

Request for Information

Federal Technology Transfer Authorities and Processes

Last day to submit the responses: July 30, 2018

Introduction

In order to advance the President's Management Agenda to modernize government for the 21st century, including the associated Lab-to-Market CAP Goal in coordination with the White House's OSTP, NIST is initiating a Return on Investment (ROI) Initiative [4] with the intent of conducting a comprehensive assessment of the Federal technology transfer system that will identify opportunities to improve Federal technology transfer efforts, policies, and practices. The goal of this effort is to, where appropriate, streamline and accelerate transfer of technology from Federal R&D investments to attract greater private-sector investment for innovative products, processes, and services, as well as new businesses and industries that will create jobs, grow the economy, and enhance national security.

NIST is seeking broad input and participation from stakeholders in Federal R&D, intellectual property, and technology transfer to assist in identifying and prioritizing issues and proposed solutions. This assessment will address: (a) Core Federal technology transfer principles and practices that should be protected, and those which should be adapted or changed; (b) approaches to improve efficiency and reduce regulatory burdens for technology transfer to attract private sector investment in later-stage R&D, commercialization, and advanced manufacturing; (c) new partnering models and technology transfer mechanisms with the private sector, academia, other Federal agencies, state, and other public-sector entities to support technology development and maturation; (d) new approaches that will reduce or remove barriers, and enable accelerated technology transfer, with a focus on areas of strategic national importance; (e) better metrics and methods to evaluate the ROI outcomes and impacts arising from Federal R&D investment; and (f) new approaches to motivate significantly increased technology transfer outcomes from the Federal sector, universities, and research organizations.

This information will only be used as input to the Return on Investment initiative. All submissions, including attachments and other supporting materials, will become part of the public record and subject to public disclosure. Sensitive personal information, such as account numbers or Social Security numbers, or names of other individuals, should not be included. Submissions will not be edited to remove any identifying or contact information. Do not submit confidential business information, or otherwise sensitive or protected information. Comments that contain profanity, vulgarity, threats, or other inappropriate language or content will not be considered.

Instructions

This template is designed to facilitate responses to the RFI. Use of this form is optional.

It is not required to fill out all of the sections, for example a participant may elect to only provide input on one question.

Save and email it to roi@nist.gov.

Contact Information

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Questions

- 1. What are the core Federal technology transfer principles and practices that should be protected, and those which should be adapted or changed?**

Unencumbered technology transfer is a key and important factor in any process or program supported by the federal government. The breadth of organizations that make up the aerospace and defense community (industry, academia, laboratories, etc.) require a correspondingly broad set of tools by which to facilitate technology transfer. The recipient's status (e.g., size, organization structure, for- vs. not-for-profit, etc.) and the desired outcome of the contract offeror means that one size does not fit all. Some examples of successful programs include Small Business Innovation Research (SBIR), administered by the Small Business Administration (SBA) and the DHS S&T's Technology Transfer and Commercialization Program. Another successful mechanism includes the Other Transaction Authority (OTA), which can be used for expending awards. From a legislative perspective, the Bayh-Dole Act has been instrumental in incentivizing public-private partnerships.

- 2. What are the issues that pose systemic challenges to the effective transfer of technology, knowledge, and capabilities resulting from Federal R&D? Please consider those identified in the RFI as well as others that may have inhibited collaborations with Federal laboratories, access to other federally funded R&D, or commercialization of technologies resulting from Federal R&D?**

Many universities and laboratories rely on the Bayh-Dole Act to provide incentives to pursue commercial applications of federally funded research. Proposed changes to the regulations could significantly increase the burden that researchers face relative to filing requirements and new clawback provisions for inventions resulting from federally funded research could increase the risk of a negative financial impact occurring. Any changes being considered should be viewed through the lens of the impact the added reporting requirements and additional administrative investment, both in time and resources, could have on those organizations performing the research and whether the changes will result in the "costs" outweighing the benefits.

- 3. What is the proposed solution for each issue that poses a systemic challenge to the effective transfer of technology, knowledge, and capabilities resulting from Federal R&D? Please consider the approaches identified in the RFI.**

AIAA would support any new processes or mechanism changes that do NOT increase the burden, either real or perceived, on either party in these technology transfer arrangements. Changes or new methods to facilitate technology transfer should only be pursued if they specifically remove existing barriers or address gaps in the current methods for conducting public-private research. Sufficient input on the potential impacts should be proactively solicited from all parties that participate in technology transfer activities with the federal government. Moreover, a thorough cost-benefit analysis should be conducted to verify that identified shortcomings are in fact real and truly need to be addressed.

- 4. What are other ways to significantly improve the transfer of technology, knowledge, and capabilities resulting from Federal R&D to benefit U.S. innovation and the economy? What changes would these proposed improvements require to Federal technology transfer practices, policies, regulations, and legislation?**

In the spirit of “less is more,” NIST should consider not only changes to the current processes that can address barriers being experienced by researchers and industry, but also should look for ways to streamline the overall process. A long hard look should be taken at the contractual and process requirements levied on universities and industry and ask if they add value in facilitating the overall goal of increasing technology transfer. Newer and more novel means of contracting for technology research should also be considered. Examples of ways to expand funding options can include: establishing a mechanism that would set aside dedicated funds for technology transfer in a similar way that funds are set aside for the SBIR program; and authority to allow civil servant researchers and technologists to take an “entrepreneurial leave” period to go to work with a private entity to further develop an innovative idea or patented technology for an extended period with the ability to return to the civil service at the conclusion. These new approaches can be paired with streamlined existing mechanisms so that universities and industry can choose to leverage the most effective means of technology transfer when considering the unique nature of each research undertaking.