or other business orga-
4 nization immunity from civil or criminal liability, or to create
5 defenses to actions, under any antitrust law.

6 CHAPTER 2—AMENDMENTS TO OTHER ACTS

7 IDENTIFIED ACTS AMENDED

8 SEC. 521. The following Acts are hereby amended as
9 follows:

10 (1) Section 205(a) of the Act of August 14, 1946
11 (7 U.S.C. 1624(a); 60 Stat. 1090), is amended by
12 striking out the last sentence thereof.

13 (2) Section 501(c) of the Federal Coal Mine
14 Health and Safety Act of 1969 (30 U.S.C. 951(c); 83
15 Stat. 742) is amended by striking out the last sentence
16 thereof.

17 (3) Section 106(c) of the National Traffic and
18 Motor Vehicle Safety Act of 1966 (15 U.S.C. 1395(c);
19 80 Stat. 721) is repealed.

20 (4) Section 12 of the National Science Foundation
21 Act of 1950 (42 U.S.C. 1871(a); 82 Stat. 360) is re-
22 pealed.

23 (5) Section 152 of the Atomic Energy Act of
24 1954 (42 U.S.C. 2182; 68 Stat. 943) is repealed.

1 (6) The National Aeronautics and Space Act of
2 1958 (42 U.S.C. 2451 et seq.; 72 Stat. 426) is amend-
3 ed—

4 (A) by repealing section 305 thereof (42
5 U.S.C. 2457): *Provided, however,* That subsec-
6 tions (c), (d), and (e) of such section shall continue
7 to be effective with respect to any application for
8 patents in which the written statement referred to
9 in subsection (c) of such section has been filed or
10 requested to be filed by the Commissioner of Pat-
11 ents and Trademarks prior to the effective date of
12 this Act;

13 (B) by inserting the following new section
14 305:

15 “SEC. 305. INVENTIONS AND CONTRIBUTIONS
16 BOARD.—Each proposal for any waiver of patent rights held
17 by the Administrator shall be referred to an Inventions and
18 Contributions Board which shall be established by the Ad-
19 ministrator within the Administration. Such Board shall
20 accord to each interested party an opportunity for a hearing,
21 and shall transmit to the Administrator its findings of fact
22 with respect to such proposal and its recommendations for
23 action to be taken with respect thereto.”;

24 (C) by repealing section 306 thereof (42
25 U.S.C. 2458);

1 (D) by inserting at the end of section 203(c)
2 thereof (42 U.S.C. 2473(c)) the following new
3 paragraph:

4 “(14) to provide effective contractual provisions
5 for the reporting of the results of the activities of the
6 Administration, including full and complete technical
7 reporting of any innovation made in the course of or
8 under any contract of the Administration.”;

9 (E) by inserting at the end of section 203
10 thereof (42 U.S.C. 2478) the following new sub-
11 section:

12 “(d) For the purposes of chapter 17 of title 35 of the
13 United States Code the Administration shall be considered a
14 defense agency of the United States.”; and

15 (F) by striking out the following in section
16 203(c)(3) thereof (42 U.S.C. 2473(c)(3)): “(includ-
17 ing patents and rights thereunder)”.

18 (7) Section 6 of the Coal Research and Develop-
19 ment Act of July 7, 1960 (30 U.S.C. 666; 74 Stat.
20 337), is repealed.

21 (8) Section 4 of the Helium Act Amendments of
22 1960 (50 U.S.C. 167b; 74 Stat. 920) is amended by
23 striking out both provisos at the end thereof.

24 (9) Section 32 of the Arms Control and Disarm-
25 ament Act (22 U.S.C. 2572; 75 Stat. 634) is repealed.

1 (10) Subsection (e) of the section 302 of the Ap-
2 palachian Regional Development Act of 1965 (40
3 U.S.C. App. 302(e); 79 Stat. 5) is repealed.

4 (11) Except for paragraph (l) of section 9 of the
5 Federal Nonnuclear Energy Research and Develop-
6 ment Act of 1974 (42 U.S.C. 5908; 88 Stat. 1887) is
7 repealed.

8 (12) Section 5(i) of the Tennessee Valley Authori-
9 ty Act of 1933 (16 U.S.C. 831d(i); 48 Stat. 61) is
10 amended by striking both proviso clauses at the end
11 thereof.

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

14 (14) Section 3 of the Act of April 5, 1944 (30
15 U.S.C. 323; 58 Stat. 191), is repealed.

16 (15) Section 8001 of the Solid Waste Disposal
17 Act (42 U.S.C. 6981; 90 Stat. 2829) is repealed.

18 (16) Section 6 of the Patent and Trademark
19 Amendment of 1980 (35 U.S.C. 38; 94 Stat. 3018) is
20 repealed.

21 (17) Section 6e (1) and (2) of the Stevenson-
22 Wydler Technology Innovation Act of 1980 (15
23 U.S.C. 3705(e) (1) and (2); 94 Stat. 2313) is repealed.

1 CHAPTER 3.—EFFECTIVE DATE PROVISION

2 EFFECTIVE DATE

3 SEC. 531. This Act shall take effect on the first day of
4 the seventh month beginning after the date of enactment of
5 this Act, except that regulations implementing this Act may
6 be issued prior to such day.

○