COMMITTEE ON SCIENCE AND TECHNOLOGY
U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, D.C. 20515

March 1, 1985

Dear Sir,

The Subcommittee on Science, Research and Technology plans to hold oversight hearings in late Spring or early Summer on the implementation of the Stevenson-Wydler Technology Innovation Act (P.L. 96-480) and on related technology transfer issues. These hearings may double as legislative hearings if we learn of changes that need to be made in the Act.

In preparation for the hearings, we would be particularly interested in hearing your personal views on the effectiveness of this Act and your recommendations for any changes in the law , or alternatives to existing laws. We are looking for personal views to increase our understanding of the issues surrounding technology transfer rather than official positions of agencies or organizations.

We have set out below in question form concerns that have been raised to us. We would appreciate your answers by late March to any or all of these questions which apply to your institution. We also would welcome your comments on any related topics.

The Stevenson-Wydler Act and Technology Transfer

1. What impact has the Stevenson-Wydler Act made on the technology transfer efforts of your laboratory or organization?

2. To what extent should each federal laboratory be permitted to develop its own technology transfer program? What level of agency review or reviews by the Department of Commerce is appropriate? Are uniform regulations a help or a hindrance?

3. Does authority in the Stevenson-Wydler Act for technology transfer need to be strengthened, and if so, how? Are certain provisions of the Act no longer desirable? Which ones? Why?

4. Does the Stevenson-Wydler Act, as it pertains to state and local governments, need to be revised? How?

5. Sec. II(c) of the Stevenson-Wydler Act requires each Office of Research and Technology Applications (ORTA) "... to prepare an application assessment of each research and development project in which the laboratory is engaged which has potential for successful application in state and local government or in private industry;". What change, if any, do you recommend in this requirement?

Status of Office of Productivity, Technology, and Innovation (OPTI)

1. The Department of Commerce FY 1986 budget has virtually eliminated the Office of Productivity, Technology, and Innovation. What impact would this action have on your technology transfer efforts? Is there a role for the Department of Commerce providing technology transfer training and advice?

2. Do you have any recommendations regarding the role of the Center for the Utilization of Federal Technology?

Office of Research and Technology Applications (ORTA) Funding and Staffing

1. Would you recommend that agencies provide identifiable technology transfer funds in each program and laboratory as a means of promoting technology transfer? How should such a program be set up? If this fund is established as a set-aside, what percentage of total R&D funding would be needed?

2. Section II of the Stevenson-Wydler Act permits a waiver of the ORTA staffing requirement in some cases. Should this waiver be deleted or modified?

3. Should technology transfer be made a part of the job evaluation criteria as a factor in promotion and salary increase decisions? To what extent should senior laboratory officials be expected to have technology transfer experience?

4. Do you see becoming an ORTA officer as a dead end in your agency? Have ORTA officers in your agency been promoted to higher research or management positions? If this is a problem, what suggestions do you have?

5. To whom does the ORTA officer report in your organization? Is this a high enough level to be effective?

Laboratory Relations with Technology Users and Developers

1. Does your laboratory have authority to enter cooperative R&D arrangements with other Federal agencies, with units of State and Local government, with industry, with universities, or with licenses of Federally-owned inventions? Is increased authority in this area desirable?

2. Would you favor allowing industry to co-fund research in the federal laboratories as recommended by the White House Science Council review panel on the federal labs (Packard Panel)? At what

level in the laboratory or agency should approval authority be vested?

3. If industry were allowed to fund research in the labs, would the government need to agree in advance to granting exclusive or partially exclusive licenses for inventions of federal employees in the project? How might inventions of non-federal employees or co-inventions by federal and non-federal employees be handled? How might the cooperative project be set up so as to avoid giving unfair competitive advantage to one company over another at federal expense?

4. What changes, if any, in existing patent law are need to improve technology transfer from Federal laboratories to U.S. industry and state and local government?

5. What changes would you propose regarding limitations on the transfer of technology companies under foreign control? To what extent should this be based on reciprocity?

Improving the Transfer of Government Technology

1. How can quality rather than quantity of technology transfer be measured?

2. Should the Federal Laboratory Consortium (FLC) or some other organization be designated as the primary coordinating organization for technology transfer and if so, what provisions should be made for its location and funding? What changes in the FLC structure would this require?

3. Does your agency have a means of funding a promising research result to the point where it becomes attractive to develop to a private sector company? Is this an appropriate use of government funds?

4. To what extent should the Stevenson-Wydler Act be broadened to include transfer of technology not developed in Federal Laboratories?

Rewarding Inventors

1. Would you favor the use of bonuses or royalty sharing for federally-employed inventors or federally-employed technology transfer officials? What are the pros and cons of such a proposal? Are more non-monetary incentives or awards needed?

2. Would you favor granting, at least 15 per centum of the royalties

or other income received each year by government laboratories on account of any invention, to the inventor or coinventors if they were employees of the agency at the time the invention was made? Should those who advance the invention towards commercialization as employees of the lab be included as grantees of royalty income?

3. Should federal employee inventors be permitted to negotiate with the federal government regarding rights to their inventions if the government is not interested in commercialization of the invention? If the federal employee is allowed to commercialize, how can conflicts of interest be avoided?

Please send your written responses to Carol Pompliano at the Committee on Science and Technology, 2319 Rayburn House Office Building, Washington, D.C. 20515. Ms. Pompliano can be reached at 202/225-8844.

If you desire, your responses will be kept confidential. Thank you in advance for your help.

Sincerely,

Doug Walgren

Doug Walgren, Chairman
Subcommittee on Science,
Research and Technology