



Export Control Concerns in Government Contract Negotiations

***When reviewing contracts, the below clauses require additional review. Partnerships with institutional contracting officers who are prepared to recognize these clauses and request and additional export control review may alleviate additional requirements upon execution of the contract.*

- i. DFARS 252.204-7000
- ii. DFARS 252.204-7008
- iii. DFARS 252.204-7012
- iv. DFARS 252.204-7019
- v. DFARS 252.204-7020
- vi. DFARS 252.204-7021
 - i. FAR 52.239-1
 - ii. FAR 52.204-25
- iii. DoD Distribution Statements other than Statement A
- iv. Governmental Section H Clauses
- v. Export Control Warning Label
- vi. NASA 1852.237-72
- vii. NASA 1852.237-73
- viii. NASA 1852.204-76
- ix. AFMC 5352-227-9000
- x. DEAR 952.204-2
- xi. DEAR 952.204-71
- xii. HSAR 3052.204-70

Note: these clauses do not automatically negate fundamental research. For additional information on negotiation of fundamental research in relation to the DFARS 252.204-7000 clause, see the attached sample request letter.

[Insert University Letterhead]

Sample Fundamental Research Request Letter

[Date]

[Prime DoD Sponsor]

c/o [Flow-Through Contracting Personnel or Technical POC]

[Title of POC, Flow-Through Entity Name]

[Flow-Through Address]

Dear [Flow-Through POC],

The DFARS 252.204-7000 clause allows for deviation from the publication restriction for work determined by the prime contracting officer to be negotiated as fundamental research as defined in National Security Decision Directive 189 (NSDD-189). The University of Florida (UF) provides the below descriptions for the [Agreement Type] to demonstrate that each fully fit within the NSDD-189 definition of fundamental research: “basic and applied research in science and engineering, the results of which ordinarily are published and shared broadly within the scientific community”.

[Insert description from PI explaining why their work is fundamental research]

To ensure full compliance with the fundamental research efforts, [Flow-Through Entity] has confirmed that no Covered Defense Information or Controlled Technical Information will be released to UF in the furtherance of any of these projects. As such, and in the furtherance UF’s commitment to publish and share academic knowledge broadly, UF respectfully requests the fundamental research determination from the Prime Contracting officer for this subcontract.

Best Regards,