



Concerns over national security and science have existed prior to the Cold War. 9/11 created new concerns about who is conducting research on campuses. Since that time, universities have become more vigilant over security of research facilities and research programs and taken additional measures to ensure compliance with rules relating to export controls, dual use research, and classified information. Additionally, foreign students and faculty now face stricter scrutiny from the federal government before they are admitted into the U.S.

[Key Terms and Background Information](#)

[Federal Security Agency Briefs](#)

[Relevant Reports](#)

[Additional Background Reading Materials](#)

[Tools, Experts, and Compliance Resources](#)

[Case Study Examples Involving Security Concerns](#)

[Significant News Articles](#)

Key Terms and Background Information

Export Controls: seek to *control* access to specific types of technology and the associated data and services. A *deemed export* is the export or release of information about a “controlled technology” to a foreign national in the U.S. or abroad for which a government export license is required.

Many universities have designated staff such as security officers and/or export control officers to comply with the export control laws and regulations. Three government organizations have jurisdiction for enforcement of export controls:

- Bureau of Industry and Security, U.S. Department of Commerce - oversees the Export Administration Regulations (EAR) which control dual-use technology on the Commerce Control List (CCL).
- Directorate of Defense Trade Controls, U.S. Department of State – oversees the International Traffic in Arms Regulations (ITAR) which controls items designed and developed for military use on the U.S. Munitions List.
- Office of Foreign Assets Controls in the Department of Treasury controls interactions with nations in which the U.S. has trade embargos, e.g. Cuba, Iran, Syria, North Korea, Myanmar and Sudan.

Fundamental Research Exclusion: Excludes most campus-based research at U.S. universities from export controls. Applies to: unrestricted publicly available technology and software arising during or resulting from fundamental research undertaken at U.S. universities where the resulting information is ordinarily published and shared broadly.

Deemed Exports: Deemed exports was added to the export regulations in 1994 and is the export or release of information about a “controlled technology” to a foreign national in the U.S. or abroad for which a government export license is required. Defines “Technology” as specific information necessary for the “development”, “production”, or “use” of a product.

National Security Directive (NSDD) 189: Issued in 1985 by the Reagan Administration and reaffirmed in November 2001 by then-National Security Advisor Condoleezza Rice, established a “fundamental research” classification as the appropriate means for protecting national security while encouraging necessary research. Declared fundamental research should remain unrestricted.

[Secretary Condoleezza Rice’s 2001 reaffirmation of NSDD-189](#)

[2010 Memo from Undersecretary of Defense Ashton Carter](#)

[Classified Research and Information, Presidential Executive Order 13526](#)

[Export Controls: ITAR and EAR](#)

[Controlled Unclassified Research \(CUI\)](#)

[Dual Use Research of Concern \(DURC\)](#)

Federal Security Agency Briefs

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Relevant Reports

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[“How China’s Economic Aggression Threatens Technologies and Intellectual Property of the United States and the World,”](#) White House Office of Trade and Manufacturing Policy, June 2018.

[“China and the Age of Strategic Rivalry: Highlights from an Academic Outreach Workshop,”](#) Canadian Security Intelligence Service, May 2018.

Additional Background Reading Material

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[“Science and Security in a Post 9/11 World,”](#) 2007 report by Committee on New Government-University Partnership for Science.

[“Security Controls on Scientific Information and the Conduct of Scientific Research,”](#) Center for Strategic and International Studies, 2005.

[“Science Communication and National Security,”](#) *The Corsen Report*, National Academies, 1982. This report helped to result in NSDD-189.

Tools, Experts, and Compliance Resources

[Currently Identified Subsidiaries/Affiliates of Huawei Technologies Company and ZTE Corporation](#)

[Red Flags and Watch Lists on Export of Sensitive U.S. Technology, U.S. Department of State](#)

[Department of Commerce Bureau of Industry and Security \(BIS\) ‘Entities’ List](#)

[Foreign Expert Recruitment Programs List](#)

[Science and Security Experts List](#)

Case Study Examples Involving Security Concerns

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