whether or not only reimbursed

Comments on Senate Report

I/ Funding Problems

A. Funds for doing reimburseable work.

with or without reimbursement

If the funds for doing reimburseable work must be appropriated, cannot be retained by the agency, but instead goes into misc. receipts of the treasury, very little will be done under this Bill. Presently agencies have authority to do work for other Government agencies in advance of receiving ~~appropriations~~ an actual transfer of funds ~~for~~ from the ordering agency. Upon signing an agreement, the agency ordering the work obligates its funds. Private work at an agency usually requires, ~~advance funding~~ the receipt of funds from the private source before the work is started so the Government isn't left holding the bag. If the advance funds are sent to the Treasury, than the performing agency must obtain appropriated funds to do the work. This requires a good deal of planning, a few years in advance of getting private work.

The Bill should permit the applicable agency to

retain the funds received. DOE has such authority for its R&D program in its organic Act. The appropriations committee then appropriates such receipts yearly.

Royalties

B. A similar problem exists with respect to royalties. One solution is for the Bill to require the licensee to pay the inventor directly i.e., without going to the government. Thus Therefore, no misc. receipt problem.

2. Language confusion

A. Bill defines "Federal Laboratory" & "Laboratory" then uses terms such as "Government-operated Federal Laboratories" in Section 11. In Section 12 then uses "laboratory" but not

The Government has title to inventions made by non Government inventors which may be licensed by the Government. 2 (b) apply to such royalties or is it limited to Government employees? Section (c) seems to say so but its not clear.

4. Cooperative R&D Agreements.

A. I'm not sure what this term means. I would prefer "Collaborative Agreements" instead and define it as an agreement to perform work for non-Federal parties. ~~on a~~ ~~fully reimbursed, or full cost basis~~ cost recovery I would include the broad authority in the Space Act 42 USC 2473(c)? to provide the basic authority needed. Perhaps 31 USC 6505 (c) is the ~~auth~~ appropriation solution. I don't know.

DOE
FOCI
~~LACFR 952.272~~
~~LACFR 972~~
952.204-73
LACFR 904.70

5. Other ~~Inventions~~ Matters

(1) Sec 11(a)(1)B - seems to ~~Go~~ give any agency the right to license voluntary assigned inventions even if the inventor [illegible] or other agency.

(2) Section 11 (a)(1) uses term agreements while "agreements" is defined ~~[illegible]~~ to do work for other Federal Agencies but doesn't have the efficiency concept in it as does the Economy Act. I would drop reference to Federal agencies

(4) Section 11 (b)(1)(A) uses term "collaborating parties" which is undefined. Is the Federal agency a "collaborating party"?

(5) I don't understand Sec 11 (a)(2)(C)

(6) Is there a domestic limitation on Collaborating Parties?

(7) How about a ~~direction~~ authority, direction funds, such as — (Get DOE language)

6. Section 12

(a) Is this authority to give cash awards to non Federal ~~Partner~~ people. If so not clear.

(b) Note use of domestic in Sec 12 (a)(1) - should ~~be~~ broaden use of term.

(c)

Future Invention Rights

The authority to acquire future invention rights of ~~Gover~~ Government Employees is unclear. Section 11 (b)(2)(B) says the Gov't can grant such rights to collaborating ~~parti~~ party, but where is the ~~auth~~ authority to acquire such rights from the inventor, Not in E.O. 10096. I would add a sentence to Section 13 (a) to the effect that agency can condition the Employees work on collaborative agreement ~~to~~ ~~an~~ by ~~a~~ requiring an assignment of future invention relating to the ~~agree~~ subject matter of the agreement.