

MR. UDALL. Well, Senator, this is a constructive thought. We think the law, a general law, would be very much in the public interest. You could even narrow it further to oil shale in these States. That could be done to further eliminate controversy. I would like to see it enacted and I wish we could develop a consensus on this. I think the Congressmen and Senators from the three States, if there is any one thing I would ask them to help us with, would be the recordation bill. It will help us clear the decks. You want action. This is one thing you could do. Maybe we could work out a compromise, a consensus type compromise, and get a bill quickly through that would have limited applications. I think this is a very fine thought, Senator.

THE CHAIRMAN. I will ask the staff of the committee to explore this with the Secretary's staff and the appropriate departments and see if something can be worked out.

Senator Moss?

Senator Moss. Mr. Secretary, pursuing further this colloquy about the patenting rights to any system developed, suppose that there was in existence now a patent, unproved but patented, and the person then made a lease and tried it out and it worked. Would this patent then be open to the public by reason of the fact that he tried it out on Federal land?

MR. UDALL. Well, no. In fact this may very well be the case, I do not know, with the oil shale corporation, the one group that is active in the field and have been doing field scale applications. They may have some patents. You may very well end up with several processes, as a matter of fact. This is probably the likely end result. But if someone has a patent, and they have done work on it, our patent policy does not apply that way. It is the patents that grow out of research and development activity involving a contribution of some kind by the Federal Government which our patent policy is designed to make fully available for use by the public. Thus, as to anyone who has obtained a patent unrelated to a Federal research support, we cannot reasonably ask them, as a matter of policy, to surrender existing rights they have.

Senator Moss. By a contribution of the Federal Government, I take it that you mean more of a contribution than just leasing the land to them. Does this involve some monetary advance by the Federal Government?

MR. UDALL. No. It is our view that with a resource as valuable as this, as unique as this is, that the land itself constitutes or is equivalent to the Federal Government putting actual appropriated money into this research effort. That is our rationale, Senator. That is our rationale of the justification of the patent policy, yes.

Senator Moss. You indicate that there are about 30,000 acres that you would lease out under this research and development period, and this would be about 10 years. Is there anything magic in the 10 years? What if you got a breakthrough in the first year?

MR. UDALL. No, the 10 years only is a limit, Senator. We want action. If it comes through in a year that is fine. The quicker the better. But we do not want to give out leases to people who do not want to move, do not want to get into an action program. So this is an action provision and not an inaction provision. If it turns out to be a year or 2 years, that is just fine and dandy with us.