



ASSOCIATION OF AMERICAN UNIVERSITIES

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AAU, COGR PRAISE DOD MEMORANDUM, ISSUE REPORT ON RESTRICTIVE CLAUSES IN UNIVERSITY RESEARCH CONTRACTS

Undersecretary of Defense John J. Young, Jr. has issued a memorandum to the military services and defense agencies reiterating that the Department of Defense (DOD) will not restrict disclosure of DOD-funded basic and applied research results unless the research is classified for national security reasons or otherwise restricted by statute, regulation, or executive order.

This [reaffirmation](#) of DOD policy, issued on June 26, was prompted, in part, by results of a report issued in final form today by the [Association of American Universities](#) (AAU) and the [Council on Governmental Relations](#) (COGR) which shows that DOD agencies and contractors, as well as other agencies, are adding clauses to fundamental research contracts and grants that inappropriately restrict publication of research results and participation of foreign nationals.

[“Restrictions on Research Awards: Troublesome Clauses 2007/2008”](#) is based on a survey of 20 U.S. research universities that conduct significant amounts of federal research. It follows up on a 2003/2004 [survey](#) of the same institutions. The new report shows that, despite the concerns and recommendations contained in the earlier report, the situation among federal funding agencies, particularly DOD, has not improved over the past four years. Federal research funding agencies have not only expanded the nature of the controls imposed in award terms but also extended such terms beyond contracts to grants and cooperative agreements.

The findings of the AAU-COGR report reinforce those of the National Academies of Science 2007 [report](#), “Science and Security in a Post 9/11 World,” which similarly found increasing use of the “sensitive but unclassified” category and other restrictive language in DOD contracts for fundamental research.

The AAU-COGR report praises the June 26 DOD memorandum as “a very positive development in response to concerns raised in this report.”

AAU President Robert Berdahl added, “It will now be important for DOD contracting officers to abide by this agency-wide policy.”

COGR President Anthony DeCrappeo encouraged both DOD and other federal agencies to “take additional steps to address other concerns and recommendations contained in the AAU-COGR report, including eliminating restrictive terms that industry prime contractors pass down to university subcontractors and more selective use of export control compliance clauses.”

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