

Subsec. (a)(1)(B). Pub. L. 106-404, §7(7)(C), substituted “2 succeeding fiscal years” for “succeeding fiscal year” in introductory provisions.

Subsec. (a)(2). Pub. L. 106-404, §7(7)(D), struck out “Government-operated laboratories of the” before “agency for that year.”

Subsec. (b)(2). Pub. L. 106-404, §7(7)(E), substituted “invention” for “invention”.

Subsec. (c). Pub. L. 106-404, §10(b), amended heading and text of subsec. (c) generally. Prior to amendment, text read as follows:

“(1) In making their annual budget submissions Federal agencies shall submit, to the appropriate authorization and appropriation committees of both Houses of the Congress, summaries of the amount of royalties or other income received and expenditures made (including inventor awards) under this section.

“(2) The Comptroller General, five years after October 20, 1986, shall review the effectiveness of the various royalty-sharing programs established under this section and report to the appropriate committees of the House of Representatives and the Senate, in a timely manner, his findings, conclusions, and recommendations for improvements in such programs.”

1996—Subsec. (a)(1). Pub. L. 104-113, §5(1), amended par. (1) generally, restructuring subpar. (A) to require head of agency or his designee to pay each year first \$2,000, and thereafter at least 15 percent of royalties or other income received by agency on account of any invention to inventor or coinventors if they had assigned their rights in invention to United States and to authorize agencies to provide incentives to laboratory employees who substantially increase technical value of inventions, restructuring subpar. (B) to reorder cls. (i) to (iv), to add cl. (v), and to strike out closing provisions which required unobligated or unused funds to be paid into Treasury, and adding subpar. (C).

Subsec. (a)(2). Pub. L. 104-113, §5(2), in first sentence, inserted “or other payments” after “royalties” and substituted “under paragraph (1)(B)” for “for the purposes described in clauses (i) through (iv) of paragraph (1)(B) during that fiscal year or the succeeding fiscal year”.

Subsec. (a)(3). Pub. L. 104-113, §5(3), substituted “\$150,000” for “\$100,000” in two places.

Subsec. (a)(4). Pub. L. 104-113, §5(4), in first sentence, substituted “other payments” for “other income”, “such royalties or payments” for “such royalties or income”, “offset payments to inventors” for “offset the payment of royalties to inventors”, and “clause (iv) of paragraph (1)(B)” for “clause (i) of paragraph (1)(B)” and, in second sentence, substituted “other payments” for “other income”, substituted “offsetting the payments to inventors” for “payment of the royalties”, and struck out “clauses (i) through (iv) of” before “paragraph (1)(B)”.

Subsec. (b)(1). Pub. L. 104-113, §5(5), amended par. (1) generally. Prior to amendment, par. (1) read as follows: “by a contractor, grantee, or participant in a cooperative agreement with the agency, or”.

1989—Subsec. (a)(1). Pub. L. 101-189, §3133(c)(1), in introductory provisions, inserted “by Government-operated Federal laboratories” after “entered into” and made technical amendment to reference to section 3710a of this title to correct reference to corresponding section of original Act, requiring no change in text.

Subsec. (a)(1)(B)(i). Pub. L. 101-189, §3133(c)(2), inserted “, including payments to inventors and developers of sensitive or classified technology, regardless of whether the technology has commercial applications” after “that laboratory”.

Subsec. (a)(1)(B)(iv). Pub. L. 101-189, §3133(c)(3), substituted “technology of the laboratories” for “technology of the Government-operated laboratories”.

1988—Subsec. (a)(1)(A)(i). Pub. L. 100-519, §303(a)(1), substituted “has assigned his or her rights in the invention to the United States” for “was an employee of the agency at the time the invention was made”.

Subsec. (a)(1)(A)(ii). Pub. L. 100-519, §303(a)(2), substituted “under clause (i)” for “who were employed by

the agency at the time the invention was made and whose names appear on licensed inventions”.

Subsec. (a)(4). Pub. L. 100-418, §5162(a), substituted “may” for “shall” and “any invention of the other agency” for “such invention performed at the request of the other agency or laboratory” in first sentence.

1986—Subsec. (a)(1). Pub. L. 99-502, §9(e)(3), in introductory par. made technical amendment to reference to section 3710a of this title to reflect renumbering of corresponding section of original act.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF 1988 AMENDMENT

Pub. L. 100-519, title III, §303(b), Oct. 24, 1988, 102 Stat. 2597, provided that: “This section [amending this section] shall be effective as of October 20, 1986.”

#### § 3710d. Employee activities

##### (a) In general

If a Federal agency which has ownership of or the right of ownership to an invention made by a Federal employee does not intend to file for a patent application or otherwise to promote commercialization of such invention, the agency shall allow the inventor, if the inventor is a Government employee or former employee who made the invention during the course of employment with the Government, to obtain or retain title to the invention (subject to reservation by the Government of a nonexclusive, nontransferrable, irrevocable, paid-up license to practice the invention or have the invention practiced throughout the world by or on behalf of the Government). In addition, the agency may condition the inventor's right to title on the timely filing of a patent application in cases when the Government determines that it has or may have a need to practice the invention.

##### (b) “Special Government employees” defined

For purposes of this section, Federal employees include “special Government employees” as defined in section 202 of title 18.

##### (c) Relationship to other laws

Nothing in this section is intended to limit or diminish existing authorities of any agency.

(Pub. L. 96-480, §15, as added and renumbered §14, Pub. L. 99-502, §§8, 9(e)(1), Oct. 20, 1986, 100 Stat. 1794, 1797; renumbered §15, Pub. L. 100-418, title V, §5122(a)(1), Aug. 23, 1988, 102 Stat. 1438; amended Pub. L. 104-113, §6, Mar. 7, 1996, 110 Stat. 779.)

#### Editorial Notes

##### AMENDMENTS

1996—Subsec. (a). Pub. L. 104-113 substituted “ownership of or the right of ownership to an invention made by a Federal employee” for “the right of ownership to an invention under this chapter” and inserted “obtain or” before “retain title to the invention”.

#### § 3711. National Technology and Innovation Medal

##### (a) Establishment

There is hereby established a National Technology and Innovation Medal, which shall be of such design and materials and bear such inscriptions as the President, on the basis of recommendations submitted by the Office of Science and Technology Policy, may prescribe.