active duty with the U.S. Army, serving in the judge advocate general's corps in the South Pacific during World War II. After the war, he returned to Luzerne County, where he resumed the private practice of law and was active in civic and public matters. From 1964 to 1966, he served as a member of the State Welfare Board and in 1966 was appointed by Governor Scranton to be Pennsylvania's Secretary of Public Welfare, serving until 1967 after being retained in office by Governor Shafer. In 1969, he was appointed to the Pennsylvania Human Relations Commission, a post he held when named a Federal judge.

Recognizing Max Rosenn's dedication to his community and his State and his legal skill, President Nixon nominated him to serve as U.S. Circuit Judge for the Third Circuit in 1970. For over 25 years, Judge Rosenn has been one of this country's most distinguished appellate judges. If the hallmarks of justice are fairness and wisdom, then Judge Rosenn is a leader in achieving justice, as he is widely recognized for both qualities.

Naming the U.S. courthouse in Wilkes-Barre after its most famous and respected lawyer and judge is the most fitting tribute I can imagine. I am pleased that the Senate is joining with the House and the members of the legal community in Pennsylvania in recognizing Judge Rosenn's achievements.

I would like to take the opportunity to thank Representative KANJORSKI, who represents Luzerne County, for introducing this bill in the House and seeing it through to passage there, and Senators CHAFEE and BAUCUS for their willingness to move the bill so quickly in the Senate. I also appreciate the services of the staff of the Committee on the Environment and Public Works, especially Dan Delich and Kathryn Ruffalo, for their work on this matter.

Mr. DOLE. I ask unanimous consent the bill be deemed read a third time, passed, the motion to reconsider be laid upon the table, and any colloquies and statements relating to the bill be placed at an appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1718) was deemed read three times and passed.

E. BARRETT PRETTYMAN U.S. COURTHOUSE

Mr. DOLE. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be discharged from further consideration of S. 1510; further, that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1510) to designate the United States Courthouse in Washington, District of Columbia, as the ''E. Barrett Prettyman United States Courthouse'', and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. DOLE. Mr. President, I ask unanimous consent that the bill be deemed read a third time, passed, that the motion to reconsider be laid upon the table, and that any colloquy or statements relating to the bill be placed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (S. 1510) was deemed read for a third time, and passed, as follows:

S. 1510

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF E. BARRETT PRETTYMAN UNITED STATES COURTHOUSE.

The United States Courthouse located at 3rd Street and Constitution Avenue Northwest, in Washington, District of Columbia, shall be known and designated as the ''E. Barrett Prettyman United States Courthouse''.

TECHNOLOGY TRANSFER IMPROVEMENTS ACT OF 1995

Mr. DOLE. Mr. President, I ask unanimous consent that the Committee on Commerce be discharged from further consideration of H.R. 2196; further, that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2196) to amend the Stevenson-Wydler Technology Innovation Act of 1980 with respect to inventions made under cooperative research and development agreements, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 3463

(Purpose: To make perfecting amendments)

Mr. DOLE. Mr. President, I send an amendment to the desk on behalf of Senators ROCKEFELLER and BURNS.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kansas [Mr. DOLE], for Mr. ROCKEFELLER, for himself and Mr. BURNS, proposes an amendment numbered 3463.

Mr. DOLE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 3, line 24, insert ''pre-negotiated'' before ''field''.

On page 5, beginning on line 4, strike ''if the Government finds'' and insert ''in exceptional circumstances and only if the Government determines''.

On page 5, between lines 15 and 16, insert the following:

This determination is subject to administrative appeal and judicial review under section 203(2) of title 35, United States Code.

On page 13, strike lines 10 through 17 and insert the following:

Section 11(i) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710(i)) is amended by inserting ''loan, lease, or'' before ''give''.

Beginning with line 23 on page 21, strike though line 3 on page 22 and insert the following:

''(13) to coordinate Federal, State, and local technical standards activities and conformity assessment activities, with private sector technical standards activities and conformity assessment activities, with the goal of eliminating unnecessary duplication and complexity in the development and promulgation of conformity assessment requirements and measures.''.

On page 22, beginning on line 5, strike ''by January 1, 1996,'' and insert ''within 90 days after the date of enactment of this Act,''.

Beginning with line 8 on page 22, strike through line 5 on page 23 and insert the following:

(d) UTILIZATION OF CONSENSUS TECHNICAL STANDARDS BY FEDERAL AGENCIES; REPORTS.—

(1) IN GENERAL.—Except as provided in paragraph (3) of this subsection, all Federal agencies and departments shall use technical standards that are developed or adopted by voluntary consensus standards bodies, using such technical standards as a means to carry out policy objectives or activities determined by the agencies and departments.

(2) CONSULTATION; PARTICIPATION.—In carrying out paragraph (1) of this subsection, Federal agencies and departments shall consult with voluntary, private sector, consensus standards bodies and shall, when such participation is in the public interest and is compatible with agency and departmental missions, authorities, priorities, and budget resources, participate with such bodies in the development of technical standards.

(3) EXCEPTION.—If compliance with paragraph (1) of this subsection is inconsistent with applicable law or otherwise impractical, a Federal agency or department may elect to use technical standards that are not developed or adopted by voluntary consensus standards bodies if the head of each such agency or department transmits to the Office of Management and Budget an explanation of the reasons for using such standards. Each year, beginning with fiscal year 1997, the Office of Management and Budget shall transmit to Congress and its committees a report summarizing all explanations received in the preceding year under this paragraph.

(4) DEFINITION OF TECHNICAL STANDARDS.—As used in this subsection, the term ''technical standards'' means performance-based or design-specific technical specifications and related management systems practices.

Mr. ROCKEFELLER. Mr. President, I am pleased that the Senate is now considering legislation to improve the transfer of technology from Federal laboratories to the private sector. Two related bills are now before the Senate: First, S. 1164, which I introduced and have been joined as a cosponsor by the distinguished Science Subcommittee chairman, Senator BURNS, and second, the House-passed companion bill, H.R. 2196, introduced by the distinguished chairwoman of the House Technology

Subcommittee, Representative CONNIE MORELLA. House cosponsors include Science Committee chairman, BOB WALKER, Science Committee ranking member, GEORGE BROWN, and Technology Subcommittee ranking, member, JOHN TANNER. We also have consulted closely with the administration on this bill.

It is my hope that the Senate will now pass H.R. 2196 with small perfecting and clarification amendments worked out in consultation with interested Senators. We have worked with the House on these perfecting amendments, and I hope that the House can pass the amended H.R. 2196 without further changes, clearing the bill for transmittal to the President.

The title of the House-passed bill is the National Technology Transfer and Advancement Act. The Senate title is similar: the Technology Transfer Improvements Act. The two bills are based on earlier legislation that Representative MORELLA and I introduced in the last Congress and which has been thoroughly checked with all interested parties. The current legislation makes valuable amendments in existing law but contains no authorizations or controversial spending proposals. It has bipartisan support here in Congress, and has the support of the administration. The Senate Commerce Committee approved S. 1164 without objection on November 3 of last year. H.R. 2196 passed the House by voice vote on December 12.

Mr. President, this is a constructive bill that has earned the bipartisan support now evident. The legislation has three main parts. First, the heart of both bills is legislation that Mrs. MORELLA and I authored to help improve the transfer of technology from Federal laboratories to the private sector. The Federal Government spends some $20 billion a year on its laboratories. They employ some of the finest scientists and engineers in the world, have some of the best facilities and new technologies. This bill will cut the time and redtape involved in creating joint research projects between companies and these Federal laboratories. And that, Mr. President, will help companies in West Virginia and all across the country. The country or countries that can develop and use new technologies most quickly and efficiently will win the markets of the future. This bill will help speed joint research projects, and increase their number, leading to new technologies that companies can use to produce new products, revitalize existing ones, and build markets. And that means more jobs and a more competitive America.

Second, the bill contains important amendments to the Fastener Quality Act of 1990, a law which regulates the manufacture and sale of high-strength bolts and other fasteners used in safety-related applications such as motor vehicles, aircraft, and buildings. These amendments have been championed here in the Senate by Senator BURNS, and they will reduce the burden of the law on private industry while maintaining public safety.

Third, the House version of the bill now before us contains several nonspending measures regarding technical agencies and the use of private-sector technical standards.

BACKGROUND ON THE TECHNOLOGY TRANSFER PROVISIONS

Mr. President, the heart of the legislation, in both the Senate and House versions, is section 4, which will improve the transfer of technology from Federal laboratories by giving both laboratories and industrial partners clearer guidelines on the distribution of intellectual property rights from inventions resulting from cooperative research projects.

Specifically, the bill amends the Stevenson-Wydler Technology Innovation Act, which since 1986 has allowed Federal laboratories to enter into cooperative research and development agreements [CRADA's] with industry and other collaborating parties. The laboratories can contribute people, facilities, equipment, and ideas, but not funding, and the companies contribute people and funding.

As I pointed out when I introduced S. 1164 on August 10, even under the current law the CRADA provision has been a success. Hundreds of these agreements have been signed and carried out in recent years, making expertise and technology that the Federal Government has already paid for through its mission-related work available to the wider economy. But we also have seen a problem. Currently, the law provides little guidance on what intellectual property rights a collaborating partner should receive from a CRADA. The current law gives agencies very broad discretion on this matter, which provides flexibility but also means that both companies and laboratory executives must laboriously negotiate patent rights each time they discuss a new CRADA. Neither side has much guidance as to what constitutes an appropriate agreement regarding intellectual property developed under the CRADA. Options range from assigning full patent title to the company all the way to providing the firm with only a nonexclusive license for a narrow field of use.

In conversations with company executives, we learned that this uncertainty—and the time and effort involved in negotiating intellectual property from scratch in each CRADA—was often a barrier to working with some laboratories. Companies are reluctant to enter into a CRADA, or, equally important, to commit additional resources to commercialize a CRADA invention, unless they have some assurance they will control important patent rights.

In 1993, I began working with Congresswoman MORELLA on possible ways to reduce the uncertainty and negotiating burden facing companies, while still ensuring that the Government interest remains protected. To begin legislative discussion on this matter, I introduced S. 1537 on October 7, 1993, for myself and Senator DeConcini, then chairman of the Senate Patent Subcommittee. That bill would have directed Federal laboratories to assign to the collaborating party—the company—title to any intellectual property arising from a CRADA, in exchange for reasonable compensation to the laboratory and certain patent safeguards.

S. 1537 also contained a second provision—an additional incentive for Federal scientists to report and develop inventions that might have commercial as well as government value. The General Accounting Office [GAO] had recommended that Federal inventors receive more of the royalties received by laboratories as government compensation under CRADA's. My bill incorporated that recommendation.

Soon after Senator DeConcini and I introduced our bill, Congresswoman MORELLA introduced the companion House bill, H.R. 3590. In subsequent House and Senate hearings, the bill received strong support from industry, professional societies, trade associations, and the administration. At that point, we also began working closely with Commerce Department Under Secretary for Technology Mary Good and her staff, who helped us obtain detailed technical suggestions from executive branch agencies and other patent experts. We made major progress during the 103d Congress, but in 1994 ran out of time to complete action on the legislation.

TECHNOLOGY TRANSFER PROVISIONS OF THE CURRENT BILL

The bills that Representative MORELLA and I introduced this year are based on this earlier legislation but also reflect suggestions made by the experts. The revised bill continues to focus on the twin issues of company rights under a CRADA and royalty-sharing for Federal inventors.

The key CRADA provision of H.R. 2196—as well as S. 1164—is section 4, which amends section 12 of the Stevenson-Wydler Act. Those section 12 amendments, in turn, have two key provisions. One deals with inventions made, pursuant to a CRADA, solely by the collaborating party's employee. In this case, the laboratory shall ensure that the collaborating party may retain title to that invention. The rationale, of course, is that since the collaborating party's employee is solely responsible for the invention, the collaborating party should have the right of title.

The other key section 12 amendment concerns inventions developed in whole or in part by a laboratory employee under a CRADA. The current bill would give a collaborating party a statutory option to choose an exclusive license for a field of use for any such invention. Agencies may still assign full patent title for such inventions to the company; the agencies we consulted

felt they needed to retain that flexibility, and our new bill allows them to do so. But the important point is that a company will now know that it is assured of having no less than an exclusive license in a field of use identified through negotiations between the laboratory and the company. This statutory guideline will give companies real assurance that they will get important intellectual property out of any CRADA they fund. In turn, that assurance will give those companies both an extra incentive to enter into a CRADA and the knowledge that they can safely invest further in the commercialization of that invention, knowing they have an exclusive claim on it.

Senators DOMENICI and BINGAMAN have raised an important point about this provision. They and I agree that the relevant field of use for which a collaborating party has the option of an exclusive license shall be selected through a process of negotiation between the laboratory and that collaborating party. As with other provisions of a CRADA, the field of use is selected through a process of negotiation between the two parties. It is a pre-negotiated field of use. As I will discuss below, we propose a perfecting amendment to clarify this key point.

The bill further provides that in return for granting the option of an exclusive license in that pre-negotiated field of use, the Government may negotiate for reasonable compensation, such as royalties. And the Government retains minimal rights to use the invention under unusual but important circumstances, such as when the party holding the exclusive license is unwilling or unable to use the invention to meet important health and safety needs. However, and I want to emphasize this point, we believe strongly that the Government should exercise these rights only under the most exceptional circumstances. As the distinguished Senators from New Mexico have pointed out, we do not want the existence of these Government rights to deter companies from entering into CRADA's. And I want to assure these Senators and industry that these rights would only be used under the most exceptional circumstances. For that reason, as I will discuss shortly, I propose a further perfecting amendment to make this point even more clear.

A related point deals with one of the grounds under which the Government might exercise these rights. We mention that one such circumstance would be that ''the collaborating party has failed to comply with an agreement containing provisions described in subsection (c)(4)(B)'' of the existing section 12 of the Stevenson-Wydler Act. Subsection (c)(4)(B) says, in part that a laboratory director in deciding what CRADA's to enter into shall ''give preference to business units located in the United States which agree that products embodying inventions made under the cooperative research and development agreement or produced through the use of such inventions will be manufactured substantially in the United States.* * *''

I want to emphasize two points about this provision and its role in the new language giving the Government, under exceptional circumstances, a right to compel a licensee to share its licensed technology.

First, subsection 12(c)(4)(B) of the Stevenson-Wydler Act directs laboratory directors to give preference to those organizations which agree to this condition but is flexible enough to envision circumstances where this condition is not practical or appropriate. One example might be the case of a research technique or process that in itself is not used to make products. Or in the case of biotechnology, one might create and license a gene therapy technique which leads to no manufactured product. So this subsection was never intended to require a substantial U.S. manufacturing agreement in all CRADA's. The second point follows from the first. The absence of such an agreement in a particular CRADA in no way creates grounds for the Government to exercise the new exceptional circumstances powers. The new language simply says that if, and only if, a collaborating party voluntarily includes a substantial U.S. manufacturing agreement in its CRADA, and also if it then fails in a truly exceptional manner to comply with that agreement, then grounds exist for the Government to exercise these new powers. This new provision provides important protection for the taxpayer in the case of that very rare collaborating party which abuses its exclusive license, but it, by definition, does not apply to CRADA's which do not include an agreement regarding substantial U.S. manufacturing.

I also want to mention that in order to give a collaborating party full due process in the event that the Government ever decides to exercise any of these exceptional circumstances powers, we are offering another perfecting amendment to give collaborating parties a right of administrative and judicial appeal which already exists in one other provision of Federal patent law. I will discuss that amendment, as well as the others I have mentioned, in the later part of my statement which deals with the amendments we are offering today.

Overall, Mr. President, the bill now before the Senate continues the original purpose we envisioned in 1993—providing guidelines that simplify the negotiation of CRADA's and, in the process, give companies greater assurance they will share in the benefits of the research they fund. We expect that this change will increase the number of CRADA's, reduce the time and effort required to negotiate them, and thus speed the transfer of laboratory technology and know-how to the broader economy.

The legislation now before the Senate also contains a slightly revised version of the provision regarding royalty-sharing for Federal investors. Under the new bill, agencies each year must pay a Federal inventor the first $2,000 in royalties received because of that person's inventions, plus at least 15 percent of any additional annual royalties. By rewarding Federal inventors, we will give them an incentive to report inventions and work in CRADA's. The bill involves no Federal spending; all rewards would be from royalties paid to the Government by companies and others.

FASTENER QUALITY ACT AMENDMENTS

Mr. President, the second major provision of the bill now before us is a set of amendments to the Fastener Quality Act of 1990. That act regulates the manufacture and distribution of certain high-strength bolts and other fasteners used in safety-related applications, such as building, aircraft, and motor vehicles.

The Fastener Advisory Committee created under the 1990 law has recommended a series of changes which will continue to ensure the safety of these high-strength fasteners while reducing the regulatory burden on business. The Senate first passed these amendments in March 1994 as part of a larger technology bill. That 1994 bill did not become law, however, so this year in the Commerce Committee, Senator BURNS, who is the Senate leader on this matter, offered these changes as an amendment to S. 1164. The same amendments were included in H.R. 2196. These changes have been worked out with a very broad set of interested parties, including major users of fasteners, and I know of no controversy in the Senate regarding them.

OTHER PROVISIONS IN H.R. 2196

Finally, the House version of the legislation also contains a set of nonspending amendments regarding NIST operations and voluntary industry standards. While these amendments are not currently in S. 1164, they did not lead to any controversy on the House floor.

One such provision, section 9, is intended to make it easier for Federal laboratories to loan, lease, or donate excess research equipment to educational institutions and nonprofit organizations. As I will explain shortly, I will shortly propose a perfecting amendment and colloquy pertaining to section 9.

Another provision, section 12(d), would codify an existing Office of Management and Budget circular, OMB Circular A–119. Following the OMB circular, the amendment directs Federal agencies to use, to the extent not inconsistent with applicable law or otherwise impractical, technical standards that are developed or adopted by voluntary consensus standards organizations. We believe this step will reduce costs for both government and the private sector. For example, if off-the-shelf products meeting a voluntary consensus standards can, in the judgment of an Agency, meet its procurement requirements, then the Agency

saves money over buying products built to special government specifications and commercial industry benefits from increased sales to the Government.

I will shortly discuss the several perfecting amendments that we are now offering to this bill, but here I want to mention that one of these amendments clarifies the intent and scope of section 12(d). We have worked closely with Senators BAUCUS and JOHNSTON, and their staffs, on this rewrite. And here, based on our discussions with these offices, I want to emphasize five key points about the intent and effect of this provision, as amended, in order to deal with concerns that have been raised.

First, we are talking here about technical standards pertaining to products and processes, such as the size, strength, or technical performance of a product, process, or material. The amended version of section 12(d) explicitly defines the term ''technical standards'' as meaning performance-based or design-specific technical specifications and related management systems practices. An example of a management system practice standard is the ISO 9000 series of standards specifying procedures for maintaining quality assurance in manufacturing.

In this subsection, we are emphatically not talking about requiring or encouraging any agency to follow private sector attempts to set regulatory standards or requirements. For example, we do not intend for the Government to have to follow any attempts by private standards bodies to set specific environmental regulations. Regular consensus standards bodies do not do that, in any case. But no one should presume that a new private group could use section 12(d) to dictate regulations to Federal agencies. The amended version of this subsection makes clear that agencies and departments use ''such technical standards as a means to carry out policy objectives or activities determined by the agencies and departments.''

Second, consensus standards are standards which are developed by voluntary, private sector, consensus standards bodies. These organizations are established explicitly for the purpose of developing such standards through a process having three characteristics—First, openness, defined as meaning that participation in the standards development process shall be open to all persons who are directly and materially affected by the activity in question; second, balance of interest, which means that the consensus body responsible for the development of a standard shall be comprised of representatives of all categories of interest that relate to the subject—for example, manufacturer, user, regulatory, insurance/inspection, employee/union interest); and third, due process, which means a procedure by which any individual or organization who believes that an action or inaction of a third party causes unreasonable hardship or potential harm is provided the opportunity to have a fair hearing of their concerns. In short, a legitimate consensus standards organization provides open process in which all parties and experts have ample opportunity to participate in developing the consensus.

Examples include traditional standards organizations, such as the American Society of Testing and Materials, as well as newer organizations such as the Internet Engineering Task Force which has effectively used consensus procedures coupled with real-time implementation and testing to develop the technical standards for Internet protocols and technology. Many of these standards development organizations are accredited, including those accredited by the American National Standards Institute.

This provision is not intended to direct agencies and departments to consider standards from organizations that do not meet the criteria of openness, balance of interest, and due process.

Third, the amended version of section 12(d) makes clear that if compliance with the requirement to use voluntary consensus technical standards ''is inconsistent with applicable law or otherwise impractical, a Federal agency or department may elect to use technical standards that are not developed or adopted by voluntary consensus standards bodies.'' We intend that these other technical standards may be ones developed by the Agency or such other standards as the Agency may deem appropriate.

Fourth, we intend that the determination of what is or is not ''inconsistent with applicable law or otherwise impractical'' is solely the decision of the agency department involved. We do require that if an agency or department does elect to use other technical standards, they notify the Office of Management and Budget [OMB]. But if an Agency decides that no product or process based on voluntary consensus standards meets its requirements, it does not have to get approval from anyone before it sets its own specifications. It most certainly does not need approval from any private sector standards organization. Moreover, the provision neither provides nor implies any private sector veto or review of the agency's decision. Nor does it provide, nor do we intend to provide, any legal test or legal standard or decisionmaking requirement that an agency must meet before it decides which types of technical standards to choose. As a result, section 12(d) provides no new or additional basis for either administrative or judicial review.

In other words, the intent of section 12(d) is exactly that of the following provision of OMB Circular A–119: It should also be noted, however, that the provisions of this circular are intended for internal management purposes only and are not intended to: First, create delay in the administrative process; second, provide new grounds for judicial review; or third, create legal rights enforceable against agencies or their officers.

Fifth and finally, the term ''Federal agencies and departments'' is meant to refer to entities of the executive branch, and not to independent regulatory commissions. Commissions may have their own separate statutory requirements regarding whether or not to use consensus technical standards; one such example is the Consumer Product Safety Commission [CPSC]. I want to emphasize that section 12(d) is not intended to apply to the CPSC or other independent regulatory commissions.

ADDITIONAL PERFECTING AMENDMENTS

Mr. President, conversations with interested Senators have led me, after consultation with Chairman BURNS, to offer six other small perfecting amendments that clarify key provisions of the bill. I want to mention them briefly, as well as thank the relevant Senators for working with us on these issues.

First, as discussed earlier, we propose to clarify that the field of use for which a collaborating party may get an exclusive license is a pre-negotiated field of use. That is, the company alone does not pick the field of use. Like other provisions of CRADA, the field or fields of use for which a license applies is the result of negotiations between the company and the laboratory. This has been the intent all along of both the Senate and House sponsors of this legislation, as reflected in both House and Senate report language. However, Senator DOMENICI has asked that we make this point explicit in the bill language itself, and I am happy to do so.

Second, as also discussed earlier, we want to make clear that an Agency will exercise its rights under the bill to require the holder of an exclusive technology to share that technology only in exceptional circumstances. Senators BINGAMAN and DOMENICI have requested this clarification, and I am pleased to do so because this has been our intent all along. We know that there may be some exceptional, and very rare, circumstances under which the holder of an exclusive license is not willing or able to use an important technology or use it as provided in the original CRADA agreement. We feel strongly that the Government must maintain some rights to deal with such a situation, but agree with our distinguished colleagues that these rights should be exercised only under the most exceptional circumstances. We do not want prospective CRADA participants to feel that the Government will exercise these rights on a routine or arbitrary basis.

Third, Senator JOHNSTON has asked that a provision from other Federal patent law—the Bayh-Dole Act—be added to our bill's section regarding the exceptional circumstances under which the Government may exercise its right to require a collaborating party,

holding an exclusive license to an invention made in whole or in part by a laboratory employee, to grant a license to a responsible applicant. That provision from the Bayh-Dole is section 203(2) of title 35, United States Code, and as added here it would provide a collaborating party under these exceptional circumstances a right to an administrative appeal, as described under 37 CFR part 401, and to judicial review. In short, if the Government determines that it has grounds to force a collaborating party to grant a license to additional party, according to the criteria set forth in the bill, then that collaborating party will have a right of due process and appeal.

Fourth, Senator GLENN, in his capacity as ranking member of the Committee on Governmental Affairs, has raised a point concerning section 9's provisions on the disposal of excess laboratory research equipment. We delete one part of section 9 and plan to enter into a colloquy with the distinguished Senator from Ohio regarding the procedures under which Federal laboratories may loan or lease research equipment.

Fifth, the date on which a report required under section 12(c) is due is changed from January 1, 1996, to within 90 days of the date of enactment of this act.

A final amendment clarifies section 12(b), a provision which deals with the role of the National Institute of Standards and Technology [NIST] in coordinating government standards activities. The amendment corrects a small drafting error. The original text, in part, implies that NIST is to coordinate private sector standards and conformity assessment activities. Of course, we in no way intend that NIST or any other part of the Federal Government is to coordinate, direct, or supervise private sector activities. The amendment makes clear that NIST is to coordinate with private sector activities.

I thank Senators GLENN, DOMENICI, BINGAMAN, JOHNSTON, and BAUCUS, and their staffs, for working with us on these perfecting amendments.

CONCLUSION

Mr. President, this bill is a concrete step toward making our Government's huge investment in science and technology more useful to commercial companies and our economy. Companies in West Virginia and other States will not find it easier to partner with Federal laboratories across the country. The winner will be the American economy, which will get more economic benefit out of the billions of dollars we invest each year in our Government laboratories. The result will be new technologies, new products, and new jobs for Americans.

In closing, I want to thank and compliment my good friends, Representative MORELLA and Senator BURNS, for their great leadership on this legislation. I also want to thank their staffs, the staffs for Congressmen BROWN and TANNER, and Chairman PRESSLER's staff for their hard work. Special thanks also goes to Under Secretary of Commerce Mary Lowe Good and her staff, particularly Chief Counsel Mark Bohannon, for their work in reviewing the legislation and working with other Federal agencies. Numerous technical experts helped us with the legislation, and I thank them. I also want to thank Dr. Thomas Forbord, who as a congressional fellow on my staff several years ago drafted the first version of this valuable legislation.

Mr. President, this is a good bill that will benefit companies in West Virginia, Montana, Maryland, and all other States. It will help speed the creation of new technologies, will help make American companies more competitive, and will help create and retain good American jobs.

I urge our colleagues to accept the House-passed version, H.R. 2196, with these minor perfecting amendments, and return the bill to the House so that they may concur in these minor changes and send the legislation on the President for his signature.

Mr. BURNS. Mr. President, I rise in support of H.R. 2196, as amended, which is a bill to amend the Stevenson-Wylder Technology Innovation Act of 1980. The Senate version of this bill, S. 1164, was reported out of the Commerce Committee in November of last year. Our system of more than 700 Federal laboratories is one of our most precious national assets. These labs conduct important research and development programs to keep the United States on the cutting edge of science and technology.

As chairman of the Science Subcommittee, I cosponsored S. 1164 to help accelerate the transfer of technology from our 700 Federal labs to the private industry, where it can be converted into commercial goods and services for the American people. Our cooperative research and development agreements [CRADA's] have proven a very effective way of accomplishing technology transfer without increasing Federal spending. These CRADA's enable Government and industry to conduct research together which hopefully will generate inventions and technological breakthroughs that can be later commercialized. It is the national interest to encourage more of this kind of joint research.

With that in mind, this bill seeks to encourage more joint research by clarifying the intellectual property rights that the industry partner may receive in inventions generated by the joint research. In this way, the company knows going into the arrangement that it will have the right to commercialize the results of its joint research. The bill also makes clear that, in exchange for the rights given to the company, the Government is entitled to reasonable compensation, which would typically involve a share of the royalties from any successful commercialization efforts. So, both the Federal labs and their private sector partners in these agreements stand to benefit from this legislation.

Equally important, the bill provides greater incentives for the Federal lab scientists to commercialize their inventions by increasing their share of any royalties received from the sale of products arising from the joint research.

Mr. President, it is my understanding that this bill, as amended, is supported by industry, the Federal lab directors, and the research community and has broad bipartisan support in Congress. I urge my colleagues to support H.R. 2196 as amended pass it.

Mr. GLENN. Mr. President, I would like to engage the Senator from West Virginia and the Senator from Montana in a colloquy to clarify their intentions under section 9 of the pending bill. As currently drafted, section 9 would expand Federal laboratory directors' authority to dispose of research equipment by allowing them to loan or lease this property. Under existing law, this property may already be given to eligible institutions outright as a gift.

I would begin by thanking the chairman and ranking member of the committee for agreeing with me that the original language in this section was overbroad. I very much appreciate their willingness to amend the House bill.

With regard to the remaining loan and lease provision, I would like to clarify the committee's intent with respect to the continuing Federal liability and responsibility for leased or loaned equipment. What steps does the committee envision Federal agencies should take in order to limit the taxpayer's liability for such equipment?

Mr. ROCKEFELLER. Mr. President, I thank the Senator from Ohio for his interest in this matter, and I respect his judgment on these issues. To answer his question, it is this Senator's intent that, prior to any equipment being leased or loaned under this provision, a Federal agency shall issue guidance which clearly states the steps a lab director or agency head shall take in order to clearly define the Federal Government's liability and responsibility with respect to the leased or loaned property. Such guidance should address issues like: The ongoing Federal obligation to maintain or upgrade the leased equipment; the necessary steps to adequately train the recipient in the safe and proper use of the equipment; the appropriate inventory controls needed to track the equipment which both the lab and the recipient institution should have in place; and whether any financial issues, such as equipment depreciation, should be considered in the lease-loan agreement.

Mr. BURNS. Mr. President, I agree with the ranking member of the subcommittee.

Mr. GLENN. Mr. President, I thank my friends from Montana and West Virginia for their clarification of this matter. I look forward to continuing to work with them to strengthen our Nation's science and math education infrastructure.

Mr. DOLE. I ask unanimous consent that the amendment be agreed to, the bill be deemed read a third time, passed, as amended, the motion to reconsider be laid upon the table, and that any colloquy and statements relating to the bill be placed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the amendment (No. 3463) was agreed to.

So the bill (H.R. 2196), as amended, was passed.

MESSAGES FROM THE HOUSE

At 10:25 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has agreed to the following resolution (H. Res. 363) that the Honorable CONSTANCE A. MORELLA, a Representative from the State of Maryland, be, and she is hereby, elected Speaker pro tempore during any absence of the Speaker, such authority to continue not later than Tuesday, February 27, 1996.

MEASURE PLACED ON THE CALENDAR

The following measure was read the second time and placed on the calendar:

S. 1561. A bill for the relief of the individuals whose employment at the White House Travel Office was terminated.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. SIMPSON (for himself and Mr. ROCKEFELLER) (by request):

S. 1563. A bill to amend title 38, United States Code, to revise and improve eligibility for medical care and services under that title, and for other purposes; to the Committee on Veterans Affairs.

By Mr. CRAIG:

S. 1564. A bill to amend the Small Reclamation Projects Act of 1956 to authorize the Secretary of the Interior to provide loan guarantees for water supply, conservation, quality and transmission projects, and for other purposes; to the Committee on Energy and Natural Resources.

S. 1565. A bill to supplement the Small Reclamation Projects Act of 1956 and to supplement the Federal Reclamation laws by providing for Federal cooperation in non-Federal projects and for participation by non-Federal agencies in Federal projects; to the Committee on Energy and Natural Resources.

By Mr. HOLLINGS:

S. 1566. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Marsh Grass Too*; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. ROBB:

S. Res. 225. A resolution urging the President to undertake measures to facilitate the immediate withdrawal of the Iranian Revolutionary Guards from Bosnia-Herzegovina; to the Committee on Foreign Relations.

By Mr. INOUYE:

S. Con. Res. 41. A concurrent resolution expressing the sense of the Congress that The George Washington University is important to the Nation and urging that the importance of the University be recognized and celebrated through regular ceremonies; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SIMPSON (for himself and Mr. ROCKEFELLER) (by request):

S. 1563. A bill to amend title 38, United States Code, to revise and improve eligibility for medical care and services under that title, and for other purposes; to the Committee on Veterans' Affairs.

VA HEALTH CARE LEGISLATION

● Mr. SIMPSON. Mr. President, I am most pleased to join with the distinguished ranking member of the Committee on Veterans' Affairs in introducing, by request, legislation intended to reform the operation of VA's health care program. This legislation places into statutory language the eligibility reform proposal of the many veterans' service organizations who each year prepare and submit to the Congress the so called independent budget.

The successful operation of the VA health care system has become one of the most pressing issues faced by the Committee on Veterans' Affairs and the Congress. Many observers feel that changing the current priorities for health care is the certain key to resolving the problems faced by both VA and the veterans it serves. The proposal we introduce today is one of at least five different proposals before the Congress and introduction of this legislation should be viewed as neither endorsement nor opposition to this specific proposal. I join in introduction of the legislation in order to put before the Congress both the proposal and the ideas upon which it is based. I plan to chair committee hearings on the issue later this spring. Both the committee's hearings and legislative process will be much improved if we can view this proposal in legislative format.

As a life member of the Veterans of Foreign Wars, one of the organizations that has prepared the proposal, I understand how important this issue is to America's veterans, the Congress, to the Department of Veterans Affairs, and to the American people who must fund whatever decision is reached by the Congress.

I thank my fine personal friend from West Virginia for the constructive and active role that he played as chairman of the Veterans' Committee and continues to play as ranking minority member. He has been most helpful and courteous to me. I always look forward to working with him and the members of the committee as we work together to address the difficult questions we face concerning veterans' health care and the future structure of the Veterans Health Administration.●

● Mr. ROCKEFELLER. Mr. President, as the ranking Democrat on the Committee on Veterans' Affairs, I am delighted to join today with the chairman of the committee, Senator SIMPSON, in introducing legislation that would reform eligibility for VA health care. We are doing so at the request of the four veterans service organizations—AMVETS, Disabled American Veterans, Paralyzed Veterans of America, and Veterans of Foreign Wars—that develop the so-called independent budget [IB].

While it was my policy, as chairman of the Committee on Veterans' Affairs, to introduce legislation proposed by the administration so that my colleagues and others with an interest would have specific bills to which they might direct their attention and comments, I have not done that for entities other than the administration. Senator SIMPSON has followed a similar policy in his two terms as the committee's chairman. However, in this instance, we have agreed to introduce this legislation so that it might be before the committee later in this session when we take up the issue of the reform of the current eligibility criteria for VA health care.

In introducing administration-requested legislation, we always reserved the right to support the provisions of, as well as any amendment to, such by-request legislation. Obviously, that same policy applies to the bill we are introducing today.

While I have been working with representatives of the IB group for many months in an effort to translate the group's narrative description of proposed eligibility reform into legislative language, I have done so without in any way endorsing the result. I intend to wait to support any specific eligibility reform legislation until after the committee has held hearings and the many issues connected with this subject have been explored in some depth and detail.●

By Mr. CRAIG:

S. 1564. A bill to amend the Small Reclamation Projects Act of 1956 to authorize the Secretary of the Interior to provide loan guarantees for water supply, conservation, quality and transmission projects, and for other purposes; to the Committee on Energy and Natural Resources.

S. 1565. A bill to supplement the Small Reclamation Projects Act of 1956 and to supplement the Federal Reclamation laws by providing for Federal cooperation in non-Federal projects and for participation by non-Federal