

THE WHITE HOUSE

WASHINGTON

September 21, 1985

NATIONAL SECURITY DECISION

*DIRECTIVE 189*

NATIONAL POLICY ON THE TRANSFER OF SCIENTIFIC, TECHNICAL AND  
ENGINEERING INFORMATION

I. PURPOSE

This directive establishes national policy for controlling the flow of science, technology and engineering information produced in federally funded fundamental research at colleges, universities, and laboratories. Fundamental research is defined as follows:

"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."

II. BACKGROUND

The acquisition of advanced technology from the United States by the Eastern Bloc nations for the purpose of enhancing their military capabilities poses a significant threat to our national security. Intelligence studies indicate a small but significant target of the Eastern Bloc intelligence gathering effort is science and engineering research performed at universities and federal laboratories. At the same time, our leadership position in science and technology is an essential element in our economic and physical security. The strength of American science requires a research environment conducive to creativity, an environment in which the free exchange of ideas is a vital component.

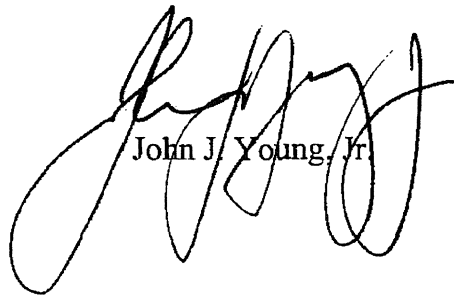
In 1982, the Department of Defense and National Science Foundation sponsored a National Academy of Sciences study of the need for controls on scientific information. This study was chaired by Dr. Dale Corson, President Emeritus of Cornell University. It concluded that, while there has been a significant transfer of U.S. technology to the Soviet Union, the transfer has occurred through many routes with universities and open scientific communication of fundamental research being a minor contributor. Yet as the emerging government-university-industry partnership in research activities continues to grow, a more significant problem may well develop.

The effective implementation of this guidance requires that all DoD personnel involved in the acquisition and monitoring of contracted fundamental research have a clear and common understanding of the relevant statutes, regulations, and policies, including the definitions of key terms. Freedom from restrictions is most likely to be achieved and maintained when contracts and grants for fundamental research require performance of work that is clearly and only fundamental research.

It is critical for the smooth and efficient acquisition of fundamental research that requiring activities or program managers determine, prior to issuance of solicitations and award of contracts or grants, whether the work required is expected to be only fundamental research. This will enable contracting and grants officers to use solicitation provisions and clauses suitable for award instruments involving only fundamental research. Requiring activities or program managers must regularly monitor the performance of contracts and grants for fundamental research so that appropriate action may be taken if the character of the research changes.

Solicitations, including Broad Agency Announcements, should indicate whether performance of research resulting from that solicitation is or is not expected to be fundamental. Restrictions on publication, security review procedures, and other required actions must be explicitly included in contract clauses or grant terms and conditions. Any such inclusions must be fully consistent with the corresponding solicitation.

I direct that this memorandum be broadly distributed within your organizations to personnel in program management, contracting, security, and grants organizations, and other appropriate organizations. I also direct that discussion and clarification of the policies and guidance documents associated with contracted fundamental research be included in general training modules for research program personnel. Each addressee of this memorandum must report back to me in writing, by July 15, on the detailed plans of incorporating this policy into broad training of all relevant personnel. I have delegated ongoing monitoring of compliance with this policy to the DUSD (LABS). My point of contact there is Dr. Robin Staffin, Director of Basic Research, at 703-588-1383.



John J. Young, Jr.

Attachment:  
As stated

cc:  
Director, Defense Contract Audit Agency  
Director, Defense Contract Management Agency