**Request for Fundamental Research Determination**

**Date:** [Current date]

**TO:** [Name of Contracting Officer, and title]

**From:** [Your Name],[Your Title]

University of Colorado Colorado Springs

**Subject:** University of Colorado Colorado Springs [Award, Contract, or subcontract]

[Award, Contract, or Prime Contract number/ Prime Contractor]

To Whom It May Concern:

The University of Colorado Colorado Springs believes that academic freedom is essential to successfully fulfill its obligations to its students and to society. This includes a commitment to the belief that faculty members are entitled to freedom in research and publication of the results of that research. By endorsing the principles of freedom of inquiry and open exchange of knowledge, the results of many University of Colorado Colorado Springs research projects qualify as fundamental research efforts not subject to United States export controls, according to 22 CFR §120.11(a)(8) and 15 CFR §734.8, and as outlined in National Security Directive 189 (National Policy on the Transfer of Scientific, Technical and Engineering Information). However, the inclusion of any restrictions on publication nullifies the freedom provided under the fundamental research exclusion (FRE). Projects subject to export controls require strict monitoring plans, imposing obligations for cyber reporting and to the protection of Covered Defense Information (CDI). In many cases, these requirements also prevent the University from utilizing the research talent of foreign nationals. This places a heavy burden on the University and the principal investigator(s) in particular. It is our preference to avoid such circumstances when possible.

Under the subject contract, the University of Colorado Colorado Springs will [INSERT SCOPE OF WORK]. The Principal Investigator for this project, [PI NAME], has confirmed that the nature of this work is consistent with Fundamental Research as outlined in National Security Directive 189. We want to request a written determination—pursuant to DFARS 252.204-7000 (a)(3)—that the University of Colorado Colorado Springs’ contracted portion of the research effort constitutes fundamental research “in accordance with National Security Decision Directive 189, National Policy on the Transfer of Scientific, Technical and Engineering Information” that is not subject to restrictions on publication or dissemination and also, therefore, does not involve “covered defense information” that would invoke the requirements imposed by DFARS 252.204-7012.

We request that you acknowledge your agreement to the preceding by signature, below.

Pursuant to DFARS 252.204-7000 (a)(3), I hereby agree that the University of Colorado Colorado Springs’ scope of work to be performed as a [contractor/subcontractor] under contract \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ is Fundamental Research, as outlined in National Security Directive 189.

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Signature of Contracting Officer Date

Name of Contracting Officer