Washington University in St. Louis

Vice Chancellor for Research

August 3, 2015

Regulatory Policy Division
Bureau of Industry and Security, Room 2099B
U.S. Department of Commerce
Washington, DC 20230

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

Washington University in St. Louis (WUSTL) is a private educational, research, and clinical institution with a long-standing commitment to the discovery of new knowledge and its translation for the public's benefit. The FY2014 WUSTL research portfolio of $532M includes $393M of funding from federal sources.

Our research enterprise engages faculty, staff, students, and trainees in a variety of activities and training programs across a broad spectrum of disciplines and our portfolio is increasingly supported by or performed in conjunction with national and international partners from other universities, national laboratories, foundations, and industry. WUSTL and other universities that engage in federally-sponsored research are increasingly encouraged by government programs and policies to urge our researchers, physicians, and scientists to be more entrepreneurial and aggressive to identify opportunities to transform the results of fundamental research into more developed concepts and commercially viable products.

All of this makes for an exciting and complex environment in which to conduct research, but it also makes it critically important for the many federal policies that shape that environment to be thoughtfully crafted, implemented, and enforced.

The Administration's Export Control Reform Initiative has been a welcome exercise. WUSTL recognizes and appreciates the substantial efforts to revise the Export Administration Regulations (EAR) and International Traffic in Arm Regulations (ITAR) by the Commerce Bureau of Industry and Security (BIS) and the State Department Directorate of Defense Trade Controls (DDTC). In particular, harmonized definitions between the EAR and ITAR would be helpful and significant, so the opportunity to comment on the proposed definitions is greatly appreciated.

WUSTL strongly supports and associates itself with the comments submitted by the Council on Governmental Relations (COGR), Association of American Universities (AAU), and the Association of Public and Land-grant Universities (APLU).

The area of greatest concern to WUSTL is a change that would cause common university research to lose its fundamental research presumption.

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We strongly urge BIS to ensure that software resulting from research remains covered by the fundamental research exemption. Proposed changes to EAR do not treat software resulting from research, which is a document written in computer language and intended for broad based and open public dissemination, in the same manner it treats other research publications. This odd distinction is unnecessary for the purposes of the fundamental research exemption from export controls.

The COGR, AAU, and APLU comments are expansive on this and other important matters. The University hopes that the BIS will consider them as it finalizes the proposed definitions. Thank you again for the opportunity to comment and for your Export Control Reform Initiative efforts.

Sincerely,

Jennifer K. Lodge, PhD
Vice Chancellor and Associate Dean for Research