



November 28, 2018

Regulatory Policy Division
Bureau of Industry and Security
U.S. Department of Commerce
Room 2099B, 14th Street and Pennsylvania Avenue NW
Washington, DC 20230

Re: RIN 0694–AH61 - *Review of Controls for Certain Emerging Technologies*

Deputy Assistant Secretary Borman:

The Association of University Export Control Officers (AUECO) respectfully submits this letter as a preliminary response to the U.S. Department of Commerce, Bureau of Industry and Security (BIS), Advanced Notice of Proposed Rulemaking (ANPRM) concerning the review of controls for certain “emerging technologies,” 83 Fed. Reg. 58,201 (Nov. 19, 2018). While AUECO anticipates filing a detailed, substantive letter in response to the ANPRM, we are submitting this preliminary response now to recommend that BIS extend the period for public comments to allow for a more fully-developed and useful record, as explained further below.

AUECO is an association of over 250 senior export control professionals with compliance responsibility at over 160 institutions of higher education within the United States. AUECO is committed to monitoring changes in the administration of export and sanctions laws and regulations that may impact the unique nature of higher education, including academic and research collaborations. AUECO is specifically interested in participating and contributing to export control reform efforts to ensure that the voice of the U.S. academic research community be represented in such efforts and that resulting regulatory materials do not have an adverse impact on the academic programs and efforts carried out at U.S. colleges and universities which are critical to maintaining U.S. preeminence in the advancement of science and technology.

Request for Extension of Time for Comment

AUECO respectfully requests that BIS reconsider and extend the filing deadline for public comments on this important effort. The purpose of public commentary on proposed government regulatory efforts is to encourage the free exchange of information, to enable effective and efficient creation of government regulations and programs, and to help better inform government officials by obtaining insight from communities directly impacted by its proposed rulemakings. This underlying intent is further supported by the direct requirement in Section 1758 of the Export Control Reform Act of 2018 (ECRA) that this specific effort be informed by “multiple sources of information”.

While AUECO is appreciative of the desire to move forward in this matter in a timely fashion, a 30-day comment period will unduly constrain the public’s ability to provide meaningful input about a novel, complicated, and critical topic. This unusually short response period is further problematic for AUECO members given the timing. In the higher education community, the weeks from immediately preceding Thanksgiving through the end of the year constitute one of the most complicated, time-condensed periods of programming and operations in the annual calendar cycle. In addition to traditional end-of-year business concerns, many academic institutions reduce operations during this period, when classes are often not in session. These operational realities, combined with the overlap of the fall/winter holiday seasons, make any attempt to pull together multiple informed parties across campuses a challenge.

Given the stated Congressional desire to obtain information from multiple sources, and given the complexity involved in developing and implementing a wholly new regulatory model governing currently undefined emerging technologies, we believe the 30-day comment period is unwarranted and unlikely to enable substantial public involvement in this rulemaking effort. AUECO recommends that comments be accepted for a **minimum of 60 days**, with a strong preference that the comment period be extended to 75-90 days. This would allow for interested respondents to obtain the meaningful involvement of those at their companies, institutions, and/or associations with both the necessary technical expertise and administrative perspectives on this challenging process.

Conclusion

AUECO appreciates the opportunity to submit this comment letter and is encouraged by the stated desire in Section 1758 of ECRA to directly involve industry and academic experts in the process of identifying and controlling emerging technologies. AUECO is hopeful that such involvement will help create a workable, efficient, and effective control mechanism to help sustain and protect the country’s national security interests while remaining consistent with academic community’s educational, public service, and research missions.

While this request for extension of time is being filed immediately, AUECO looks forward to submitting an additional, substantive response prior to the close of the comment period. AUECO also looks forward to working with BIS in the implementation of Section 1758 of the ECRA through the establishment of

reasonable and appropriate controls on emerging and foundational technologies that are essential to national security.

Please don't hesitate to email us at contact@aeuco.org with any questions about this submission.

Thank you.

With best regards,



Wayne L. Mowery, Jr.

Chair

Association of University Export Control Officers

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