

adopting the successful Bayh-Dole Act as a framework.

The bill provides parallel authorities to those currently in place under the Bayh-Dole Act for licensing university or university-operated Federal laboratory inventions. The bill also amends the Stevenson-Wydler Act, as amended, to allow Federal laboratories to include already existing patented inventions into a cooperative research and development agreement [CRADA].

Thus, agencies would be provided with two important new tools for effectively commercializing on-the-shelf Federally owned technologies—either licensing them as stand-alone inventions, under the bill's revised authorities of section 209 of the Bayh-Dole Act, or including them as part of a larger package under a CRADA. In doing so, this will make both mechanisms much more attractive to U.S. companies that are striving to form partnerships with Federal laboratories.

Additionally, H.R. 2544 removes language requiring onerous public notification procedures in the current law, recognizing that in partnering with Government, industry must undertake great risks and expenditures to bring new discoveries to the marketplace and that in today's competitive world economy, time-to-market commercialization is a critical factor for successful products. Federal regulations currently require a 3-month notification of the availability of an invention for exclusive licensing in the Federal Register. If a company responds by seeking to license the invention exclusively, another notice requirement follows providing for a 60-day period for filing objections. The prospective licensee is publicly identified along with the invention during this second notice. This built-in delay of at least 5 months, along with public notification that a specific company is seeking the license, is a great disincentive to commercializing on-the-shelf Government inventions.

No such requirements for public notification and filing of objections exist for licensing university patents or patents made by contractor-operated Federal laboratories. In addition, no such restriction applies to companies seeking a CRADA, which now guarantees companies the right to an exclusive field of use license. In all the years that the statutes have been utilized, no evidence has arisen that the universities or contractor-operated laboratories abuse these authorities. The steady increase of university licensing agreements, royalties, commercialized technologies, and economic benefits to the U.S. economy shows that removing such legal impediments is critical to success.

Changing this provision would not only speed the commercialization of billions of dollars of on-the-shelf technologies, it would also allow these discoveries to be effectively included in CRADA, which is now very difficult to do. These built-in delays fundamentally exacerbate the biggest industry complaint about dealing with the Federal Government as a R&D partner—it simply takes too long to complete a deal. Requiring a half year delay to receive a license that both parties want to grant makes no sense.

Removing this restriction eliminates the last significant legal roadblock to expediting licensing and commercialization of federally funded patents. This should provide an important tool for our economic growth if the agencies apply this new authority aggressively.

While removing language requiring onerous public notification procedures in the current law, it is the intent of the bill that agencies will continue to widely disseminate public notices that inventions are available for licensing. Agencies should approach this in the same manner that they are now providing notice that opportunities or a CRADA are available under the Federal Technology Transfer Act, and universities advertise available licenses under the Bayh-Dole Act.

In providing the appropriate notice of the availability of their technologies for licensing, I would expect that agencies would make the greatest possible use of the Internet. Electronic postings provide instantaneous notice that commercial partners are being sought for developing Federal patents. Virtually all Federal laboratories and universities now already use their Internet websites to post such notices. This should be a far more effective advertising tool than mere publication in the Federal Register, especially since most small businesses do not scan the Federal Register looking for new technologies.

Mr. Speaker, the Technology Transfer Commercialization Act streamlines Federal technology licensing procedures by removing the uncertainty and delay associated with the licensing determination process. Removing the roadblocks to the commercialization of Federal research and development by industry has been a goal we, in Congress, have long supported, and I would urge my colleagues to join me in this effort.

H.R. 2544

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Technology Transfer Commercialization Act of 1997".

SEC. 2. COOPERATIVE RESEARCH AND DEVELOPMENT AGREEMENTS.

Section 12(b)(1) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(b)(1)) is amended by inserting "or, subject to section 209 of title 35, United States Code, in a federally owned invention directly related to the scope of the work under the agreement," after "under the agreement".

SEC. 3. LICENSING FEDERALLY OWNED INVENTIONS.

(a) AMENDMENT.—Section 209 of title 35, United States Code, is amended to read as follows:

§ 209. Licensing federally owned inventions

"(a) AUTHORITY.—A Federal agency may grant an exclusive or partially exclusive license on a federally owned invention if—

"(1) granting the license is a reasonable and necessary incentive to—

"(A) call forth the investment capital and expenditures needed to bring the invention to practical application; or

"(B) otherwise promote the invention's utilization by the public;

"(2) the Federal agency finds that the public will be served by the granting of the license, as indicated by the applicant's intentions, plans, and ability to bring the invention to practical application or otherwise promote the invention's utilization by the public;

"(3) the applicant makes a commitment to achieve practical utilization of the invention within a reasonable time;

"(4) granting the license will not substantially lessen competition or create or maintain a violation of the antitrust laws; and

"(5) in the case of an invention covered by a foreign patent application or patent, the

interests of United States industry in foreign commerce will be enhanced.

"(b) MANUFACTURE IN UNITED STATES.—Licenses shall normally be granted under this section only to a licensee who agrees that any products embodying the invention or produced through the use of the invention will be manufactured substantially in the United States.

"(c) SMALL BUSINESS.—First preference for the granting of licenses under this section shall be given to small business firms having equal or greater likelihood as other applicants to bring the invention to practical application within a reasonable time.

"(d) TERMS AND CONDITIONS.—Licenses granted under this section shall contain such terms and conditions as the granting agency considers appropriate. Such terms and conditions—

"(I) shall include provisions—

"(A) requiring period reporting on utilization of the invention, and utilization efforts, by the licensee; and

"(B) empowering the Federal agency to terminate the license in whole or in part if the agency determines that—

"(i) the licensee is not adequately executing its commitment to achieve practical utilization of the invention within a reasonable time;

"(ii) the licensee is in breach of an agreement described in subsection (b); or

"(iii) termination is necessary to meet requirements for public use specified by Federal regulations issued after the date of the license, and such requirements are not reasonably satisfied by the licensee; and

"(2) may include a requirement that the licensee provide the agency with a plan for development or marketing the invention. Information obtained pursuant to paragraph (1)(A) shall be treated by the Federal agency as commercial and financial information obtained from a person and privileged and confidential and not subject to disclosure under section 552 of title 5, United States Code.

"(e) PUBLIC NOTICE.—No license may be granted under this section unless public notice of the availability of a federally owned invention for licensing in an appropriate manner has been provided at least 30 days before the license is granted. This subsection shall not apply to the licensing of inventions made under a cooperative research and development agreement entered into under section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a)."

(b) CONFORMING AMENDMENT.—The item relating to section 209 in the table of sections for chapter 18 of title 35, United States Code, is amended to read as follows:

"209. Licensing federally owned inventions."

A TRIBUTE TO FAUSTO A. ROSERO

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1997

Ms. VELÁZQUEZ. Mr. Speaker, today I rise to pay a very special tribute to one of my constituents, who after working for 30 years is now ready to retire. Mr. Fausto Anibal Rosero is retiring from United Airlines, where he is currently a lead in the Cabin Service Division. During his tenure at United Airlines, Fausto exhibited exceptional leadership skills as well as a commitment to excellence.

His dedication and commitment to excellence led to his designation as a lead cabin serviceman. Under his supervision, Fausto

has a crew of eight cabin servicemen, whose responsibility is to ensure that United flights leaving LaGuardia Airport are fully supported and maintained. In an era of heightened awareness regarding airline safety measures and concerns his belief is to encourage his crew to review and follow all safety rules and procedures. This type of positive reinforcement to be safety conscious in the workplace reflects his concern about the passengers and crew that board his flights.

In 1993, Fausto was recognized by United Airlines and 80,000 of his fellow employees as he was nominated to receive the Cabin Service Employee of the Year Award. His dedication reflects a lifelong pursuit of happiness that he strives for every day. Fausto philosophy of life "Primer la obligacion despues la devocion."

Fausto Rosero's life here in the United States began like many others who came to the United States of America seeking a better life for themselves and their family. Throughout history, America has been known as the land of opportunity. We have welcomed people with great pride from all over the world and from all walks of life. The diversity of people and nations is our country's greatest strength. Immigrants have long been the lifeblood of this great city of New York, making it flourish because of their hard work and dedication.

On September 9, 1962, Fausto Anibal Roser emigrated from his native homeland of Quito, Ecuador, to pursue and begin living the American dream. Like the previous waves of immigrants, Fausto left his family to settle down in his new life. He soon sent for his wife, Ana Beatriz Medina, whom he married on April 20, 1959. Beatriz arrived in this country not only with great enthusiasm and ambition but also with their daughter, Amparito Rosero on May 9, 1962. The Rosero family settled in the same community in which they still call home, Corona, Queens. Having firmly planted the seeds in their new home, their family began to expand.

On September 27, 1963, Fausto Gerardo Rosero was the first American citizen born to the family. This not only represented the first generation of American citizens but also the beginning of a new culture.

In the fall of 1966, the Rosero and Moya families moved into a 102-25 46th Avenue, Corona, NY 11368. This address represents the gateway, our families "Ellis Island" to all those who followed. Every single family member and friend has crossed through those doors staying until they could establish themselves and ultimately their own place in this country. We have always called Corona home, up until the present day. Growing up and living together represent the close emphasis placed on "La Familia." Together both families have struggled, prospered and stayed together throughout the years. Although Edgar and Maria Moya now live up the street, four houses away, at 102-11 46th Avenue. They continue to share in the joys of each others families. Their sons Francisco Paul Moya and Edgar Ivan Moya have just celebrated their graduations from St. John's University on September 21, 1997.

Francisco "Ponch" received his bachelor of arts degree in Asian Studies and Edgar his masters degree in Spanish Literature. Edgar is also a member of my staff. He is my congressional aide in my Corona office.

Fausto and Bachi saw three more of their children born; Alex Antonio Rosero born on

October 20, 1968, Daisy Violeta Rosero born on January 29, 1970, and finally Luis Alberto Rosero born on December 8, 1972. All five children grew up in this household and in Corona. With a firm emphasis placed on education he sent his five children to St. Leo's Roman Catholic Elementary School. Prior to arriving in this country, Fausto was a teacher in Ecuador. He taught for 6 years in El Normal Catolico de los Hermanos LaSalle. He taught first thru fifth grades. In addition, he also taught music, including guitar and the accordion to the senior high school class. His love for music has been lifelong and is evident as he continues to play the piano. Fausto taught in the same school he received his own education and the same church where he married Beatriz Medina in over 38 years ago.

Their children are working and are in the process of beginning their own lives. Amparito Rosero attended Queens College, she now is married to Hector Raul Cadena and have two sons, Christopher Mark Alexander Cadena, who was the first born of the second generation, and Jonathan Gerardo Cadena, they above all represent his legacy as they begin the second generation.

Gerald Rosero, a former U.S. Marine, graduated from Queens College with a bachelor of arts in economic. He is now married to Elizabeth del Toro and has a beautiful daughter, Miranda Nicole Rosero, the first granddaughter of the family.

Alex Rosero, attended the State University of New York at Albany. He also graduated with a bachelor of arts in economics. He now lives abroad in Amsterdam, Netherlands, while working for Pepe Jeans International.

Daisy Rosero, also has attended Queens College concentrating on art history and Spanish secondary education. Daisy now works for Rainbow Chimes, a nonprofit child care organization.

Luis A. Rosero attended and graduated from the State University of New York, College at Purchase. He studied political science with a minor in Latin American politics. He currently works for my Washington office as my office administrator. He began his congressional career as an intern in my office during college. Luis also worked in my Queens office before returning to SUNY Purchase for his senior year. He returned to Washington, DC, 6 days after graduation.

Their achievements and successes cannot only be attributed to Fausto but also to their loving mother Bachi. Beatriz is, has, and always will be responsible for them. She has worked and sacrificed her entire life to raise her children. It was her love and affection for her family throughout the years that kept them together. Their children should never forget the sacrifices and hard work that was needed for their upbringing. Fausto and Bachi have always stressed following the right path in life, no matter how difficult it may seem. If there is one lesson that should follow us for the rest of our lives and we should pass onto future generations, is the love and respect for one's family. Without having your family by your side one cannot stand alone. Loving your family for all their accomplishments is easy, loving them with their faults is what makes us one.

It has been a long road from Quito to Corona. The Rosero family has been granted a very special gift by an extremely special and devoted father. What has been achieved, what has been gained, what will be, is due to him.

We will be his living legacy that he himself has planted many years ago. May we never let you down.

Mr. Fausto Rosero Basantes, you should be very proud of all your lifelong achievements and accomplishments. It is now time to sit back, relax, and enjoy yourself. Fly those friendly skies, let them take you places you have always wanted to visit. After 30 years of hard work at United Airlines you are entitled to sleep late and do whatever you please, but remember one of your sayings, "El Tiempo Es Oro" make the most of it.

HELPING OTHERS

HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1997

Mr. COLLINS. Mr. Speaker, quite often as Members of this House, we need to take a moment to step back and look into the hearts of our communities. There, sitting on the steps of our schoolhouses and talking on our parkbenches are individuals working to help their neighbors in need. Such folk can be found in all parts of the country, and today I wish to honor a group of individuals who dedicate their lives to making others happy in Hattiesburg, MS. For it is there that the Civitan Camp for Citizens with Mental Retardation makes uncommon acts of kindness everyday occurrences.

Mrs. Abbie Rogers, director of the camp for more than 37 years, began working with handicapped children many years ago. She had a dream of providing the benefits of group recreation, crafts, friendships, and all the fun a camp can provide to these individuals who overcome adversity with tremendous human spirit and strength of heart. With the generous support of the Hattiesburg Civitan Club and the Iti Kana Girl Scout Camp, Mrs. Rogers' dream is now a reality for many children.

Her volunteers range from teenagers to business people and include doctors, nurses, musicians, craftsmen, and artists. These individuals give of their time and energy, yet benefit just as much as the campers in terms of the experiences they treasure for the rest of their lives. My daughter April has volunteered for many years beginning in high school. I believe that her experiences at the Civitan Camp truly epitomize the beauty of this magical place. The following is one such recollection.

Flashlight . . . check, raincoat . . . check, junk food . . . check. Definitely junk food, camp meals are always the pits. I am so excited I can hardly pack. OK, show down, April, or you're going to forget something important like your toothbrush.

Bright and early tomorrow morning I'll be "on the road again."

For two glorious weeks, I'll be roughing it in the great outdoors. Camp doesn't officially open until Monday, but counselors have to suffer through the long, boring orientation. You know, the stuff you already know, and if you didn't you wouldn't be here, right?

As I sit eagerly waiting to discover who my wild camper will be for this session, I try to catch up on all the missed time with my Mississippi friends. "April Collins," Becky shouts clearly over the loud rumble in the small room. She is the camp director's right leg.