



September 17, 2020

Bindu Nair, Ph.D.

Director, Basic Research Office

Office of the Undersecretary of Defense for Research and Engineering

Washington D.C. 20301-3030

Via email: bindu.r.nair.civ@mail.mil

Re: *GAO-20-394-Export Controls: State and Commerce Should Improve Guidance and Outreach to Address University-Specific Compliance Issues*

Dear Dr. Nair:

The Association of University Export Control Officers (AUECO) respectfully submits this letter in response to *GAO-20-394-Export Controls: State and Commerce Should Improve Guidance and Outreach to Address University-Specific Compliance Issues*.

AUECO formed in 2008 with 17 individuals representing 17 institutions of higher education. Since then, AUECO has grown to include membership of over 300 export control professionals with compliance responsibilities at over 200 institutions of higher education within the United States. AUECO is committed to monitoring changes in the administration of export control laws and regulations that may affect the unique nature of higher education and academia. We provide our members with a forum for exchanging information, ideas, and lessons learned regarding compliance with U.S. export, import and trade sanctions laws and regulations. Additionally, we have been active in providing comments on proposed changes to federal export control regulations, especially when changes uniquely affect universities.

The association and many of its members contributed to the study. We welcome the report and its recommendations. We were happy to see the guidance directed at universities and value the acknowledgement from GAO that export control compliance within the academic environment is uniquely complex. The study, however, did not address the breadth of export control regulatory compliance that universities often face. In addition to compliance with the International Traffic in Arms Regulations (ITAR) and the Export Administration Regulations (EAR), universities must also be aware of and ensure compliance with several other export control regulations e.g., nuclear technology and material regulations overseen by the Department of Energy and the Nuclear Regulatory Commission and the sanction programs overseen by the Office of Foreign Assets Control.


The association and its members recognize the unique challenge faced by the Department of Defense in striking the necessary balance between national security and the advancement of science, as first identified in 1985 in the National Security Decision Directive 189. We have experienced the challenges faced by DoD

program and contracting officials and academic researchers as they try to navigate the various regulations and procurement rules related to publication restrictions and their impact on whether or not affected federally funded research meets the definition of “fundamental research” as defined in the export control regulations. Many members have examples of how a lack of nuanced understanding of the export regulations delayed research or even prevented research from occurring. Because of this breadth of experience, we believe we are well positioned to assist the DoD in addressing the recommendation in the report.

Additionally, during this time of COVID-19, we are organizing virtual webinars and roundtables for our membership. If your office would be interested in partnering with us to deliver a DoD focused event, we could organize that for you, especially regarding fundamental research contracting issues.

AUECO appreciates the DoD’s participation in our 2019 San Diego conference and willingness to engage with other academic associations and universities on these important topics of basic research and balancing science and security. We welcome the opportunity to engage and continue collaborating with your office on this report and other university export control university matters.

Respectfully,

DocuSigned by:

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David Ivey

Chair

Association of University Export Control Officers

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