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October 12, 2005

Office of the President  
Robert M. Gates

Defense Acquisitions Regulation Council  
OUSD (AT&L) DPAP (DAR)  
IMD 3C132  
3062 Defense Pentagon  
Washington, DC 20301-3062

**RE: DFARS Case 2004-D010**  
Defense Federal Acquisition Regulation Supplement;  
Export-Controlled Information and Technology

Texas A&M University has interacted closely with the Association of American Universities (AAU) regarding opportunities to comment on 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).

Because this proposed rule is similar to a proposed rule at the Department of Commerce regarding "deemed exports," this response voices similar concerns I made regarding that proposal.

The proposed rule, albeit well-intentioned, places unworkable restrictions on university fundamental research and education that may damage our national security and economy far more than the risks they seek to mitigate. Adoption and implementation of the DOD IG's overly restrictive recommendations will undermine the vitality of American research, adversely affect our culture of openness and competitiveness, and impede the intensity and pace of university research and education programs. These programs are the cornerstones of Texas A&M University's research efforts in science and engineering—discoveries that contribute to global leadership and technological superiority.

I have publicly written and spoken that as deputy director and director of central intelligence respectively under Presidents Ronald Reagan and George H.W. Bush, I am quite

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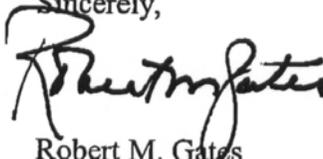
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aware of the very real and ongoing security risks posed by terrorism, including the danger that terrorists will gain access to advanced technologies. And I support many measures that have been taken to contain these risks. But the implementation of this measure will overly restrict basic research and the principals of NSDD 189 that have allowed the United States a competitive technological edge and in-kind contribute to national security.

As President of Texas A&M University, I am dedicated to working with the AAU and with the Department of Defense to protect legitimate national security interests associated with university research. Therefore, I join with my colleagues in the AAU, as communicated to you on October 12, 2005, and raise concern to the adoption and implementation of the DOD recommendations.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert M. Gates". The signature is written in a cursive style with a large initial "R".

Robert M. Gates