



HARRISON SCHMITT  
NEW MEXICO

COMMITTEE ON COMMERCE,  
SCIENCE, AND TRANSPORTATION

COMMITTEE ON BANKING,  
HOUSING, AND URBAN AFFAIRS

SELECT COMMITTEE ON ETHICS

## United States Senate

WASHINGTON, D.C. 20510

November 15, 1978

Mr. Howard Bremer  
Wisconsin Alumni Research Foundation  
614 North Walnut Street  
Madison, Wisconsin 53705

Dear Mr. Bremer:

I am writing to ask for your views on legislation I introduced during the 95th Congress to establish a National patent policy for Federally funded research and development. Entitled the "Science and Technology Research and Development Utilization Policy Act," my bill is designed to remove the existing disincentives to innovation and promote the efficient utilization of government sponsored research.

As you are undoubtedly aware, the United States has recently experienced a disturbing decline in the rate of technological innovation and economic productivity. Integrally related to this decline, is the failure of the Federal Government to formulate a uniform government-wide policy for the management, utilization and protection of the results of Federally-sponsored research and development. Current Federal policy as represented in numerous statutes, regulations, and executive orders is ineffective, conflicting, and oftentimes counterproductive.

This legislation would address these problems by establishing a uniform system for the management of government sponsored technology. Title II sets forth the guidelines for determining the rights to inventions resulting from Federal research and development contracts. Essentially, the bill provides that the contractor shall have the option of acquiring title to any invention conceived under a Federal contract except in specified situations where it is in the public interest for the Government to retain title.

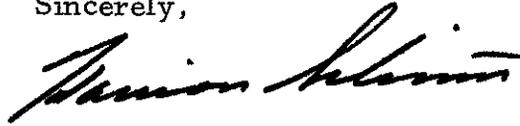
To assure the necessary flexibility in the implementation of the government-wide policy, the appropriate Federal agency head would be authorized to waive the rights of the United States or "march-in" and require licensing if deemed clearly necessary to promote the public interest.

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I introduced this bill late in the 95th Congress for the purpose of initiating discussion and establishing a framework for a serious reexamination of our national policy. A revised version of this bill will be introduced early in the 96th Congress. To assist in this endeavor, I would appreciate any comments or suggestions you might have as to the text of this bill. Enclosed is a copy of the bill and my statement made at the time this bill was introduced. If you have any questions or desire further clarification, please contact William C. Gibb (202-224-1251) of the staff of the Committee on Commerce, Science and Transportation.

Thank you for your assistance in this matter.

Sincerely,



Harrison H. Schmitt  
United States Senate

Enclosures (2)