

## **Secretarial Policy Statement on Technology Transfer at Department of Energy Facilities**

### **Introduction**

This Policy Statement is designed to help guide and strengthen the Department of Energy's technology transfer efforts and to heighten awareness of the importance of technology transfer activities throughout DOE. For purposes of this document, the term "technology transfer" refers to the process by which knowledge, intellectual property or capabilities developed at the Department of Energy's National Laboratories, single-purpose research facilities, and other facilities ("Facilities") are transferred to any other entity, including private industry, academia, state and local governments, or other government entities to meet public and private needs. The Policy Statement follows upon and results from my appointment of the Under Secretary for Science as the Technology Transfer Coordinator and my creation of the Technology Transfer Policy Board (attached).

The Department of Energy's Facilities conduct technology transfer activities to ensure the fullest use of the results of the Nation's Federal investment in research and development efforts in support of DOE's mission of powering and securing America's future. The Department's technology transfer activities are to be undertaken with a special emphasis on enhancing the Nation's energy security, scientific discovery, economic competitiveness, and quality of life through innovations in science and technology. This Policy Statement builds upon the stimulus provided by the technology transfer provisions contained in the Energy Policy Act of 2005 and other recent legislative actions such as the "America COMPETES Act" that seek to improve the transfer of energy technologies from the Department's Facilities to products and applications that address public and private needs.

### **Guiding Principles for Technology Transfer at DOE Facilities**

The conduct of the Department's technology transfer activities and the review of associated policies and procedures are to be guided by the following principles:

1. Technology transfer at DOE Facilities requires the direct involvement of the facility where the technology arose or will be further developed, and any technology transfer program plan should rely primarily on implementation by facility directors.
2. DOE Facilities must ensure fairness of opportunity, promote domestic economic interests, prevent inappropriate competition with the private sector and protect national security in partnering transactions. Globalization and U.S. competitiveness are additional factors that also must be considered.

3. It is the policy of DOE that commercialization transactions involve partners with substantial business plans to further develop and deploy the technology as expeditiously as possible.
4. In partnering transactions, DOE programs should seek opportunities to leverage DOE resources. Partnering transactions should complement DOE mission goals and objectives, including those of the National Nuclear Security Administration.
5. Royalties and equity interests received as a result of licensing transactions are not the measure of success and should not be the centerpiece for negotiation of any partnering transaction; rather, those financial returns are intended as an incentive to the scientists and facility to actively participate in technology partnering and to promote a continuing substantive business commitment by the licensee.
6. DOE Facilities should promote access by small businesses, including entrepreneurs, to accelerate commercialization of new technologies arising at the Facilities.
7. Absent overriding mission objectives, there should be consistency and streamlining in the application of policies governing technology transfer activities, and transactions should be finalized in a timely fashion to encourage universities, nonprofit institutions, and the private sector to partner with the Facilities.
8. DOE programs will work with the Facilities to establish forums to share best practices and lessons learned in furtherance of technology transfer in the Department.

### **Responsibilities**

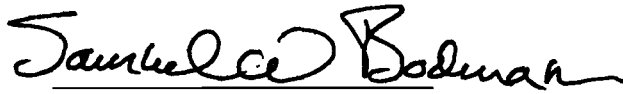
1. It is the responsibility of the Technology Transfer Coordinator and the Technology Transfer Policy Board to develop the Department's Technology Transfer framework, including an execution plan, performance measures, and programmatic guidance for DOE organizations.
2. The head of each DOE organizational element that funds research and development at DOE Facilities shall establish a technology transfer plan, with goals and strategies for its program and criteria to measure performance and provide accountability for technology transfer results in accordance with the DOE Technology Transfer framework.
3. The head of each DOE organizational element responsible for a DOE facility is also responsible for overseeing and evaluating technology transfer efforts at that facility. Technology transfer goals, objectives and measures shall be included as appropriate in the Facilities' performance plans.

4. Each Under Secretary shall coordinate and approve the proposed technology transfer performance plans developed by the organizations under his/her cognizance prior to submission to the Technology Transfer Coordinator.
5. All research and development programs, even those not directly targeting applied commercial applications, have a responsibility to facilitate and encourage dual use of technologies arising from their programs.

### **Review Requirement**

The Technology Transfer Coordinator and the Technology Transfer Policy Board will immediately undertake a major review and revision as appropriate of the Department's technology transfer policies and regulations with the goal of accelerating and simplifying the process of transferring technology at DOE Facilities. The Technology Transfer Coordinator shall report to the Secretary on the results of this review and the efforts to revitalize this critical Departmental mission to meet the energy challenges of the future.

Through this Policy Statement, all DOE programs are expected to reexamine how the Department can better utilize technology transfer to power and secure America's future.



Samuel W. Bodman  
Secretary of Energy

January 31, 2008

Date



**The Secretary of Energy**  
Washington, DC 20585

June 28, 2007

MEMORANDUM FOR THE DEPUTY SECRETARY  
UNDER SECRETARY  
UNDER SECRETARY FOR SCIENCE  
UNDER SECRETARY FOR NUCLEAR  
SECURITY  
ASSISTANT SECRETARY FOR POLICY  
AND INTERNATIONAL AFFAIRS  
GENERAL COUNSEL  
DIRECTOR, OFFICE OF MANAGEMENT

FROM:

SAMUEL W. BODMAN

A handwritten signature in black ink that reads "Sam Bodman".

SUBJECT:

Technology Transfer Coordinator and  
Technology Transfer Policy Board

Section 1001(a) of the Energy Policy Act of 2005 ("Act") requires the appointment of a Technology Transfer Coordinator who, among other duties, is to be the principal advisor to the Secretary of Energy on all matters relating to technology transfer and commercialization. In light of the significance of technology transfer activities to the Department of Energy's mission and because of the other complementary duties specified by law for the Under Secretary for Science, I hereby appoint the Under Secretary for Science as the Department of Energy's Technology Transfer Coordinator. I direct him to perform the duties of the Coordinator specified in section 1001 of the Act, and he also shall be responsible for ensuring that the other activities specified in section 1001 are carried out, including the establishment of the Technology Transfer Working Group and the preparation of a technology transfer execution plan for submission to Congress. The Under Secretary for Science shall be responsible for overseeing and for advising the Secretary on all technology transfer and commercialization activities performed by the DOE National Laboratories, single-purpose research facilities, and other DOE facilities authorized to conduct technology transfer activities.

To assist the Under Secretary for Science and to establish an enduring framework for continuity and uniformity of technology transfer activities throughout the DOE complex, the Under Secretary for Science shall chair a "Technology Transfer Policy Board" comprised of the following, all of whom shall be DOE employees: two persons designated by each of the Under Secretary for Science, the Under Secretary for Nuclear Security, and the General Counsel; one person designated by the Assistant Secretary for Policy and International Affairs; one person designated by the Director of the Office of Management; and four people



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designated by the Under Secretary. In addition, the Under Secretary for Science may invite other Principal Secretarial Officers to designate representatives to serve on the Board. Because continuity and extensive knowledge of technology transfer activities within the DOE complex will be critical to the Board's effective functioning, I encourage the designation of career DOE employees for membership on the Board, rather than non-career employees.

The Board will meet periodically with appropriate Departmental officials to discuss key issues related to technology transfer activities conducted at laboratories and facilities under their cognizance. The Board will develop policy recommendations for the Technology Transfer Coordinator and monitor the overall technology transfer activities of the DOE National Laboratories, single-purpose research facilities and other DOE facilities authorized to conduct technology transfer activities. The activities of the Coordinator and the Board must comply with applicable provisions of the National Nuclear Security Administration Act.

Among other activities to be performed as requested by the Technology Transfer Coordinator, the Board shall:

- Consider the development of a Secretarial policy statement concerning the purpose and goals of the Department's technology transfer mission;
- Develop the technology transfer execution plan and annual update required by the Section 1001(g) of the Energy Policy Act of 2005;
- Oversee the activities of the Technology Transfer Working Group authorized by the Energy Policy Act of 2005, which shall consist of representatives from the National Laboratories, single-purpose research facilities and other DOE facilities authorized to conduct technology transfer activities, and from field elements responsible for overseeing the technology transfer activities conducted in the National Laboratories and DOE facilities;
- Oversee and develop proposed policies governing the use of overhead funds used to conduct technology transfer activities at a Laboratory or facility pursuant to the Technology Transfer Mission clause set forth in DEAR 970.5227-3;
- Conduct oversight activities of each technology transfer ombudsman appointed pursuant to the Technology Transfer Mission clause of DEAR 970.5227-3(p);
- Oversee and encourage efforts to engage private sector entities, including venture capital companies;
- Develop the Technology Transfer Annual report required by 35 U.S.C. 3710(f);
- Provide recommendations to the Coordinator regarding the appointment of a DOE representative to the Federal Laboratory Consortium (established by 35 U.S.C. 3710) and the Interagency Technology Transfer Working Group;

- Be responsible for oversight of, and for proposing any appropriate change to, DOE Order 482.1 DOE Facilities Partnering Programs, DOE Order 483.1 DOE Cooperative Research and Development Agreements, DOE Manual 483.1-1 DOE Cooperative Research and Development Agreements Manual, that part of DOE Order 481.1A applicable to reimbursable work for Non-Federal Sponsors, and DOE Manual 481.1A Reimbursable Work for Non-Federal Sponsors Manual;
- Develop proposed policies intended to promote consistency and uniformity applicable to User Agreements; and
- Provide recommendations to cognizant Principal Secretarial Officers on measuring the success of technology transfer programs and advise the Technology Transfer Coordinator on the oversight of and success of the Department's technology transfer program.