

# MTA, MTRA & Extramural Agreements

## What is an MTA?

A Material Transfer Agreement (MTA) is a type of confidentiality agreement that governs and provides legal protection for the transfer of research materials (materials can be anything as defined) between two parties. The MTA does not transfer ownership (consider the MTA a chain of custody/guardianship) - the materials are merely lent to the receiving scientist and the **MTA SETS FORTH THE CONDITIONS** of the loan by defining the rights of the provider and recipient with respect to the materials and any derivatives, as well as the purposes to which the material may be used or transferred. Biological materials, such as reagents, cell lines, plasmids, and vectors, are the most frequently transferred materials, but MTAs may also be used for other types of materials, such as chemical compounds. MTAs are administered by the ARS Office of Technology Transfer (OTT).

### *MTA Authority?*

35 USC sec 200, 35 USC sec 205, 35 USC sec 209, 35 USC sec 102, 15 USC sec 3703 (9), 15 USC sec 3710a (7) (b)

### *Types of MTAs?*

- Incoming, Outgoing or Exchange
- Foreign or Domestic
- No Funds

### *MTA Restrictions*

No funds can be exchanged.

### *Who signs the MTA?*

Technology Transfer Coordinator (“TTC”)

## What is an MTRA?

MTAs only allow the transfer of materials, but not engagement in joint research between the provider and the recipient of the materials. The Material Transfer Research Agreement (MTRA) was created by combining the MTA and the Trust Fund Cooperative Agreement (TFCA) authorities to conduct some joint research on the materials transferred. Because this instrument would not convey rights to negotiate exclusive licenses to any intellectual property arising from the research, it is intended as an early stage opportunity for proof of concept that may lead to more extensive research that would be conducted under a CRADA. MTRAs are administered by the ARS OTT.

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## *MTRA Authority?*

Research conducted under the MTRA is authorized and governed by the terms of 7 U.S.C. 3318a – *Cooperative research projects; agreements with & receipt of funds from State & other agencies* & material used in the MTRA is governed by the terms of 35 USC sec 200, 35 USC sec 205, 35 USC sec 209, 35 USC sec 102, 15 USC sec 3703 (9), 15 USC sec 3710a (7) (b)

## *Types of MTRAs?*

- Incoming, Outgoing or Exchange
- Foreign or Domestic
- Incoming \$ only

## *MTRA Restrictions*

Just like TFCAs, MTRAs cannot be entered with Federal agencies, and can only bring funds in to the Agency, not provide funds to the cooperator. MTRAs are only incoming money.

## *Who signs the MTRA?*

Assistant Administrator-OTT, Deputy Assistant Administrator-OTT, TTC

## GAMB Agreements and Material Transfer Facts

### *Can an extramural agreement contain language about the exchange of material?*

The Grants and Agreements Management Branch (GAMB) agreements (incoming, outgoing or non-funded) can mention that material is being transferred via an MTA but cannot itself include clauses that authorize the exchange of material(s). The proper technology transfer agreements must be used for any type of material transfer. You can use this language: “If such transfer is deemed appropriate, a Material Transfer Agreement (MTA) will be developed for the transfer.”

### **Example...**

In the past, GAMB has processed and executed agreements very similar to this where we have a Cooperative Agreement (CA) with the transfer of materials. GAMB created a CA and Material Transfer Agreement (MTA), and sent both in together for execution. There was language included in each to reference the association.

### *Both agreements use different authorities*

MTAs only allow the transfer of materials, but not the engagement in joint research between the provider and the recipient of the materials. Cooperative agreements are used to enter into a relationship that provide substantial involvement between the awarding

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agency and the non-federal entity in carrying out the activity, but not to acquire property. Therefore, we need to have both agreements in place.

### *Executing a GAMB agreement that mentions material transfer*

ADOs should not sign the GAMB agreement mentioning that there *will* be material transfer via an MTA, unless there is an MTA in place.

### Material Transfer Resources and TTC Contacts:

If there is going to be a transfer of material(s) between ARS and a Cooperator, refer to the table below to help you decide which agreement(s) is/are needed. This table is found on the GAMB Axon page, under [Frequently Asked Questions](#).

Cooperator Type	Conducting Cooperative Research?	Is ARS Receiving Funds?	Is ARS Providing Funds?		Type(s) of Instrument:
Non-Fed	Y	Y	N	<i>then use</i>	MTRA
Fed	Y	Y	N	<i>then use</i>	MTA and IAA (IRA)
Non-Fed	Y	N	N	<i>then use</i>	MTA and NFCA
Fed	Y	N	N	<i>then use</i>	MTA and NFCA
Non-Fed	Y	N	Y	<i>then use</i>	MTA and NACA
Fed	Y	N	Y	<i>then use</i>	MTA and IAA (OIA)
Non-Fed	N	N	N	<i>then use</i>	MTA
Fed	N	N	N	<i>then use</i>	MTA

### *OTT Tech Transfer Coordinator Contacts:*

NEA- Jim Poulos  
 SEA- Joe Lipovsky  
 PA- Jeff Walenta  
 PWA- Dave Nicholson  
 MWA- Renee Wagner

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## What is an Export and Export Control?

An export is the shipment or transmission of items out of the United States. Export control is required for items **GOING OUT** of the United States. This ensures we are shipping allowable items to countries we can do business with on the Country Control List. This list is broken down into five different categories: A, B, C, D and E (A being good and E being the worst). Group E is the terrorist supporting countries such as Iran, North Korea, Sudan and Syria and Cuba being a unilateral embargo (restriction of imports and exports). These categories are part of the Export Control Classification Number (ECCN) that is needed by OTT to review if an export license is needed and part of the application if submitted. Please note: the entity list is ever changing and has members in all countries.

### **Example...**

A University Scientist exported (shipped) an antenna, cables and an atmospheric testing device (controlled) to Pakistan Space and Upper Atmosphere Research Commission (SUPARCO) without a license. This does not seem like a major problem, but it was. What was unknown was the SUPARCO was on the entity list for involvement in nuclear and missile activities. The fine was \$100,000. The problem could have been avoided if an MTA was cleared and approved by your TTC and OTT.

### *OTT Export Control Contacts:*

Jim Poulos, NEA, Tech Transfer Coordinator (Primary)

Jeff Walenta, PA, Tech Transfer Coordinator (Secondary)

Mojdeh Bahar, HQ-OTT, Assistant Administrator (Oversees Export Control)