Executive Order 12352 of March 17, 1982

Federal Procurement Reforms

By the authority vested in me as President by the Constitution and laws of the United States of America, and in order to ensure effective and efficient spending of public funds through fundamental reforms in Government procurement, it is hereby ordered as follows:

Section 1. To make procurement more effective in support of mission accomplishment, the heads of executive agencies engaged in the procurement of products and services from the private sector shall:

(a) Establish programs to reduce administrative costs and other burdens which the procurement function imposes on the Federal Government and the private sector. Each program shall take into account the need to eliminate unnecessary agency procurement regulations, paperwork, reporting requirements, solicitation provisions, contract clauses, certifications, and other administrative procedures. Private sector views on needed changes should be solicited as appropriate;

(b) Strengthen the review of programs to balance individual program needs against mission priorities and available resources;

(c) Ensure timely satisfaction of mission needs at reasonable prices by establishing criteria to improve the effectiveness of procurement systems;

(d) Establish criteria for enhancing effective competition and limiting noncompetitive actions. These criteria shall seek to improve competition by such actions as eliminating unnecessary Government specifications and simplifying those that must be retained, expanding the purchase of available commercial goods and services, and, where practical, using functionally-oriented specifications or otherwise describing Government needs so as to permit greater latitude for private sector response;

(e) Establish programs to simplify small purchases and minimize paperwork burdens imposed on the private sector, particularly small businesses;

(f) Establish administrative procedures to ensure that contractors, especially small businesses, receive timely payment;

(g) Establish clear lines of contracting authority and accountability;

(h) Establish career management programs, covering the full range of personnel management functions, that will result in a highly qualified, well managed professional procurement work force; and

(i) Designate a Procurement Executive with agency-wide responsibility to oversee development of procurement systems, evaluate system performance in accordance with approved criteria, enhance career management of the procurement work force, and certify to the agency head that procurement systems meet approved criteria.

Sec. 2. The Secretary of Defense, the Administrator of General Services, and the Administrator for the National Aeronautics and Space Administration shall continue their joint efforts to consolidate their common procurement regulations into a single simplified Federal Acquisition Regulation (FAR) by the end of calendar year 1982.

Sec. 3. The Director of the Office of Personnel Management, in consultation with the heads of executive agencies, shall ensure that personnel policies and classification standards meet the needs of executive agencies for a professional procurement work force.

Sec. 4. The Director of the Office of Management and Budget, through the Office of Federal Procurement Policy as appropriate, shall work jointly with the heads of executive agencies to provide broad policy guidance and overall leadership necessary to achieve procurement reform, encompassing:

(a) Identifying desirable Government-wide procurement system criteria, such as minimum requirements for training and appointing contracting officers;

(b) Facilitating the resolution of conflicting views among those agencies having regulatory authority with respect to Government-wide procurement regulations;

(c) Assisting executive agencies in streamlining guidance for procurement processes;

(d) Assisting in the development of criteria for procurement career management programs;

(e) Facilitating interagency coordination of common procurement reform efforts;

(f) Identifying major inconsistencies in law and policies relating to procurement which impose unnecessary burdens on the private sector and Federal procurement officials, and following coordination with executive agencies, submitting necessary legislative initiatives for the resolution of such inconsistencies; and

(g) Reviewing agency implementation of the provisions of this Executive Order and keeping me informed of progress and accomplishments.

Ronald Reagan

THE WHITE HOUSE
March 17, 1982

AMENDMENT NO. 3619 Calendar No. 541

Purpose: To provide authority for NASA to require reporting of innovations made under contract with the Administration.

IN THE SENATE OF THE UNITED STATES—97th Cong., 2d Sess.

S. 1657

Entitled the "Uniform Science and Technology Research and Development Utilization Act".

September 23 (legislative day, September 8), 1982

Ordered to lie on the table and to be printed

AMENDMENTS intended to be proposed by Mr. NUNN (for himself and Mr. MATTINGLY)

Viz:

On page 36, between lines 12 and 13, insert the following:

"(C) by adding at the end of section 203 thereof (42 U.S.C. 2473) the following new paragraph:

" '(14) to provide effective contractual provisions for the reporting of the results of activities of the Administration, including full and complete technical reporting of any innovations made in the course of or under any contract of the Administration: *Provided,* That no reporting of inventions pursuant to this provision be in conflict with section 305 of the Uniform Sci-

ence and Technology Research and Development Utilization Act, and its implementing regulations.'".

On page 36, line 13, strike "(C)" and insert in lieu thereof "(D)".

Amendment No. 3619

S. 1657

James A. McClure

AMENDMENT NO. _____ Ex. _____ Calendar No. _____

Purpose: _____

IN THE SENATE OF THE UNITED STATES— 97th Cong., 2nd Sess.

S. 1657

H.R. _____ (or Treaty _____)
SHORT TITLE

(title) Uniform Science and Technology Research and Development Utilization Act

( ) Referred to the Committee on _____
and ordered to be printed

( ) Ordered to lie on the table and to be printed

INTENDED to be proposed by Mr. McClure

Viz: On page 29, line 16, insert a new section 301(c)(3)

"301(c)(3) To insure that the net royalties earned on subject inventions by the contractor operating a Government-owned contractor-operated facility, be used for scientific research and development consistent with the mission and objectives of such facility."

AMENDMENT NO. _____ Ex. James A. McClure Calendar No. _____

Purpose: _____

_____

_____

IN THE SENATE OF THE UNITED STATES— 97th Cong., 2nd Sess.

S. 1657

H.R. _____ (or Treaty _____)
SHORT TITLE

(title) Uniform Science and Technology Research and Development Utilization Act

_____

_____

_____

( ) Referred to the Committee on _____
and ordered to be printed

( ) Ordered to lie on the table and to be printed

INTENDED to be proposed by Mr. McClure

Viz: On page 32, line 23, strike all of Sec. 305 (1) and 305 (2)(A) and (B), and insert in lieu thereof:

"Sec. 305. Each contract entered into by a Federal agency shall employ a patent right clause containing appropriate provisions to provide—

(1) that the contractor disclose each subject invention to the Federal agency within a reasonable time after it is made; and

(2) unless the Government acquires title to the subject invention under section 301(a) of this title, that--

(A) The contractor make a written election, as to the retention of title to the subject invention, to the Federal agency within a reasonable time after disclosure under paragraph (1) of this subsection, and that the Government may receive title to any subject invention not (elected disclosed to it) within such time; and

(B) A contractor which elects rights in a subject invention agrees to file patent applications within reasonable times, and that the Federal government may reserve title to any subject inventions in the United States or other countries in which the contractor has not filed patent applications on the subject invention within such times; and"

James R. McClure

AMENDMENT NO. _____ Ex. _____ Calendar No. _____

Purpose: _____

_____

_____

IN THE SENATE OF THE UNITED STATES— 97th Cong., 2nd Sess.

S. 1657

H.R. _____ (or Treaty _____)

SHORT TITLE

(title) Uniform Science and Technology Research and Development Utilization Act

_____

_____

_____

( ) Referred to the Committee on _____
and ordered to be printed

( ) Ordered to lie on the table and to be printed

INTENDED to be proposed by Mr. McClure

Viz: On page 27, line 8, strike Sec. 301(a)(2) and insert in lieu thereof:

"301(a)(2) The agency determines, on a case-by-case basis, that there are exceptional circumstances requiring such action--

(A) to better promote the policy and objectives of section 101(5) of this act, or;

(B) when it is determined that for reasons of national security the commercialization of the technology to be developed under the contract should be discouraged, restricted or otherwise controlled; Provided, that at such time that the exceptional circumstances of this paragraph no longer exist, the title to or rights to license any subject invention shall be subject to section 302 of this Act."

James A. McClure

AMENDMENT NO. _____ Ex. _____ Calendar No. _____

Purpose: _____

_____

_____

IN THE SENATE OF THE UNITED STATES— 97th Cong., 2nd Sess.

S. 1657

H.R. _____ (or Treaty _____)
SHORT TITLE

(title) Uniform Science and Technology Research and Development Utilization Act

_____

_____

_____

( ) Referred to the Committee on _____
and ordered to be printed

( ) Ordered to lie on the table and to be printed

INTENDED to be proposed by Mr. McClure

Viz: On page 44, strike line 8 through 13.