DEPARTMENT OF THE NAVY
OFFICE OF THE SECRETARY
1000 NAVY PENTAGON
WASHINGTON, D.C. 20350-1000

SECNAVINST 5700.16A
ONR 362
7 March 2000

SECNAV INSTRUCTION 5700.16A

From: Secretary of the Navy

Subj: DOMESTIC TECHNOLOGY TRANSFER (T2)

Ref: (a) Sections 3702, 3703, 3705, 3706, 3710, 3712, 3715 of title 15, United States Code
(b) Sections 2501, 2506, 2514, 2515, 2358, 2371, 2194, 2195 of Title 10, United States Code
(c) DoD Directive 5535.3 of 21 May 99, DoD Domestic Technology Transfer (T2) Program (NOTAL)
(d) DoD Instruction 5535.8 of 14 May 99, DoD Technology Transfer (T2) Program (NOTAL)
(e) Federal Acquisition Regulation, Subpart 31.205-18(e), "Independent Research and Development and Bid and Proposal Costs," 62 FR 64932, 9 Dec 97; FAC 97-03
(f) Executive Order 12591, "Facilitating Access to Science and Technology," 10 Apr 87
(g) Executive Order 12999, "Educational Technology: Ensuring Opportunity for All Children in the Next Century," 17 Apr 96

1. Purpose. To implement, establish policy, and assign responsibility for the Department of the Navy (DON) domestic technology transfer (T2), under references (a), (b), (c) and (d). This is a complete revision and should be read in its entirety.

2. Cancellation. SECNAVINST 5700.16 and OCNRINST 5700.1.

3. Scope. This instruction is applicable to all commands and activities within DON responsible for the sponsorship, management, administration, and execution of domestic T2.

4. Definitions. The following terms, used in this instruction, are defined in reference (d):

a. Cooperative Research and Development Agreement (CRADA).

b. Laboratory and/or Technical Activity (including the Marine Corps).

c. Military-Use CRADA.

d. Technical Assistance CRADA.

e. Technology Transfer (T2).

5. Policy. It is DON policy that domestic T2 activities, as integral elements of the DON national security mission, concurrently improve the economic, environmental, and social well-being of United States citizens, and shall be carried out per references (a) through (g).

6. Responsibilities

a. The Chief of Naval Research, in conjunction with the Chief Technology Officer, will be responsible for all domestic T2 policy and guidance matters within the DON.

b. The Chief Technology Officer (CTO) shall:

(1) Ensure that domestic T2 policy and guidance within DON promotes the transition of technology into the industrial base that DON acquisition programs may utilize to supply DON needs.

(2) Promote technologies available within DON laboratories and technical activities to the interested companies.

c. The Chief of Naval Research (CNR) shall:

(1) Serve as oversight authority for execution of all DON domestic T2 science and technology (S&T) matters.

(2) Execute an awards program, including cash awards, to recognize domestic T2 accomplishments.

(3) Institute policies under which laboratories and/or technical activities may be authorized to enter into CRADAs and to license, assign, or waive rights to intellectual property and distribute royalties and other payments per reference (d).

(4) Name a DON program manager for domestic T2. This manager shall:

(a) Coordinate, direct, and manage Navy domestic T2 per established policies, this directive, and the directions of higher authority.

(b) Provide inputs for reports, as required by the Office of the Director, Defense Research and Engineering in references (c) and (d).

(c) Represent the DON in the Federal Laboratory Consortium (FLC), interagency meetings with other Federal departments, and internally with the DON activities.

(d) Encourage participation in and promote the results of DON domestic T2.

(5) Direct the DON Research, Development, Test and Evaluation Fiscal Director, as required in 15 U.S.C. 3710e(7)(A)-3710e(7)(C), to determine the amount of Navy funding support to the FLC, collect the determined amount of funds from the Research, Development, Test and Evaluation, Navy allocation holders, and transfer the funds to the National Institute of Standards and Technology, for use by the FLC.

c. Heads of DON activities are responsible for reviewing the definition of a Laboratory/Technical Activity (reference (d) paragraph E2.1.1.) and determining whether the activity may be considered a Laboratory/Technical Activity for the purposes of this instruction.

d. Heads of DON laboratories and/or technical activities: shall manage, budget, and implement the procedures mandated for Department of Defense (DoD) laboratories and/or technical activities in reference (d).

e. All DON laboratories and/or technical activities are delegated the authority to:

(1) Enter into CRADAs, including technical assistance and military-use CRADAs, and licenses of Navy inventions provided that:

(a) The following qualifications are met:

1 Procedures are established for entering into CRADAs and patent licenses.

2 Personnel with training or experience in technology transfer are designated to be responsible for implementing the procedures.

3 A single point of contact for interface with the Office of Naval Research (ONR) is sent to ONR.

4 Personnel responsible for implementing the procedures receive at least eight hours of training in technology transfer every year.

(b) Legal review is obtained prior to entering into an agreement to ensure that the CRADA or license conforms to all statutes, regulations, Executive Orders, and binding instructions issued within DoD.

(c) Reports and executed copies of CRADAs and licenses are submitted as directed by ONR per reference (a).

(d) A CRADA or license normally conforms to Navy policy. If a deviation from Navy policy is deemed warranted by unusual circumstances, a written explanation of the reasons for the deviation is prepared and legal review is obtained prior to entering into the CRADA or license. A copy of the written explanation and legal review is attached to the copy of the CRADA or license that is sent to ONR.

(e) Review and approval are obtained from the United States Trade Representative for all CRADAs and licenses with foreign persons or industrial organizations that are directly or indirectly controlled by a foreign company or government per reference (f).

(f) All payments due under a license are made payable to DFAS-CH DSSN 8347 and mailed to:

Office of Naval Research
Patent Counsel of the Navy (ONR 00CC)
800 N. Quincy Street
Arlington, VA 22217-5660

(2) Loan, lease, or give research equipment or educationally useful Federal equipment, consistent with export control laws and regulations, which is excess to the needs of the laboratory and/or technical activity, to an educational institution or nonprofit institution for the conduct of technical and scientific education and research activities (Section 3710(i) of reference (a) and 10 U.S.C. 2194 and Executive Order 12999, references (b) and (g)). That authority may be further delegated.

7. Action

a. Responsible entities shall take the necessary steps to implement DON domestic T2 as outlined in this instruction.

b. Heads of DON laboratories and/or technical activities shall designate to CNR, within 60 days of receipt of this instruction, points of contact responsible for domestic T2 Office of Research and Technology Applications duties and compliance with this instruction.

8. Reports. The reporting requirement contained in paragraph 6a(4)(b) is assigned symbol DD-A&T(A)2020(5700).

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Chief Technology Officer

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