

IOWA STATE UNIVERSITY
OF SCIENCE AND TECHNOLOGY

Office of the President
1750 Beardshear Hall
Ames, Iowa 50011-2035
515 294-2042

October 5, 2005

Ms. Amy Williams
Defense Acquisitions Regulation Council
OUSD (AT&L) DPAP (DAR)
IMD 3C132
3062 Defense Pentagon
Washington, D.C. 20301-3062

CASE Number: **DFARS 2004-D010**

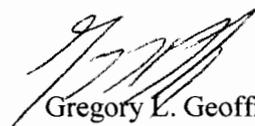
Dear Ms. Williams:

I am writing to you on behalf Iowa State University regarding the proposal to amend the Defense Federal Acquisition Regulation Supplement (DFARS) published in the Federal Register on July 12, 2005 (DFARS Case 2004—D010). The proposed rule contains a new DFARS Subpart 204.73, "Export-Controlled Information and Technology at Contractor, University, and Federally Funded Research and Development Center Facilities," and an associated contract clause (DFARS Part 252.204—70XX). It closely reflects the recommendations in the March 25, 2004 report of the Department of Defense (DoD) Inspector General (IG), *Export-Controlled Technology at Contractor, University, and Federally Funded Research and Development Center Facilities* (D-2004-061).

As you know, the proposed rule calls for adding a clause to DoD contracts where export-controlled information or technologies may be involved. It also mandates compliance plans which include "unique badging requirements for foreign nationals and foreign persons and segregated work areas for export-controlled information and technology." We at Iowa State University, in concert with research universities nationwide, are concerned that this clause is overly prescriptive, goes beyond requirements in current export control regulations, and inappropriately fails to reference the fundamental research exemption. There also is great concern that unless the fundamental research exemption is referenced explicitly in the final rule, DoD contracting officers will automatically include the clause, even in contracts where no controlled information is exchanged or where such information would normally be covered by the fundamental research exemption.

Iowa State University urges the DoD to accept the language as provided for by the Council on Government Relations (COGR) in their revised version of the DFRAS Case. We have significant concerns that the proposed rule will harm our university's ability to perform research on behalf of DoD and, thereby, also harm the research efforts of DoD and U.S. national security. For that reason, we urge DoD to issue a second revised proposed rule for comment rather than issuing a final rule with changes. We hope that this second proposed rule would take the recommendations of Iowa State University, COGR, AAU and other higher education associations into account and work to accommodate our concerns and recommendations.

Sincerely,



Gregory L. Geoffroy
President