

Information for Faculty Proposing DoE-Funded Research

The Office of Export Controls (OEC) reviews all sponsored agreements funded by the Department of Energy (DoE) because of the likelihood that those agreements will intersect with export control laws such as the International Traffic in Arms Regulations (ITAR) or Export Administration Regulations (EAR). This document contains guidance from the OEC on steps that can be taken at the proposal stage that may reduce the possibility of a project being subject to, or minimize the impact of, export control restrictions contained in an award.

Before submitting a research proposal to DoE, or any DoE-funded research proposal in which Missouri S&T will participate as a subcontractor, the OEC recommends faculty and staff involved in proposal preparation and submission review the solicitation carefully for references to export controls, security, fundamental research, and/or restricted research.

The Department of Energy has defined fundamental research at 10CFR 810.3:

Fundamental research means basic and applied research in science and engineering, the results of which ordinarily are published and shared broadly within the scientific community, as distinguished from proprietary research and from industrial development, design, production, and product utilization, the results of which ordinarily are restricted for proprietary or national security reasons.

The ITAR further specifies¹ that

University research will not be considered fundamental research if:

- (i) The University or its researchers accept other restrictions on publication of scientific and technical information resulting from the project or activity, or
- (ii) The research is funded by the U.S. Government and specific access and dissemination controls protecting information resulting from the research are applicable.

If Missouri S&T accepts restrictions on either publication or access by foreign nationals, a project will not meet the definition of fundamental research. Engaging in non-fundamental ("restricted") research potentially prevents members of Missouri S&T's international community from participating in the project and endangers graduate students' theses or dissertations (and thus their ability to graduate). In addition, accepting a restricted research project requires that compliance procedures be established to prevent the unauthorized disclosure of research results: these can include the establishment of a technology control plan (TCP), export control training for all project personnel, etc.

Clauses in DoE contracts do have provisions that allow for a project to be awarded as fundamental research. If a principal investigator believes his or her proposed research meets the definition of fundamental research, a statement to that effect should be included in the cover sheet and/or proposal document in order to notify DoE early in the award process and to assist OSP with award negotiations. *Missouri University of Science and Technology asserts that the research proposed in the scope of work should be considered fundamental research and anticipates there will be no constraints on the involvement of foreign researchers, publication restrictions, or other requirements in the award that would limit disclosure of the research results.*

¹ 22 CFR 120.11(8)



Additional information about export controls and fundamental research is available at the Office of Export Controls website (http://research.missouri.edu/compliance/export_controls/). If you have questions, please contact the OEC directly at mstexportcontrols@mst.edu.