Negotiating license
- Protecting Government interests
- Choice of royalty formula to offer (e.g. initial payment, running license based on sales or savings, percentage)
- Direct payment to inventors
- Business plan
- Laboratory support and assistance
- Inventor support and assistance

Public notice
Protests and resolution of disputes
Final approval
Plans for distributing and using lab share of royalties
License administration
- Reports
- Enforcement of public policy provisions
- Receipt of and accounting for royalties
  - Recording amounts due and collected
  - Payment of inventors' shares
  - Distribution of balance

Infringements and defense
Commercialization support covered in license
- Management of work provided by lab
- Funds, property, and effort accounting
- Product liability

Inventor activities covered by license
- Consultation -- on Government time
  -- on own time
- Allowable financial interest
- Proprietary and management interest
- Product liability

Reporting to Congress on royalty use

The Government funds or performs about half of the $120 billion dollars of research and development done annually in the United States by universities, small and large businesses, and Federal laboratories. This investment, however, does not usually include the very large development and marketing costs needed to bring unclassified discoveries to the marketplace.

In the past, most Federally-funded discoveries were made available to anyone through publication without accompanying proprietary protection. This has permitted foreign firms to develop products based on these discoveries in sheltered markets and subsidized economies.

United States industry frequently would not pursue such discoveries because they could not find a Government official who would convey the proprietary position needed to justify major development costs. Commerce has taken a series of actions based on the principles of decentralizing authorities and creating the incentives necessary to draw Federally-funded R&D organizations and industry into vigorous commercialization of unclassified discoveries. The Commerce actions emphasize establishment of proprietary positions by technology creating organizations which can then be used to justify investment.

The 1986 Technology Transfer Act is the most recent of the Government-wide legislative and regulatiory actions by Commerce. Aside from administrative costs, its implementation will cost nothing. But, it is expected to bring resources into development of Federal laboratory discoveries, provide opportunities to move technology out into the private sector earlier to save Government costs, lead to new products which can be sold on world markets, and help Federal laboratories retain their most inventive scientists who until now, had to leave in order to receive financial benefits from their work.

We have already started to see the effects of the principles in the growth of university/industry collaboration since passage of the first Act in 1980. There have been some unusual cases that illustrate what can be expected in Federal laboratories. Three of them are:

- The Corps of Engineers Construction Engineering Laboratory has two patents, one in welding quality monitoring and one on corosion control, that have been licensed to firms for further development and commercialization to meet both Government and civilian needs. The result is lower Government development costs, and lower purchase prices for end items.

- The Harry Diamond Ordanance Lab developed a technology for fuses that has been adapted to more than 100 civilian and other military applications.

- Los Alamos (a contractor operated lab) developed a technique for examining foreign bodies in living cells. The work had to do with determining the effects of oil spills. It was found that the technique could also identify bacteria and virusus in blood cells. An &8 million RDLP limited partnership was created to work with the lab and the Center for Disease Control to further develop the technology and identify the signatures of many bacteria and viruses. The plan is to develop low cost diagnostic equipment for use world-wide that will do in hours what can today take weeks to do with cultures.

The President may include a reference to the Act in the State of the Union Message, indicating his intent to issue an Executive Order directing agencies to get behind its implementation.

The Act joins the bundle of Government-wide authorities that Commerce has consolidated for the first time to increase the commercialization of Federally-funded technology by U.S industry. It is now important to create an organizational platform with the Government-wide visibility necessary to guide their successful implementation.

JAN 12 1982

MEMORANDUM FOR: HONORABLE MALCOLM BALDRIDGE
SECRETARY OF COMMERCE

FROM: DAVID A. STOCKMAN D. A. S.
DIRECTOR

SUBJECT: Assignment of Lead Agency for Implementation of P.L. 96-517

As you may know, we will soon issue a new OMB Circular which provides uniform implementing guidance for the Government patent policy section of Public Law 96-517, "The Patent and Trademark Amendments of 1980." This Act gives nonprofit organizations and small businesses a first right of refusal to title in inventions they have made in performance of Government grants and contracts. The Act takes precedent over approximately 26 conflicting statutory and administrative policies.

Since the Act is a fundamental change in the more traditional policy of Government ownership to inventions made with its support, we believe it is essential that a lead agency be designated to review agency implementing regulations; disseminate and collect information; monitor administrative or compliance measures; evaluate the Act's implementation; and recommend appropriate changes to OMB/OFPP. (A more detailed list of proposed lead agency functions and staffing is provided in Attachment A.)

The Department of Commerce seems the natural choice for assignment of this new lead agency function due to its prior experience and wide ranging interest in technology transfer, productivity, innovation and Government patent policy. In order to take full advantage of Commerce's experience and to support the expansion of the concept of P.L. 96-517 to all recipients of Federal research and development funding, the proposed functions include authority to collect information and recommend policy and regulatory changes that affect recipients beyond those covered by the Act.

11088

I hope you will accept the responsibility for the lead agency which we believe will be challenging and rewarding. I would appreciate your designating an official to work with my staff in developing the details necessary to assure smooth implementation of the Circular and the lead agency.

I have designated Don Sowle, the Administrator of the Office of Federal Procurement Policy as my staff focal point, who has responsibilitiy for issuing patent policy regulations implementing P.L. 96-517.

Attachment A

Sample Lead Agency Functions

A. Functions Specific to Public Law 96-517:

1. Review agency implementation to determine compliance with the Act and OFPP regulations.

2. Develop formats and procedures for the collection of utilization information from contractors and grantees. Collect and publish utilization information.

3. Provide, as determined necessary, recommendations to OFPP/OMB on changes to Government-wide implementing regulations.

4. As part of carrying out of functions of A.1-3, establish and chair an advisory group or groups, including representatives of the agencies and the grantee/contractor community and other private organizations.

5. Operate the NTIS Government licensing program under the authority of P.L. 96-517 and provide, when determined necessary, recommendatins on improvements that could be made in this area.

B. General Functions

1. Review and evaluate the effectiveness of existing Government policies on the ownership of inventions by Government contractors, and make recommendations to OMB as to how such policies could be improved to more effectively stimulate innovation and productivity.

2. Collect and maintain statistics on Government patent policies and practices to provide a base for policy development and evaluation.

3. Establish and chair an advisory group or groups, including representatives of agencies and performers of Government research, to discuss issues related to Government policies on ownership of inventions made with Government support. FCSSET & NSF should participate.

4. Coordinate administration positions on proposed legislation related to ownership of inventions made with Governmment support.

5. Operate the PTO government-employee invention disposition program and provide, when determined necessary, recommendtions on improvements that could be made in this area.

United States of America DEPARTMENT OF COMMERCE	DEPARTMENT ORGANIZATION ORDER 10-1 Amendment 2	
DEPARTMENT ORGANIZATION ORDER SERIES	DATE OF ISSUANCE March 9, 1987	EFFECTIVE DATE March 5, 1987

SUBJECT

ASSISTANT SECRETARY FOR PRODUCTIVITY, TECHNOLOGY AND INNOVATION

Department Organization Order 10-1, dated January 22, 1984, is hereby further amended as shown below. The purpose of this amendment is to delete the delegation of the Secretary's authority under Sections 5, 6, and 11 of the Stevenson-Wydler Technology Innovation Act of 1980, which is now transferred to the Under Secretary of Economic Affairs (DOO 10-9).

SECTION 3. DELEGATION OF AUTHORITY. Subparagraph .01b. is deleted. In pen-and-ink, reletter subparagraphs .01c. through g. as b. through f.

Secretary of Commerce

USCOMM- DC - 87-8950

Need to Establish the Office of Federal Technology Commercialization in OPTI

A. Action Forcing Events

a. October 20, 1986 - Enactment of Federal Technology Transfer Act.

b. December 10, 1986 - Secretary Baldrige delegates to Under Secretary for Economic Affairs all authorities under the Act.

c. January 14, 1987 - Under Secretary for Economic Affairs establishes a departmental committee on laboratory technology management.

d. January 27, 1987 - President issues Fact Sheet on Competitiveness. Item 15 states President will issue an Executive Order on technology transfer. The Executive Order will call for speedy implementation of Federal Technology Transfer Act.

e. February 6, 1987 - The first meeting of the Committee on Laboratory Technology Management was held.

B. DOC Response

a. DOC played a major role in achieving enactment of the Federal Technology Transfer Act.

b. OMB and federal agencies are looking to DOC to continue to take lead role in technology transfer.

Item 15 states President will

c. In the Decision Memorandum requesting delegation to U/S, EA of authorities under Federal Technology Transfer Act, you advised the Secretary of Commerce that the Department "must now move forcefully to implement the Act."

d. In EA under present organization resources to implement the Act are divided between OPTI and NTIS. These resources should be consolidated in one office under a single manager as set out in TAB A which establishes an Office of Federal Technology Commercialization in OPTI.

TRANSMITTAL

United States of America DEPARTMENT OF COMMERCE	DEPARTMENT ORGANIZATION ORDER 10-9 Amendment 1	
DEPARTMENT ORGANIZATION ORDER SERIES	DATE OF ISSUANCE March 9, 1987	EFFECTIVE DATE March 5, 1987

SUBJECT

UNDER SECRETARY FOR ECONOMIC AFFAIRS

Department Organization Order 10-9, dated January 22, 1984, is hereby amended as shown below. The purpose of this amendment is to delegate the Secretary's authority in the Federal Technology Transfer Act of 1986; and transfer previously delegated authorities in the Stevenson-Wydler Technology Innovation Act of 1980 from the Assistant Secretary for Productivity, Technology and Innovation to the Under Secretary for Economic Affairs.

SECTION 3. DELEGATION OF AUTHORITY. In pen-and-ink, reletter paragraphs .02 through .04 as .03 through .05, a new paragraph .02 is added to read as follows:

".02 The authorities and responsibilities of the Secretary of Commerce in the Stevenson-Wydler Technology Innovation Act of 1980 (P.L. 96-480), as amended by the Federal Technology Transfer Act of 1986 (P.L. 99-502)."

Malcolm Baldrige

Secretary of Commerce

USCOMM- DC - 87-8951

United States of America DEPARTMENT OF COMMERCE	DEPARTMENT ORGANIZATION ORDER 10-1 Amendment 2	
DEPARTMENT ORGANIZATION ORDER SERIES	DATE OF ISSUANCE March 9, 1987	EFFECTIVE DATE March 5, 1987

SUBJECT

ASSISTANT SECRETARY FOR PRODUCTIVITY, TECHNOLOGY AND INNOVATION

Department Organization Order 10-1, dated January 22, 1984, is hereby further amended as shown below. The purpose of this amendment is to delete the delegation of the Secretary's authority under Sections 5, 6, and 11 of the Stevenson-Wydler Technology Innovation Act of 1980, which is now transferred to the Under Secretary of Economic Affairs (DOO 10-9).

SECTION 3. DELEGATION OF AUTHORITY. Subparagraph .01b. is deleted. In pen-and-ink, reletter subparagraphs .01c. through g. as b. through f.

Malcolm Baldrige

Secretary of Commerce

USCOMM- DC - 87-8950

OFFICE OF FEDERAL TECHNOLOGY COMMERCIALIZATION

SECTION 1. PURPOSE

.01 This Order prescribes the organization and the functions of the Office of Federal Technology Commercialization.

SECTION 2. STATUS AND LINE OF AUTHORITY

.01 The Office of Federal Technology Commercialization, a constituent operating unit of the Department, shall be headed by a Director who shall report and abe responsible to the Under Secretary for Economic Affairs through the Assistant Secretary for Productivity, Technology and Innovation.

SECTION 3. FUNCTIONS

The Office of Federal Technology Commercialization shall be the principal unit in the Department on issues and policies relating to technology developed in Federal laboratories, developed with Federal funding, or affected by Federal programs and activities. In carrying out these responsibilities, the Office shall:

a. Advise the Under Secretary for Economic Affairs and other Department officials on important policy questions and problems relating to private sector use of Federal technology.

b. Enhance the flow of Federally funded technologies to the private sector and minimize adverse affects of Federal. programs on technology developed by the private sector.

c. Assist the Under Secretary for Economic Affairs in performing the lead agency functions delegated by the Secretary, concerning Federal technology management policy under Public Laws 96-480, 96-517, 98-620, 98-622, and 99-502 and Executive Order 10096 and the President's patent policy memorandum, including coordinating, monitoring, gathering relevant data, evaluating relevant programs and activities, developing uniform Government-wide standards for implementing Federal patent policy, preparing reports, disseminating information, making recommendations, and taking other actions necessary to assure maximium private sector opportunity for commercializing technology resulting from projects performed by Federal agencies or financed with Federal Government funds.

d. Review for the Under Secretary and advise on, all Commerce activities under the Stevenson-Wydler Technology Transfer Act of 1980 and the Federal Technology Transfer Act of 1986.

e. Chair the Federal Coordinating Council on Science, Engineering, and Technology Committee on Intellectual Property for Technology Transfer.

f. Develop a Government-wide policy on technical data used or developed at Government expense.

g. Develop training materials and programs for helping Federal laboratories or Federally-funded laboratories evaluate the commercial value of their technologies and improve their technology transfer capabilities.

h. License Federally-owned inventions both within the custody of the Department of Commerce and other agencies.

i. Chair the Commerce Committee on Laboratory Technology Management, to coordinate implementation of authority delegations to DOC laboratories under subsection 11(a); the awards program authorized by section 12 of P.L. 99-502 and the distribution of royalties under Section 13 of P.L. 99-502.

j. Prepare the reports from the Secretary to the President and Congress as required in P.L. 99-502.

SECTION 4. ORGANIZATION

.01 The Office of Federal Technology Commercialization shall consist of the Division of Federal Technology Management Policy and the Division of Federal Patent Licensing.

02. The Division of Federal Technology Management Policy shall:

a. Provide advice and assistance as requested by other Federal agencies on commercializing inventions, model agreements, and cooperative research and development projects as authorized by paragraph 10(g)(1) of P.L. 99-502.

b. Develop the biennial report required by subparagraph 10(g)(2) of P.L. 99-502 to the President and Congress on Government-wide use of the authorities provided in the Act.

c. Analyze and propose new legislation or other policies including Government-wide regulations on management of technology developed by the Government or with Government funding, including preparation of the report to Congress and the President required by paragraph 10(g)(3) of P.L. 99-502.

shall consist of the Division of Federal Technology Management

d. Draft Commerce regulations as may be necessary to comply with subsection 11(c) of P.L. 99-502.

e. Develop and administer policies for distributing royalty income within the Department of Commerce in accordance with subsection 13(a) of P.L. 99-502.

f. Issue, interpret, and maintain regulations under P.L. 96-517 and 98-620 on ownership of Government funded inventions (37 CFR Part 401) and licensing of Government-owned inventions (37 CFR Ch.IV).

g. Interpret and administer Government Employee Inventor Program under E.O. 10096, including recommendations for changing the Order if necessary to conform with new legislation.

h. Work with agencies to help take advantage of the Statutory Invention Recording process authorized by P.L. 98-622 and develop the required annual report.

i. Provide advice and assistance to the Director of the Office of Science and Technology Policy on matters related to managing technology developed by the Government or with Federal funding.

03. The Division of Federal Patent Licensing shall:

a. Negotiate agreements with Federal laboratories and/or agencies for provision of services related to licensing of laboratory or employee inventions.

b. Provide services to Federal laboratories and/or agencies in finding potential licensees, negotiating licenses, and administering licenses including collecting royalty payments.

c. At laboratory and/or agency request, file patent applications, particularly for overseas patents.

d. Provide training on a reimbursable basis to Federal agency and laboratory personnel in patent licensing.

THE SECRETARY OF COMMERCE
Washington, D.C. 20230

19 MAY 1987

Honorable Richard E. Lyng
Secretary of Agriculture
Washington, D. C. 20250

Dear Dick,

I am requesting your help to establish an interagency working group to assist me in implementing Section 5 of the Federal Technology Transfer Act of 1986, Public Law 99-502 (Act)

Section 5 of the Act authorizes me, in consultation with other agencies to:

(1) make available to interested agencies Department of Commerce expertise regarding commercial potential of inventions and methods and options for commercialization available to Federal laboratories;

(2) develop and disseminate to agency and laboratory personnel model provisions for use on a voluntary basis in cooperative research and development arrangements; and

(3) furnish advice and assistance, upon request, to Federal agencies regarding cooperative research and development programs and projects.

This Act also requires me, in cooperation with other Federal agencies, to report to the President and Congress every two years on agencies' use of the authorities provided by the Act. Even though the first report is not due until 1988, it is clear that Congress and the President through Executive Order 12591 expect implementation of the Act to begin promptly. Enclosed is Executive Order 12591 and an example of the types of information that could be included in the report.

In order to fulfill my responsibilities under the Act, I am forming an Interagency Committee for Federal Laboratory Technology Transfer composed of policy officials. This committee will be chaired by Dr. D. Bruce Merrifield, Assistant Secretary for Productivity, Technology and Innovation. The committee will be assisted by an executive working group composed of senior operating officials, chaired by Mr. Norman Latker, Director, Federal Technology Management Division, Office of the Assistant Secretary for Productivity, Technology and Innovation. Please provide the name of your designated representative for the interagency committee and also for the executive working group to Dr. Robert Ortner, Under Secretary for Economic Affairs, U.S. Department of Commerce, Room H-4838, Washington, D.C. 20230.

(3) furnish advice and assistance, upon request, to Federal

The first meeting of the executive working group will be on Friday, June 5, 1987 at 10:00 a.m. in Room H-1851. For more information call Mr. Latker at 377-0659.

Sincerely,

/s/

Secretary of Commerce

Enclosures

Honorable Richard E. Lyng
Secretary of Agriculture
Washington, D. C. 20250

Honorable Caspar W. Weinberger
Secretary of Defense
Washington, D. C. 20301

Honorable John S. Herrington
Secretary of Energy
Washington, D. C. 20545

Honorable Otis R. Bowen, M. D.
Secretary of Health and
Human Services
Washington, D. C. 20201

Honorable Donald Paul Hodel
Secretary of the Interior
Washington, D. C. 20240

Honorable Elizabeth H. Dole
Secretary of Transportation
Washington, D. C. 20590

Honorable Lee M. Thomas
Administrator, Environmental
Protection Agency
Washington, D. C. 20460

Honorable James C. Fletcher
Administrator, National Aeronautics
and Space Administration
Washington, D. C. 20546

Honorable John O. Marsh, Jr.
Secretary of the Army
Washington, D. C. 20310

Honorable James H. Webb, Jr.
Secretary of the Navy
Washington, D. C. 20350

Honorable Edward C. Aldridge, Jr.
Secretary of the Air Force
Washington, D. C. 20330

Dr. William R. Graham
Director, Office of Science
and Technology Policy
The White House
Washington, D. C. 20500

TYPES OF INFORMATION THAT MIGHT BE REQUIRED
FOR THE REPORT TO THE PRESIDENT AND CONGRESS ON IMPLEMENTATION
OF THE FEDERAL TECHNOLOGY TRANSFER ACT OF 1986

1. Delegations of authority to laboratories under section 11.
   - o For cooperative R&D agreements;
     - -- Which laboratories have received delegations?
     - -- When made?
     - -- Per lab, how many cooperative R&D agreements under delegations?
     - -- Per lab, estimate of private sector contributions;
       - Annual amounts.
       - Total commitment.

2. How many cooperative R&D agreements where authorities have not been delegated?
   - -- Per lab, estimate of private sector contributions;
     - Annual amounts.
     - Total commitment.

3. Delegations of authority for licensing inventions.
   - o Which laboratories have received delegations?
     - -- When made?
     - -- Per lab, how many inventions licensed under delegations?
     - -- Anticipated royalty flows?
     - -- Nature of inventor participation in follow-on work;
       - Advice, consultation, continuing technical participation.
       - Financial involvement.

4. Per lab, how many inventions licensed where authorities have not been delegated;
   - o Anticipated royalty flows.
   - o Inventor participation;
     - -- Advice, consultation, continuing technical participation.
     - -- Financial involvement.

5. Patent royalties.
   - o If an alternative to the minimum 15% plan for inventors was selected, is it in operation, or what is the anticipated implementation date?
   - o Details of operation;
     - -- Royalties paid to inventors.
     - -- Numbers of awards by amount ranges.
   - o Anticipated royalty stream two years hence from existing and anticipated agreements.

- o Use of remainder after paying inventor's shares.
  - -- Percentage/amount distributed to inventing labs;
    - How were these funds used?
    - Percentage/amount distributed to other labs.
    - How were these funds used?

6. Inventions retained by employees.
   - o How many?
   - o Agency support and assistance to these employees with patenting and promotion.

7. Education materials developed by the Department of Commerce.
   - o Use by laboratories for education of;
     - -- Directors and senior staff.
     - -- Technology transfer officers.
     - -- Scientists and engineers.
   - o Assessment.
   - o Suggestions for improvement.

8. Assessment of the Act.
   - o Effects of cooperative R&D projects on labs.
   - o Effects of invention licensing on labs.
   - o Effects of laboratories' shares of royalties.
     - -- On the inventing labs.
     - -- On other labs.
   - o Overall effects on economy, agency, laboratories, and employees.
   - o Unresolvable problems needing additional legislation or Government-wide regulation.

27 AUG 1987

OFFICE OF FEDERAL TECHNOLOGY MANAGEMENT

SECTION 1. PURPOSE

This Order prescribes the organization and the functions of the Office of Federal Technology Management.

SECTION 2. STATUS AND LINE OF AUTHORITY

The Office of Federal Technology Management, a constituent operating unit of the Department, shall be headed by a Director who shall report to and be responsible to the Assistant Secretary for Productivity, Technology and Innovation (PTI).

SECTION 3. FUNCTIONS

The Office of Federal Technology Management shall be the principal unit in the Department on issues and policies relating to technology developed in Federal laboratories, developed with Federal funding, or utilized by Federal programs and activities. In carrying out these responsibilities, the Office shall:

a. Assist the Assistant Secretary for PTI to advise the Under Secretary for Economic Affairs and other Department officials on important policy questions and problems relating to private sector use of Federal technology.

b. Enhance the flow of Federally funded technologies to the private sector and minimize adverse effects of Federal programs on Federal technology developed by the private sector.

c. Assist the Assistant Secretary for PTI to advise the Under Secretary for Economic Affairs in performing the lead agency functions delegated by the Secretary, concerning Federal technology management policy under Public Laws 96-480, 96-517, 98-620, 98-622, and 99-502, Executive Orders 10096 and 12591, and the President's Patent Policy Memorandum of February 18, 1983. The lead agency functions include coordinating, monitoring, gathering relevant data, evaluating relevant programs and activities, developing uniform Government-wide standards for implementing Federal patent policy, preparing reports, disseminating information, making recommendations, and taking other actions necessary to assure maximium private sector opportunity for commercializing technology resulting from projects performed by Federal agencies or financed with Federal Government funds. Specific responsibilities include the following:

(1) Provide advice and assistance as requested by other Federal agencies on model agreements and cooperative research and development projects as authorized by paragraph 10(g)(1) of P.L. 99-502.

(2) Develop the biennial report to the President and Congress required by subparagraph 10(g)(2) of P.L. 99-502 on Government-wide use of the authorities provided in the Act.

(3) Issue, interpret, and maintain regulations under P.L. 96-517 and 98-620 on ownership of Government funded inventions (37 CFR Part 401) and licensing of Government-owned inventions (37 CFR Ch.IV).

(4) Serve as Government spokesperson, in consultation with the Department of State and other agencies, in the disposition of rights to ownership of Federal technology under the intellectual property clauses of science and technology agreements with foreign countries.

(5) Interpret and administer the Government Employee Inventor Program under E.O. 10096, including recommendations for changing the Order if necessary to conform with new legislation.

(6) Interpret and administer Sections 1, 5 and 7 of Executive Order 12591 on the transfer of Federally funded technology to the private sector.

(7) Work with agencies to help take advantage of the Statutory Invention Recording process authorized by P.L. 98-622 and develop the required annual report.

(8) Analyze, review and propose new legislation or other policies including Government-wide regulations on Federal agency management of technology developed by the Government or with Government funding.

(9) Prepare the report from the Secretary to the President and Congress on copyright and other barriers to the transfer of Federally-funded computer software and the feasibility of maintaining an inventory of Federally-funded training software as required in P.L. 99-502.

d. Serve as Executive Director to the Chairman of the Federal Coordinating Council on Science, Engineering, and Technology Committee on Intellectual Property for Technology Transfer.

e. Develop a Government-wide policy on technical data used or developed at Government expense.

f. Develop training materials and programs for helping Federal laboratories or Federally-funded laboratories improve their technology transfer capabilities.

g. Chair the Commerce Committee for Implementing the Federal Technology Transfer Act, whose purpose is to coordinate implementation of authorities delegated to DOC laboratories under subsection 11(a) of P. L. 99-502, the awards program authorized by section 12 of the same Act, and the distribution of royalties under Section 13 of the same Act.

h. Draft Commerce regulations as may be necessary to comply with subsection 11(c) of P.L. 99-502 on cooperative research and development agreements.

i. Develop and administer policies for distributing royalty income within the Department of Commerce in accordance with subsection 13(a) of P.L. 99-502.

j. Chair the executive subcommittee and provide staff to the Interagency Committee for Federal Laboratory Technology Transfer to coordinate implementation authorities delegated to DOC under subsection 10(g) of P.L. 99-502.

k. In carrying out these functions the office will coordinate its activities with the other constituent units of the office of the Assistant Secretary for PTI.

UNITED STATES DEPARTMENT OF COMMERCE
The Assistant Secretary for Productivity,
Technology and Innovation
Washington, D.C. 20230
(202) 377-1984

42.1

May 22, 1986

TO: Doris Trunfio
Management Services Division

THRU N.J. Latker

Subject: Revised Position Descriptions

In response to Jerome Jackson's memo, here are revised position descriptions for Tip and me. They are based on expansion of the mission of this unit from patent policy to technology management policy, and on recently enacted legislation. As you may remember, we discussed these changes with you and Personnel last year. I don't believe that Joe Allen's position description needs to be changed at this time.

Norman J. Latker
Director
Federal Technology Management
Policy Division

Attachments

EA 86-98
06/09/86

Standard Form 52
Revised January 1984
U.S. Office of Personnel Management
FPM Chapter 296

REQUEST FOR PERSONNEL ACTION

Part I—Requesting Office—Also, complete Part II, Items 1 and 20-34 as necessary.

A For Agency Use	B For Additional Information Call (Name and Telephone Number)
U. S. Department of Commerce	Doris Trunfio 377-4165

C Personnel Action Required	D Proposed Effective Date	E Requested by (Signature, Title, and Date)
Redescription of Duties		Norman J. Latker, Dir., Fed Tech Mgmt Policy D
F Position Action Requested	**G Proposed Effective Date**	**H Approved by (Signature, Title, and Date)**
		Jack Williams, Dir.,OPT D. Bruce Merrifield, A/S for PTI

I Remarks by Requesting Office (Note Supervisors: If action requested is employee resignation and if you know of additional or conflicting reasons for the resignation, please state these facts on a separate sheet and attach to SF 52.)

F.T. Knickerbocker, Executive Director
for Ofc. of the U/S for Economic Affairs

Part II—For Preparation of SF 50

1 Name (Last, First, Middle)	2 SSN	3 Position Sensitivity (Opt)	4 Date of Birth
Parker, Thornton J., III	577-42-3756		

5 Veteran Preference	6 Serv Comp Date (Leave)	7 Tenure	8 Retirement
1—None 2—5 Pt 3—10 Pt Disab 4—10 Pt Comp 5—10 Pt Other 6—10 Pt /30% Comp			1—CS 2—FICA 3—FS 4—None 5—Other 6—CS Spec

9 FEGLI	10 FLSA	11 Sex	12 Citizenship	13 Comp Level (Opt)
	E—Exempt N—Nonexempt		1—US 8—Other	

14 Effective Date	15 Annuitant Indicator	16 Work Schedule	17 (Reserved for OPM Use)
	1—Reempl Ann-CS 2—RETO 3—RETM 4—RETO & CS 5—RETM & CS 9—Not Applicable	F—Full-time P—Part-time I—Intermittent G—FT Seasonal O—PT Seasonal J—INT Seasonal	

18-A NOAC	18-B Nature of Action	19-A NOAC	19-B Nature of Action

18-C Auth Code	18-D Authority	19-C Auth Code	19-D Authority

18-E Auth Code	18-F Authority	19-E Auth Code	19-F Authority

20 FROM: Position Title and Number	27 TO: Position Title and Number
Program Analyst #1587901	Senior Policy Analyst #1587901

21 Name and Location of Employing Office	28 Name and Location of Employing Office
U. S. Department of Commerce Office of the U/S for Economic Affairs Office of the A/S for PTI/OPTI Federal Technology Management Policy Div.	U. S. Department of Commerce Office of the U/S for Economic Affairs Office of the A/S for PTI/OPTI Federal Technology Management Policy Div.

22 Pay Plan & Occupational Code	23 Grade or Level	24 Step or Rate	25 Salary	26 Pay Basis	29 Pay Plan & Occupational Code	30 Grade or Level	31 Step or Rate	32 Salary	33 Pay Basis
GM-345	15	00		PA	GM-345	15	00		PA

34 Duty Station	35 Position Occupied	36 Appropriation Code (Optional)
Washington, D. C.	1—Competitive 2—Excepted 3—SES General 4—SES Career Reserved	C/601/1471-00/47-00/10

37 Remarks

POSITION DESCRIPTION *(Please Read Instructions on the Back)*

1. Agency Position No.

2. Reason for Submission: [X] Redescription [ ] Reestablishment [ ] New [ ] Other
Explanation *(Show any positions replaced)*: Additional Responsibilities

3. Service: [X] Dept'l [ ] Field

4. Employing Office Location: Washington, D. C.

5. Duty Station: Washington, D. C.

6. CSC Certification No.

7. Fair Labor Standards Act: [ ] Exempt [ ] Nonexempt

8. Employment/Financial Stmt Required: [ ] Yes [ ] No

9. Subject to IA Action: [ ] Yes [X] No

10. Position Status: [X] Competitive [ ] Excepted *(Specify)*

11. Position is: [ ] Supvrsry [X] Managerial [ ] Neither

12. Sensitivity: [ ] Critical [X] Noncritical [ ] Nonsensitive

13. Competitive Level Code

14. Agency Use

15. Classified/Graded by	Official Title of Position	Pay Plan	Occupational Code	Grade	Initials	Date
a. Civil Service Commission						
b. Department, Agency, or Establishment						
c. Bureau	Senior Policy Analyst	GM	345	15		
d. Field Office						
e. Recommended by Supervisor or Initiating Office						

16. Organizational Title of Position *(if different from official title)*

17. Name of Employee *(if vacancy, specify)*: Thornton J. Parker, III

18. Department, Agency, or Establishment: U. S. Department of Commerce

a. First Subdivision: Office of the Under Secretary for Economic Affairs

b. Second Subdivision: Office of the Assistant Secretary for Productivity,Technology&Inn.

c. Third Subdivision: Office of Productivity, Tech. and Innovation

d. Fourth Subdivision: Federal Technology Management Policy Division

e. Fifth Subdivision

19. Employee Review. *This is an accurate description of the major duties and responsibilities of my position.*

Signature of Employee *(optional)*

20. Supervisory Certification. *I certify that this is an accurate statement of the major duties and responsibilities of this position and its organizational relationships, and that the position is necessary to carry out Government functions for which I am responsible. This certification is made with the knowledge that this information is to be used for statutory purposes relating to appointment and payment of public funds, and that false or misleading statements may constitute violations of such statutes or their implementing regulations.*

a. Typed Name and Title of Immediate Supervisor: Norman J. Latker, Director, Federal Technology Management Policy Division

Signature: N. J. Latker Date: 5/27/86

b. Typed Name and Title of Higher-Level Supervisor or Manager *(optional)*: Jack Williams, Director, Office of Productivity, Technology & Innovation

Signature: [signature] Date: 5/29/86

21. Classification/Job Grading Certification. *I certify that this position has been classified/graded as required by Title 5, U S Code, in conformance with standards published by the Civil Service Commission or, if no published standards apply directly, consistently with the most applicable published standards.*

Typed Name and Title of Official Taking Action

Signature Date

22. Standards Used in Classifying/Grading Position

Information for Employees. The standards, and information on their application, are available in the personnel office. The classification of the position may be reviewed and corrected by the agency or the Civil Service Commission. Information on classification/job grading appeals, and complaints on exemption from FLSA, is available from the personnel office or the Commission.

23. Position Review	Initials	Date	Initials	Date	Initials	Date	Initials	Date	Initials	Date
a. Employee *(optional)*										
b. Supervisor										
c. Classifier										

24. Remarks

25. Description of Major Duties and Responsibilities *(see attached)*

20. Supervisory Certification. I certify that this is an accurate statement of the ... that this information is to be used for statutory purposes relating to appoint-

Introduction

The Federal Technology Management Policy Division assists the Executive Office of the President, affected agencies, and the Congress when requested, in developing the statutory, regulatory, and administrative procedures necessary to establish, implement, and evaluate policies to effectively manage the technologies developed by Federal agencies or with Federal funding. This includes government-wide policies on ownership, protection, and disposition of inventions, rights to technical data, and the transfer of technology from the government to the private sector.

Duties

The incumbent of this position serves as the senior analyst and principal assistant to the Director of the Federal Technology Management Policy Division.

The incumbent identifies management and intellectual property problems that would affect the use of technology resulting from federally performed or funded research and develops solutions to such problems by preparing and presenting persuasive administrative, legislative, or regulatory proposals for the Director. The incumbent performs such duties as:

1. The review and evaluation of the effectiveness of existing government policies for protecting the government interests and promoting the commercial use of inventions made by government contractors, grantees, and employees. The performance of major tasks as assigned, including developing government-wide regulations on the ownership and licensing of patents to implement Public Laws 96-517, 97-219, 98-620, and 98-622, replacement of OMB Circular A-124 and GSA patent licensing regulations, and coordinating with the Office of Federal Procurement Policy on the maintenance of Part 27 of the Federal Acquisition Regulation.

2. The development of economical techniques for agencies to use when determining the commercial value of inventions as a basis for deciding whether to file for a patent or a Statutory Invention Registration as authorized by P. L. 98-622, and deciding whether to pay patent maintenance charges or allow a patent to become inactive.

3. The development of reports, recommendations and legislative proposals on ways to improve the management and transfer to the private sector of technology developed in federal laboratories to further the objectives of P. L. 96-480 and implement the pertinent recommendations of White House policy councils.

4. The maintenance of close liaison with universities, small businesses, non-profit organizations, private industry, other agencies, professional associations, and committees of Congress on matters related to government technology management and patent policies. Pays particular attention to the issues related to implementation of Public Laws 95-224, 96-480, 96-517, 97-219, 98-620, and 98-622.

5. The provision of advice to state and local governments, universities, businesses, and federal agencies on ways to accomplish effective transfers of technology, and on ways to avoid disputes or resolve those which may occur.

6. The coordination of policy development and implementation with federal laboratory directors, staffs, the Federal Laboratory Consortium, and agency headquarters' staffs.

7. The development of information and analysis in support of departmental participation on interagency or government-wide policymaking boards, commissions, task forces, advisory committees, professional organizations, etc.

8. The development of systems for collecting and evaluating information on government patent and technology management policies and practices to provide a basis for policy development and evaluation, and preparation of reports as required.

9. The coordination with agencies, OMB and the private sector to achieve adequate collection of information with minimum reporting burdens.

10. The review of implementing actions by Federal agencies to assure compliance with Federal patent laws and regulations.

11. The conduct of special reviews, analyses, and projects on technology management, innovation, productivity or government patent policy as assigned by the Director.

12. Leads a number of equal or lower graded analysts, including detailees and members of interagency task forces, in completion of projects.

technology management policies and practices to provide

Supervision Received

The incumbent is a recognized expert in the field of technology management including the related portions of Public Laws 95-224, 96-480, 96-517, 97-219, 98-620, and 98-622. Incumbent receives only administrative guidance from the director, and work is reviewed for adherence to policy and for objectives met.

Critical Elements

The incumbent must have been previously responsible for developing and administering government-wide lead agency technical and administrative policies. The incumbent must be particularly adept at explaining complex issues and systems, both orally and in writing to a variety of audiences.

U.S. DEPARTMENT OF COMMERCE

May 7, 1986

To : Supervisors
Economic Affairs

From: B. Jerome Jackson
Acting Director
Office of Administration
Under Secretary for Economic Affairs

To comply with DAO 202-516, the attached memo from Personnel requests supervisors to review the position descriptions of employees in grades GS-1 thru 15 and GM-13 thru 15 for accuracy and currency. (An excerpt from the DAO on the responsibilities of the manager/supervisor is attached for your information.)

Please complete the attached maintenance review form and return it to Barbara Russell by May 30, 1986.

If you have any questions, please call Barbara Russell on 377-5161 or Doris Trunfio on 377-4165.

Attachments

TRANSMITTAL FORM CD-82A (10-67)
PRESCRIBED BY DAO 214-2

USCOMM-DC 1238-P67
GPO : 1970 O - 216-459

UNITED STATES DEPARTMENT OF COMMERCE
The Assistant Secretary for Administration
Washington, D C 20230

MAY 6 1986

MEMORANDUM FOR Jerome Jackson
Acting Administrative Officer
Office of Under Secretary for
Economic Affairs

FROM: Jo Ann Sondey-Hersh
Personnel Officer

SUBJECT: Position Classification Maintenance
Review Program

Department Administrative Order 202-516 requires an annual review of position descriptions to assess their accuracy and currency. This process is important since the position description serves as a basis for assigning accountability, developing performance plans, determining the basic rate of pay and for taking other personnel related actions.

Please have your supervisors review the position descriptions with employees in their offices. Using the attached instructions, they should then complete the maintenance review forms and return them by June 6, 1986, to Ben Dailey, our Chief of Classification, in Room 5015. While Ben coordinates the review program, your servicing personnelists, Sandi McArter and Debra Gibson, on 377-3385, will work with your staff on this report.

This report constitutes the initial stage of the review. Our staff will later schedule desk audits of the positions reported inaccurate (Code 3) and a sampling of other positions in each organization, as required by the DAO. If you have any questions concerning this process, please call Ben Dailey on 377-1452.

Thank you for your help.

Attachments

Please have your supervisors review the position descriptions with

POSITION DESCRIPTION REVIEW

- If you need a copy of an employee's current position description, please contact your personnel specialist who will provide you with one.

- Enter one of the following codes under "Status of Job Sheets" on your review sheets:

    1. Position description accurate

    2. Minor change to position description required (attach revision)

    V 3. New position description required (attach new position description)

    4. Abolish position

- SES, expert and consultant, and any positions established for one year or less do <u>not</u> require review and certification under this process.

.07 Assuring that those unions that have been accorded exclusive recognition are notified of scheduled maintenance reviews and where appropriate, have the opportunity to meet and confer on the implementation and impact of organizational changes.

.08 Providing consultative services in all aspects of the review process.

SECTION 5. RESPONSIBILITIES OF THE MANAGER/SUPERVISOR.

Each manager/supervisor within the Department is responsible for:

.01 Reviewing and discussing with subordinates on an annual basis the duties and responsibilities in their position descriptions for accuracy, assuring that the positions are necessary to carry out the functions for the organization and certifying to the foregoing.

.02 Participating in the classification review process and providing support and assistance to personnel review teams.

.03 Correcting classification deficiencies reported.

.04 Becoming familiar with the classification standards for those occupations which constitute the core of his/her organization.

.05 Obtaining assistance from the cognizant personnel office to analyze and evaluate all positions that become vacant to ensure proper classification and sound position management.(See DAO-202-312, subparagraph 5.03c.)

.06 Advising employees of:

a. their duties and responsibilities,
b. the status of their current grade levels as determined through maintenance review procedures,
c. the expected impact of organizational changes,
d. their right of access to published classification standards,
e. their entitlement to grade/pay retention benefits under subchapter VI of Chapter 53 of title 5 U. S. Code and implementing regulations,
f. their appeal rights, and
g. general aspects of applicable pay systems.

SECTION 6. ANNUAL POSITION DESCRIPTION REVIEW.

All position descriptions for permanent GS 1-15, GM 13-15, prevailing rate and other equivalent positions expected to continue beyond a one-year period shall be reviewed and documented jointly by managers/supervisors and the concerned employees to ensure that the duties and responsibilities are described accurately. The review shall be conducted annually on a quarterly schedule. (See Appendix A - Introduction).

SECTION 7. POSITION CLASSIFICATION MAINTENANCE REVIEW.

.01 All permanent GS 1-15, GM 13-15, prevailing rate and other equivalent positions expected to continue beyond a one-year period shall be reviewed during the course of a four-year cycle of a regularly scheduled Position Classification Maintenance Review Program. A minimum of 25 percent of the positions shall be audited annually by classification specialists in sufficient detail to assure the correctness of the title, series and grade. (See Appendix A - Introduction).

.02 Exceptions

a. Where a position description of record covers identical-additional positions within the organization reviewed, a desk audit of all these positions is not required. Group audits may be used for this purpose. A desk audit sample of approximately 25% is permissible provided that all employees covered by such position descriptions shall be afforded the opportunity to have their positions audited individually if they so desire.

b. Every reasonable effort should be made to review all field positions as provided in paragraph .01 of this section. An alternate review plan may be approved by the Departmental Office of Personnel for geographically dispersed field positions that are serviced by personnel offices not equipped to conduct the entire review program outlined in this Order. Alternate plans must meet the principal objectives of this Order and should be proposed only when: (1) there are a large number of widely dispersed positions within the organization; (2) travel expenses are unreasonable for the number of positions located in the area; (3) travel funds are insufficient; or (4) classification personnel are not available.

Introduction

The Federal Technology Management Policy Division assists the Executive Office of the President, affected agencies, and the Congress when requested, in developing the statutory, regulatory, and administrative procedures necessary to establish, implement, and evaluate policies to effectively manage the technologies developed by Federal agencies or with Federal funding. This includes government-wide policies on ownership, protection, and disposition of inventions, rights to technical data, and the transfer of technology from the government to the private sector.

Duties

Incumbent is responsible for the management and supervision of the Federal technology management policy program in the Office of Productivity, Technology and Innovation. Incumbent reports to the Assistant Secretary for PTI.

The incumbent identifies the management and intellectual property problems that would affect the use of technology resulting from federally performed or funded research and resolves such problems by developing and presenting persuasive administrative, legislative, or regulatory positions on behalf of the Assistant Secretary.

Incumbent manages and supervises the following functions in performance of these duties:

1. The review and evaluation of the effectiveness of existing government policies for protecting the government interests and promoting the commercial use of inventions made by government contractors, grantees, and employees. The performance of major tasks as assigned, including developing and issuing government-wide regulations on the ownership and licensing of patents to implement Public Laws 96-517, 97-219, 98-620, and 98-622, replacement of OMB Circular A-124 and GSA patent licensing regulations, and coordinating with the Office of Federal Procurement Policy on the maintenance of Part 27 of the Federal Acquisition Regulation.

2. The development of more efficient techniques for agencies to use when determining the commercial value of inventions as a basis for deciding whether to file for a patent or a Statutory Invention Registration as authorized by P. L. 98-622, and deciding whether to pay patent maintenance charges or allow a patent to become inactive.

performance of these duties:

3. The development of reports, recommendations and legislative proposals on ways to improve the management and transfer to the private sector of technology developed in federal laboratories to further the objectives of P. L. 96-480 and implement pertinent recommendations of the White House policy councils.

4. The maintenance of close liaison with universities, small businesses, non-profit organizations, private industry, other agencies, professional associations, and committees of Congress on matters related to government technology management and patent policies. Pays particular attention to the issues related to implementation of Public Laws 96-480, 96-517, 97-219, 98-620, and 98-622.

5. The provision of advice to state and local governments, universities, businesses, and federal agencies on ways to accomplish effective transfers of technology, and on ways to avoid disputes or resolve those which may occur.

6. The provision of legal advice to the Assistant Secretary on ways to resolve industry protests of licensing actions taken by NTIS.

7. The provision of staff support to the Interagency Committee on Intellectual Property chaired by the Assistant Secretary, including development of a government-wide policy statement on the rights of government contractors to technical data.

8. The development of information and analysis in support of departmental participation on interagency or government-wide policymaking boards, commissions, task forces, advisory committees, professional organizations, etc.

9. The development of systems for collecting and evaluating information on government patent and technology management policies and practices to provide a basis for policy development and evaluation, and preparation of reports as required.

10. The coordination with agencies, OMB and the private sector to achieve adequate collection of information with minimum reporting burdens.

11. The review of implementing actions by Federal agencies to assure compliance with Federal patent laws and regulations.

Assistant Secretary, including development of a

12. The provision of OPTI leadership of interagency and public-private sector task teams as necessary to accomplish the above duties.

13. The conduct of special reviews, analyses, and projects on technology management, innovation, productivity or government patent policy as assigned by the Assistant Secretary.

14. The contact with public and private patent licensing organizations that manage sizable invention portfolios for the purpose of keeping the Assistant Secretary alert to current licensing practices and important technologies.

Supervision Received

The incumbent is a recognized expert in the field of intellectual property and as such receives only administrative guidance from the Assistant Secretary.

Critical Elements

The incumbent must have an in-depth knowledge of the industrial innovation process, experience in coordinating and developing government-wide policies, and experience in intellectual property policies, (including but not limited to patents, technical data, copyrights, trademarks, and trade secrets) in all Federal research, development and procurement programs.

The incumbent must be licensed to practice law in a state or in the District of Columbia and admitted to practice before the U. S. Patent and Trademark Office.

Introduction

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The incumbent of this position serves as the senior analyst and principal assistant to the Director of the Federal Technology Management Policy Division.

The incumbent identifies management and intellectual property problems that would affect the use of technology resulting from federally performed or funded research and develops solutions to such problems by preparing and presenting persuasive administrative, legislative, or regulatory proposals for the Director. The incumbent performs such duties as:

1. The review and evaluation of the effectiveness of existing government policies for protecting the government interests and promoting the commercial use of inventions made by government contractors, grantees, and employees. The performance of major tasks as assigned, including developing government-wide regulations on the ownership and licensing of patents to implement Public Laws 96-517, 97-219, 98-620, and 98-622, replacement of OMB Circular A-124 and GSA patent licensing regulations, and coordinating with the Office of Federal Procurement Policy on the maintenance of Part 27 of the Federal Acquisition Regulation.

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4. The maintenance of close liaison with universities, small businesses, non-profit organizations, private industry, other agencies, professional associations, and committees of Congress on matters related to government technology management and patent policies. Pays particular attention to the issues related to implementation of Public Laws 95-224, 96-480, 96-517, 97-219, 98-620, and 98-622.

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6. The coordination of policy development and implementation with federal laboratory directors, staffs, the Federal Laboratory Consortium, and agency headquarters' staffs.

7. The development of information and analysis in support of departmental participation on interagency or government-wide policymaking boards, commissions, task forces, advisory committees, professional organizations, etc.

8. The development of systems for collecting and evaluating information on government patent and technology management policies and practices to provide a basis for policy development and evaluation, and preparation of reports as required.

9. The coordination with agencies, OMB and the private sector to achieve adequate collection of information with minimum reporting burdens.

10. The review of implementing actions by Federal agencies to assure compliance with Federal patent laws and regulations.

11. The conduct of special reviews, analyses, and projects on technology management, innovation, productivity or government patent policy as assigned by the Director.

12. Leads a number of equal or lower graded analysts, including detailees and members of interagency task forces, in completion of projects.

technology management policies and

Supervision Received

The incumbent is a recognized expert in the field of technology management including the related portions of Public Laws 95-224, 96-480, 96-517, 97-219, 98-620, and 98-622. Incumbent receives only administrative guidance from the director, and work is reviewed for adherence to policy and for objectives met.

Critical Elements

The incumbent must have been previously responsible for developing and administering government-wide lead agency technical and administrative policies. The incumbent must be particularly adept at explaining complex issues and systems, both orally and in writing to a variety of audiences.

POSITION DESCRIPTION *(Please Read Instructions on the Back)*

1. Agency Position No.: 1500501E

2. Reason for Submission: [ ] Redescription [ ] Reestablishment [ ] New [X] Other
Explanation *(Show any positions replaced)*: Position Title Change

3. Service: [X] Dept'l [ ] Field

4. Employing Office Location: Washington, D. C.

5. Duty Station: Washington, D. C.

6. CSC Certification No.:

7. Fair Labor Standards Act: [ ] Exempt [ ] Nonexempt

8. Employment/Financial Stmt Required: [ ] Yes [X] No

9. Subject to IA Action: [ ] Yes [X] No

10. Position Status: [ ] Competitive [ ] Excepted *(Specify)*

11. Position is: [ ] Supvry [ ] Managerial [X] Neither

12. Sensitivity: [ ] Critical [X] Noncritical [ ] Nonsensitive

13. Competitive Level Code:

14. Agency Use:

15. Classified/Graded by	Official Title of Position	Pay Plan	Occupational Code	Grade	Initials	Date
a. Civil Service Commission						
b. Department, Agency, or Establishment						
c. Bureau	Technology Policy Liaison Specialist	GM	0301	15		
d. Field Office						
e. Recommended by Supervisor or Initiating Office						

16. Organizational Title of Position *(if different from official title)*:

17. Name of Employee *(if vacancy, specify)*: Joseph P. Allen

18. Department, Agency, or Establishment: U. S. Department of Commerce

a. First Subdivision: Office of the Under Secretary for Economic Affairs

b. Second Subdivision: Office of the Assistant Secretary for Productivity,Technology&Inn

c. Third Subdivision: Office of Productivity, Tech. and Innovation

d. Fourth Subdivision: Federal Technology Management Policy Division

e. Fifth Subdivision:

19. Employee Review. *This is an accurate description of the major duties and responsibilities of my position*

Signature of Employee *(optional)*:

20. **Supervisory Certification.** *I certify that this is an accurate statement of the major duties and responsibilities of this position and its organizational relationships, and that the position is necessary to carry out Government functions for which I am responsible. This certification is made with the knowledge that this information is to be used for statutory purposes relating to appointment and payment of public funds, and that false or misleading statements may constitute violations of such statutes or their implementing regulations.*

a. Typed Name and Title of Immediate Supervisor: Norman J. Latker, Director, Federal Technology Management Policy Division

Signature: N. J. Latker — Date: 5/27/86

b. Typed Name and Title of Higher-Level Supervisor or Manager *(optional)*: Jack Williams, Director, Office of Productivity, Technology, & Innovation

Signature: [signature] — Date: 6/1

21. **Classification/Job Grading Certification.** *I certify that this position has been classified/graded as required by Title 5, U. S. Code, in conformance with standards published by the Civil Service Commission or, if no published standards apply directly, consistently with the most applicable published standards.*

Typed Name and Title of Official Taking Action:

Signature: — Date:

22. Standards Used in Classifying/Grading Position:

Information for Employees. The standards, and information on their application, are available in the personnel office. The classification of the position may be reviewed and corrected by the agency or the Civil Service Commission. Information on classification/job grading appeals, and complaints on exemption from FLSA, is available from the personnel office or the Commission.

23. Position Review	Initials	Date	Initials	Date	Initials	Date	Initials	Date	Initials	Date
a. Employee *(optional)*										
b. Supervisor										
c. Classifier										

24. Remarks

25. Description of Major Duties and Responsibilities *(see attached)*

UNITED STATES DEPARTMENT OF COMMERCE
The Assistant Secretary for Productivity, Technology and Innovation
Washington, D.C. 20230
(202) 377-1984

JUN 1 1987

MEMORANDUM FOR Robert Ortner
Under Secretary for Economic Affairs

Subject: Implementation of the Federal Technology Transfer Act of 1986

By memorandum of February 12, you asked that I consider forming a third operating unit in PTI that would combine the new responsibilities created under PL 99-502 and the NTIS patent licensing function. In my response of March 4, I suggested that any reorganization proposal should await clarification of the PTI budget situation.

With issuance of the Executive Order 12591, April 10, 1987, the strong likelihood of full OPTI funding in FY 1988, and the numerous 'competitiveness' legislative proposals affecting OPTI's agenda, I believe it is now time for this Department to assume publically a lead focal role in both the public and private sectors in implementing the Federal Technology Transfer Act. My primary recommendations are threefold:

1. That a new office, reporting to me, be created with the name, "Office of Federal Technology Management." The attached proposed modification to Departmental Order 10-1 provides for this change.

Regarding inclusion in that office of the NTIS patent licensing function, my discussions with Dr. Caponio and others indicate that no transfer of patent licensing functions should occur. However, there should be closer coordination between the proposed new Office of Federal Technology Management and the NTIS patent licensing function. I intend to take steps to ensure this close coordination.

Further, and building upon my comments of March 4, other OPTI programs are also critical and inextricably intertwined in the commercialization of federally funded technology, such as cooperative R&D consortia, R&D funding, assistance to State government technology commercialization programs, small business assistance, our work with industry, State governments and DoD on flexible manufacturing systems, productivity improvement information, and so forth. It is only by being successful in all of them will the U.S. achieve maximum success in its competitiveness objectives. These complementary and indespensable functions are provided by other OPTI units and NTIS.

2. That, the intra- and interagency committees and other activities undertaken by my office to implement the Federal Technology Transfer Act continue to proceed while the new office is under consideration.

3. That, given the proposed new PTI structure (with three constituent units) and the greatly enhanced Congressional and private sector attention to the role of technology and innovation, we believe the position of Deputy Assistant Secretary (DAS) for PTI should be filled, possibly by a career officer. Departmental Order 10-1 provides the authority for that DAS. In the meantime, I hope to have my de facto deputy, Jack Williams, designated as Acting DAS.

(signed)
D. B. Merrifield

D. Bruce Merrifield

Attachment

OPTI/Williams/mb/5/28/87
bc: Dr. Merrifield
Chron

OFFICE OF FEDERAL TECHNOLOGY MANAGEMENT

SECTION 1. PURPOSE

This Order prescribes the organization and the functions of the Office of Federal Technology Management.

SECTION 2. STATUS AND LINE OF AUTHORITY

The Office of Federal Technology Management, a constituent operating unit of the Department, shall be headed by a Director who shall report to and be responsible to the Assistant Secretary for Productivity, Technology and Innovation.

SECTION 3. FUNCTIONS

The Office of Federal Technology Management shall be the principal unit in the Department on issues and policies relating to technology developed in Federal laboratories, developed with Federal funding, or utilized by Federal programs and activities. In carrying out these responsibilities, the Office shall:

a. Assist the A/S for PTI to advise the Under Secretary for Economic Affairs and other Department officials on important policy questions and problems relating to private sector use of Federal technology.

b. Enhance the flow of Federally funded technologies to the private sector and minimize adverse effects of Federal programs on Federal technology developed by the private sector.

c. Assist the A/S for PTI to advise the Under Secretary for Economic Affairs in performing the lead agency functions delegated by the Secretary, concerning Federal technology management policy under Public Laws 96-480, 96-517, 98-620, 98-622, and 99-502 and Executive Orders 10096 and 12591 and the President's patent policy memorandum, including coordinating, monitoring, gathering relevant data, evaluating relevant programs and activities, developing uniform Government-wide standards for implementing Federal patent policy, preparing reports, disseminating information, making recommendations, and taking other actions necessary to assure maximium private sector opportunity for commercializing technology resulting from projects performed by Federal agencies or financed with Federal Government funds.

(1) Provide advice and assistance as requested by other Federal agencies on model agreements and cooperative research and development projects as authorized by paragraph 10(g)(1) of P.L. 99-502.

(2) Develop the biennial report required by subparagraph 10(g)(2) of P.L. 99-502 to the President and Congress on Government-wide use of the authorities provided in the Act.

(3) Issue, interpret, and maintain regulations under P.L. 96-517 and 98-620 on ownership of Government funded inventions (37 CFR Part 401) and licensing of Government-owned inventions (37 CFR Ch.IV).

(4) Interpret and administer the Government Employee Inventor Program under E.O. 10096, including recommendations for changing the Order if necessary to conform with new legislation.

(5) Interpret and administer Sections 1, 5 and 7 of the technology transfer program under Executive Order 12591.

(6) Work with agencies to help take advantage of the Statutory Invention Recording process authorized by P.L. 98-622 and develop the required annual report.

(7) Analyze, review and propose new legislation or other policies including Government-wide regulations on Federal agency management of technology developed by the Government or with Government funding, including preparation of the report to Congress and the President required by paragraph 10(g)(3) of P.L. 99-502.

d. Serve as Executive Director to the Chairman of the Federal Coordinating Council on Science, Engineering, and Technology Committee on Intellectual Property for Technology Transfer.

e. Develop a Government-wide policy on technical data used or developed at Government expense.

f. Develop training materials and programs for helping Federal laboratories or Federally-funded laboratories improve their technology transfer capabilities.

g. Chair the Commerce Committee on Laboratory Technology Management, to coordinate implementation of authorities delegated to DOC laboratories under subsection 11(a); the awards program authorized by section 12 of P.L. 99-502 and the distribution of royalties under Section 13 of P.L. 99-502.

(1) Draft Commerce regulations as may be necessary to comply with subsection 11(c) of P.L. 99-502.

required by paragraph 10(g)(2) of P.L. 99-502 to the President

POSITION DESCRIPTION *(Please Read Instructions on the Back)*

1. Agency Position No.: 1500501E

2. Reason for Submission: [ ] Redescription [ ] Reestablishment [ ] New [X] Other
Explanation *(Show any positions replaced)*: Position Title Change

3. Service: [X] Dept'l [ ] Field

4. Employing Office Location: Washington, D. C.

5. Duty Station: Washington, D. C.

6. CSC Certification No.:

7. Fair Labor Standards Act: [ ] Exempt [ ] Nonexempt

8. Employment/Financial Stmt Required: [ ] Yes [X] No

9. Subject to IA Action: [ ] Yes [X] No

10. Position Status: [ ] Competitive [ ] Excepted *(Specify)*

11. Position is: [ ] Supvrsry [ ] Managerial [X] Neither

12. Sensitivity: [ ] Critical [X] Noncritical [ ] Nonsensitive

13. Competitive Level Code:

14. Agency Use:

15. Classified/Graded by	Official Title of Position	Pay Plan	Occupational Code	Grade	Initials	Date
a. Civil Service Commission						
b. Department, Agency, or Establishment						
c. Bureau	Technology Policy Liaison Specialist	GM	0301	15		
d. Field Office						
e. Recommended by Supervisor or Initiating Office						

16. Organizational Title of Position *(if different from official title)*:

17. Name of Employee *(if vacancy, specify)*: Joseph P. Allen

18. Department, Agency, or Establishment: U. S. Department of Commerce

a. First Subdivision: Office of the Under Secretary for Economic Affairs

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c. Third Subdivision: Office of Productivity, Tech. and Innovation

d. Fourth Subdivision: Federal Technology Management Policy Division

e. Fifth Subdivision:

19. Employee Review. *This is an accurate description of the major duties and responsibilities of my position*

Signature of Employee *(optional)*:

20. **Supervisory Certification.** *I certify that this is an accurate statement of the major duties and responsibilities of this position and its organizational relationships, and that the position is necessary to carry out Government functions for which I am responsible. This certification is made with the knowledge that this information is to be used for statutory purposes relating to appointment and payment of public funds, and that false or misleading statements may constitute violations of such statutes or their implementing regulations*

a. Typed Name and Title of Immediate Supervisor: Norman J. Latker, Director, Federal Technology Management Policy Division

Signature: N. J. Latker — Date: 5/27/86

b. Typed Name and Title of Higher-Level Supervisor or Manager *(optional)*: Jack Williams, Director, Office of Productivity, Technology, & Innovation

Signature: [illegible] — Date: 6/1/86

21. **Classification/Job Grading Certification.** *I certify that this position has been classified/graded as required by Title 5, U. S. Code, in conformance with standards published by the Civil Service Commission or, if no published standards apply directly, consistently with the most applicable published standards*

Typed Name and Title of Official Taking Action:

Signature: — Date:

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Information for Employees. The standards, and information on their application, are available in the personnel office. The classification of the position may be reviewed and corrected by the agency or the Civil Service Commission. Information on classification/job grading appeals, and complaints on exemption from FLSA, is available from the personnel office or the Commission.

23. Position Review	Initials	Date	Initials	Date	Initials	Date	Initials	Date	Initials	Date
a. Employee *(optional)*										
b. Supervisor										
c. Classifier										

24. Remarks:

25. Description of Major Duties and Responsibilities *(see attached)*

20. Supervisory Certification. *I certify that this is an accurate statement of the*

(2) Develop and administer policies for distributing royalty income within the Department of Commerce in accordance with subsection 13(a) of P.L. 99-502.

h. Chair the executive subcommittee and provide staff to the DOC Interagency Committee on Laboratory Technology Management to coordinate implementation authorities delegated to DOC under subsection 10(g) of P.L. 99-502.

i. Prepare the reports from the Secretary to the President and Congress as required in P.L. 99-502.

j. In carrying out these functions the office will coordinate its activities with the other constituent units of PTI.

LATKER

UNITED STATES DEPARTMENT OF COMMERCE
The Under Secretary for Economic Affairs

OCT 30

MEMORANDUM FOR: ALL ECONOMIC AFFAIRS UNITS

FROM: Robert Ortner
Under Secretary for Economic Affairs

SUBJECT: Associate Under Secretary Beringer
Director of Congressional Affairs Sawyer

Effective October 27, D. Michael Sawyer is the Director of Congressional Affairs for the Under Secretary for Economic Affairs. All units of Economic Affairs should report to him regarding any activity concerning members or staffs of Congress. All meetings with members of Congress or their staffs should be coordinated through Mr. Sawyer's office. This means that Mr. Sawyer will arrange for the time, date, and place of the meeting. No meetings should take place without Mr. Sawyer's advance coordination and approval.

Mr. Sawyer is replacing Barry Beringer who became Associate Under Secretary for Economic Affairs on August 30. Mr. Beringer manages on behalf of the Under Secretary the authorities delegated by the Department to the Under Secretary for:

1. The National Material and Mineral Policy Research and Development Act of 1980.

2. The Japanese Technical Literature Act of 1986.

3. Federal Technology Transfer Act of 1986.

Mr. Beringer is responsible for the policy management, implementation planning, intra-departmental coordination, inter-agency coordination, and business liaison duties associated with these Acts.

Mr. Beringer also establishes objectives for staffs assigned to implement these laws and participates in the performance evaluation of relevant staffs.

Shortly, the Office of Federal Technology Management will be established to provide organizational recognition of the Department's responsibilities under the Federal Technology Transfer Act of 1986. For purposes of organizational clarity and in order to maintain the cluster of technology-related

Mr. Beringer manages on behalf of the Under Secretary the

activities within a single organization, the new office will be formally designated as a constituent unit of the Office of the Assistant Secretary for Productivity, Technology and Innovation. Since Mr. Beringer will be responsible for the policy direction of the office, the director of the office will report to the Assistant Secretary for Productivity, Technology and Innovation through Mr. Beringer.

Mr. Beringer shall also undertake other duties as assigned by the Under Secretary.