The Secretary of Energy
Washington, DC 20585

Secretarial Policy Statement on Technology Transfer at DOE Facilities

Introduction

Through strategic investments in science and technology, the U.S. Department of Energy (DOE) helps power and secure America's future. DOE's capabilities, and the innovations it supports, help ensure the country's role as a leader in science and technology. In particular, technology transfer supports the maturation and deployment of DOE discoveries, providing ongoing economic, security and environmental benefits for all Americans.

This Policy Statement will guide, strengthen, and highlight the importance of the Department's technology transfer efforts. By ensuring the fullest use of the fruits of federal investment in research and development, technology transfer supports DOE's mission of ensuring America's security and prosperity by addressing its energy, environmental, and nuclear challenges through transformative science and technology solutions.

For purposes of this document, "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, plants, and other facilities ("Facilities") are transferred to other entities, including private industry, academia, and state or local governments. Such transfers may take many forms, including but not limited to: Cooperative Research and Development Agreements, Work-For-Others Agreements, User Agreements, and licensing of intellectual property. This Policy Statement builds upon provisions in the Energy Policy Act of 2005 and other legislation (such as the America COMPETES Act) governing the transfer of technologies from the Facilities.

It is the responsibility of the Technology Transfer Coordinator to assist DOE in achieving its technology transfer objectives in accordance with the guiding principles listed below and to promote the Department's efforts to make technology transfer more effective, thereby enhancing the impact of the science and technology discoveries made at DOE Facilities.

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Guiding Principles for Technology Transfer at DOE Facilities

The Department's technology transfer activities, and its review of associated policies and procedures, shall be guided by the following principles:

1. COMMITMENT: DOE Facilities and Programs have a responsibility to ensure robust technology transfer activities and research partnerships with industry that result in commercialization and deployment. DOE is committed to continuously improving its policies and procedures for effective technology transfer in support of its mission, and for the Nation's benefit.

2. EMPOWERMENT: Technology transfer requires direct involvement from the innovators who discover and develop technologies at DOE Facilities. Technology transfer program plans shall rely primarily on implementation by Facility directors through their Technology Transfer Offices.

3. FAIRNESS: DOE Facilities must ensure fairness of opportunity; promote domestic economic interests, with due consideration for securing the benefits of globalization while balancing U.S. competitiveness considerations; prevent inappropriate competition with the private sector; and protect national security in partnering transactions.

4. FACILITATION: Commercialization transactions shall involve partners with viable business plans for expeditious technology development and deployment.

5. VISIBILITY: DOE and its Facilities shall promote access to capabilities and intellectual property by all, including small businesses and entrepreneurs, and shall promote investment to accelerate the maturation and commercialization of new technologies arising at the Facilities.

6. LEVERAGE: DOE shall seek opportunities to leverage its resources in partnering transactions. Such transactions should complement DOE's mission, goals, and objectives, and should demonstrably benefit the United States.

7. IMPACT: The Technology Transfer Coordinator, supported by the Technology Transfer Policy Board and the Technology Transfer Working Group, shall identify measurable outcomes that are effective indicators of success and impact. The goal is to ensure the widespread deployment of technologies developed by DOE, and as such royalties and equity interest shall not be the primary consideration in licensing transactions. 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.

8. PREDICTABILITY: Absent overriding mission objectives, there should be predictability, streamlined processes, and appropriate flexibility in the application of policies governing technology transfer. This includes timely and transparent transaction completion in order to encourage universities, nonprofits, and the private sector to partner with the Facilities. DOE is committed to periodic review and modification of its policies to ensure it meets these objectives.

9. COOPERATION: The Technology Transfer Coordinator and the Technology Transfer Working Group will share best practices and lessons learned in order to further technology transfer at the Department; to collaborate in commercialization; and to maximize flexibility to achieve positive impact at the Facilities' Technology Transfer Offices, e.g., by minimizing cycle times and eliminating and avoiding unnecessary barriers.

Responsibilities

1. It is the responsibility of the Technology Transfer Coordinator with the support of the Technology Transfer Policy Board to develop the Department's Technology Transfer Framework. This Framework shall include an execution plan, performance measures, and programmatic guidance. The Technology Transfer Coordinator shall also prepare and deliver an annual progress report to the Secretary.

2. In accordance with the DOE Technology Transfer Framework, the head of each DOE organizational element that funds research and development at its Facilities shall, as appropriate, establish goals, strategies, and performance measurement criteria that provide accountability for technology transfer results.

3. Consistent with its programmatic missions, the head of each DOE organizational element responsible for a DOE Facility is responsible for supporting technology transfer efforts. This aims to promote partnering relationships among the Facilities that foster creative approaches and reduce unnecessary impediments to initiatives with non-federal partners. Each DOE organizational element responsible for a DOE Facility is responsible for overseeing and evaluating technology transfer efforts there. Technology transfer goals, objectives, and measures shall be included as appropriate in the Facilities' performance plans.

4. Facility management is responsible for implementing a technology transfer program consistent with their contract and in coordination with their funding programs. Facility management may coordinate with the DOE Program offices and the DOE Technology Transfer Coordinator to mitigate impediments to technology transfer initiatives.

5. The Technology Transfer Coordinator shall promote implementation of technology transfer in a manner that supports small business needs and the formation of new companies.

6. All research and development Programs, even those not directly targeting applied commercial applications, have a responsibility to facilitate and encourage commercialization of technologies arising from their Programs.

Review Requirement

The Technology Transfer Coordinator along with the Technology Transfer Policy Board shall continue to review, and revise as appropriate, the Department's technology transfer policies and regulations. The goal of such review and revision shall be to accelerate and simplify the process of transferring technology from DOE Facilities. The Technology Transfer Coordinator shall report to the Secretary on the results of such reviews as well as other efforts to improve the Department's technology transfer practices.

All DOE Programs will support and guide the Facilities as they work to accomplish their technology transfer goals. In addition, all DOE Programs will periodically reexamine how the Department can better integrate technology transfer in Government-wide efforts to address America's energy, environmental, and nuclear challenges.

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