Subtitle E--Committee on Technology Management in International Science and Technology Agreements

SEC. 3871. ESTABLISHMENT OF COMMITTEE.

(a) ESTABLISHMENT.--There is established an interagency committee to be known as the "Committee on Federal Technology Management for International Science and Technology Agreements" (hereafter in this section referred to as the "Committee").

(b) COMPOSITION

(1) The Committee shall be composed of--

(A) the Secretary of Defense, or a delegate of the Secretary of Defense;

(B) the United States Trade Representative, or a delegate of the United States Trade Representative;

(C) the Secretary of State, or a delegate of the Secretary of State; and

(D) the Secretary of Commerce, or a delegate of the Secretary.

(E) the head of the federal agency, or a delegate of the agency, funding any project identified in the agreement being reviewed by the Committee.

(2) The Secretary of Commerce, or a delegate of the Secretary, shall be the chairman of the Committee.

(c) USE OF RESOURCES.--The Committee shall draw upon the existing resources of the departments and agencies represented on the Committee, as well as such other departments and agencies as it may determine to be necessary.

(d) REVIEW OF INTERNATIONAL SCIENCE AND TECHNOLOGY AGREEMENTS BY THE COMMITTEE

(1) The Department of State shall submit to the Committee all proposed international science and technology agreements prior to submission to the prospective foreign government partner. The Committee shall consider the technological and economic desirability of each agreement. In determining desirability, the Committee shall consider the availability of equally valued technological knowledge and research across countries.

(2) If the agreement is desirable, the Committee shall develop language for inclusion in the agreement to protect U.S. interests in the disposition of inventions, technical data, and computer software made or delivered in performance of any federally-funded R&D covered or intended to be covered by the agreement.

(3) In formulating such language, the Committee will take into consideration the need to protect the right that federally-funded contractors and laboratories have to elect ownership of such inventions, technical data, and computer software under P.L. 96-517 as amended, P.L. 96-480 as amended, and Executive Order.

(4) Any Committee determination altering or eliminating the right of such contractor or laboratory to elect ownership as identified in (3) above, shall be justified in writing and included in the annual report required by (6) of this Section.

(5) The Committee will recommend negotiating goals for the United States Trade Representative to follow in negotiations with foreign countries which are designed to increase the degree of equivalent technological access between the United States and foreign countries; and

(6) Submit an annual report to Congress, which shall include--

(A) the description of international science and technology agreements entered into that year;

(B) recommendations for administrative or legislative changes in United States' policy that would improve equivalent technological access to research between the United States and foreign countries;

(C) an explanation of the general concept of equivalent technological access employed by the Committee and suggestions as to how that concept might be refined;

(D) a description of the negotiating goals recommended to, and adopted by, the United States Trade Representative pursuant to paragraph (5); and

(E) an assessment of the progress made by the United States Trade Representative in achieving such goals during the year with which the report is concerned.

(e) The review process established in subsection (d) shall be implemented through the regulations issued under section 206 of Title 35 of the United States Code.

(f) Definitions

(1) The term "federal agency" means any executive agency as defined in section 105 of Title 5, United States Code, and the military departments as defined by section 102, Title 5, United States Code.

(2) The term "contractor" means any person, business firm, or nonprofit organization that is a party to any contract, grant, or cooperative agreement or any assignment, substitution of parties, or subcontract thereof, entered into with any federal agency, for the performance of experimental, developmental, or research work funded in whole or in part by the Federal Government.

(3) The term "invention" means any invention which is or may be patentable or otherwise protected under Title 35, United States Code, or any novel variety of plant which is or may be protectable under the Plant Variety Protection Act (7 U.S.C. 2321 et seq.).

(4) The term "made" when used in conjunction with any invention means the conception or first actual reduction to practice of such invention.

(4) The term "technical data" means recorded information of a scientific or technical nature regardless of form or the media on which it may be recorded.

(5) The term "computer software" means recorded information regardless of form or the media on which it may be recorded comprising computer programs or documentation thereof.