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S. 1657	Sept. 23, 1982	S12116-17

Action:
Amendment No. 3619 submitted by Mr. Nunn

SCIENCE AND TECHNOLOGY RESEARCH AND DEVELOPMENT UTILIZATION ACT

AMENDMENT NO. 3619

(Ordered to be printed and to lie on the table.)

Mr. NUNN (for himself and Mr. MATTINGLY) submitted an amendment intended to be proposed by them to the bill (S. 1657) entitled the "Uniform Science and Technology Research and Development Utilization Act.

● Mr. NUNN. Mr. President, for myself and Mr. MATTINGLY, I am introducing an amendment to S. 1657, the Uniform Science and Technology Research and Development Utilization Act. The purpose of this amendment is to provide statutory authority for NASA to require the reporting of innovations made in the course of, or under any contract of the administration.

For the past 16 years, the University of Georgia has been under contract to NASA to operate a computer library called Cosmic, the Computer Software Management and Information Center.

Cosmic maintains one of the Nation's largest software libraries of engineering analysis and general purpose computer programs. It provides, at reasonable cost, programs developed by or under contract with NASA and other agencies, that is, DOD and the Nuclear Regulatory Commission, that may have commercial application in the private sector. Cosmic serves as a clearinghouse where software can be transferred from Government agencies which fund or assist in its preparation to industrial or other nongovernmental users.

Under current law (section 305(b)) of the Space Act (42 U.S.C. 2457(b)) NASA is given specific authority to provide for the reporting of information "concerning any discovery, improvement, or innovation which may be made in the performance of any such work." NASA uses this authority to require, among other things, that computer software programs developed with NASA funds be reported to NASA and made available to the university's Cosmic library.

Under the legislation reported by the Senate Commerce Committee (S. 1657, the Uniform Science and Technology Research and Development Utilization Act) section 305(b) of the Space Act is repealed. See section 401 (6)(B) of S. 1657, as amended and reported. The committee's bill attempts to establish a uniform treatment of the ownership of title to innovations and inventions derived in part from Federal funds. Under current law, except where small businesses, universities, and certain nonprofit institutions are given the right of first refusal to title, the Federal Government generally retains that title.

Without authority for NASA to require some form of reporting of computer software—regardless of whether they are characterized as new technology—the very data sources from which the Cosmic library is derived would be eliminated. The result would be the lack of any systematic way to collect, analyze, and disseminate for commercial purposes the information gained from the initial computer software development.

The amendments which I am introducing today will provide NASA with the authority necessary for NASA to fully continue the Cosmic program, consistent with the Senate Commerce Committee's policy recommendations.

Mr. President, I appreciate Senator SCHMITT's cooperation in finding a legislative solution to this important matter.●