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SENATE

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ACTION:

AMENDMENT NUMBER 2683 SUBMITTED BY MR. GORTON
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AMENDMENT NUMBER 2688 SUBMITTED BY MR. BUMPERS

STEVENSON-WYDLER TECHNOLOGY INNOVATION ACT

GORTON AMENDMENT NO. 2683

Mr. SIMPSON (for Mr. GORTON) submitted an amendment to the bill (H.R. 3773) to amend the Stevenson-Wydler Technology Innovation Act of 1980 to promote technology transfer by authorizing Government-operated laboratories to enter into cooperative research agreements and by establishing a Federal Laboratory Consortium for Technology Transfer within the

National Science Foundation, and for other purposes; as follows:

On page 33, line 15, insert "personnel," immediately after "funds,".

On page 33, line 16, insert "personnel," immediately after "provide".

On page 33, line 22, insert the following immediately before the semi-colon: ", and subject to reservation by the Government of a nonexclusive, nontransferrable, irrevocable, paid up license to practice or have practiced the invention throughout the world by or on behalf of the Government".

On page 34, line 2, insert the following immediately before the semi-colon: ", and subject to reservation by the Government of a nonexclusive, nontransferrable, irrevocable, paid up license to practice or have practiced the invention throughout the world by or on behalf of the Government".

On page 34, lines 11-12, strike "agreement" and insert in lieu thereof "arrangement".

On page 34, line 15, insert ", with or without reimbursement" immediately after "resources".

On page 36, line 9, strike "this section" and insert in lieu therof "section 12".

On page 39, line 9, strike "may" and insert in lieu thereof "shall".

DOLE AND ROCKEFELLER AMENDMENT NO. 2684

Mr. SIMPSON (for Mr. DOLE and Mr. ROCKEFELLER) submitted an amendment to the bill (H.R. 3773), supra, as follows:

On page 34, line 2, strike out "and".

On page 34, insert between lines 2 and 3 the following:

"(D) in the case of any industrial organization or other person subject to the control of a foreign company or government, take into consideration whether or not such foreign government permits United States agencies, organizations or other persons to enter into cooperative research and development arrangements and licensing agreements.

On page 34, line 3, strike out "(D)" and insert in lieu thereof "(E)".

DOMENICI AMENDMENT NO. 2685

Mr. SIMPSON (for Mr. DOMENICI) submitted an amendment to the bill (H.R. 3773), supra, as follows:

On page 29, line 16, strike "(2)" and insert in lieu therof "(3)"; on page 29, line 24, strike "(3)" and insert in lieu thereof "(4)"; on page 30, line 1, strike "(4)" and insert in lieu thereof "(5)"; on page 30, line 6, strike "(5)" and insert in lieu thereof "(6)"; on page 30, line 16, strike "(6)" and insert in lieu thereof "(7)"; and page 29, insert the following immediately after line 15:

"(2)(A) The Consortium shall not engage in the direct transfer of technology, but shall furnish information and respond to requests for technical assistance only in the manner specified in paragraph (1) (C).

"(B) Each Federal laboratory or agency shall transfer technology directly to users or representatives of users, and shall not transfer technology directly to the Consortium. Each Federal laboratory shall conduct any transfer of technology only in accordance with the practices and policies of the Federal agency which owns, leases, or otherwise uses such Federal laboratory."

On page 30, line 17, strike "0.005" and insert in lieu thereof "0.0025".

On page 31, line 11, strike "appropriate.'." and inset in lieu thereof the following: "appropriate.

"(8)(A) The Consortium shall use 10 percent of the funds provided in paragraph (7) to establish demonstration projects in technology transfer. To carry out such projects, the Consortium may make grants or awards to, or enter into agreements with, nonprofit State, local or private organizations or entities who primary purposes are to facilitate cooperative research between the Federal laboratories and organizations not associated with the Federal laboratories, to transfer technology from the Federal laboratories, and to advance State and local economic activity.

(B) The demonstration projects established under subparagraph (A) shall serve as model programs. Such projects shall be designed to develop programs and mechanisms for technology transfer from the Federal laboratories which may be utilized by the States and which will enhance Federal, State and local programs for the transfer of technology.

"(C) Application for such grants, awards or agreements shall be in such form and contain such information as the Consortium shall specify.

"(D) Any person who receives or utilizes any proceeds of a grant or award made, or agreement entered into, under this paragraph shall keep such records as the Consortium shall determine are necessary and appropriate to facilitate effective audit and evaluation, including records which fully disclose the amount and disposition of such proceeds and the total cost of the project in connection with which such proceeds were used.".

PELL AMENDMENT NO. 2686

Mr. BYRD (for Mr. PELL) submitted an amendment to the bill (H.R. 3773), supra, as follows:

At the end of the bill, add the following:

(e) The second sentence of section 2(10) of such Act (15 U.S.C. 3701(10)) is amended by inserting ", which include inventions, computer software, and training technologies," immediately after "developments".

(f) Section 3(3) of such Act (15 U.S.C. 3702(3)) is amended by inserting ", including inventions, software, and training technologies," immediately after "technology".

On page 43, line 5, strike "invention.'." and insert in lieu thereof the following: "invention.

"(11) 'Training technology' means computer software and related materials which are developed by a Federal agency to train employees of such agency, and includes software for computer-based instructional systems and for interactive video disc systems.'.".

On page 26, insert the following immediately after line 12:

(2) in paragraph (1), by inserting", including software and training technologies," immediately after "technologies";

On page 26, line 13, strike "(2)" and insert in lieu thereof

"(3)"; on line 14, strike "(3)" and insert in lieu thereof "(4)"; on line 16, strike "(4)" and insert in lieu thereof "(5)"; on page 27, line 1, strike "(5)" and insert in lieu thereof "(6)"; and on line 3, srike "(6)" and insert in lieu thereof "(7)".

On page 32, line 12, strike "reports.'." and insert in lieu thereof the following: "reports.

"(3) Not later than one year after the date of enactment of the Federal Technology Transfer Act of 1986, the Secretary shall submit to the President and the Congress a report regarding—

"(A) any copyright provisions or legal or other barriers which restrict or limit the transfer of federally funded computer software to the private sector and to State and local governments, and agencies of such State and local governments; and

"(B) the feasibility and cost of compiling and maintaining a current and comprehensive inventory of all federally funded training software,'.".

LEAHY AMENDMENT NO. 2687

Mr. BYRD (for Mr. LEAHY) submitted an amendment to the bill (H.R. 3773), supra, as follows:

On page 41, strike lines 12 through 14 and insert in lieu thereof the following:

(5) Section 5(c) of such Act (15 U.S.C. 3704(c)) is amended—

(1) by striking "the Director" each place it appears and inserting in lieu thereof "the Assistant Secretary";

(2) by redesignating paragraphs (7) and (8) as paragraphs (9) and (10), respectively; and

(3) by inserting immediately after paragraph (6) the following:

"(7) encourage and assist the creation of centers and other joint initiatives by State or local governments, regional organizations, private businesses, institutions of higher education, nonprofit organizations, or Federal laboratories to encourage technology transfer, to stimulate innovation, and to promote an appropriate climate for investment in technology-related industries;

"(8) propose and encourage cooperative research among the Federal laboratories, State or local governments, regional organizations, colleges or universities, nonprofit organizations, or private industry to promote the common use of resources, to improve training programs and curricula, to stimulate interest in high technology careers, and to encourage the effective dissemination of technology skills with the wider community;".

On page 29, line 11, strike "and", on line 15, strike the period and insert in lieu thereof "; and"; and insert immediately after line 15 the following:

"(I) when requested, assist colleges or universities, businesses, nonprofit organizations, State of local governments, or regional organizations to establish cooperative programs to stimulate research and to encourage technology transfer in such areas as technology program development, curriculum design, long-term research planning, personnel needs projections, and productivity assessments.".

BUMPERS AMENDMENT NO. 2688

Mr. BYRD (for Mr. BUMPERS) submitted an amendment to the bill (H.R. 3773), supra, as follows:

On page 34, line 20, strike the term "agency" and in lieu thereof insert "laboratory".

On page 35, between lines 3 and 4 insert the following: "(c) For the purposes of this section, an agency shall make a separate determination of the mission or missions of each of its laboratories."

In page 35, line 4, strike "(c)" and insert in lieu thereof "(d)".