

Legislative History - Intellectual Property Provisions of FY 2009 NDAA

Part	Source	Page
I.	Selected Excerpts from the Duncan Hunter National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2009 (Pub.L. 110-417, 10/14/2008)	1
II.	Selected Excerpts from the Joint Explanatory Statement	3
III.	Selected Excerpts from H.R. 5658 – Duncan Hunter NDAA for FY 2009 (Version Passed by House, Placed on Calendar in Senate)	5
IV.	Selected Excerpts from S. 3001 – Duncan Hunter NDAA for FY 2009 (Version Originally Passed by Senate – Public Print)	8
V.	Selected Excerpts from Senate Report 110-335 (May 12, 2008) – to accompany S. 3001 – Duncan Hunter NDAA for FY 2009	9
VI.	Selected Excerpts from House Report 110-652 (May 16, 2008) – to accompany H.R. 5658 - Duncan Hunter NDAA for FY 2009	10

Part I. Selected Excerpts from the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Pub.L. 110-417; October 14, 2008)

- Sec. 803. Commercial Software Reuse Preference.
- Sec. 822. Technical Data Rights.
- Sec. 824. Modification And Extension Of Pilot Program For Transition To Follow-On Contracts Under Authority To Carry Out Certain Prototype Projects.
- Sec. 825. Clarification Of Status Of Government Rights In The Designs Of Department Of Defense Vessels, Boats, Craft, And Components Thereof.
- Sec. 881. Expansion Of Authority To Retain Fees From Licensing Of Intellectual Property.

SEC. 803. COMMERCIAL SOFTWARE REUSE PREFERENCE.

(a) IN GENERAL.—The Secretary of Defense shall ensure that contracting officials identify and evaluate, at all stages of the acquisition process (including concept refinement, concept decision, and technology development), opportunities for the use of commercial computer software and other non-developmental software.

(b) REPORT.—Not later than 270 days after the date of enactment of this Act, the Secretary shall submit to the congressional defense committees a report on actions taken to implement subsection (a), including a description of any relevant regulations and policy guidance.

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SEC. 822. TECHNICAL DATA RIGHTS.

(a) POLICY GUIDANCE.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall issue policy guidance with respect to rights in technical data under a non-FAR agreement. The guidance shall—

- (1) establish criteria for defining the legitimate interests of the United States and the party concerned in technical data pertaining to an item or process to be developed under the agreement;
- (2) require that specific rights in technical data be established during agreement negotiations and be based upon negotiations between the United States and the potential party to the agreement, except in any case in which the Secretary of Defense determines, on the basis of criteria established in such policy guidance, that the establishment of rights during or through agreement negotiations would not be practicable; and
- (3) require the program manager for a major weapon system or an item of personnel protective equipment that is to be developed using a non-FAR agreement to assess the long-term technical data needs of such system or item.

(b) REQUIREMENT TO INCLUDE PROVISIONS IN NON-FAR AGREEMENTS.—

A non-FAR agreement shall contain appropriate provisions relating to rights in technical data consistent with the policy guidance issued pursuant to subsection (a).

(c) DEFINITIONS.—In this section:

(1) The term “non-FAR agreement” means an agreement that is not subject to laws pursuant to which the Federal Acquisition Regulation is prescribed, including—

- (A) a transaction authorized under section 2371 of this title; and
- (B) a cooperative research and development agreement.

(2) The term “party”, with respect to a non-FAR agreement, means a non-Federal entity and includes any of the following:

- (A) A contractor and its subcontractors (at any tier).
- (B) A joint venture.
- (C) A consortium.

(d) REPORT ON LIFE CYCLE PLANNING FOR TECHNICAL DATA NEEDS.—Not later than 270 days after the date of enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the implementation of the requirements in section 2320(e) of title 10, United States Code, for the assessment of long term technical data needs to sustain major weapon systems. Such report shall include—

- (1) a description of all relevant guidance or policies issued;
- (2) a description of the extent to which program managers have received training to better assess the long-term technical data needs of major weapon systems and subsystems; and
- (3) a description of one or more examples, if any, where a priced contract option has been used on major weapon systems for the future delivery of technical data and one or more examples, if any, where all relevant technical data were acquired upon contract award.

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SEC. 824. MODIFICATION AND EXTENSION OF PILOT PROGRAM FOR TRANSITION TO FOLLOW-ON CONTRACTS UNDER AUTHORITY TO CARRY OUT CERTAIN PROTOTYPE PROJECTS.

(a) EXPANSION OF SCOPE OF PILOT PROGRAM.—Paragraph (1) of section 845(e) of the National Defense Authorization Act for Fiscal Year 1994 (10 U.S.C. 2371 note) is amended by striking “under prototype projects carried out under this section” and inserting “developed under prototype projects carried out under this section or research projects carried out pursuant to section 2371 of title 10, United States Code”.

(b) TWO-YEAR EXTENSION OF AUTHORITY.—Paragraph (4) of such section is amended by striking “September 30, 2008” and inserting “September 30, 2010”.

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SEC. 825. CLARIFICATION OF STATUS OF GOVERNMENT RIGHTS IN THE DESIGNS OF DEPARTMENT OF DEFENSE VESSELS, BOATS, CRAFT, AND COMPONENTS THEREOF.

(a) IN GENERAL.—Chapter 633 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 7317. Status of Government rights in the designs of vessels, boats, and craft, and components thereof

“(a) IN GENERAL.—Government rights in the design of a vessel, boat, or craft, and its components, including the hull, decks, superstructure, and all shipboard equipment and systems, shall be determined solely as follows:

“(1) In the case of a vessel, boat, craft, or component procured through a contract, in accordance with the provisions of section 2320 of this title.

“(2) In the case of a vessel, boat, craft, or component procured through an instrument not governed by section 2320 of this title, by the terms of the instrument (other than a contract) under which the design for such vessel, boat, craft, or component, as applicable, was developed for the Government.

“(b) CONSTRUCTION OF SUPERSEDING AUTHORITIES.—This section may be modified or superseded by a provision of statute only if such provision expressly refers to this section in modifying or superseding this section.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 633 of such title is amended by adding at the end the following new item:

“7317. Status of Government rights in the designs of vessels, boats, and craft, and components thereof”.

* * *

SEC. 881. EXPANSION OF AUTHORITY TO RETAIN FEES FROM LICENSING OF INTELLECTUAL PROPERTY.

Section 2260 of title 10, United States Code, is amended—

(1) in subsection (a), by inserting “or the Secretary of Homeland Security” after “Secretary of Defense”; and

(2) in subsection (f)—

(A) by striking “(f) DEFINITIONS.—In this section, the” and inserting the following:

“(f) DEFINITIONS.—In this section:

“(1) The”; and

(B) by adding at the end the following new paragraph:

“(2) The term ‘Secretary concerned’ has the meaning provided in section 101(a)(9) of this title and also includes—

“(A) the Secretary of Defense, with respect to matters concerning the Defense Agencies and Department of Defense Field Activities; and

“(B) the Secretary of Homeland Security, with respect to matters concerning the Coast Guard when it is not operating as a service in the Department of the Navy.”.

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Part II. Selected Excerpts from the Joint Explanatory Statement

(Note: In lieu of a conference report, a joint explanatory statement was submitted on pages H8718-H9081 of the Congressional Record on September 23, 2008)

JOINT EXPLANATORY STATEMENT SUBMITTED BY MR. SKELTON, CHAIRMAN OF THE COMMITTEE ON ARMED SERVICES, REGARDING THE AMENDMENT OF THE HOUSE OF REPRESENTATIVES TO S. 3001 -- (House of Representatives - September 23, 2008)

[Page: H8718]--- The Chairman of the Committee on Armed Services of the House of Representatives offers an amendment to S. 3001, the National Defense Authorization Act for Fiscal Year 2009, as received in the House on September 18, 2008. The amendment consists of an agreement between the managers of the bill in the

[Page: H8719]House of Representatives and the Senate on the reconciliation of H.R. 5658 and S. 3001, as passed by the respective chambers from which each bill originated. This agreement is memorialized in the offered amendment and described in the remainder of this Joint Explanatory Statement submitted on behalf of Mr. Skelton and Mr. Hunter for the House Committed on Armed Services and Mr. Levin and Mr. Warner for the Senate Committee on Armed Services.

Although not required by the Rules of the House of Representatives and the Senate, the Joint Explanatory Statement includes the disclosure of member earmarks and congressionally directed spending items as defined in clause 9 of rule XXI of the Rules of the House of Representatives and rule XLIV of the Standing Rules of the Senate.

In this statement, the provisions of H.R. 5658, the House passed version of the National Defense Authorization Act for Fiscal Year 2009, are generally referred to as ``the House bill." The provisions of S. 3001, the Senate passed version of the National Defense Authorization Act for Fiscal Year 2009, are generally referred to as ``the Senate bill." The final form of the agreements reached during an informal conference between the managers of the bill in the House and the Senate are referred to as ``the agreement."

The House amendment strikes the text of the S. 3001 and inserts the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009, as amended by the agreement between the managers of H.R. 5658 and S. 3001, as passed by the respective chambers from which each bill originated.

This Joint Explanatory Statement fulfills the authority granted to the Chairman of the Committee on Armed Services by H. Res. 1476 to file explanatory material for the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009. Mr. Skelton, the Chairman of the Committee on Armed Services, does not intend to file any additional material pursuant to H. Res. 1476 beyond this Joint Explanatory Statement.

Submitted by Mr. Skelton, Chairman of the House Committee on Armed Services (for himself, Mr. Hunter, ranking Member of the House Committee on Armed Services, Mr. Levin, Chairman of the Senate Committee on Armed Services and Mr. Warner, Acting Ranking Member of the Senate Committee on Armed Services).

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Commercial software reuse preference (sec. 803)

The House bill contained a provision (sec. 806) that would require the Secretary of Defense to ensure that contracting officials reuse commercial computer software, whenever practicable, instead of developing new software.

The Senate bill contained no similar provision.

The agreement includes the House provision with an amendment requiring the Secretary to ensure that contracting officials reuse commercial or off-the-shelf software, whenever practicable, instead of developing new software.

* * *

Technical data rights (sec. 822)

The House bill contained a provision (sec. 814) that would require the Secretary of Defense to issue policy guidance on technical data rights in non-Federal Acquisition Regulation agreements.

The Senate bill contained no similar provision.

The agreement includes the House provision with an amendment providing the Secretary greater flexibility in the drafting of the new guidance.

* * *

Modification and extension of pilot program for transition to follow-on contracts under authority to carry out certain prototype projects (sec. 824)

The Senate bill contained a provision (sec. 822) that would extend for 4 years the authority for the Secretary of Defense to carry out a pilot program under section 847 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136), and modify such authority.

The House bill contained no similar provision.

The agreement includes the Senate provision with an amendment extending the authority for 2 years. We direct the Secretary of Defense to report to the congressional defense committees not later than 270 days after the date of the enactment of this Act on the extent to which such authority has been used and, if it has not been used, whether modifications are needed to achieve the purpose of the provision.

Clarification of status of Government rights in designs of Department of Defense vessels, boats, craft, and components thereof (sec. 825)

The House bill contained a provision (sec. 841) that would clarify government rights in the designs of Department of Defense vessels, boats, and craft, and components of such vessels, boats, and craft.

The Senate bill contained a similar provision (sec. 1011).

The agreement includes the Senate provision with an amendment to address designs of all Department of Defense vessels, boats, craft, and components, regardless whether they are developed at public or private expense.

* * *

Expansion of authority to retain fees from licensing of intellectual property (sec. 881)

The House bill contained a provision (sec. 842) that would clarify the authority for the Department of Defense and the Department of Homeland Security to retain fees from licensing of intellectual property.

The Senate bill contained a similar provision (sec. 852) applicable only to the Department of Defense.

The agreement includes the House provision.

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Part III. Selected Excerpts from H.R. 5658 – Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Version Passed by House, Placed on Calendar in Senate)

SEC. 806. COMMERCIAL SOFTWARE REUSE PREFERENCE.

(a) In General- The Secretary of Defense shall ensure that contracting officials identify and evaluate, at all stages of the acquisition process (including concept refinement, concept decision, and technology development), opportunities for the use of commercial computer software and, if practicable, use such software instead of developing new software.

(b) Regulations- The Secretary of Defense shall review and revise the Defense Federal Acquisition Regulation Supplement, Part 207.103, to clarify that the preference for commercial items in the acquisition process includes a preference for commercial computer software, and the preference applies at all stages of the acquisition process.

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SEC. 814. TECHNICAL DATA RIGHTS FOR NON-FAR AGREEMENTS.

(a) Rights in Technical Data for Non-FAR Agreements-

(1) IN GENERAL- Chapter 137 of title 10, United States Code, is amended by inserting after section 2320 the following new section:

Sec. 2320a. Rights in technical data for non-FAR agreements

(a) Policy Guidance-

(1) The Secretary of Defense shall issue policy guidance with respect to the use of a non-FAR agreement for the development of a major weapon system or an item of personnel protective equipment.

(2) The guidance shall--

(A) define the legitimate interest of the United States and a party to such an agreement in technical data pertaining to an item or process to be developed under the agreement, including, at a minimum, the interest of--

`(i) the United States in increasing competition and lowering costs by developing and locating alternative sources of supply and manufacture;

`(ii) the United States in the ability to conduct emergency repair and overhaul;
or

`(iii) the party to the agreement to restrict the release of technical data relating to an item or process developed at private expense; and

`(B) require that specific rights in technical data shall be established during agreement negotiations and be based upon negotiations between the United States and the potential party to the agreement, except in any case in which the Secretary of Defense determines, on the basis of criteria established in such policy guidance, that the establishment of rights during or through agreement negotiations would not be practicable.

`(b) Provisions in Non-FAR Agreements- Whenever practicable, a non-FAR agreement described in subsection (a) shall contain appropriate provisions relating to technical data, including provisions--

`(1) defining the respective rights of the United States and the party to the agreement regarding any technical data to be delivered under the agreement;

`(2) specifying the technical data to be delivered under the agreement and delivery schedules for such delivery;

`(3) establishing or referencing procedures for determining the acceptability of technical data to be delivered under the agreement;

`(4) to the maximum practicable extent, identifying, in advance of delivery, technical data which is to be delivered with restrictions on the right of the United States to use such data;

`(5) requiring the party to the agreement to revise any technical data delivered under the agreement to reflect engineering design changes made during the performance of the agreement and affecting the form, fit, and function of the items specified in the agreement and to deliver such revised technical data to an agency within a time specified in the agreement; and

`(6) establishing remedies to be available to the United States when technical data required to be delivered or made available under the agreement is found to be incomplete or inadequate or to not satisfy the requirements of the agreement concerning technical data.

`(c) Assessment of Long-Term Technical Data Needs- The Secretary of Defense shall require the program manager for a major weapon system or an item of personnel protective equipment that is to be developed using a non-FAR agreement described in subsection (a) to assess the long-term technical data needs of such systems and items, in accordance with the requirements of section 2320(e) of this title.

`(d) Definitions- In this section:

`(1) The term `non-FAR agreement' means an agreement that is not subject to laws pursuant to which the Federal Acquisition Regulation is prescribed, including--

`(A) a transaction authorized under section 2371 of this title; and

`(B) a cooperative research and development agreement.

`(2) The term `party', with respect to a non-FAR agreement, means a non-Federal entity and includes any of the following:

`(A) A contractor and its subcontractors (at any tier).

`(B) A joint venture.

`(C) A consortium.'.

(2) CLERICAL AMENDMENT- The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2320 the following new item:

`2320a. Rights in technical data for non-FAR agreements.'.

(b) Report on Life Cycle Planning for Technical Data Needs- Not later than 120 days after the date of enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the implementation of the requirements in section 2320(e) of title 10, United States Code, for the assessment of long-term technical data needs to sustain major weapon systems. Such report shall include--

(1) a description of all relevant guidance or policies issued;

(2) the extent to which program managers have received training to better assess the long-term technical data needs of major weapon systems and subsystems;

(3) a description of the data rights strategies developed prior to the issuance of contract solicitations released since October 17, 2006; and

(4) a characterization of the extent to which such strategies made use of priced contract options for the future delivery of technical data or acquired all relevant technical data upon contract award.

* * *

SEC. 841. CLARIFICATION OF STATUS OF GOVERNMENT RIGHTS IN THE DESIGNS OF DEPARTMENT OF DEFENSE VESSELS, BOATS, AND CRAFT, AND COMPONENTS THEREOF.

(a) In General- Chapter 633 of title 10, United States Code, is amended by adding at the end the following new section:

`Sec. 7317. Status of Government rights in the designs of vessels, boats, and craft, and components thereof

`Government rights in the design of a vessel, boat, or craft, or its components, including the hull, decks, and superstructure, shall be determined solely by operation of section 2320 of this title or by the instrument under which the design was developed for the Government.'.

(b) Clerical Amendment- The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

`7317. Status of Government rights in the designs of vessels, boats, and craft, and components thereof.'.

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SEC. 842. EXPANSION OF AUTHORITY TO RETAIN FEES FROM LICENSING OF INTELLECTUAL PROPERTY.

Section 2260 of title 10, United States Code, is amended--

(1) in subsection (a), by inserting `or the Secretary of Homeland Security' after `Secretary of Defense'; and

(2) in subsection (f)--

(A) by striking `(f) Definitions- In this section, the' and inserting the following:

`(f) Definitions- In this section:

`(1) The'; and

(B) by adding at the end the following new paragraph:

`(2) The term `Secretary concerned' has the meaning provided in section 101(a)(9) of this title and also includes--

`(A) the Secretary of Defense, with respect to matters concerning the Defense Agencies and Department of Defense Field Activities; and

`(B) the Secretary of Homeland Security, with respect to matters concerning the Coast Guard when it is not operating as a service in the Department of the Navy.'

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Part IV. Selected Excerpts from S. 3001 – Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Version Originally Passed by Senate – Public Print)

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SEC. 822. MODIFICATION AND EXTENSION OF PILOT PROGRAM FOR TRANSITION TO FOLLOW-ON CONTRACTS UNDER AUTHORITY TO CARRY OUT CERTAIN PROTOTYPE PROJECTS.

(a) Expansion of Scope of Pilot Program- Paragraph (1) of section 845(e) of the National Defense Authorization Act for Fiscal Year 1994 (10 U.S.C. 2371 note) is amended by striking `under prototype projects carried out under this section' and inserting `developed under prototype projects carried out under this section or research projects carried out pursuant to section 2371 of title 10, United States Code'.

(b) Four-Year Extension of Authority- Paragraph (4) of such section is amended by striking `September 30, 2008' and inserting `September 30, 2012'.

* * *

SEC. 852. SPECIFICATION OF SECRETARY OF DEFENSE AS `SECRETARY CONCERNED' FOR PURPOSES OF LICENSING OF INTELLECTUAL PROPERTY FOR THE DEFENSE AGENCIES AND DEFENSE FIELD ACTIVITIES.

Subsection (e) of section 2260 of title 10, United States Code, is amended to read as follows:

`(e) Definitions- In this section:

`(1) The terms `trademark', `service mark', `certification mark', and `collective mark' have the meanings given such terms in section 45 of the Act of July 5, 1946 (commonly referred to as the Trademark Act of 1946; 15 U.S.C. 1127).

`(2) The term `Secretary concerned' includes the Secretary of Defense, with respect to matters concerning the Defense Agencies and the defense field activities.'

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SEC. 1011. GOVERNMENT RIGHTS IN DESIGNS OF DEPARTMENT OF DEFENSE VESSELS, BOATS, CRAFT, AND COMPONENTS DEVELOPED USING PUBLIC FUNDS.

(a) In General- Chapter 633 of title 10, United States Code, is amended by adding at the end the following new section:

`Sec. 7317. Government rights in designs of Department of Defense vessels, boats, craft, and components developed using public funds

`(a) In General- Government rights in the design of a vessel, boat, or craft, and its components, including the hull, decks, superstructure, and all shipboard equipment and systems, developed in whole or in part using public funds shall be determined solely as follows:

`(1) In the case of a vessel, boat, craft, or component procured through a contract, in accordance with the provisions of section 2320 of this title.

`(2) In the case of a vessel, boat, craft, or component procured through an instrument not governed by section 2320 of this title, by the terms of the instrument (other than a contract) under which the design for such vessel, boat, craft, or component, as applicable, was developed for the Government.

`(b) Construction of Superseding Authorities- This section may be modified or superseded by a provision of statute only if such provision expressly refers to this section in modifying or superseding this section.'

(b) Clerical Amendment- The table of sections at the beginning of chapter 633 of such title is amended by adding at the end the following new item:

`7317. Government rights in designs of Department of Defense vessels, boats, craft, and components developed using public funds.'

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Part V. Selected Excerpts from Senate Report 110-335 (May 12, 2008) – to accompany S. 3001 – Duncan Hunter National Defense Authorization Act for Fiscal Year 2009

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Modification and extension of pilot program for transition to follow-on contracts under authority to carry out certain prototype projects (sec. 822)

The committee recommends a provision that would extend for 4 years the authority granted in section 847 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136) for the Department of Defense to carry out a pilot program for the transition of non-traditional defense contractors from prototype transactions to follow-on contracts. The provision would also ensure that the transition authority may be used for technologies developed under research projects carried out pursuant to section 2371 of title 10, United States Code.

* * *

Specification of Secretary of Defense as `secretary concerned' for purposes of licensing of intellectual property for the defense agencies and defense field activities (sec. 852)

The committee recommends a provision that would clarify that the Secretary of Defense is the `secretary concerned' for the purpose of licensing intellectual property for the defense agencies and defense field activities pursuant to section 2260 of title 10, United States Code.

* * *

Government rights in designs of Department of Defense vessels, boats, craft, and components developed using public funds (sec. 1011)

The committee recommends a provision that would affirm that the government's rights in the designs of vessels, boats, craft, and components developed for the Department of Defense (DOD) using public funds in whole or in part are governed exclusively by the requirements of section 2320 of title 10, United States Code or, in certain cases, the agreement pursuant to which the development was undertaken.

Section 2320 provides that: (1) in the case of items developed by a contractor or subcontractor exclusively with government funds, the government has unlimited technical data rights; and (2) in the case of items developed with mixed government and private funding, rights in technical data are determined by negotiation and generally include government-purpose rights. The continued application of section 2320 and the DOD implementing regulations should ensure that DOD is not required to purchase the same data rights more than once.

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Part VI. Selected Excerpts from House Report 110-652 (May 16, 2008) – to accompany H.R. 5658 – Duncan Hunter National Defense Authorization Act for Fiscal Year 2009

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SECTION 806--COMMERCIAL SOFTWARE REUSE PREFERENCE

This section would require the Secretary of Defense to ensure contracting officials identify and evaluate, at all stages of the acquisition process, opportunities for the use of commercial computer software and, if practicable, use such software instead of developing new software. This section would also require the Secretary to review and revise defense regulations to clarify that the existing preference for commercial items in the acquisition process includes a preference for commercial computer software.

* * *

SECTION 814--TECHNICAL DATA RIGHTS FOR NON-FAR AGREEMENTS

This section would add a new section 2320a to title 10, United States Code. This section would require the Secretary of Defense to issue policy guidance regarding the negotiation and acquisition of technical data rights for agreements that are not subject to the Federal Acquisition Regulation (FAR), including other transaction authority agreements authorized by section 2371 of title 10, United States Code, and cooperative research and development agreements. This section would require that program managers for major weapons systems developed under such agreements assess long-term technical data requirements in accordance with subsection (e) of section 2320, United States Code. This section would also require the Secretary to submit a report to the Senate Committee on Armed Services and the House Committee on Armed Services within 120 days after the date of enactment of this Act regarding the implementation of the requirements of subsection (e) of section 2320(e) of title 10, United States Code.

The committee notes that the Department has utilized agreements that are not subject to the FAR for the initial development and prototyping of certain major weapon systems such as the design of naval surface combatants. This section would ensure appropriate guidance is in place to assist defense acquisition officials during the negotiation of such agreements in protecting the rights of the federal government to technical data.

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SECTION 841--CLARIFICATION OF STATUS OF GOVERNMENT RIGHTS IN THE DESIGNS OF DEPARTMENT OF DEFENSE VESSELS, BOATS, CRAFT, AND COMPONENTS THEREOF

This section would add a new section, section 7317, to title 10, United States Code, to provide that the sole legal authority determining government rights in the designs of vessels, boats, craft, and components thereof, including hulls, decks, and superstructures is either section 2320 of title 10, United States Code, or the contract, grant, or cooperative agreement under which the item was developed. This section would prohibit any claims of exclusive private ownership of such designs under the Vessel Hull Design Protection Act (chapter 13 of title 17, United States Code).

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SECTION 842--EXPANSION OF AUTHORITY TO RETAIN FEES FROM LICENSING OF INTELLECTUAL PROPERTY

This section would amend section 2260 of title 10, United States Code, to clarify the authority of the Secretary of Defense and the Secretary of Homeland Security to register and license trademarks that are owned and controlled by the government. This section would clarify that the Secretary of Defense could use the authority provided in section 2260 to register and license trademarks belonging to defense agencies and defense field activities. This section would also clarify that the Secretary of Homeland Security can issue regulations governing the registration and licensing of trademarks owned and controlled by the United States Coast Guard.

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