



UNITED STATES DEPARTMENT OF COMMERCE
Assistant Secretary for Export Enforcement
Washington, D.C. 20230

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MEMORANDUM FOR ALL EXPORT ENFORCEMENT EMPLOYEES

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SUBJECT: ADDRESSING THE NATIONAL SECURITY RISK THAT FOREIGN
ADVERSARIES POSE TO ACADEMIC RESEARCH INSTITUTIONS

Academic research institutions are an essential component of the scientific and technological success that powers the engine of the American economy. Our colleges and universities are where life-saving medicines are developed, revolutionary technologies are invented, and scientific breakthroughs are made. Our open and collaborative academic environment helps facilitate these discoveries, ensuring that the best minds – from both the United States and abroad – can collaborate and share ideas. The result is innovation unlike anywhere else in the world.

Unfortunately, foreign adversaries know that our academic research institutions, including our universities, are the envy of the world. They also know that universities' technology and research controls may be quite different from those of a for-profit corporation, even though the technology used in or developed as a part of academic research can be just as valuable. Foreign adversaries use a variety of techniques, including by establishing partnerships between their domestic research institutions and American ones, to gain access to those research developments. In a world in which even the most sensitive and valuable research can be exported or transmitted with the click of a button, academic research institutions present inviting and potentially vulnerable targets.

In addition to overseas threats, American academic research institutions face a challenging compliance environment on campus. The majority of technology released in an academic setting is not subject to the Export Administration Regulations (EAR). Such technology is outside of EAR jurisdiction if it constitutes information tied to fundamental research and is intended to be published or is released through instruction in a catalog course.

Proprietary research, however, is often subject to the EAR.¹ In addition, certain inputs to and, in limited circumstances, results of, fundamental research may be subject to the EAR. Under the EAR, a "deemed export" license may be required before technology or source code controlled for export can be released to a professor, student, or visitor whose most recent country of citizenship or

¹ In general, proprietary research is restricted from publication because it is considered confidential from a business or national security perspective. Such research is distinct from "fundamental research" under the EAR.

permanent residency is not the United States. Physical shipments from the U.S. remain subject to the EAR whether made in connection with either proprietary or fundamental research.

Most academic research institutions have export management and compliance programs (EMCPs) that are implemented by export compliance officers whose job is to stay well-informed about export controls and the requirements of the EAR. However, the provisions of the EAR most applicable to university export controls, especially those applicable to fundamental research, are among the EAR's most complex. Moreover, export compliance in a university setting has significant differences from compliance in a corporate setting. While many companies focus on a relatively narrow range of products (*e.g.*, within an industry sector), university faculty work across the science, technology, engineering, and math (STEM) spectrum. University export compliance officers, therefore, have the challenging task of understanding all of the research and development projects conducted on their campuses well enough to determine the export control requirements specific to each of them.

Given all these factors, the challenges of keeping our academic research environments thriving – and controlled information secure from unauthorized foreign acquisition – are significant. To help meet this challenge, Export Enforcement is establishing a new “Academic Outreach Initiative” to help academic institutions protect themselves from these threats. This new initiative contains four prongs:

- **Strategically Prioritized Engagement.** Export Enforcement will strategically prioritize academic research institutions whose work gives them an elevated risk profile. These are institutions that possess ties to foreign universities that are on the Entity List; are involved in research and development for the U.S. Department of Defense; or are conducting research in sensitive technologies subject to the EAR (*e.g.*, applied laboratories conducting proprietary research on emerging and foundational technologies).
- **Assignment of “Outreach Agents” for Prioritized Institutions.** For prioritized academic research institutions, Export Enforcement will assign agents as dedicated points of contact (“Outreach Agents”). Outreach Agents will work to establish long-term partnerships with the prioritized academic research institutions in order to help those institutions prevent unauthorized exports, including improper releases of technology or source code. Outreach Agents will seek to meet in person with counterparts at prioritized academic research institutions not less than once per quarter.
- **Background Briefings.** U.S. academic research institutions often benefit from having strong working relationships with foreign university partners. Those relationships can be important sources of collaboration and innovation. Sometimes, however, those foreign university partners can have ties to foreign governments, or other foreign actors, about which the U.S. academic research institutions are unaware. Where appropriate, Outreach Agents will seek to brief prioritized academic research institutions on known national security risks associated with specific foreign partners.
- **Trainings.** Outreach Agents will offer trainings to prioritized academic research institutions on how export controls apply in academic settings and on the national security threats facing academic research institutions. Export Administration’s Office of Exporter Services is also available to provide guidance on the EAR and advise prioritized academic research institutions on the creation and implementation of export compliance programs that are

tailored to their specific needs. Outreach Agents will also offer training on how to vet potential foreign partners to determine connections to parties that are on the Entity List or otherwise of concern. The training will include a compendium of resources to help college and university staff, faculty, and administrators comply with EAR license requirements and implement an EMCP.

Export Enforcement is dedicated to partnering with U.S. academic research institutions, both to protect national security and to help maintain U.S. leadership in innovation and collaboration. Our hope is that, with your hard work, this Academic Outreach Initiative will empower colleges and universities to continue to lead the world in research and innovation, while at the same time enabling them to better protect themselves against those who would harm our collective national security.