VANDERBILT UNIVERSITY

Vice Provost for Faculty and International Affairs

July 31, 2015

VIA EMAIL TO publiccomments@bis.doc.gov

Ms. Hillary Hess
Regulatory Policy Division
Bureau of Industry and Security
U.S. Department of Commerce
Room 2099B
14th Street and Pennsylvania Ave. NW.

RE: Revisions to Definitions in the Export Administration Regulations
(RIN 0694-AG32)

Dear Ms. Hess:

Vanderbilt University welcomes the opportunity to comment on the proposed revisions to the EAR. We appreciate and support the joint efforts of the Departments of State, Commerce, and Defense to reform and harmonize U.S. Export Control Regulations. While Vanderbilt views the proposed EAR amendment as a positive, important step forward, some of the revisions to the definitions are problematic.

Software. The revision that concerns us most is the proposed change that would expose software arising from university research to the EAR. The confusion in the proposed revision stems from the wording of the draft, which omits software, and states in the preamble that software is not technology arising from fundamental research. We respectfully disagree. Software is the means of adapting the functions of complex systems to the environment and users, and Vanderbilt researchers pursue significant fundamental research interests in the exploration of theoretical foundations, modeling, design, and software engineering. In many projects for government agencies and corporate sponsors, developing software is the objective of the research. Whether the output of fundamental research is a natural language publication, program, application, or algorithm should not matter when deciding whether or not it is subject to the EAR.

These comments are intended to address the key issues impacting Vanderbilt. We are a member of the Association of American Universities and Council on Governmental Regulations, and we concur with the comments being submitted by these organizations with respect to the proposed revisions generally. We also support the comments being submitted by the Association of University Export Control Officers regarding these proposed revisions.

Sincerely,

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