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# FLC Washington DC Office

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FLC DC Rep

Mid-West Regional Meeting  
“DC Update”

Indianapolis, IN  
August 19, 2009

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# Overview

- **Legislation & Reports**
- **S&T Focus & Funding**
- **DC Office - Miscellaneous**



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# Legislation & Reports

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# Legislation

## ■ Patent Reform Bills

- Introduced House & Senate, 3/3/09 (S. 515; HR. 1260)
- Sticking point (Still): Damages apportionment
- Kappos confirmed as US for DOC; Director USPTO

## ■ SBIR/STTR Reauthorization

- CR for SBIR thru Sept 2009 (S. 1513)
- STTR runs thru FY 2009

# Recent GAO Reports

(Tech Transfer Related)

- **DOE Tech Transfer Activities**  
(Issued: June 2009)
- **Government Use of March-in Rights**  
(Issued: July 2009)
- **Export Controls & Dual Use Technologies**  
(Issued: June 2009)

# GAO on DOE Tech Transfer

(GAO-09-548)

## ***Technology Transfer: Clearer Priorities and Greater Use of Innovative Approaches Could Increase the Effectiveness of Technology at Department of Energy Laboratories***

- Studied:**
- 1) DOE tech transfer (17 labs)
  - 2) ability to measure tech transfer
  - 3) approaches for improving tech transfer

**Findings:**

- **What constitutes tech transfer**
  - (Agreed) CRADAs, non-federal WFO, licensing, facility use
  - (Not Agreed) federal WFO, advice to small business, pub, etc.
  
- **Measuring programmatic effectiveness**
  - EPACT 2005 (to establish goals for TT) not implemented yet
  - problems with data accuracy and completeness

# GAO on March-In Use

(GAO-09-742)

## ***Federal Research: Information on the Governments Right To Assert Government Control Over Federally-Funded Inventions***

- Studied:**
- 1) Policies and procedures to determine if march-in needed (DOD, DOE, NASA, NIH)
  - 2) How was the authority used
  - 3) Barriers and disincentives

**Findings:**

- None of the 4 agencies had developed agency-specific guidelines
- DOD, DOE, NASA: never initiated march-in proceeding
- NIH: initiated proceedings 3 times, but then determined statutory requirements not met in each

# GAO on Export Controls & Dual Use

## ***Export Controls: Fundamental Reexamination Of System Is Needed To Help Protect Critical Technologies (GAO-09-767T)***

“[U].S. government programs for protecting critical technologies may be ill-equipped to overcome challenges in the current security environment ...we [GAO] have called for ... a fundamental reexamination of the current programs and processes.”

## ***Military and Dual Use Technology: Covert Testing Shows Continuing Vulnerabilities of Domestic Sales for Illegal Export (GAO-09-725T)***

“... sensitive dual-use and military technology can be easily and legally purchased from manufacturers and distributors within the United States and illegally exported without detection.”

**\*\*Administration launches broad review of export control system \*\***

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# S&T Focus - Funding

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# Administration's Technology & Innovation Plan

- **Restoring integrity to U.S. science policy** to ensure that decisions that can be informed by science are made on the basis of the strongest possible evidence.
- **Doubling over a 10 year period the federal investment in basic research** with emphasis on young researchers at the beginning of their careers, and backing high-risk, high-return research.
- **Making a national commitment to science education and training** by recruiting some of America's best minds to teach K-12 math and science.
- **Encouraging American innovation to flourish** by making the R&D tax credit permanent, streamlining our patent system, eliminating the capital gains tax on start-ups and small businesses, etc..
- **Addressing the "grand challenges" of the 21st century** by accelerating the transition to a low-carbon, oil-free economy, enabling all Americans to live longer and healthier lives, and protecting our country from emerging threats to national security.

# House S & T Committee

(Legislative Agenda for 111<sup>th</sup>)

- **Maintaining our competitiveness** - e.g., by fully funding the America COMPETES Act; reauthorizing the Nat'l Nano. Initiative; restructuring national information technology R&D; addressing standards and evaluation techniques in biologic pharmaceuticals; and developing standards for health information technology (health IT) systems; etc...  
*... to “work to develop updated policies for encouraging Federally-supported research at labs and universities to be brought into the marketplace”*
- **Developing clean technologies** - e.g., by implementing ARPA-E at DOE to undertake high-risk, high-reward energy technology development; and focusing oversight attention on other alternative energy programs; etc...  
*... to “strengthen the linkages between basic energy research, applied energy research, and technology transfer ...”*
- **Creating Jobs of the Future** - e.g., by making Federal STEM education programs better more effective; promoting diversity in the STEM workforce; and directing investments in technologies to create “green jobs” that boost economic growth; etc.

# House S&T Committee

(Legislative Agenda for 111<sup>th</sup>, Continued)

- **Protecting our natural resources** – e.g., by addressing the need for technologies to monitor greenhouse gas emissions; directing effective coordination of Federal research on water supply, quality, and conservation; and reviewing research at NOAA; etc.
- **Exploring space** - e.g., by working NASA authorization that balances its missions and other research and student support programs; exploring the expansion of international space collaboration; and addressing the challenges facing the commercial space industry; etc.
- **Building new types of infrastructure** - e.g., by focusing R&D on intelligent transportation systems, more advanced materials and technologies to increase energy efficiency; and ensuring adequate progress on the NextGen air traffic control program; etc..
- **Protecting people from natural and man-made threats** - e.g., by refocusing Federal disaster mitigation research; ensuring that DHS aligns its research priorities with the most critical threats and needs; and focusing research on technologies to improve border security; etc..

# Federal Budget Activities

(S&T -- Funding Implications)

- **American Recovery and Reinvestment Act of 2009**
  - Total \$787 billion; Passed, signed into law (2/09)
  - Priorities: basic science research (competitiveness),  
biomed research, energy R&D, climate  
change
- **FY 2009 Omnibus Appropriations Bill**
  - Total \$410 billion; Passed, signed into law (3/09)
- **FY 2010 Budget Rollout**
  - Total \$3.55 Trillion (5/09); Under debate .....
  - Priorities: basic sciences, health care, energy & climate,  
security
- **FY 2011 S&T Priorities**
  - OMB Memorandum (8/09)

# ARRA (Stimulus) 2009

([www.recovery.gov](http://www.recovery.gov))

## Selected S&T Funding Highlights (per Agency):

<b>DOE</b>	\$ 38.7 B total	\$16.8B (energy efficiency and renewables) \$ 1.6B (Office of Science) \$ 400M (ARPA-E)
<b>DOD</b>	\$7.4 B total	\$ 75M Each (Army, Navy, AF, Def-wide) (energy efficiency RDT&E)
<b>NASA</b>	\$ 1 B total	(\$ 400M Science; \$ 400M Exploration; \$150M Aeronautics)
<b>HHS</b>	\$ 10 B total	(\$7.4B general scientific res., various I/Cs)
<b>NIST</b>	\$ 580 M total	(science research; construction)
<b>NOAA</b>	\$ 830 M total	(research, construction, repair)

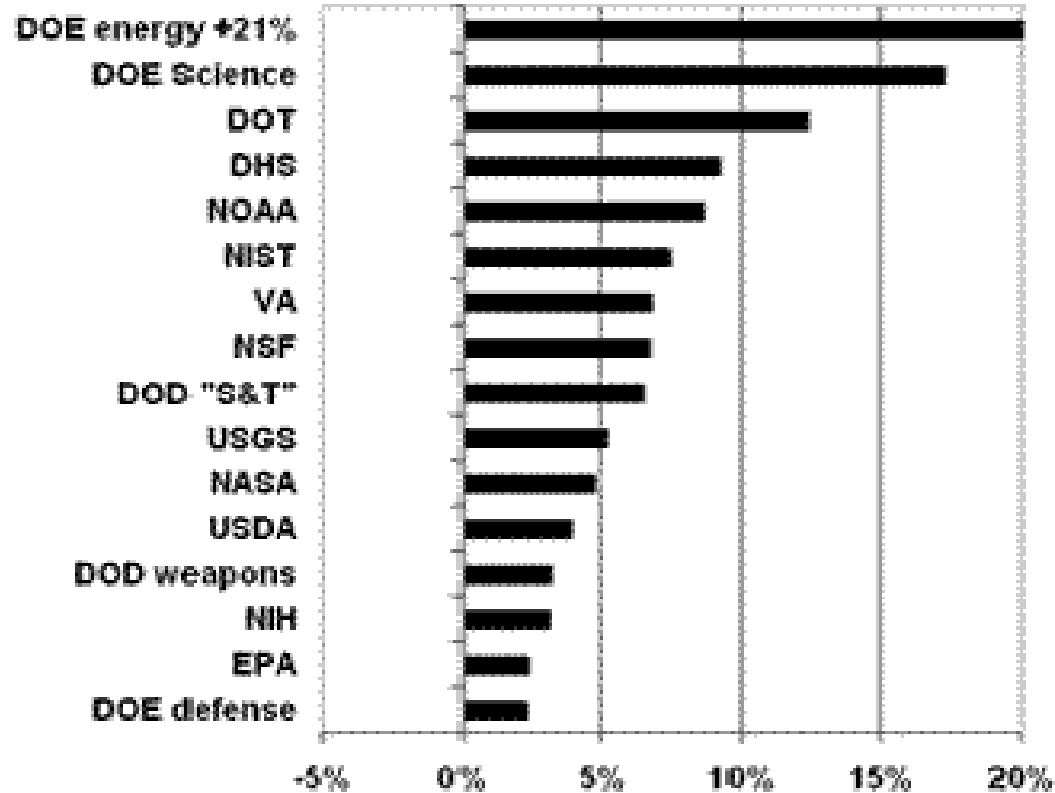
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# FY09 Omnibus Appropriations

(Total R&D for FY 2009 (with ARRA)  $\approx$  \$172 Billion)

## FY 2009 R&D Appropriations (as of 2/09 excl. stimulus)

Percent Change from FY 2008 (as of FEBRUARY '09)



Source: AAAS estimates of R&D in the FY 2009 omnibus / continuing resolution.  
Excludes supplemental (stimulus) appropriations in ARRA (P.L. 111-5).  
DOD "S&T" = DOD R&D in "6.1" through "6.3" categories plus medical research.  
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# FY11 S&T Priorities

(OMB Memorandum – August 4, 2009)

“In preparing FY 2011 Budget submissions to the Office of Management and Budget, agencies should build on the science and technology priorities already reflected in the American Recovery and Reinvestment Act and the FY 2010 Budget”

To Address Four Practical Challenges:

- economic recovery and growth
- reducing energy imports and mitigating climate change
- improving health while reducing health costs
- national security

# FY11 S&T Priorities

(OMB Memorandum - Continued)

“Agency budget submissions should also explain how the agency plans **to take advantage of today's open innovation model-in which the whole chain from research to application does not have to take place within a single lab, agency or firm - and become highly open to ideas from many players, at all stages....**

... Agencies should empower their scientists **to have ongoing contact with people who know what's involved in making and using things**, from cost and competitive factors to the many practical constraints and opportunities that can arise when turning ideas into reality.”

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# Miscellaneous

# Promoting Federal T2

(Selected Outreach From DC Office)

- **Ocean Tomo (Chicago)**
  - IP auction (NASA Goddard)
- **DOD-Mentor-Protégé Conference (San Francisco)**
  - Defense focus (large/small firms)
- **BIO Annual Meeting (Atlanta)**
  - Pharma / life sciences focus (large/small firms)
- **RESNA Annual Meeting (New Orleans)**
  - Assistive (rehab) technology focus (mostly small firms)
- **DOE Business Opportunity Session (DOE HQ, DC)**
  - Energy focus (small firms)
- **Netherlands delegation (DC Office)**
- **Swedish delegation (DC Office)**

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# Tech Transfer Accomplishments

(Congressional Visits)

## Excellence in Technology Transfer Awards, 2008



## Federal Technology Transfer Success Stories, 2008



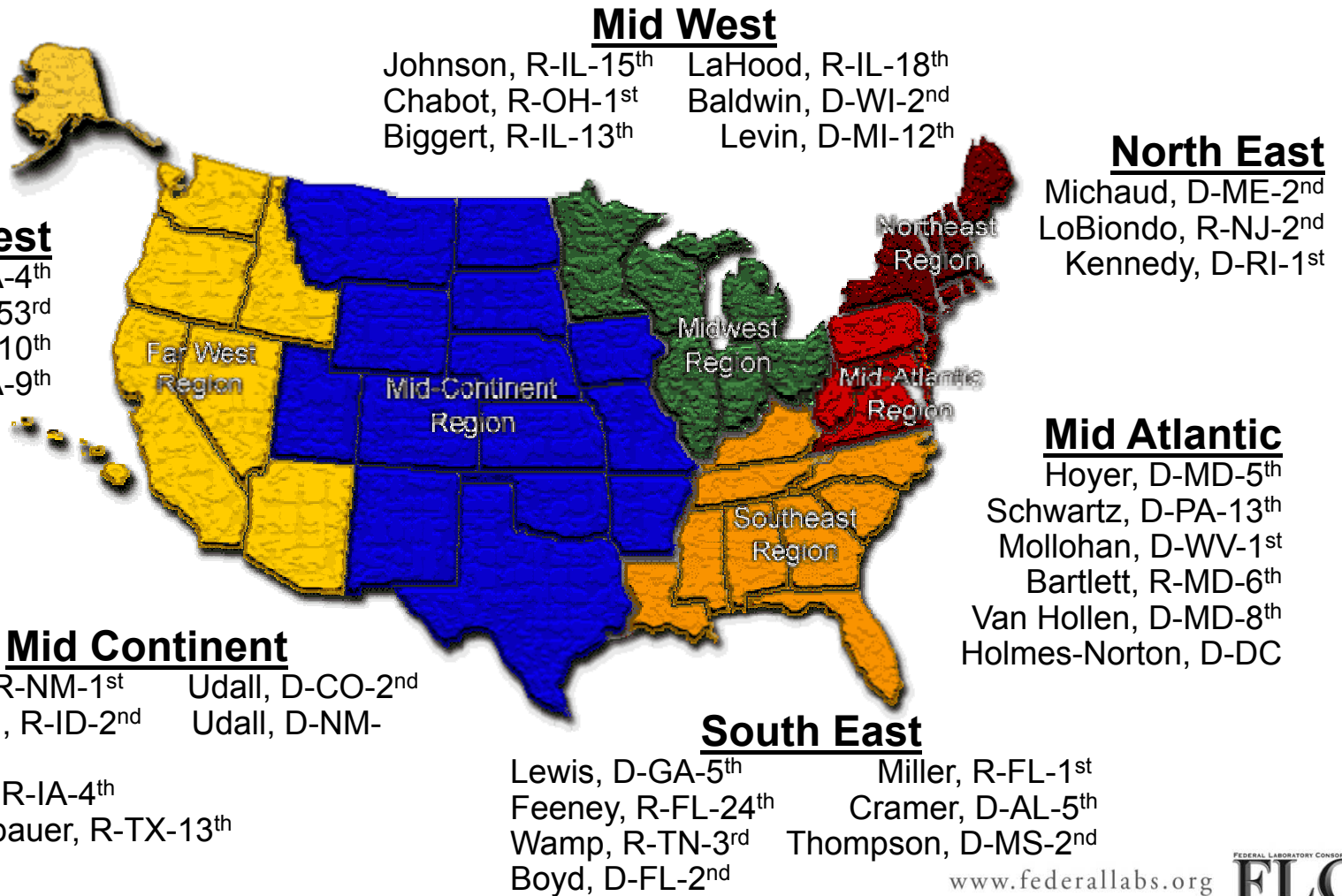
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# Congressional Visits, 2008

(House)



# Congressional Visits, 2008

(Summary)

## 2008:

### Engaged:

44 Senate offices

31 House offices

### Message:

Raising visibility of FLC/T<sup>2</sup>

Highlighting T<sup>2</sup> in State/District

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# 2010 FLC National Meeting

**April 26 – 29, 2010**  
**Albuquerque, New Mexico**



**Hyatt Regency Albuquerque**  
**330 Tijeras NW**  
**Albuquerque, NM 87102**

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Questions?

# Federal T2 Summary Report

(FY 2007, DOC, Issued January 2009)



	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
CRADAs, total active in FY	5,603	6,016	5,949	7,271	7,327
New inventions disclosed in FY	5,106	5,454	4,771	5,193	4,486
Patent applications filed in FY	2,318	1,768	1,745	1,912	1,824
Patents issued in FY	1,631	1,391	1,012	1,284	1,406
Licenses, total active in FY	6,497	7,567	9,577	10,186	10,347
New, executed in FY	1,363	1,535	1,824	1,495	1,463
Income from licenses, (\$\$M)	\$97.3	\$99.2	\$144.6	\$138.2	\$149.9

**\*\*Also includes multiple examples of downstream outcomes for all agencies (reporting since 2001)**

NOTE: DHS to begin reporting stats in FY 2008



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# ARRA (Stimulus) 2009

(Recent ARRA-Related Headlines)

## **DOE**

7/29: DOE Announces Awards for up to \$11 Million for New Solar Energy Grid Integration Systems (\$5M from ARRA)

## **NIH**

7/22: Recovery Act Funding Supports 23 Fellowships for Early Career Scientists

## **NIST**

7/20: NIST Awards \$55.5 Million in Grants for New University Research Facilities

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# GAO on DOE Tech Transfer

(GAO-09-548 - Continued)

## ***Technology Transfer: Clearer Priorities and Greater Use of Innovative Approaches Could Increase the Effectiveness of Technology at Department of Energy Laboratories***

- Barriers:**
- 1) competing staff priorities, gaps in expertise
  - 2) lack of funding to develop/test technologies
  - 3) lack of flexibility to negotiate terms of agreements

### **Recommendations:**

- 1) articulate department-wide priorities
- 2) develop clear goals/objectives/performance measures
- 3) clarify what qualifies as tech transfer
- 4) collect reliable performance data
- 5) ensure lab access to business development expertise
- 6) develop approach to identify commercially viable technologies
- 7) look into other approaches (e.g., web-based clearinghouse)