Comments on Export Control Regulations

The Higher Education community has been committed to a productive dialogue with the Department of Commerce since the publication of initial export control regulations last year, with the requirement that schools implement new background checks for foreign students seeking admission.

The members of Internet2, EDUCAUSE, and the Coalition for Advanced Scientific Computation are greatly concerned with the proposed amendments to the “Export Control” regulations, as published on March 28, 2005. The amendment, which requires certain foreign nationals to obtain export licenses before they are permitted to “use” specialized equipment that may be required for unclassified, fundamental scientific research, is unreasonable in a university environment. Further, we find fault with the focus on a foreign student or researcher’s country of birth, as opposed to most recent citizenship, when it will be used to determine whether an export license is required.

Specifically, these recommendations are detrimental to the advancement of basic research utilizing computational science and national research networks. They will result in an undue burden being placed upon research institutions, requiring significant additional paperwork for each student affected, and potentially producing serious delays in obtaining licenses, and inhibiting research and development at all levels. This added burden comes at a time of reductions in federal funding for research, when universities are increasingly relied upon to advance the nation’s innovation, technology and international economic competitiveness.

We, the representatives of a broad spectrum of the information technology community in higher education, believe that foreign students who have already undergone extensive background investigations prior to admittance to our programs should be free to use equipment required for the conduct of fundamental, unclassified research, without additional barriers, background checks and/or licenses.

Universities have historically served as the bulwark of the nation’s competitiveness and innovation. Additional restrictions placed on the participation of international students in research will limit our ability to recruit the “best and brightest,” which will most assuredly have a negative impact on basic and advanced scientific research, and may jeopardize the United States’ strong position in the world economy.

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