

 **AUTM Policy: Advocacy**

**1. Background**

AUTM is the leading international organization dedicated to supporting and advancing technology transfer worldwide. As a 501(c)(6) association, AUTM is permitted to advocate generally - and lobby specifically. The purpose of this Advocacy Policy is to provide additional transparency to AUTM’s advocacy activities (which may include lobbying) to our Membership and the public.

Advocacy is generally defined as an action that argues in favor of a cause or an idea. Advocacy activities can include education and lobbying. Lobbying (a subset of advocacy) is an attempt to influence a public official on an issue. All lobbying is considered advocacy, but not all advocacy is composed of lobbying.

AUTM members, who represent both academia and industry, facilitate the movement of innovations from academic laboratories to the commercial marketplace to benefit the public. The complexity of this process is reflected in the diversity of AUTM membership; because of this diversity, members’ views about any particular issue often vary significantly.

Much of AUTM’s work in the public arena focuses on educating decision makers about technology transfer as well as about the potential impact of certain legislative, regulatory or legal activity. AUTM typically aims to inform and communicate effectively with public officials

rather than lobby according to the wishes of any particular segment of the overall AUTM membership. AUTM also seeks to keep its members regularly informed about key issues, so these individuals can respond in a way appropriate to their particular circumstances.

However, AUTM recognizes that certain issues can emerge that challenge the entire field of technology transfer. During these times, AUTM is justified to move beyond the role of educator and communicator and to become a strong advocate for a specific position. These instances require AUTM to act in a decisive, effective and timely manner.

**2. Guiding Concepts**

1. As an international individual membership organization, AUTM does not represent

academic institutions but does represent the academic technology transfer profession and its individual practitioners.

2. AUTM recognizes that its members are diverse and hold a variety of opinions, and it cannot presume to speak unilaterally for all members on any issue.

3. AUTM is dedicated to providing its members with information to assist them in assessing issues and/or proposed legislation.

4. The general criteria for all AUTM actions is that they:

 Benefit members and the profession

 Advance AUTM’s mission and goals in its current Strategic Plan

 Be economically sound.

 While AUTM will consider engaging in lobbying at the national level, AUTM is unlikely to engage in state lobbying

**3. Board-approved Advocacy Positions**

1. Appendix A lists each of the current Board-approved advocacy positions.
2. The CEO is permitted to pursue advocacy for these positions without further Board approval.
3. These Board-approved advocacy positions will be reevaluated every two years, or earlier as recommended by the majority of the Board.

**4. Process for Board Approval of Future Advocacy Positions**

1. The CEO or Board identifies additional advocacy position to pursue;
2. Board reviews additional advocacy position; and
3. Board votes on adding the additional advocacy position to Appendix A of this Advocacy Policy along with any additional guidance (which may include restrictions or time-limited advocacy windows).

**5. Financial Approach and Implications**

1. Board will approve an advocacy budget on an annual basis;
2. Advocacy budget will include:
	1. Cost of any advocacy initiatives including travel, lodging, events and printed/digital resources
	2. Cost of any third-party consultants;
	3. Any proxy tax estimation
3. The CEO will immediately notify the Board if the annual advocacy budget will be exceeded.

**6. Reporting**

1. The Board will approve an advocacy budget on an annual basis.
2. The CEO will record all time and financial investments spent on lobbying.
3. The CEO will organize an annual advocacy training session for staff and the Board.
4. The CEO will immediately notify the Board if any AUTM staff member or contractor is required to register as a federal lobbyist under the Lobbying Disclosure Act.
5. The Board will receive quarterly advocacy updates from the CEO composed of
	1. Advocacy activities undertaken as aligned with the Board-approved Advocacy Positions described in Appendix A;
	2. Time spent by AUTM staff on lobbying activities;
	3. Expenses spent by AUTM staff or consultants on lobbying activities;
	4. Any suggested new areas to consider a future Board-approved Advocacy Position as described in Section 4.

**7. Other**

1. In addition to this Advocacy Policy, the Board may also choose to implement the Taking a Position Policy (https://autm.net/AUTM/media/About-AUTM/Documents/Policy\_-Taking-a-Position-2019.pdf) on additional positions as needed.
2. Any staff involved in lobbying may not receive gifts over $25
3. Board and staff may not provide gifts over $25 to U.S. federal employees

**Appendix A**

**Board-Approved Advocacy Positions**

(as of 5/24/2021)

1. **The fundamental requirement for strong and predictable intellectual property rights**;
	1. Specific initiatives to include:
		1. Clarity on subject matter eligibility patent criteria and implementation;
		2. Protection of intellectual property under the World Trade Organization Trade-related Aspects of Intellectual Property Rights (TRIPS) and opposition to intellectual property waivers
		3. Allowing injunctions and preliminary injunctions as an infringement remedy
2. **The importance of investing in technology transfer from both the individual institution level and the federal government level**;
	1. Specific proposals and legislation to pursue/support includes
		1. Includes support for the FASTER Proposal (see Appendix B)
		2. Includes engagement with the drafting of the Endless Frontier Act bill (S.1260)
3. **Continued support for and promotion of the U.S. Bayh-Dole Act (Public Law 96-517) and refuting inappropriate interpretations of the Bayh-Dole Act** (such as using march-in rights as a pricing mechanism); and
4. **Support for a diverse and inclusive innovation ecosystem**
	1. Specific legislation to pursue/support includes
		1. the Study of Underrepresented Classes Chasing Engineering and Science Success (SUCCESS) Act of 2018 (Public Law No. 115-273); and
		2. the Inventor Diversity for Economic Advancement Act of 2021 (IDEA) Bill (H.R.1723, S.632)

**Appendix B**

**FASTER Proposal**

**(3/24/21 Version)**

**Focused Action Supporting Technology and Economic Response (FASTER)**

**Background**

Innovations - and the resulting jobs and economic impact - arising from universities, hospitals and federal labs across the U.S. have changed the world for the better - from life-saving medical devices to FDA-approved drugs. Increasing the critical infrastructure that exists to evaluate the number of these discoveries resulting from research conducted at not-for-profit research institutions (which include universities, hospitals, medical centers, and research institutes) will positively influence economic growth and enhance societal well-being as a focused federal R&D strategy. A joint [AUTM](http://www.autm.net)-[BIO](file:///C%3A/Users/ssusa/OneDrive/Desktop/AUTM/FASTER%20Proposal/BIO.org) analysis on the [Economic Contributions of University/Nonprofit Inventions in the United States](https://autm.net/AUTM/media/About-Tech-Transfer/Documents/Economic_Contribution_Report_BIO_AUTM_JUN2019_web.pdf) estimated that the economic impact of the commercialization of those innovations over a 22 year period (1996-2017) was up to 5.9 million jobs, $865 billion contribution to the U.S. GDP, and $1.7 trillion in U.S. Gross Output.

At a time when the US economy is most in need of new COVID-specific innovations in the short-term, and economic recovery – including new companies and high-paying jobs - in the longer term, additional infrastructure funding focused on technology transfer will ensure that innovations will find their way for the public good faster - with the significant additional benefits of creating both more jobs and wider economic impact.

**Proposal**

Building on the successful university technology transfer model, and in the context of the [NIST “Unleashing American Innovation” ROI Green Paper](https://www.nist.gov/unleashing-american-innovation/green-paper), we propose a $864MM infrastructure pilot program to support U.S. PSRI technology commercialization activities with the goal of accelerating the technology transfer of U.S. inventions, creating new companies and jobs, and significantly impacting the U.S. economy in the coming years. This proposal is composed of three parts:

1. $380.75MM annually in infrastructure funding (over a two-year period) specifically for technology transfer to be provided to every not-for-profit research institution that reported receiving Federal funding in the [2018 NSF HERD report](https://www.nsf.gov/statistics/srvyherd/#tabs-2). Funding is intended to come directly from independent funds and not from any research funding budgets. Funding will be allocated to universities as follows:

|  |  |  |  |
| --- | --- | --- | --- |
| [HERD-Reported Funding](https://www.nsf.gov/statistics/srvyherd/#tabs-2) | # of Institutions | Amount | Total Funding (annually) |
| >$500MM | 52 | $750,000 | $39MM |
| $100MM-$500MM | 105 | $1,000,000 | $105MM |
| $50MM-100MM | 39 | $1,250,000 | $48.75MM |
| $10MM-$50MM | 177 | $250,000 | $44.25MM |
| <$10MM | 575 | $150,000 | $86.25MM |
| *All HBCUs and MSIs* | *115* | *Additional $500,000* | *$57.5MM* |
| ***TOTAL*** | ***948 (incl. 115 HBCUs/MSIs)*** |  | ***$380.75MM (annually)*** |

1. $50M annually (over a two-year period) for a technology commercialization shared resource center in each state/region to provide complementary and capacity-building technology transfer capabilities for smaller institutions that do not have dedicated technology transfer offices. It is expected that these centers will be strongly linked to public universities with strong technology transfer programs and outcomes.
2. A one-time payment of $2.5MM to NIST or any NIST-appointed designee, to provide funding for the data collection, tracking, and reporting of results and outcomes related to this funding over the period between FY2020-2024 with a final report due in FY25.

This funding would be used primarily to support technology transfer and **translational research training programs** aimed at supporting the commercialization of research discoveries and technologies, or to found or expand university TTOs.  These translational funding programs would be designed to de-risk a technology, increase its technology readiness level, and increase its value in the eyes of commercial partners.  These programs would fund the translation of research and provide mentoring and support to ensure the successful commercialization of these projects through licensing and startup company formation.  The goal of these programs would be to spur technology commercialization and entrepreneurship as a dynamic catalyst for economic growth, ultimately increasing the number of licenses with industry, new products and services, start-up companies, and jobs. The strength of this proposal comes from the inclusivity of the funding, ensuring ideas can flow not only from our top tier research universities but also our small regional universities, and all HBCU/MSI schools where these dollars will be transformative in getting ideas to the market.

**Requirements**

1.      Funding can only be used for personnel, programs, or infrastructure. It cannot be used to provide capital for investment funds;

2.      In order to be eligible, the not-for-profit research institution must agree to at least maintain its internal funding and staffing for technology commercialization at a similar level as the prior two fiscal years during the funding period to ensure commercialization capacity is retained; and

3.      Recipients of these FASTER infrastructure funds are required to report their TTO metrics to NIST or its designee as noted above who will create an annual report and report on impact and metrics.

**Potential Outcomes**

 We anticipate that the funding of this infrastructure proposal should result in an increase in the following metrics based on the expanded commercialization of federally-funded intellectual property over a five-year period:

1.      **500+ new startups**;

2**.      60,000 to 130,000+ new high-paying jobs**;

3.      **$4.25 billion to $10.0 billion technology-transfer GDP**;

4. **Hundreds of new products and services annually**; and

5. **Transformative investment in HBCUs and MSIs** across the country**.**