



Office of the Vice Chancellor for
Research and Graduate Education
UNIVERSITY OF WISCONSIN-MADISON

January 9, 2019

RE: [NIST Special Publication 1234](#): Return on Investment Initiative for Unleashing American Innovation, Draft Green Paper, December 2018

Submitted via e-mail to roi@nist.gov

The University of Wisconsin-Madison (UW-Madison) appreciated the opportunity to submit comments to the NIST RFI Regarding Federal Technology Transfer Authorities and Processes (Docket No. 18022019-819-01). We have reviewed the Return on Investment Initiative Draft Green Paper, December 2018, (NIST SP 1234) resulting from the RFI and ROI public forums. We wish to express our support for many of the improvements anticipated through the Intended Actions described in NIST SP 1234. Additionally, as UW-Madison is a member institution of the Council on Governmental Relations (COGR), we endorse the letter submitted by COGR and other associations on January 9, 2019.

UW-Madison supports the Intended Action 11 to establish technology entrepreneurship programs government-wide. We believe that expansion of entrepreneurial training programs such as I-Corps would produce gains at multiple levels. Such training would assist UW-Madison faculty and staff in fulfilling the Wisconsin Idea, the concept that the work we do should influence people's lives beyond the boundaries of our campus. This type of training would help our faculty and staff envision how their projects might be translated for the public's benefit. In addition, projects often involve collaborations of more than one UW-Madison faculty member or faculty from multiple institutions. Faculty may also receive funding from more than one federal agency. If those involved in these collaborations were exposed to technology entrepreneurship training, the lessons could have exponential impacts. Creation of technology entrepreneurship programs government-wide could help create networks that plant the seeds of intra-institutional, inter-institutional, or cross-disciplinary innovations.

UW-Madison also strongly supports the Intended Action to implement harmonized and consistent government-wide requirements to manage conflicts of interest. We have found the agencies' differing conflict of interest policies challenging to put into practice. While we have managed to implement multiple federal agency policies on conflict of interest, we would welcome a reduction in burden that we presume would occur as a result of consistency in COI regulation and policy.

We are also in favor of a modern, secure, and interoperable platform for reporting data on intellectual property resulting from federally-funded research and development, as described in Intended Action 13. We anticipate that consistency in requirements and system will serve to facilitate reporting and, ideally, reduce administrative burden. On a related note, we are also hopeful that Intended Action 14 to establish a federated data portal for federal R&D assets will enhance the efforts of our investigators. Having information available as described would shed light on the breadth of potential resources available to help advance ideas from lab to market.

Consistent with comments from the Council on Governmental Relations, UW-Madison has concerns regarding Strategy 2, Intended Action 9.B. Establish Research Transaction Authority (RTA). The Green Paper states that "Other Transaction Authority [OTA] allows for agreements that offer greater speed, flexibility, and accessibility in performing research..." Our institutional experience with OTA agreements is admittedly limited (even though we are a research-intensive institution), and we have found it necessary to seek advice from other institutions on handling OTA terms. OTA agreements may not be the silver bullet solution as presented in the Green Paper because of the lack of familiarity with the mechanism and the potentially troublesome terms contained therein. The Paper also indicates that the RTA "will not be used for procurement or financial assistance actions", though the bulk of federally-funded research performed at institutions of higher education is done through financial assistance (grants and cooperative agreements) and procurement (contracts). Grants, cooperative agreements, and contracts are the mechanisms most familiar to institutions of higher education and the ones that may offer a more expedient means of entering into an agreement than OTA/RTA. If the federal government wishes to establish an RTA mechanism, legislative change would be but the first step – such an authority would require significant change management. While we appreciate the desire to create a streamlined mechanism, we recommend further exploration of this Intended Action.

In conclusion, we wish to express our gratitude for NIST's thorough examination of how to improve an already strong framework provided by the Bayh-Dole Act. We believe that many of the intended actions would have a positive impact on technology transfer and look forward to continuing to work with NIST and other agencies to make progress on the Lab-to-Market cross agency priority goal. Should you have any questions, please feel free to reach out to me at norman.drinkwater@wisc.edu, (608) 262-1044, or to Kim Moreland at kmoreland@rsp.wisc.edu, (608) 262-3822.

Sincerely,



Norman R. Drinkwater, Ph.D.
Interim Vice Chancellor for Research and Graduate Education
Professor of Oncology
University of Wisconsin-Madison



Kim Moreland
Associate Vice Chancellor for Research Administration
Director, Research and Sponsored Programs
University of Wisconsin-Madison

January 9, 2019

RE: NIST Special Publication 1234; ROI Draft Green Paper, December 2018

Via email: roi@nist.gov

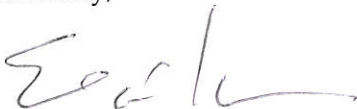
The Wisconsin Alumni Research Foundation ("WARF") appreciates the opportunity to respond to the Return on Investment Initiative ("ROI") Green Paper issued by the National Institute of Standards and Technology ("NIST") on December 6, 2018.

WARF is aware of the comments filed by UW-Madison in response to the Green Paper and wishes to associate itself with these comments.

Background about WARF and its Relationship with the University of Wisconsin-Madison ("UW-Madison")

WARF, a nonprofit foundation incorporated in 1925, has a founding purpose "to promote, encourage, and aid scientific investigation and research at and within the University of Wisconsin-Madison." In pursuit of that mission we have built an investment portfolio valued at \$2.8 billion as of 2018, which over ninety-three years has funded more than \$2.6 billion in research grants to UW-Madison when adjusted for inflation. WARF also serves as the designated technology transfer office for UW-Madison, and in that capacity we have acquired more than 3,000 patents, including 1,900 active patents and an additional 400 invention disclosures and 55 revenue-generating licenses each year. All of WARF's efforts are devoted to furthering the historic outreach mission of our state university known as the "Wisconsin Idea."

Sincerely,



Erik Iverson
Managing Director



Michael Falk
General Counsel