

(4) Conduct an active oversight program to ensure compliance with DoDPSP requirements.

(5) Ensure that research is conducted to assess and improve the effectiveness of the DoDPSP (DoD Directive 5210.79⁵).

(6) Ensure that the Defense Investigative Service is operated pursuant to 32 CFR part 361.

(7) Ensure that the DoD Security Institute provides the education, training, and awareness support to the DoDPSP under DoD Directive 5200.32.⁶

(8) Be authorized to make exceptions to the requirements of this part on a case-by-case basis when it is determined that doing so furthers the mission of the Department of Defense and is consistent with the protection of classified information from unauthorized disclosure.

(b) The *General Counsel of the Department of Defense* shall:

(1) Be responsible for providing advice and guidance as to the legal sufficiency of procedures and standards implementing the DoDPSP and the DISP.

(2) Exercise oversight of PSP appeals procedures to verify that the rights of individuals are being protected consistent with the constitution, laws of the United States, Executive Orders, Directives, or Regulations that implement the DoDPSP and DISP, and with the interests of national security.

(c) The *Heads of the DoD Components* shall:

(1) Designate a senior official who shall be responsible for implementing the DoDPSP within their components.

(2) Ensure that the DoDPSP is properly administered under this Directive within their components.

(3) Ensure that information and recommendations are provided to the Assistant Secretary of Defense for Command, Control, Communications, and Intelligence on any aspect of the program.

PART 157—DISSEMINATION OF DoD TECHNICAL INFORMATION

Sec.

157.1 Purpose.

⁵See footnote 1 to 156.1(b).

⁶See footnote 1 to 156.1(b).

157.2 Applicability and scope.

157.3 Policy.

157.4 Responsibilities.

157.5 Definitions.

157.6 Certification for access to technical information.

AUTHORITY: R.S. 161, 5 U.S.C. 22.

SOURCE: 45 FR 17988, Mar. 25, 1980, unless otherwise noted.

§157.1 Purpose.

This part: (a) Consolidates into one document this part and parts of DoD Instruction 5100.38, "Defense Documentation Center for Scientific and Technical Information," March 29, 1965;

(b) Supplements DoD Directive 5100.36, "Department of Defense Technical Information," December 31, 1962, and DoD Instruction 5129.43, "Assignment of Functions for the Defense Scientific and Technical Information Program," January 22, 1963;

(c) Provides policy and assigns responsibilities for the dissemination of DoD technical information;

(d) Establishes certification procedures for access to DoD technical information.

§157.2 Applicability and scope.

(a) The provisions of this part apply to the Office of the Secretary of Defense, the Military Departments, the Organization of the Joint Chiefs of Staff, the Unified and Specified Commands, and the Defense Agencies (hereafter referred to as "DoD Components"), and other U.S. Government agencies disseminating or requesting access to DoD technical information.

(b) The procedures established by this part shall be used by technical Information Dissemination Activities to control access to DoD technical information. The access afforded through use of these procedures does not override special consideration or approvals that affect the flow of controlled information.

(c) This part does not apply to primary distribution of technical information or to interlibrary loan within Department of Defense.

§157.3 Policy.

The purpose of the DoD Technical Information Program is to ensure the complete and timely exchange among

DoD technical activities, including both the in-house and DoD contractor communities, of all technical information generated by or relevant to the pursuit of DoD technical programs with due consideration of security requirements and access restrictions. All DoD Components responsible for dissemination of technical information shall make a positive effort to provide users accurate and timely technical information, utilizing the most effective media, including symposia, newsletters, technical reports, inquiry responses, online data networks, consultation and other media, and making optimum use of computer technology to store, sort, select, and package data and information.

§ 157.4 Responsibilities.

(a) The *Under Secretary of Defense for Research and Engineering* (USDRE), or designee, the *Deputy Under Secretary of Defense for Research and Engineering (Research and Advanced Technology)* shall:

(1) Manage and disseminate DoD technical information, as provided in DoD Directive 5100.36, "Department of Defense Technical Information," December 31, 1962.

(2) Approve service charges collected by Information Dissemination Activities to provide partial reimbursement and to prevent excessive, unwarranted use of these services.

(b) The *Heads of DoD Components* shall:

(1) Pursue organized, coordinated, and comprehensive programs for technical information dissemination. These programs shall provide for the interchange of technical information within Department of Defense; between Department of Defense and other Federal agencies and their contractors; among Department of Defense, NATO governments and other allies; and between Department of Defense and the national and international scientific and technical community in accordance with DoD 5200.1-R, "Information Security Program Regulation," December 1978, and parts 286 and 286a of this title.

(2) Within the limits of security and access restrictions necessary to ensure adequate intra-DoD technical information exchange.

(i) Vigorously pursue a policy that ensures that technical information generated within activities under their cognizance is provided for public use through appropriate Federal agencies and technology transfer programs according to approved DoD clearance procedures; and

(ii) Wherever possible, provide unclassified technical documents and other information to expedite the information transfer procedures. However, all critical technology to which the Department of Defense has title or proprietary interest shall be classified at the appropriate level.

(3) Certify access for DoD technical information users as described in § 157.6.

(4) Introduce an active technology transfer program aimed at transferring to the public as much DoD-developed technology as is consistent with the DoD mission. Active participation by DoD laboratories, centers, and other organizations in Federal and local government technology transfer organizations, such as the Federal Laboratory Consortium, is encouraged.

(5) Support a program for the domestic dissemination of DoD-developed technology that, because of its commercial significance, should be made available as early as possible, *but only by means that will ensure the continued applicability of the International Traffic in Arms Regulations, the Export Administration Act of 1969, Export Administration Amendments of 1977, and the Export Administration Regulations of the Department of Commerce* as to when the technology should not be exported.

(6) Make planning and technical requirements information available through Industry Information Centers so that industry can plan and apply its resources effectively.

(7) Make technical information on selected technologies available through Information Analysis Centers to support the DoD mission.

(8) Sponsor or support technical symposia, conferences and meetings for disseminating technical information in accordance with DoD Directive 5200.12,¹ "Security Sponsorship and Procedures for Scientific and Technical Meetings Involving Disclosure of Classified Military Information," June 15, 1979, when