

ate and House of Representatives on the effectiveness of Federal technology transfer programs, including findings, conclusions, and recommendations for improvements in such programs. The report shall be integrated with, and submitted at the same time as, the report required by section 202(b)(3)<sup>1</sup> of title 35.

(Pub. L. 96-480, §14, as added, renumbered §13, and amended Pub. L. 99-502, §§7, 9(e)(1), (3), Oct. 20, 1986, 100 Stat. 1792, 1797; renumbered §14 and amended Pub. L. 100-418, title V, §§5122(a)(1), 5162(a), Aug. 23, 1988, 102 Stat. 1438, 1450; Pub. L. 100-519, title III, §303(a), Oct. 24, 1988, 102 Stat. 2597; Pub. L. 101-189, div. C, title XXXI, §3133(c), Nov. 29, 1989, 103 Stat. 1677; Pub. L. 104-113, §5, Mar. 7, 1996, 110 Stat. 777; Pub. L. 106-404, §§7(7), 10(b), Nov. 1, 2000, 114 Stat. 1746, 1749.)

### Editorial Notes

#### REFERENCES IN TEXT

Section 202(b)(3) of title 35, referred to in subsec. (c), was struck out and section 202(b)(4) was redesignated section 202(b)(3) by Pub. L. 111-8, div. G, title I, §1301(h), Mar. 11, 2009, 123 Stat. 829.

#### AMENDMENTS

2000—Subsec. (a)(1)(A)(i). Pub. L. 106-404, §7(7)(A), (B), inserted “, other than payments of patent costs as delineated by a license or assignment agreement,” after “or other payments” and “, if the inventor’s or co-inventor’s rights are assigned to the United States” before period at end.

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 “inventon”.

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)(ii). 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

<sup>1</sup> See References in Text note below.

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.

**(b) Award**

The President shall periodically award the medal, on the basis of recommendations received from the Secretary or on the basis of such other information and evidence as he deems appropriate, to individuals or companies, which in his judgment are deserving of special recognition by reason of their outstanding contributions to the promotion of technology or technological manpower for the improvement of the economic, environmental, or social well-being of the United States.

**(c) Presentation**

The presentation of the award shall be made by the President with such ceremonies as he may deem proper.

(Pub. L. 96-480, §16, formerly §12, Oct. 21, 1980, 94 Stat. 2319; renumbered §16, Pub. L. 99-502, §2, Oct. 20, 1986, 100 Stat. 1785; renumbered §15, Pub. L. 99-502, §9(e)(1), Oct. 20, 1986, 100 Stat. 1797; renumbered §16, Pub. L. 100-418, title V, §5122(a)(1), Aug. 23, 1988, 102 Stat. 1438; Pub. L. 110-69, title I, §1003, Aug. 9, 2007, 121 Stat. 576.)

**Editorial Notes**

**AMENDMENTS**

2007—Pub. L. 110-69, §1003(1), which directed substitution of “National Technology and Innovation Medal” for “National Medal” in section catchline, was executed by making the substitution for “National Technology Medal” to reflect the probable intent of Congress.

Subsec. (a). Pub. L. 110-69, §1003(2), substituted “Technology and Innovation Medal” for “Technology Medal”.

**Statutory Notes and Related Subsidiaries**

**NATIONAL TECHNOLOGY MEDAL FOR ENVIRONMENTAL TECHNOLOGY**

Pub. L. 105-309, §10, Oct. 30, 1998, 112 Stat. 2939, provided that: “In the administration of section 16 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3711), Environmental Technology shall be established as a separate nomination category with appropriate unique criteria for that category.”

**§ 3711a. Malcolm Baldrige National Quality Award**

**(a) Establishment**

There is hereby established the Malcolm Baldrige National Quality Award, which shall be evidenced by a medal bearing the inscriptions “Malcolm Baldrige National Quality Award” and “The Quest for Excellence”. The medal shall be of such design and materials and bear such additional inscriptions as the Secretary may prescribe.

**(b) Making and presentation of award**

(1) The President (on the basis of recommendations received from the Secretary), or the Secretary, shall periodically make the award to companies and other organizations which in the judgment of the President or the Secretary have substantially benefited the economic or social well-being of the United States through improvements in the quality of their goods or services resulting from the effective practice of quality management, and which as a consequence are deserving of special recognition.

(2) The presentation of the award shall be made by the President or the Secretary with such ceremonies as the President or the Secretary may deem proper.

(3) An organization to which an award is made under this section, and which agrees to help other American organizations improve their quality management, may publicize its receipt of such award and use the award in its advertising, but it shall be ineligible to receive another such award in the same category for a period of 5 years.

**(c) Categories in which award may be given**

(1) Subject to paragraph (2), separate awards shall be made to qualifying organizations in each of the following categories—

- (A) Small businesses.
- (B) Companies or their subsidiaries.
- (C) Companies which primarily provide services.
- (D) Health care providers.
- (E) Education providers.
- (F) Nonprofit organizations.
- (G) Community.

(2) The Secretary may at any time expand, subdivide, or otherwise modify the list of categories within which awards may be made as initially in effect under paragraph (1), and may establish separate awards for other organizations including units of government, upon a determination that the objectives of this section would be better served thereby; except that any such expansion, subdivision, modification, or establishment shall not be effective unless and until the Secretary has submitted a detailed de-