

PROPOSAL

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A BILL

To establish a uniform Federal system for management, protection, and use of inventions that result from federally-supported research or development, and for related purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that this Act may be cited as the "Government Patent Policy Act of 1979".

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TITLE I -- POLICY

FINDINGS

SEC. 101. The Congress, recognizing the profound impact of science, engineering, and technology policy on the well-being, health and safety of the Nation, finds that;

- (1) inventions that result from federally-supported research and development constitute a valuable national resource;
- (2) Federal policy on allocation of patent rights in such inventions should stimulate innovation, meet the needs of the Government, foster competition, recognize the equities of Government contractors and Federal

employee-inventors, and provide small businesses and educational institutions with special incentives to participate in Federal research and development programs and to commercialize resulting inventions; and (3) the public interest would be served better if greater efforts were made to obtain patent protection and to promote commercial use of new technology that results from federally-supported research and development both in the United States and in foreign countries.

PURPOSE

SEC. 102. This Act is designed to --

- (1) establish an effective Federal system for management and use of inventions that result from federally-supported research and development;
- (2) provide for consistent implementation of the system and for continuous monitoring of this implementation;
- (3) allocate patent rights in contract inventions that result from federally-supported research and development in ways that --
  - (A) stimulate innovation,
  - (B) encourage participation of all qualified contractors,

- (C) foster competition,
  - (D) reduce administrative burdens on Federal agencies and their contractors,
  - (E) promote widespread public use of inventions made with public support, and
  - (F) provide special incentives to small businesses and educational institutions;
- (4) allocate patent rights in Federal employee inventions equitably;
- (5) provide for domestic and foreign patenting and licensing of federally-owned patent rights, with the objective of strengthening the Nation's economy and expanding its domestic and foreign markets; and
- (6) amend or repeal other Acts and Executive Orders on allocation of patent rights that result from federally-supported research and development and on licensing of federally-owned patent rights.

TITLE II -- IMPLEMENTATION

RESPONSIBILITIES OF COMMERCE

SEC. 201. (a) The Secretary of Commerce is authorized and directed to --

- (1) coordinate a program to help agencies in exercising the authority given by section 202;
- (2) publish notices of all federally-owned patent rights that are available for licensing;
- (3) develop and manage a Government-wide program, including appropriate private sector participation, to stimulate transfer of federally-owned technology to the private sector through development, demonstration, and dissemination of information about potential applications of the technology;
- (4) evaluate inventions referred by agencies to identify those with the greatest commercial potential and to promote their public use;
- (5) help agencies seek and maintain patents in the United States and in foreign countries by paying fees and costs and by other means;
- (6) accept custody of federally-owned patent rights from another agency in whole or in part without regard to the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471);

(7) consult with other agencies about areas of science and technology with potential for commercial development;

(8) receive royalties or other income from management of federally-owned patent rights for use only in pursuing the purposes of this Act; and

(9) enter into contracts necessary and appropriate to accomplish the purposes of this Title.

(b) There is authorized to be appropriated the sum of \$3,000,000 for fiscal year 1981 to enable the Secretary to carry out his responsibilities under this section.

#### AUTHORITY OF FEDERAL AGENCIES

SEC. 202. Agencies may --

(1) apply for, obtain, maintain, and protect patent rights in the United States and in foreign countries on any invention in which the Government has an interest;

(2) license federally-owned patent rights on such terms and conditions as seem appropriate, subject to Title V;

- (3) promote licensing of federally-owned patent rights by making market surveys, acquiring technical information, or otherwise determining or enhancing the marketability or the public use of the inventions;
- (4) withhold publication or release of information disclosing any invention long enough for patent applications to be filed;
- (5) enter into contracts necessary and appropriate to accomplish the purposes of this section;
- (6) transfer patent rights to other agencies in whole or in part without regard to the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471);  
and
- (7) designate the Department of Commerce as recipient of any royalties or other income from management of federally-owned patent rights.

TITLE III -- CONTRACT INVENTIONS

Chapter 1. Coverage, Regulations, and Procedures

CONTRACT INVENTIONS

SEC. 311. This Title applies to "contract inventions", which are inventions made in the course of or under Federal contracts. An exception is that inventions made under any contract for operation of a Government-owned facility will be treated as employee inventions subject to Title IV of this Act.

REGULATIONS

SEC. 312. (a) The Administrator of General Services and the Secretary of Defense will issue regulations to implement this Title. The regulations will establish a standard patent clause, which will be included in each Federal contract except as provided in subsections (b) and (c). The regulations also will establish guidelines to be used by the agencies, in appropriate situations, in the negotiation of recoupment arrangements intended to return to the Government all or part of the Federal support provided under any contract through the sharing of royalties and revenues with the contractor.

(b) The regulations will specify instances in which an agency may deviate from the standard patent clause to further

its mission and the public interest. The regulations may not permit an agency to waive the antitrust and national-security march-in rights reserved by paragraphs 332(a)(2) and (5) under any circumstances. They may permit an agency to waive Government rights reserved by sections 332(a), (c), [and (d)]; 331; and 332 only on a class basis and only in:

- (1) contracts involving cosponsored, cost-sharing, or joint venture research to which the contractor makes a substantial contribution of funds, facilities, or equipment; and
- (2) special contracts involving Federal price or purchase supports and Federal loans or loan guarantees.

(c) Notwithstanding the regulations, the head of an agency may deviate from the standard patent clause in individual contracts to further the agency's mission and the public interest. However, the agency head may not agree to waive the antitrust and national-security march-in rights reserved by paragraphs 332(a)(2) and (5). Nor may the agency head waive the Government's rights under sections 332(a), (c), [and (d)]; 331; and 332 except in contracts --

- (1) described in subsection (b)(1) or (2); or
- (2) with a contractor whose participation is necessary for the successful accomplishment of the agency's mission but cannot be obtained under the standard patent clause.

A description of any deviation permitted by an agency head under this subsection shall be published in the Federal Register.

#### REPORTING OF INVENTIONS

SEC. 313. (a) The contractor will provide the responsible agency timely written reports on each contract invention containing:

- (1) complete technical information on the invention,
- (2) a list of each country, if any, in which the contractor elects to file a patent application on the invention, and
- (3) unless the contractor is a small business or educational institution, a list of each field of use in which the contractor intends to commercialize the invention or otherwise achieve public use of the invention. Each field will be described as narrowly as practical, by lines of commerce and product submarkets or otherwise, with sufficient particularity to allow the Government to identify those fields of use not encompassed by the described field.

The Government will neither publish nor release these reports until the contractor has had a reasonable time to file patent applications.

(b) If the responsible agency determines that the contractor has unreasonably failed to file reports as required by subsection (a), the contractor may be deprived of some or all of the rights it would have received under this Title.

Chapter 2. Allocation of Rights in Contract Inventions

SMALL BUSINESSES AND EDUCATIONAL INSTITUTIONS

SEC. 321. (a) A contractor that is a small business or an educational institution will receive title to any contract invention in each country listed under paragraph 313(a)(2) where it files a patent application within a reasonable time. Its title will be subject to the Government's minimum rights under section 331 and march-in rights under section 332.

(b) The Government will receive title to the contract invention in any country where the contractor elects not to file a patent application or fails to file within a reasonable time.

(c) No rights in a contract invention held by an educational institution under this section may be assigned without the approval of the responsible agency, except to a patent-management organization which assumes the obligations of the contractor under this Act.

*offer a new project*

LARGER BUSINESSES AND OTHER CONTRACTORS

SEC. 322. (a) If the contractor is not a small business or an educational institution, the Government will receive title in any contract invention.

(b) If the contractor elects to file a patent application on a reported contract invention in any country and does file one within a reasonable time, it will receive an exclusive license under the patent, with the right to grant exclusive, partially exclusive, or nonexclusive sublicenses, in each described field of use. These exclusive rights will be subject to the Government's minimum rights under section 331, march-in rights under section 332. The contractor will automatically receive these exclusive rights sixty days after it provides the responsible agency with the complete information required by subsection 313(a) unless the agency earlier notifies the contractor of its intention to make a determination under subsection (c) of this section.

(c) The contractor will not receive exclusive rights in any field of use if the responsible agency determines that the contractor's possession of such rights would be contrary to the

requirements of the agency's mission or would likely result in the agency's exercising its right to terminate under section 332.

#### CONTRACTOR LICENSE

SEC.323. Any contractor that complies with subsection 313(a) will receive nonexclusive royalty free licenses to practice the contract invention in all countries where it does not receive title under section 321(a) and in all fields of use and all countries in which it does not receive exclusive rights under section 322(b). Such licenses may be revoked only if necessary to allow the Government to grant exclusive licenses under Title V.

#### Chapter 3. Minimum Rights, March-ins, and Transfers to Employees

##### MINIMUM GOVERNMENT RIGHTS

SEC. 331. (a) The Government will have the following rights in any contract invention:

- (1) the right to require from the contractor written reports on the invention and its use,

(2) a royalty-free worldwide right or license to practice the invention or have it practiced for the Government, and

(3) the right to license or sublicense State, local, or foreign governments to practice the invention or have it practiced for them, if the agency determines at the time of contracting that acquisition of this right would serve the national interest.

(b) Whenever the Government has rights in any invention under this Title, any patent application filed on the invention and any patent issued on it will include a statement that the invention was made with Government support and that the Government has rights to it.

#### MARCH-INS

SEC. 332. (a) The Government will have as to each contract invention the right to terminate the contractor's title or exclusive rights in whole or in part; to require the contractor to grant appropriate licenses or sublicenses to responsible applicants; or, if necessary, to grant such licenses or sublicenses itself, but only --

(1) if the contractor has not taken, or is not expected to take, timely and effective steps to achieve practical application of the invention in the fields of use affected;

- (2) if necessary to protect the national security;
- (3) if necessary to meet health or safety needs;
- (4) if necessary to meet requirements for public use specified by Federal regulation;
- (5) if the contractor's rights in the invention have tended to lessen competition substantially or result in undue market concentration in any section of the United States in any line of commerce or to create or maintain other situations inconsistent with the antitrust laws; or
- (6) if the contractor has failed to comply with the reporting requirements of this Act.

*Arbitrary!*

(b) These march-in rights may be exercised on the responsible agency's own initiative or on a petition from an interested person.

(c) Whenever under this section an agency requires a contractor to grant a license or sublicense, it may specify reasonable terms, including the royalties to be charged, if any; the duration of the license or sublicenses; the scope of exclusivity; and the fields of use to be covered.

#### TRANSFER OF RIGHTS TO CONTRACTOR EMPLOYEES

SEC. 333. (a) The contractor's employee-inventor may receive some or all of the contractor's rights under this Title with

the permission of the contractor and the approval of the responsible agency. The corresponding obligations of the contractor under this Title then will become obligations of the employee-inventor.

(b) When the contractor is a small business or an educational institution, the responsible agency may assign some or all of its rights under subsection 321 to the employee-inventor if it finds insufficient interest in the contract invention to justify exercising those rights.

(c) When the contractor is not a small business or an educational institution, the responsible agency may assign some or all of its rights under subsection 322 to the employee-inventor if it finds insufficient interest in the contract invention to justify exercising those rights and if the contractor has not requested any exclusive rights in the invention.

(d) All rights assigned under subsections (b) or (c) will be subject to the Government's minimum rights under section 331 and march-in rights under section 332.

(e) The employee-inventor may not assign, license, or transfer any rights acquired under subsections (b) or (c) except in an arm's length transaction entirely negotiated after the acquisition.

## TITLE IV -- INVENTIONS OF FEDERAL EMPLOYEES

### EMPLOYEE INVENTIONS

SEC. 401. This Title applies to "employee inventions", which are inventions made by Federal employees or by employees of a Government-owned, contractor-operated facility.

### REGULATIONS

SEC. 402. The Commissioner of the United States Patent and Trademark Office will issue regulations to implement this title.

### REPORTING OF INVENTIONS

SEC. 403. (a) Federal employees will file timely written reports on any inventions they make to the responsible agencies. Each report must contain complete technical information concerning the invention. The Government will neither publish nor release the report until there has been a reasonable time to file patent applications.

(b) If the responsible agency determines that a Federal employee-inventor unreasonably failed to file the report required by subsection (a), the employee may be deprived of some or all of the rights he would have received under this Title.

CRITERIA FOR THE ALLOCATION OF RIGHTS

SEC. 404. The responsible agency will determine the rights of the Government and of Federal employee-inventors in any inventions made by the employee-inventors. It will employ the following criteria:

(1) If the invention bears a relation to the duties of the employee-inventor or was made in consequence of his employment, the Government will receive all rights in the invention.

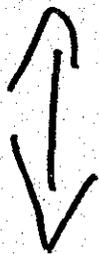
(2) If the invention bears no relation to the duties of the employee-inventor and was not made in consequence of his employment, but was made with a contribution from Government facilities, equipment, materials, funds, or proprietary information or from services of other Federal employees on official duty, the employee-inventor will receive all rights in the invention, except as provided in paragraph (4). Those rights, however, will be subject to a nonexclusive royalty-free worldwide license to the Government to practice the invention or have it practiced for the Government. The agency also may acquire the right to sublicense State, local, or foreign governments to practice the invention or have it practiced for them if acquisition of this right would serve the national interest.

(3) If the agency finds insufficient interest in an invention to justify exercising its rights under paragraph (1), the employee-inventor may receive all of those rights, except as provided in paragraph (4) and subject to the Government license and sublicensing rights described in paragraph (2). However, nothing in this paragraph will prevent the agency from publishing the invention or otherwise dedicating it to the public.

(4) If the agency determines that national security might be impaired if the employee-inventor were to receive rights in an invention under paragraphs (2) or (3), the Government will receive all rights in the invention.

(5) A Federal employee is entitled to all rights in any invention made by the employee that is not covered by paragraphs (1), (2), or (3).

(6) Notwithstanding paragraph (1), an agency may enter into agreements providing for appropriate allocation of rights in inventions that result from research or development to which other parties have substantially contributed.



### PRESUMPTIONS

SEC. 405. (a) There will be a rebuttable presumption that an employee invention falls within the criteria of paragraph 404(1) if it was made by a Federal employee who is employed or assigned to --

- (1) invent, improve, or perfect any art, machine, manufacture, or composition of matter;
- (2) conduct or perform research or development work;
- (3) supervise, direct, coordinate, or review federally-supported research or development work; or
- (4) act as liaison among agencies or individuals engaged in such work.

(b) There will be a rebuttable presumption that an invention falls within the criteria of paragraph 404(2) if it was made by any other Federal employee.

### REVIEW OF AGENCY DETERMINATIONS

SEC. 406. Agency determinations under sections 403(b) and 404 will be reviewed whenever --

- (1) the agency determines not to acquire all rights in an invention, or
- (2) an aggrieved employee--inventor requests a

review. Standards and procedures for this review will be prescribed in the regulations issued under section 402.

#### REASSIGNMENT OF RIGHTS

SEC. 407. If an agency finds on the basis of new evidence that it has acquired rights in an invention greater than the Government should receive under the criteria of section 404, it will grant the employee-inventor such rights as may be necessary to correct the error.

#### INCENTIVE AWARDS PROGRAM

SEC. 408. (a) Agencies may monetarily reward and otherwise recognize employee-inventors so as to stimulate employee inventions and encourage disclosure. For this purpose they may use the Federal incentive awards system (5 U.S.C. Ch. 45, 10 U.S.C. Ch. 57, and implementing regulations), as modified by this section.

(b) The amount of an award for an invention will be based on --

- (1) the extent to which the invention advances the state of the art;
- (2) the scope of application of the invention;
- (3) the value of the invention to the Government; and
- (4) the extent to which the invention has come into public use.

(c) Awards for an invention of up to \$10,000 may be made by the head of an agency.

(d) Awards of over \$10,000 but less than \$35,000 may be made for highly exceptional inventions by the head of an agency to --

(1) civilian employees, with the approval of the Office of Personnel Management;

(2) members of the Armed Forces, with the approval of the Secretary of Defense;

(3) members of the United States Coast Guard when not operating as a service in the Navy, with the approval of the Secretary of Transportation;

(4) members of the Commissioned Corps of the United States Public Health Service, with the approval of the Secretary of Health and Human Services; and

(5) members of the Commissioned Corps of the National Oceanic and Atmospheric Administration, with the approval of the Secretary of Commerce.

(e) Presidential awards of more than \$35,000 may be made to employee-inventors by the President upon recommendation of the agency.

(f) Acceptance of a cash award under this section constitutes an agreement that any Government use of any invention for which the award is made forms no basis for

further claims against the Government by the recipient, his heirs, or his assigns.

(g) Any cash award to or expense for honorary recognition of an employee-inventor will be paid from the fund or appropriation of the agency primarily benefitting. The head of the agency will determine the amount to be paid for agency awards. The President will determine the amount to be paid for Presidential awards.

(h) Nothing in this section requires an agency to make any award.

#### INCOME SHARING FROM PATENT LICENSES

SEC. 409. An agency may share income received from any patent license with the employee-inventor.

#### CONFLICT OF INTEREST

SEC. 410. Any determination of an appointing official under subsection 208(b) of title 18, United States Code that relates to promotion of a Federal employee's invention by the employee will be subject to regulations prescribed by the Secretary of Commerce, with the concurrence of the Office of Personnel Management and the Attorney General.

TITLE V -- LICENSING OF FEDERALLY-OWNED INVENTIONS

COVERED INVENTIONS

SEC. 501. This Title applies to all federally-owned patent rights, except that, apart from licenses granted under section 332, it does not apply to licenses granted under Title III of this Act.

REGULATIONS

SEC. 502. The Administrator of General Services may promulgate regulations specifying the terms and conditions upon which federally-owned patent rights may be licensed.

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EXCLUSIVE OR PARTIALLY EXCLUSIVE LICENSES

SEC. 503. (a) An agency may grant exclusive or partially exclusive domestic licenses under federally-owned patent rights only if, after public notice and opportunity for filing written objections, it determines that --

- (1) the interests of the Government and the public best will be served by the proposed license, in view of the applicant's intentions, plans, and ability to achieve practical application of the invention or otherwise promote its public use;
- (2) the desired practical application probably will not be achieved under a nonexclusive license;

- (3) exclusive or partially exclusive licensing is necessary to attract the investment required to bring the invention to the point of practical application or otherwise promote its public use; and
- (4) the scope of proposed exclusivity is not greater than reasonably necessary.

However, an agency may not grant any license that will tend to lessen competition substantially or result in undue market concentration in any section of the United States in any line of commerce or to create or maintain other situations inconsistent with the antitrust laws.

(b) An agency may grant exclusive or partially exclusive foreign licenses under any federally-owned patent rights after public notice and opportunity for filing written objections and after determining whether the interests of the Government or of United States industry in foreign commerce will be enhanced. However, an agency may not grant any license that will tend to lessen competition substantially or result in undue market concentration in any section of the United States in any line of commerce or to create or maintain other situations inconsistent with the antitrust laws.

(c) Agencies will maintain publicly available, periodically updated records of determinations to grant exclusive or partially exclusive licenses.

#### MINIMUM GOVERNMENT RIGHTS

SEC. 504. Each exclusive or partially exclusive license will contain such terms and conditions as the agency finds appropriate to protect the interests of the Government and the public, including provisions reserving to the Government:

- (1) The right to require from the contractor written reports on the invention and its use,
- (2) A royalty-free, worldwide right to practice the invention or have it practiced for the Government, and
- (3) The right to license State, local, or foreign governments to practice the invention or have it practiced for them if the agency determines that reservation of this right would serve the national interest.

#### MARCH-IN RIGHTS

SEC. 505. The Government will have the right as to each license to terminate the license in whole or in part, but only--

- (1) if the licensee has not taken, or is not expected to take, timely and effective steps to achieve practical application of the invention in the fields of use affected;

- (2) if necessary to protect national security;
- (3) if necessary to meet health or safety needs;
- (4) if necessary to meet requirements for public use specified by Federal regulation;
- (5) if the licensee's rights in the invention have tended to lessen competition substantially or result in undue market concentration in any section of the United States in any line of commerce or to create or maintain other situations inconsistent with the antitrust laws; or
- (6) if the licensee has failed to comply with the terms of the license.

(b) These march-in rights may be exercised on the agency's own initiative or on a petition from an interested person.

TITLE VI -- MISCELLANEOUS

PATENT INFRINGEMENT SUITS AND RIGHT OF INTERVENTION

SEC. 601. (a) Any person receiving an exclusive license under this Act may enforce rights under the license by bringing suit for patent infringement. The United States need not be joined as a party to such a suit. However, the licensee promptly will give notice of the suit to the agency that granted the license, and all parties will serve copies of papers on the agency as though it were a party to the suit.

(b) The United States may intervene in any suit in which the validity or coverage of federally-owned patent rights is in issue.

NOTICE, HEARING, AND JUDICIAL REVIEW

SEC. 602. (a) Agency determinations under sections 313(b), 322(c), and 505 will be made after public notice and opportunity for a hearing in which the United States, any agency, or any interested person may participate, and will include written reasons for the determination.

(b) The United States or any participant adversely affected by an agency determination covered by subsection (a) may appeal it to the United States Court of Claims within sixty days after the determination is issued. That court will have

exclusive jurisdiction to determine the matter de novo and to affirm, reverse, or modify the agency determination.

#### RELATIONSHIP TO OTHER LAWS

SEC. 603. Nothing in this Act creates any immunities or defenses to actions under the antitrust laws.

#### DEFINITIONS

SEC. 604. As used in this Act --

(1) "Agency" means an "executive agency" of the Federal Government as defined by section 105 of title 5, United States Code, and the military departments defined by section 102 of title 5, United States Code. "Responsible agency" means the agency which is party to a contract for the performance of research or development, has received the patent rights from another agency, or has administrative jurisdiction over an employee-inventor.

(2) "Antitrust laws" means the laws included within the definition of the term "Antitrust laws" in section 1 of the Clayton Act (15 U.S.C. 12), as amended, and the Federal Trade Commission Act (15 U.S.C. 41 et seq.), as amended.

(3) "Contract" means any contract, cooperative agreement, or grant entered into between any agency and any person for the performance of research or development substantially

funded by the Government. It covers any assignment, substitution of parties, or subcontract of any type.

(4) "Contractor" means any person other than an agency that is a party to the contract.

(5) "Educational institution" means any university or other institution of higher education;

(6) "Federal employees" means employees as defined in section 2105 of title 5, United States Code, and members of the uniformed services.

(7) "Invention" means any invention or discovery that is or may be patentable or otherwise protectable under the laws of the United States. "Contract invention" is defined by section 311. "Employee invention" is defined by section 401.

(8) "Made" when used in relation to any invention means conceived or first actually reduced to practice.

(9) "Patent" means patent, patent application, or any foreign equivalent form of protection for inventions, including author's certificates.

(10) "Patent rights" means patents, patent licenses, and rights to grant licenses or sublicenses.

(11) "Person" means any individual, partnership, corporation, association, institution, or other entity.

(12) "Practical application" means manufacture, in the case of a composition or product, or practice, in the case of a machine, process, or system, under conditions that establish the invention is being worked and its benefits are available to the public on reasonable term.

(13) "Small business" means a small business concern as defined in section 2 of Public Law 85-536 (15 U.S.C. 632) and implementing regulations of the Administrator of the Small Business Administration.

(14) "State" means any State or territory of the United States, the District of Columbia, and the Commonwealth of Puerto Rico. "Local" means any domestic county, municipality, or other governmental entity.

#### AMENDMENTS TO OTHER ACTS

SEC.605. (a) Section 10(a) of the Act of June 29, 1935, as added by title 1 of the Act of August 14, 1946 (7 U.S.C. 427i(a); 60 Stat. 1085) is amended by striking out the following: "Any contracts made pursuant to this authority shall contain requirements making the results of research and investigations available to the public through dedication, assignment to the Government, or such other means as the Secretary shall determine."

(b) Section 205(a) of the Act of August 14, 1946 (7 U.S.C. 1624(a); 60 Stat. 1090) is amended by striking out the following: "Any contract made pursuant to this section shall contain requirements making the result of such research and investigations available to the public by such means as the Secretary of Agriculture shall determine."

(c) Section 501(c) of the Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. 951(c); 83 Stat. 742) is amended by striking out the following: "No research, demonstrations, or experiments shall be carried out, contracted for, sponsored, cosponsored, or authorized under authority of this Act, unless all information, uses, products, processes, patents, and other developments resulting from such research, demonstration, or experiments will (with such exception and limitation, if any, as the Secretary or the Secretary of Health, Education, and Welfare may find to be necessary in the public interest) be available to the general public."

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

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

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

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

(1) by repealing section 305 (42 U.S.C. 2457).

However, subsections (c), (d), and (e) of section 305 shall continue to be effective with respect to any application for patents in which the written statement referred to in subsection (c) of such section has been filed or requested to be filed by the Commissioner of Patents and Trademarks before the effective date of this Act;

(2) by striking out, in section 306(a) (42 U.S.C. 2458(a)), "(as defined by section 305)"; and by striking out "the Inventions and Contributions Board, established under section 305 of this Act" and inserting instead: "an Inventions and Contributions Board which shall be established by the Administrator within the Administration";

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

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

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

• "(d) For the purposes of chapter 17 of title 35 of the United States Code the Administration shall be considered a defense agency of the United States." and

(5) by striking out the following in such section: "(including patents and rights thereunder)".

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

(i) Section 4 of the Helium Act Amendments of 1960 (50 U.S.C. 167b; 74 Stat. 920) is amended by striking out the following: "Provided, however, That all research contracted for, sponsored, cosponsored, or authorized under authority of this Act shall be provided for in such a manner that all information, uses, products, processes, patents, and other developments resulting from such research developed by Government expenditure will (with such exceptions and limitations, if any, as the Secretary may find to be necessary in the interest of national defense) be available to the general public: And provided further, That nothing contained herein shall be construed as to deprive the owner of any background patent relating thereto to such rights as he may have thereunder." and by inserting instead a period.

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

(k) Subsection (e) of Section 302 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App. 302(e); 79 Stat. 5) is repealed.

(l) Subsection (c) of section 203 of the Solid Waste Disposal Act (42 U.S.C. 3253(c); 79 Stat. 997) is repealed.

(m) Section 216 of title 38, United States Code, is amended striking out subsection (a)(2) and by redesignating subsection (a)(3) as (a)(2).

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

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

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

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

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

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

EFFECTIVE DATE

SEC. 606. This Act will take effect on the first day of the seventh month beginning after the enactment of this Act. Implementing regulations may be issued earlier.