



Department of Defense INSTRUCTION

NUMBER 5535.10
November 24, 2009

USD(P)

SUBJECT: Coordination of DoD Efforts to Identify, Evaluate, and Transfer DoD Technology Items, Equipment, and Services to Federal, State, and Local First Responders

References: See Enclosure 1

1. **PURPOSE.** Pursuant to Section 1401 of Public Law (P.L.) 107-314 (Reference (a)) and section 803 of P.L. 108-136 (Reference (b)) and in accordance with the authorities provided in DoD Directive 5111.1 and Deputy Secretary of Defense Memorandum (References (c) and (d)), this Instruction establishes DoD policy to coordinate the transfer of DoD technology items, equipment, and services to Federal, State, and local Government first responders in support of public safety, homeland security, and antiterrorism efforts.

2. **APPLICABILITY.** This Instruction applies to OSD, the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities within the Department of Defense (hereafter referred to collectively as the "DoD Components").

3. DEFINITIONS

a. first responder. Defined in Homeland Security Presidential Directive 8 (Reference (e)).

b. DoD personal property. Defined in DoD Instruction 5000.64 (Reference (f)).

c. technology items. For the purpose of this Instruction, refers to tangible and intangible technology. Tangible technology items include hardware, equipment, models, prototypes, or blueprints. Intangible technology items include software, technical services, training, and information guidance.

4. **POLICY.** In accordance with References (a) and (b) and the National Strategy for Homeland Security (Reference (g)), it is DoD policy that:

a. The Department of Defense supports interagency efforts with the Department of Homeland Security (DHS) and other Federal, State, and local agencies to combat threats to the homeland and to help develop new capacities and capabilities, while protecting its own vulnerabilities in accordance with References (a) and (b), the Quadrennial Defense Review Report, and the National Defense Strategy (References (h) and (i)).

b. To improve the homeland security and consequence management capabilities of its national partners and to improve its capabilities, the Department of Defense shall share information, expertise (including services), and technology items as appropriate and authorized across military and civilian boundaries in accordance with Reference (i).

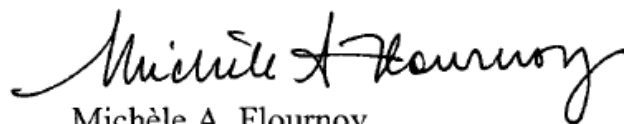
c. The Department of Defense shall work with DHS and assist State and local governments to improve homeland security and public safety capabilities, including antiterrorism efforts, and continue efforts to transfer competencies between the Department of Defense and the civil sector. These efforts shall be met through technology transfer and the sharing of DoD lessons learned from applicable exercises, projects, and program management in accordance with the Strategy for Homeland Defense and Civil Support (Reference (j)). Specifically, the Department of Defense will identify, evaluate, deploy, and transfer to Federal, State, and local first responders technology items, equipment, and services in support of homeland security, public safety, and antiterrorism efforts pursuant to References (a) and (b). These transfers do not include classified technology, sensitive or controlled equipment, or items restricted to Federal use.

5. RESPONSIBILITIES. See Enclosure 2.

6. INFORMATION REQUIREMENTS. The annual reporting requirement to the Assistant Secretary of Defense for Homeland Defense and Americas' Security Affairs (ASD(HD&ASA)) in Enclosure 2 has been assigned RCS DD-POL(A)2380 in accordance with DoD 8910.1-M (Reference (k)).

7. RELEASABILITY. UNLIMITED. This Instruction is approved for public release and is available on the Internet from the DoD Issuances Web Site at <http://www.dtic.mil/whs/directives>.

8. EFFECTIVE DATE. This Instruction is effective immediately.



Michèle A. Flournoy
Under Secretary of Defense for Policy

Enclosures

1. References
2. Responsibilities

TABLE OF CONTENTS

REFERENCES5

RESPONSIBILITIES6

 ASD(HD&ASA).....6

 PRINCIPAL DEPUTY UNDER SECRETARY OF DEFENSE FOR ACQUISITION,
 TECHNOLOGY, AND LOGISTICS (PDUSD(AT&L)).....6

 DIRECTOR, OFFICE OF TECHNOLOGY TRANSITION (OTT).....7

 DIRECTOR, DEFENSE LOGISTICS AGENCY (DLA).....7

 HEADS OF THE DoD COMPONENTS8

ENCLOSURE 1

REFERENCES

- (a) Section 1401 of Public Law 107-314, "National Defense Authorization Act for Fiscal Year 2003," December 2, 2002
- (b) Section 803 of Public Law 108-136, "The National Defense Authorization Act for Fiscal Year 2004," November 24, 2003
- (c) DoD Directive 5111.1, "Under Secretary of Defense for Policy (USD(P)),," December 8, 1999
- (d) Deputy Secretary of Defense Memorandum, "Delegations of Authority," November 30, 2006
- (e) Homeland Security Presidential Directive 8, "National Preparedness," December 17, 2003
- (f) DoD Instruction 5000.64, "Accountability and Management of DoD-Owned Equipment and Other Accountable Property," November 2, 2006
- (g) Executive Office of the President, Homeland Security Council, "National Strategy for Homeland Security," October 2007
- (h) Office of the Secretary of Defense, "Quadrennial Defense Review Report," February 6, 2006
- (i) Office of the Secretary of Defense, "National Defense Strategy," June 2008
- (j) Office of the Deputy Secretary of Defense, "Strategy for Homeland Defense and Civil Support," June 2005
- (k) DoD 8910.1-M, "Department of Defense Procedures for Management of Information Requirements," June 30, 1998
- (l) DoD Directive 5535.3, "DoD Domestic Technology Transfer (T2) Program," May 21, 1999
- (m) DoD Instruction 5535.8, "DoD Technology Transfer (T2) Program," May 14, 1999
- (n) Sections 381, 2576a, and 2576b of title 10, United States Code

ENCLOSURE 2

RESPONSIBILITIES

1. ASD(HD&ASA). The ASD(HD&ASA), under the authority, direction, and control of the Under Secretary of Defense for Policy and as directed in accordance with Reference (a) and in accordance with DoD Directive 5535.3 (Reference (l)) and DoD Instruction 5535.8 (Reference (m)), shall:

a. Serve as the senior DoD official to coordinate all DoD efforts to identify, evaluate, deploy, and transfer to Federal, State, and local first responders technology items, equipment, and services in support of homeland security and antiterrorism efforts.

b. In coordination with the Director, Defense Research and Engineering (DDR&E) and DoD Component Heads, identify technology items, equipment, and services developed or being developed by DoD Components that have the potential to enhance public safety and antiterrorism efforts, and improve homeland security.

c. Coordinate with appropriate Federal Government officials outside the Department of Defense to evaluate whether such technology items, equipment, and services would be useful to first responders.

d. Facilitate the timely transfer, through identification of appropriate private sector manufacturers, of appropriate technology items and equipment to Federal, State, and local first responders, in coordination with appropriate Federal Government officials outside the Department of Defense.

e. Coordinate with the DDR&E to identify and eliminate redundant and unnecessary research efforts within the Department of Defense with respect to technologies to be deployed to first responders.

f. Coordinate with appropriate officials in the DoD Components to expedite the advancement of high priority DoD projects from research through implementation of initial manufacturing.

g. Participate in outreach programs established by appropriate Federal Government officials outside the Department of Defense to communicate with first responders and to facilitate awareness of available technology items, equipment, or services to support responses to crises.

2. PRINCIPAL DEPUTY UNDER SECRETARY OF DEFENSE FOR ACQUISITION, TECHNOLOGY, AND LOGISTICS (PDUSD(AT&L)). The PDUSD(AT&L), under the authority, direction, and control of the Under Secretary of Defense for Acquisition, Technology, and Logistics (USD(AT&L)), shall:

a. Coordinate with the Administrator for Federal Procurement Policy to establish a program under which States and local governments may procure homeland security technologies or homeland security services for the purpose of preventing, detecting, identifying, deterring, or recovering from acts of terrorism, through contracts entered into by the Department of Defense pursuant to Reference (b).

b. Develop guidance for DoD implementation of the program established in paragraph 2.a. of this enclosure.

3. DIRECTOR, OFFICE OF TECHNOLOGY TRANSITION (OTT). The Director, OTT, within the Office of the DDR&E and under the authority, direction, and control of the USD(AT&L), shall:

a. Designate in writing a Government point of contact (POC) to coordinate with the ASD(HD&ASA) or designee on matters pertaining to this Instruction.

b. Pursuant to the authorities in References (l) and (m), monitor all DoD research and development (R&D) activities and identify R&D activities using technologies and technology advancements that have potential for transfer into items for military and non-military use. Coordinate with and assist the ASD(HD&ASA) to facilitate technology transfer from the DoD R&D community to the Federal and non-Federal first responder community.

c. Pursuant to the authorities in Reference (l) and (m), encourage laboratories and other DoD organizations such as depots, arsenals, test centers, logistics centers, and product centers as well as DoD academic institutions to provide technical assistance to State and local governments and to the private sector.

4. DIRECTOR, DEFENSE LOGISTICS AGENCY (DLA). The Director, DLA, in addition to the responsibilities in section 5 of this enclosure (when applicable) and under the authority, direction, and control of the USD(AT&L), shall coordinate with and prepare an annual report for the ASD(HD&ASA) for activities related to:

a. The transfer of excess DoD personal property to Federal and State law enforcement agencies pursuant to section 2576a of title 10, United States Code (Reference (n)). At a minimum, include a list, by line item, quantity, and dollar value, of excess DoD property transferred.

b. State and local government purchases of law enforcement equipment suitable for counterdrug activities, or of specialized homeland security and emergency response equipment, through DLA pursuant to section 381 of Reference (n). At a minimum, include a list, by line item, quantity, and dollar value, of State and local government purchases through DLA of such equipment.

c. Sale or donation of excess DoD property to assist firefighting agencies pursuant to section 2576b of Reference (n). At a minimum, include a list, by line item, quantity, and dollar value, of excess DoD property sold or donated to Federal, State, and local firefighting organizations.

d. State and local government purchases of firefighting equipment through the DLA. At a minimum, include a list, by line item, quantity, and dollar value, of State and local government purchases through DLA of equipment for firefighting or emergency services purposes.

e. Significant changes to DoD, Federal, State, or local policies and procedures that apply to these activities.

5. HEADS OF THE DoD COMPONENTS. The Heads of the DoD Components shall:

a. Designate in writing a Government POC to coordinate with the ASD(HD&ASA) or designee on matters pertaining to this Instruction.

b. Respond in a timely manner, through appropriate channels, to requests for information, requests for data, and requests for proposals from the ASD(HD&ASA) or designee for the purpose of identifying technology items, equipment, and services their organizations have developed or are developing that have the potential to enhance public safety and antiterrorism efforts, and improve homeland security.

c. Notify the ASD(HD&ASA) regarding ongoing cooperative research, development, test, and evaluation for relevant technologies when such cooperation includes non-DoD agencies of Federal, State, and local Governments, and when the anticipated or known field of use includes public safety or homeland security. Such efforts include, but are not limited to, Cooperative Research and Development Agreements, Work for Private Party Agreements, Patent License Agreements, and Material Transfer Agreements. Inform the ASD(HD&ASA) of the establishment of such efforts.

d. When applicable and subject to the availability of resources, participate in outreach activities the ASD(HD&ASA) undertakes to communicate with first responders or industry regarding DoD technology items, equipment, and services that have the potential to enhance public safety and antiterrorism efforts and improve homeland security.

e. Promote programs for the sale, lease, use, or transfer of research services, technology, engineering services, items, equipment, or expertise when the potential end consumers of such goods or services are Federal, State, or local public safety or homeland security officials, in accordance with policies issued by USD(AT&L) pursuant to References (l) and (m). Inform the ASD(HD&ASA) or designee of such efforts in a timely manner.