

113TH CONGRESS
1ST SESSION

H. R. 614

To establish the Commission on American Discoveries and American Jobs to study and recommend improvements to the Federal funding of research.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 12, 2013

Mr. FATTAH introduced the following bill; which was referred to the Committee on Science, Space, and Technology

A BILL

To establish the Commission on American Discoveries and American Jobs to study and recommend improvements to the Federal funding of research.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “American Discoveries
5 and American Jobs Commission Act of 2013”.

6 **SEC. 2. ESTABLISHMENT.**

7 There is established a commission to be known as the
8 “Commission on American Discoveries and American
9 Jobs” (in this Act referred to as the “Commission”).

1 **SEC. 3. FINDINGS.**

2 Congress finds the following:

3 (1) The Federal Government is estimated to
4 have spent \$147,400,000,000 in fiscal year 2010 on
5 research and development (not including funds allo-
6 cated under the American Recovery and Reinvest-
7 ment Act (Public Law 111–5)) to meet the mission
8 requirements of the Federal departments and agen-
9 cies.

10 (2) Federal Government research and develop-
11 ment has led to new products and processes for the
12 commercial marketplace, including antibiotics, plas-
13 tics, airplanes, computers, microwaves, and bioengi-
14 neered drugs.

15 (3) There are many other technologies and
16 techniques generated in the Federal laboratory sys-
17 tem that could have market value if further devel-
18 oped by the industrial community, and the knowl-
19 edge base created by the research and development
20 activities of such system can serve as a foundation
21 for additional commercially relevant efforts in the
22 private sector.

23 (4) Technological progress is responsible for up
24 to half the growth of the United States economy and
25 is the principal driving force behind long-term eco-

1 nomic growth and increases in our standard of liv-
2 ing.

3 (5) It is only through commercialization, a
4 function of the business sector, that a significant
5 stimulus to economic growth occurs. Thus, there is
6 congressional interest in accelerating development
7 and commercialization activities in the private sector
8 through legislation.

9 (6) Royalties derived from intellectual property
10 rights provide the academic community a way to
11 support further research and the business sector a
12 means to obtain a return on their financial contribu-
13 tions to such research.

14 **SEC. 4. DUTIES OF COMMISSION.**

15 (a) STUDY.—The Commission shall conduct a study
16 to examine—

17 (1) the state of technology transfer from feder-
18 ally funded research to the private sector;

19 (2) the possibilities for the Federal Government
20 to collect royalties from early research that leads to
21 the commercialization of a profitable product or
22 technology;

23 (3) the potential adverse consequences of such
24 royalties on technology transfer, commercialization,
25 and economic growth; and

1 (4) the potential benefits of reinvesting reve-
2 nues from Federal royalties into science, technology,
3 engineering, and math education, and seeding future
4 federally funded research;

5 (b) REPORT.—Not later than one year after the first
6 meeting of the Commission, the Commission shall submit
7 to Congress a written report of the results of the study
8 conducted under subsection (a) and recommendations of
9 regulatory and statutory changes that would enable the
10 Federal Government to—

11 (1) claim royalties from the investment of the
12 Federal Government in early research;

13 (2) reinvest such royalties in science, tech-
14 nology, engineering, and math education and future
15 Federal research;

16 (3) ensure products resulting from Federal re-
17 search are manufactured in the United States; and

18 (4) affix a symbol, marker, or insignia on com-
19 mercialized products to show that they had origi-
20 nated from federally supported research.

21 **SEC. 5. STAFF OF COMMISSION; EXPERTS AND CONSULT-**
22 **ANTS.**

23 (a) STAFF.—The Commission may, without regard to
24 section 5311(b) of title 5, United States Code, appoint and

1 fix the compensation of such personnel as the Commission
2 considers appropriate.

3 (b) APPLICABILITY OF CERTAIN CIVIL SERVICE
4 LAWS.—The staff of the Commission may be appointed
5 without regard to the provisions of title 5, United States
6 Code, governing appointments in the competitive service,
7 and without regard to the provisions of chapter 51 and
8 subchapter III of chapter 53 of such title relating to classi-
9 fication and General Schedule pay rates, except that the
10 compensation of any employee of the Commission may not
11 exceed a rate equal to the annual rate of basic pay payable
12 for GS–15 of the General Schedule under section 5332
13 of title 5, United States Code.

14 (c) EXPERTS AND CONSULTANTS.—The Commission
15 may procure temporary and intermittent services of ex-
16 perts and consultants under section 3109(b) of title 5,
17 United States Code, but at rates for individuals not to
18 exceed the daily equivalent of the maximum annual rate
19 of basic pay under section 5332 of such title.

20 **SEC. 6. MEMBERSHIP.**

21 (a) NUMBER AND APPOINTMENT.—

22 (1) APPOINTMENT.—The Commission shall be
23 composed of nine members appointed, not later than
24 90 days after the date of enactment of this Act, as
25 follows:

1 (A) Three members shall be appointed by
2 the President.

3 (B) Two members shall be appointed by
4 the Speaker of the House of Representatives.

5 (C) One member shall be appointed by the
6 minority leader of the House of Representa-
7 tives.

8 (D) Two members shall be appointed by
9 the President pro tempore of the Senate.

10 (E) One member shall be appointed by the
11 minority leader of the Senate.

12 (2) QUALIFICATIONS.—All members of the
13 Commission shall be persons who are especially
14 qualified to serve on the Commission by virtue of
15 their education, training, or experience, particularly
16 in the fields of scientific research and commercializa-
17 tion.

18 (b) TERMS.—Each member shall be appointed for the
19 life of the Commission.

20 (c) VACANCIES.—A vacancy in the Commission shall
21 not affect the powers of the Commission and shall be filled
22 in the same manner in which the original appointment was
23 made.

24 (d) COMPENSATION.—Members of the Commission
25 shall be awarded compensation as follows:

1 (1) RATES OF PAY.—Except as provided in
2 paragraph (2), members shall each be paid at a rate
3 equal to the daily equivalent of the annual rate of
4 basic pay for grade GS–15 of the General Schedule
5 for each day (including travel time) during which
6 they are engaged in the actual performance of duties
7 vested in the Commission.

8 (2) PROHIBITION OF COMPENSATION OF FED-
9 ERAL EMPLOYEES.—Members of the Commission
10 who are full-time officers or employees of the United
11 States or Members of Congress may not receive ad-
12 ditional pay, allowances, or benefits by reason of
13 their service on the Commission.

14 (3) TRAVEL EXPENSES.—Each member shall
15 receive travel expenses, including per diem in lieu of
16 subsistence, in accordance with applicable provisions
17 under subchapter I of chapter 57 of title 5, United
18 States Code.

19 (e) QUORUM.—Four members of the Commission
20 shall constitute a quorum but a lesser number may hold
21 hearings.

22 (f) CHAIR; VICE CHAIR.—The Commission shall elect
23 a Chair and Vice Chair from among its members. The
24 term of office of the Chair and Vice Chair shall be for
25 the life of the Commission.

1 (g) MEETINGS.—The Commission shall meet at the
2 call of the President not later than 120 days after the
3 date of the enactment of this Act or not later than 30
4 days after the date on which legislation is enacted making
5 appropriations available to carry out this Act, whichever
6 date is later.

7 **SEC. 7. POWERS OF COMMISSION.**

8 (a) HEARINGS AND SESSIONS.—The Commission
9 may, for the purpose of carrying out this Act, hold hear-
10 ings, sit and act at times and places, take testimony, and
11 receive evidence relating to any matter under investigation
12 by the Commission. The Commission may refer requests
13 for testimony or evidence that are not fulfilled to the Com-
14 mittee on Oversight and Government Reform of the House
15 of Representatives or the Committee on Homeland Secu-
16 rity and Governmental Affairs of the Senate.

17 (b) POWERS OF MEMBERS AND AGENTS.—Any mem-
18 ber or agent of the Commission may, if authorized by the
19 Commission, take any action which the Commission is au-
20 thorized to take by this section.

21 (c) OBTAINING OFFICIAL DATA.—The Commission
22 may secure directly from any department or agency of the
23 United States information necessary to enable it to carry
24 out this Act. Upon request of the Chair or Vice Chair of

1 the Commission, the head of that department or agency
2 shall furnish that information to the Commission.

3 (d) ADMINISTRATIVE SUPPORT SERVICES.—The
4 Commission may enter into agreements with the Adminis-
5 trator of General Services for procurement of financial
6 and administrative services necessary for the discharge of
7 the duties of the Commission. Payment for such services
8 shall be made by reimbursement from funds of the Com-
9 mission in such amounts as may be agreed upon by the
10 Chair of the Commission and the Administrator.

11 (e) CONTRACT AUTHORITY.—To the extent or in the
12 amounts provided in advance in appropriation Acts, the
13 Commission may contract with and compensate govern-
14 ment and private agencies or persons for supplies, serv-
15 ices, and property.

16 **SEC. 8. TERMINATION.**

17 The Commission shall terminate on the date that is
18 90 days after the date on which the Commission submits
19 the report required under section 4(b).

20 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

21 There is authorized to be appropriated \$2,500,000 to
22 carry out this Act.

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