NASA Policy Directive

NPD 2110.1E
Effective Date: December 26, 2001
Expiration Date: December 26, 2007

COMPLIANCE IS MANDATORY

Printable Format (PDF)

Request Notification of Change (NASA Only)

Subject: Foreign Access to NASA Technology Transfer Materials

Responsible Office: Innovative Partnership Program Office

1. Policy

a. The commercial technology activities sponsored by the NASA Commercial Technology Office and subject to NPD 7500.2 are intended to foster domestic utilization of NASA-developed technologies by the public and private sectors of the U.S. economy. Consequently, NASA generally does not provide NASA technology information material to foreign entities.

b. This policy establishes the NASA approach to assessing and controlling the release of NASA developed technology to foreign entities. It applies to the organizations at NASA Headquarters, NASA Centers, and component facilities as appropriate which participate in Technology development activities. Each organization may implement this policy uniquely in accordance with their organization and mission but must incorporate the following principles in their implementation:

(1) well defined process and procedures covering all appropriate aspects of technology transfer activities;

(2) documentation of that process in Center or facility policies and guidelines;

(3) development and identification of implementing organization; and

(4) periodic review of the Center process for applicability and performance.

c. Inquiries from foreign organizations or individuals concerning access to the philosophy, organization, procedures and facilities/activities of the NASA Commercial Technology Programs or concerning NASA technology development products shall normally be answered by the Center's Commercial Technology Office. Center Commercial Technology Offices should keep accurate records of all foreign inquiries and should consult with their Center Counterintelligence officer whenever they have a concern about the appropriateness or legitimacy of a request. NASA technology information can be provided to foreign entities if necessary to fulfill a NASA responsibility in an international agreement (e.g., government-to-government, agency-to-agency). In such instances the transfer would be in accordance with the terms of such agreement and the NASA Export Control Program, and would be effected/managed by the relevant Enterprise program office(s) in consultation with the Headquarters or Center Export Administrator. Additionally, foreign companies which express a bona fide interest in obtaining a royalty-bearing license under a NASA-owned patent or patent application may be furnished both the standard published material and additional but non-export controlled technical information to the extent necessary to negotiate and execute such a license. The need for furnishing such material and additional information will be established by the Office of the General Counsel, NASA Headquarters, in consultation with the Office of External Relations.

d. Normally, requests from foreign organizations or individuals for NASA technology transfer technical information (e.g., technical support packages) handled under NASA's Commercial Programs will be denied. However, special situations may arise (such as inquiries regarding public health and safety or where special circumstances accrue economic benefit to the U.S.) that lead to NASA cooperation with foreign organizations. Such situations may be handled by the Center Commercial Technology office who should coordinate and consult with the Center Counterintelligence office and the Center Export Administrator prior to approval and release. In cases where foreign inquiries relate to NASA-developed technologies which are known to have been already transferred and/or licensed, requests may be referred to the known U.S. user or licensee, or to other U.S. companies active in the field.

e. All exports of NASA's commercial technology material shall be handled in accordance with the NASA Export Control Program (ECP), NPD 2190.x.

f. Each Center shall keep accurate records of all requests for, and releases of, commercial technology materials and immediately report any suspicious requests to their Center's Counterintelligence Office.

g. To prevent the inadvertent transfer of NASA technology information, all computer hard drives being excessed, shall be cleared of NASA technology information, before releasing this hardware to the general public in accordance with procedures established in NPR 2810.1, Security of Information Technology.

2. Applicability

This NPD is applicable to NASA Headquarters and NASA Centers, including Component Facilities, and to any other entity to the extent specified in an agreement or contract between NASA and the entity.

3. Authority

a. 42 U.S.C. 2457, Section 305 of the National Aeronautics and Space Act of 1958 as amended.

b. 15 U.S.C. 3701 et seq., the Stevenson-Wydler Technology Innovation Act of 1980 (Public Law 96-480), as amended by The Federal Technology Transfer Act of 1986 (Public Law 99-502), and The National Competitiveness Technology Transfer Act of 1989 (Public Law 101-189).

4. Reference

a. NPD 2810.1, Security of Information Technology

b. NPR 2810.1, Security of Information Technology

c. NPD 2190.x, NASA Export Control Program (ECP).

d. NPD 7500.2, NASA Technology Commercial Technology Policy.

e. NPR 7500.xx, NASA Commercialization Process.

f. NPD 7120.4, Program/Project Management.

g. NPR 7120.5, NASA Program and Project Management Processes and Requirements.

5. Responsibility

a. The Associate Administrator for Aerospace Technology, or the Director, Commercial Technology Division, as designee of the Associate Administrator for Aerospace Technology, is responsible for the administration of this NPD.

b. The Assistant Administrator for External Relations, or designee, shares responsibility with the Associate Administrator for Aerospace Technology or the Director, Commercial Technology Division, as designee of the Associate Administrator for Aerospace Technology, for the formulation of NASA policy governing foreign access to NASA commercial technology material.

6. Delegation of Authority

Authority is delegated to Center Directors to implement and integrate this NPD into Center technology development activities and with export control policies.

7. Measurements

None.

8. Cancellation

NPD 2110.1D, Foreign Access to NASA Technology Transfer Materials, dated January 20, 1998.

/s/ Sean O'Keefe
Administrator

Attachment A: (Text)

None.

(URL for Graphic)

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