

118TH CONGRESS
1ST SESSION

H. R. 6684

To require the Comptroller General to submit a report on the disclosure process for intellectual property created under a Federal grant, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 7, 2023

Mr. NEGUSE (for himself and Mr. FLOOD) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To require the Comptroller General to submit a report on the disclosure process for intellectual property created under a Federal grant, and for other purposes.

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 “Improving Efficiency
5 to Increase Competition Act”.

1 **SEC. 2. GAO STUDY ON THE IMPACT OF BAYH-DOLE ACT**
2 **REGULATIONS ON CONTRACTORS IN THE**
3 **UNITED STATES.**

4 (a) REPORT REQUIRED.—Not later than 180 days
5 after the date of the enactment of this Act, the Comp-
6 troller General of the United States shall brief the relevant
7 committees, with a report to follow on a mutually agreed
8 upon date that is not later than 1 year after the date of
9 the enactment of this Act, that reviews the implementation
10 of chapter 18 of title 35, United States Code, (commonly
11 referred to as the Bayh-Dole Act), specifically with regard
12 to the requirements under that chapter and implementing
13 regulations that a contractor under a funding agreement
14 with the Federal Government must follow with regard to
15 patent disclosure. The report shall include, to the extent
16 practicable, information on the following:

17 (1) The percentage of inventions that are not
18 elected by contractors to retain within the time pe-
19 riod provided following the disclosure of an invention
20 under part 401 of title 37, Code of Federal Regula-
21 tions.

22 (2) After any automatic extension has been
23 granted and in a case in which a contractor requests
24 an additional extension, the number of time exten-
25 sions that are granted by Federal agencies for dis-

1 closure, election, and filing and the average response
2 time by each agency for any such extension.

3 (3) How the reporting requirements in such
4 chapter impact the ability of a contractor to compete
5 with foreign competitors.

6 (4) How the Government uses Federal report-
7 ing under such chapter by contractors and suggested
8 improvements to ensure there is an improved public-
9 private partnership.

10 (5) Barriers that Federal reporting require-
11 ments create for contractors to develop inventions.

12 (6) The time and effort institutions of higher
13 education must use for the management and report-
14 ing required under such chapter, including—

15 (A) input from contractors with various
16 sizes, budgets, geographical positions, and spe-
17 cialties;

18 (B) with respect to any institution of high-
19 er education included in the report, a consider-
20 ation of the specific research designations for
21 such institution, including R1 and R2; and

22 (C) how such contractors vary on the their
23 ability to efficiently comply with the require-
24 ments under such chapter.

1 (7) Difficulties contractors encounter in using
2 the iEdison system and recommendations to address
3 these difficulties.

4 (8) If any other Federal agency does not use
5 the patent reporting system deployed by the Na-
6 tional Institute of Standards and Technology, com-
7 monly known as iEdison, whether such agency would
8 benefit from using a singular standard Federal re-
9 porting system and whether such agency can effec-
10 tively standardize reporting requirements in order to
11 streamline processes required by contractors.

12 (9) The number of disclosure systems used
13 throughout the Federal Government, listed by what
14 system is used by each Federal agency, and the var-
15 ious disclosure requirements made by each such
16 agency.

17 (b) DEFINITIONS.—In this Act:

18 (1) ABILITY.—The term “ability” means time,
19 resources, staff, and any other metric determined
20 necessary for compliance under the contract require-
21 ments described in the Bayh Dole Act, including any
22 regulation issued under such Act.

23 (2) CONTRACTOR; FEDERAL AGENCY; FUNDING
24 AGREEMENT.—The terms “contractor”, “Federal
25 agency”, and “funding agreement” have the mean-

1 ing given those terms in section 201 of title 35,
2 United States Code.

3 (3) INSTITUTION OF HIGHER EDUCATION.—The
4 term “institution of higher education” has the
5 meaning given that term in section 101(a) of the
6 Higher Education Act of 1965 (20 U.S.C. 1001).

7 (4) RELEVANT COMMITTEES.—The term “rel-
8 evant committees” means the following:

9 (A) The Committee on the Judiciary of the
10 House of Representatives.

11 (B) The Committee on Science, Space, and
12 Technology of the House of Representatives.

13 (C) The Committee on Education and the
14 Workforce of the House of Representatives.

15 (D) The Committee on the Judiciary of the
16 Senate.

17 (E) The Committee on Commerce, Science,
18 and Transportation of the Senate.

19 (F) The Committee on Health, Education,
20 Labor and Pensions of the Senate.

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