



FUNDAMENTAL RESEARCH & GOVERNMENT CONTRACTS: IMPLICATIONS FOR EXPORT CONTROLS

U.S. export regulations often dictate which results of federally funded projects can be widely disseminated, and yet fundamental research is exempt from those constraints. To help ensure that federal contracting officers make informed, decisions in determining whether or not your proposal constitutes fundamental research, keep these ideas in mind.

1

If you believe your proposed effort is fundamental research, say so clearly and succinctly in your proposal. To strengthen this argument, focus on the possible civilian or non-defense related implications of the proposed work.

2

If the proposed project is worthy of a graduate student's thesis, that is often a clear sign that the effort is fundamental research, so be sure to note this in the proposed statement of work.

3

When citing previous research, look to open source and published works, rather than works that may be subject to limited distribution rules.

4

If the proposed effort at the onset is fundamental research but might evolve to a point where dissemination controls may become necessary, consider planning the research in phases. Often, contracts can be structured so that dissemination controls can be added when warranted.

5

Keep in mind that some information that results from research needs to be withheld from the public and the general scientific community. When developing a proposal that may have national security implications, discuss with your federal program manager or industry partner the limits of open publication and include an explanation of how sensitive information will be avoided.