

**DEPARTMENT OF HOMELAND SECURITY
FEDERAL LAW ENFORCEMENT TRAINING CENTERS**

FLETC DIRECTIVE NO:	012-01
DIRECTIVE TITLE:	Cooperative Research and Development Agreements
EFFECTIVE DATE:	December 2, 2019

I. POLICY: The Federal Law Enforcement Training Centers (FLETC) uses the Cooperative Research and Development Agreements (CRADAs) program to establish partnerships for research and development in areas that will advance the nation’s ability to train law enforcement personnel.

II. SCOPE: This directive applies to all FLETC employees at all training delivery points engaged in the development and execution of CRADAs.

III. REFERENCES:

A. Homeland Security Act of 2002, 6 United States Code (U.S.C.) Section 112(c).

B. 15 U.S.C. Section 3710a, Cooperative Research and Development Agreements.

C. 42 U.S.C. Section 3771(c), Training Programs for State and Local Personnel at the Federal Law Enforcement Training Center.

D. DHS Management Directive 0450.1, Memorandum of Understanding (MOU) and Memoranda of Agreement (MOA), January 24, 2003.

E. DHS Delegation Number 0160.1, Paragraph II.B.34, Delegation to Department of Homeland Security Organizational Elements, March 3, 2004.

F. DHS Delegation 10001, “Delegation to the Under Secretary for Science and Technology,” April 28, 2014.

G. DHS Delegation 10002, Delegation to the Under Secretary for Science and Technology to Facilitate Technology Transfer, October 24, 2005.

IV. CANCELLATIONS: FLETC Directive 012-01, Cooperative Agreements and Development Agreements, October 21, 2014.

V. ADDITIONAL GUIDANCE: FLETC Manual 012-01, Cooperative Research and Development Agreements.

VI. OFFICE OF PRIMARY INTEREST: Training Innovation Division, Training Management Operations Directorate.

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12/2/19

Ariana M. Roddini Assistant Director Training Management Operations Directorate	Date
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FLETC MANUAL 012-01

Cooperative Research and Development Agreements

Supporting Publication to FLETC Directive 012-01
“Cooperative Research and Development Agreements”

December 2019

SIGNATURE PAGE

FLETC Manual 012-01, Cooperative Research and Development Agreements

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FLETC MANUAL 012-01

Cooperative Research and Development Agreements

TABLE OF CONTENTS

	Page
I. Introduction.....	4
II. Scope.....	4
III. Forms	4
IV. Definitions.....	4
V. Responsibilities	4
A. Assistant Director, Training Management Operations Directorate	4
B. Chief, Training Innovation Division.....	4
C. CRADA Program Manager.....	4
D. Executive Sponsor	5
E. Office of Chief Counsel	5
F. FLETC Principal Investigator.....	5
VI. Procedures.....	5
VII. Attachments	7
A. Attachment 1 Frequently Asked Questions	7
B. Attachment 2 CRADA Checklist.....	11

I. INTRODUCTION: This manual institutes the responsibilities and procedures for establishing Cooperative Research and Development Agreements (CRADAs) between the Federal Law Enforcement Training Centers (FLETC) and non-federal parties, such as industry or academia, in order to pursue mutually beneficial research and development initiatives. The CRADA program can provide meaningful benefits to FLETC, its Participating Organizations, and non-federal collaborators. There are five primary uses of the FLETC CRADA program:

A. Establishing research and development partnerships in areas that have the potential to advance the nation's ability to train law enforcement personnel.

B. Identifying, evaluating, and if feasible, incorporating emerging technologies and training methodologies into law enforcement and security training.

C. Integrating research findings into existing training programs and exploring new applications for existing technologies.

D. Supporting research efforts related to improving the infrastructure required to support training operations.

E. Securing for the government a nonexclusive, nontransferable, irrevocable, paid-up license to use any invention or technology jointly developed and commercialized through the CRADA program.

II. SCOPE: This manual applies to all FLETC employees at all training delivery points engaged in the development and execution of CRADAs.

III. FORMS: None.

IV. DEFINITIONS:

A. Principal Investigator (PI) – The lead technical or subject matter expert for the government and for each CRADA Partner.

B. CRADA Partner – Non-federal parties, such as industry or academia, interested in a partnership with the government to pursue mutually beneficial research and development initiatives.

C. Executive Sponsor – The senior FLETC staff member sponsoring the CRADA. The Executive Sponsor is usually the assistant director overseeing the Principal Investigator's division.

V. RESPONSIBILITIES:

A. The **Assistant Director, Training Management Operations Directorate**, has overall responsibility for the CRADA Program.

B. The **Chief, Training Innovation Division (TID)**, shall designate a member of the TID staff to serve as CRADA Program Manager.

C. The **CRADA Program Manager (CPM)** shall:

1. Guide CRADAs from inception to completion.

2. Act as the FLETC representative during CRADA negotiations with potential CRADA Partners.

3. Ensure that the CRADA program operates within required statutory and regulatory guidelines.

4. Work closely with the Office of Chief Counsel, FLETC Principal Investigator, stakeholders, and CRADA Partners to ensure that Department of Homeland Security (DHS) standards are met and to maximize the benefits of CRADAs for FLETC.

5. Ensure that records are maintained in accordance with DHS guidance.

6. Provide reports to DHS as requested.

7. Coordinate with the appropriate division chief or assistant director as needed, throughout the implementation process and during the life of the CRADA.

8. Act as an information resource concerning CRADAs for FLETC.

D. The **Executive Sponsor**, responsible for oversight of the Principal Investigator's assigned division, shall review the initial CRADA proposal for merit and determine if sufficient resources are available to fulfill the potential FLETC commitments.

E. The **Office of Chief Counsel (OCC)** shall ensure that CRADAs comply with all statutory and regulatory guidelines.

F. The **FLETC Principal Investigator (PI)** shall:

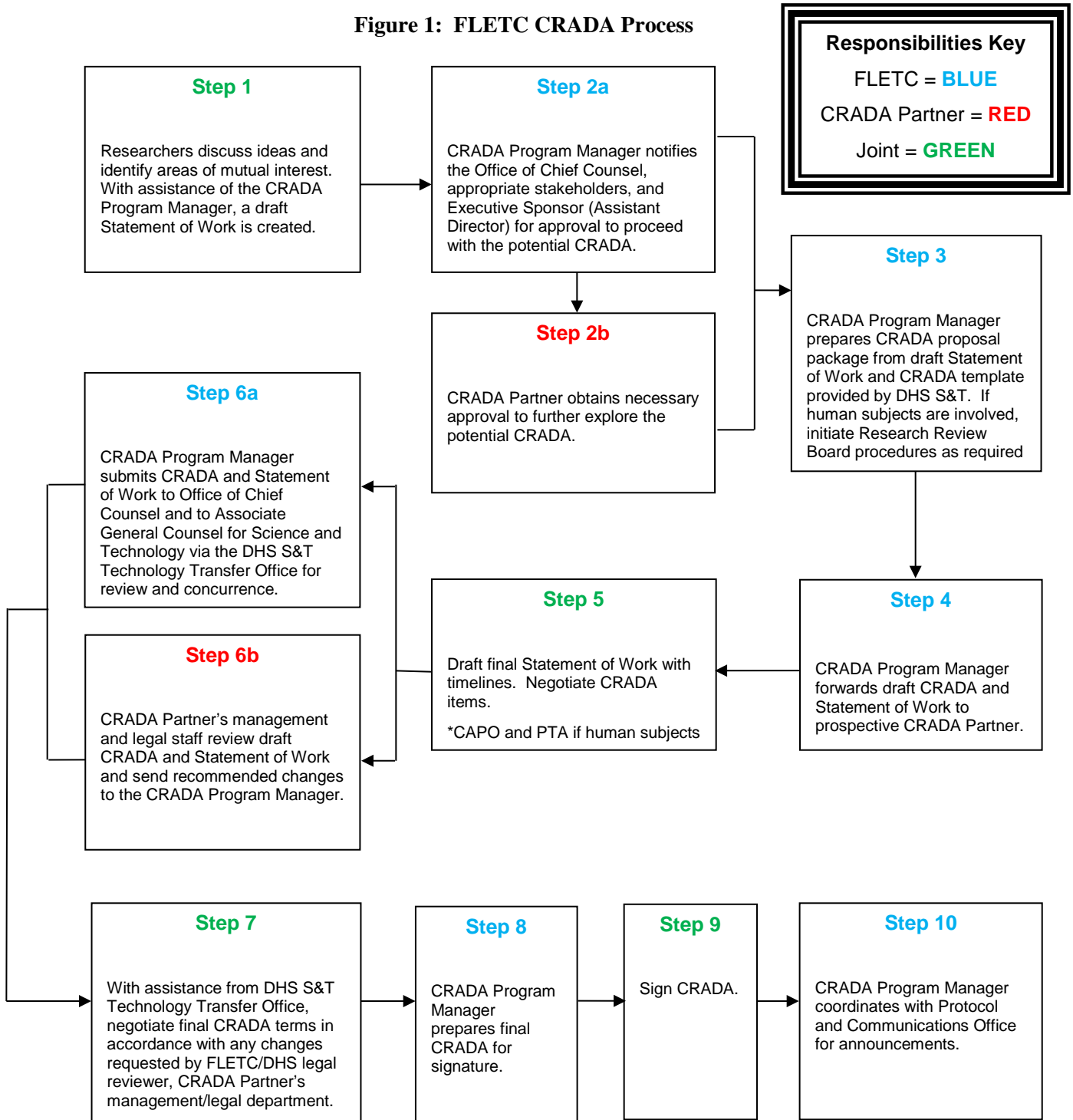
1. Perform FLETC's portion of the scientific and technical conduct of a CRADA.

2. Work closely with each CRADA Partner's Principal Investigator to ensure the successful execution of a CRADA.

3. Contact the CRADA Program Manager should any questions or concerns arise regarding the development or execution of a CRADA.

VI. PROCEDURES: The CRADA process may be initiated by representatives of the FLETC or by representatives of the potential CRADA Partners. The FLETC staff members, who are planning to contact potential CRADA Partners, should discuss the desired CRADA with the CRADA Program Manager beforehand. If a FLETC employee is contacted by an outside party who wishes to propose a CRADA with the FLETC, the contacted employee should make the CRADA Program Manager aware of the request. The specific steps for processing a FLETC CRADA are shown in Figure 1, FLETC CRADA Process, below. Supplemental information is provided in the Frequently Asked Questions (Attachment 1) and CRADA Checklist (Attachment 2).

Figure 1: FLETC CRADA Process



*CAPO-Compliance and Assurance Program Office *PTA-Privacy Threshold Analysis

VII. ATTACHMENTS:

- A. Attachment #1. Frequently Asked Questions
- B. Attachment #2. CRADA Checklist

FREQUENTLY ASKED QUESTIONS

I. What types of topics are typically addressed in FLETC CRADAs?

ANSWER: Research and development efforts conducted under a CRADA must be consistent with the mission of the FLETC. The FLETC's general areas of interest for CRADAs include, but are not limited to:

- Simulation for training purposes.
- Cyber-crime/security.
- Forensics.
- Biometrics.
- Digital evidence.
- Physical conditioning.
- Health of students/staff in group/academic settings.
- Training methodologies for improved instruction.
- Training methodologies to enhance performance under stressful conditions.
- Performance measurement methodologies, tools, and standardization.
- Tools for efficient operation of the infrastructure to support training operations.

This list is not intended to restrict the FLETC staff members from proposing CRADAs outside the categories listed above. CRADAs should be research-based and relevant to the FLETC's mission but are not limited by subject area. Here are two specific examples of CRADA topics appropriate for FLETC:

- A collaboration to modify and test existing commercial gaming software for use in a law enforcement training environment.
- A joint effort between the FLETC and a university that develops methodologies and tools for law enforcement exploitation of internet covert channels.

II. Are CRADAs an appropriate mechanism for multiple activities with non-federal entities?

ANSWER: While the statutory authority that established CRADAs allows a broad range of cooperative and collaborative activities between federal and non-federal organizations, not all joint efforts with non-federal entities can be executed as CRADAs. This should not deter a FLETC employee from pursuing approval for a project with potential to benefit FLETC. Numerous other authorities and vehicles exist that could provide a means for pursuing projects that may not fit CRADA criteria. Employees are encouraged to contact the CRADA Program Manager or Office of Chief Counsel for guidance concerning a potential project.

III. How do CRADAs differ from contracts?

ANSWER: CRADA's should not be confused with the federal acquisition process, grants, or cooperative agreements. The Federal Acquisition Regulations and the various agency

procurement regulations do not apply to CRADAs, which are a part of DHS laboratories technology transfer activities, designed to assist in leveraging taxpayer dollars. FLETC is a designated federal laboratory and, as such, was granted CRADA authority in 2006. With this authority, FLETC can provide personnel, services, facilities, equipment, and other resources to a CRADA Partner. The CRADA Partner can provide these same elements as well as funds. For example, the CRADA Partner can reimburse FLETC for use of a building or training site under a collaborative CRADA effort. Research is a crucial component, and required for any CRADA. CRADAs cannot be used to simply obtain or exchange services and products.

IV. What documents are required for a CRADA?

ANSWER: A FLETC CRADA consists of two major components. The first component is the standard DHS CRADA template (obtain current version from the DHS S&T Technology Transfer Office). Some areas of the CRADA template may be slightly modified to fit a particular collaborative effort. The second component, the Statement of Work (SOW), outlines obligations of the participants, specifies resource contributions, expected results, and establishes a period of performance for the activities to be performed. The CRADA Program Manager will prepare the CRADA template and work closely with the FLETC Principal Investigator and CRADA Partner to draft the SOW. The CRADA checklist (Attachment B) provides steps/information needed to draft a CRADA template and SOW.

V. Do CRADAs ever involve funding?

ANSWER: Under a CRADA, FLETC is able to provide personnel, services, facilities, equipment, or other resources with or without reimbursement. FLETC and other federal parties to a CRADA cannot provide funds to non-federal parties through a CRADA. Non-federal parties to a CRADA can provide funds in addition to the types of resources listed above. Receipt of funds from a non-federal entity does not cause problems with augmentation of appropriations or miscellaneous receipts [(15 USC 3710a (b) (3) (B)]. Additionally, federal parties can use the funds to hire personnel to carry out the CRADA without regard to any staffing restrictions.

VI. Does the government own the rights to inventions developed through CRADAs?

ANSWER: The U.S. statutes require that all CRADAs include provisions whereby the government retains or acquires at least a nonexclusive, nontransferable, irrevocable, paid-up license to practice or have practiced throughout the world by or on behalf of the government any invention made by a federal employee, or by a collaborating party, or by an employee of a collaborating party that is conceived or first actually reduced to practice in the performance of work under the CRADA. This does not apply to inventions conceived of and actually reduced to practice prior to entering into a CRADA. The CRADA Program Manager can provide more specific information regarding this issue.

VII. Is intellectual property protected under CRADAs?

ANSWER: CRADA development should take into consideration the need of businesses and organizations to protect commercially valuable information. Industry partners need assurance that “trade secrets” and other commercial “know-how” they bring will be protected from competitors. Trade secrets or confidential information supplied by a CRADA Partner shall not be disclosed by FLETC employees. Any commercially valuable information (i.e., any information affecting competitive advantage) developed jointly under a CRADA may be treated as proprietary and may be protected from disclosure under the Freedom of Information Act.

VIII. Should CRADAs be limited in focus?

ANSWER: A CRADA must address specific research and development activities rather than general cooperative efforts between the FLETC and another party.

IX. What should a FLETC staff member do when a potential conflict of interest is identified?

ANSWER: Since private industry partners may develop potentially lucrative products, FLETC employees who propose or approve CRADAs must be sensitive to circumstances that might cause the appearance of a conflict of interest. Questions regarding possible conflicts of interest should be directed to the FLETC Ethics Officer in OCC.

X. Are there special requirements for involving human subjects in the research conducted under a CRADA?

ANSWER: Research performed under a CRADA that will involve the use of human subjects must be reviewed and approved following the procedures set forth in FLETC Directive 40-05, Research Review Board (RRB), and its accompanying manual. Additionally, the Compliance and Assurance Program Office (CAPO) must be included in the process if there are human subjects involved. A Privacy Threshold Analysis (PTA) must be conducted if human subjects are involved in the research.

XI. Are there any other resources or references that interested personnel should review prior to initiating a request for a CRADA?

ANSWER: There are no required reviews; however, CRADA Partners may find the following references useful.

- **15 USC 3710a:** Statutory authority for CRADAs.
- **The Green Book Federal Technology Transfer Legislation and Policy:** http://www.federallabs.org/pdf/FLC_Legislation_and_Policy.pdf: Statutory and regulatory references for technology transfer instruments including CRADAs.
- **DHS Delegation Number 10002:** Delegation to the Under Secretary for Science and Technology to Facilitate Technology Transfer, dated 10/24/2005, requires implementation of the Stevenson Wydler Technology Innovation Act of 1980.
- **FLETC Directive 40-05, Research Review Board (RRB):** Addresses procedures for research involving human subjects.
- **Federal Laboratory Consortium (FLC) for Technology Transfer:** The FLC is a nationwide network that provides a forum to develop strategies and opportunities for linking federal laboratory mission technologies and expertise with U.S. industry. The FLC also encourages collaboration and cooperation among federal laboratories, agencies, academia, and industry. The FLC was formally chartered by the Federal Technology Transfer Act of 1986 to promote and strengthen technology transfer from the federal government to the commercial sector. This legislation also provided federal agencies with CRADA authority. More than 700 major federal laboratories and their parent departments and agencies are FLC members. Many of the FLC member organizations have been or are working on research and development

projects that have the potential to assist the FLETC in its research efforts and to ensure that the FLETC's instructional programs and methodologies remain technologically and scientifically current. Information regarding the FLC and useful information about CRADAs may be found on the FLC website at <http://www.federallabs.org>.

- **Presidential Memorandum for the Heads of Executive Departments and Agencies; dated October 28, 2011**, Subject: Accelerating Technology Transfer and Commercialization of Federal Research in Support of High-Growth Business orders the acceleration of technology and support of private commercialization efforts.

XII. How does a FLETC staff member contact the CRADA Program Manager?

ANSWER: The CRADA Program Manager can be reached at FLETC-CRADAProgramOffice@dhs.gov.

CRADA CHECKLIST

To assist in preparing the CRADA, please obtain the following information about the CRADA and CRADA Partner(s):

1. The complete CRADA Partner's name and address. If applicable, the CRADA Partner's standard abbreviated name.
2. Identification of the state under which the CRADA Partner is governed by state law. Provide the name and location of the parent corporation of the CRADA Partner if it is a wholly owned subsidiary of a corporation.
3. The names, addresses and phone numbers of the CRADA Partner's technical and management Points of Contact.
4. Identification of any financial payments to be made by the CRADA Partner to the government.
5. Identification of any patented material being contributed by the government or CRADA Partner to the CRADA and potential patents that may result from the CRADA.
6. Identification of any copyrightable material being contributed by the CRADA Partner to the CRADA and any potential materials resulting from the CRADA.
7. Identification of any proprietary information to be provided by the CRADA Partner to the government under the CRADA.
8. The length of time CRADA should be in effect.
9. Identification of the CRADA Partner as foreign owned or a subsidiary of a foreign-owned entity, if applicable.
10. The overall purpose of the CRADA, including a short description of benefits anticipated for the government and the collaborating party.
11. If there are human subjects involved in the research then the CAPO must be included in the process and a PTA must be conducted.