


April 27, 2017

To: Dylan Rodriguez, Chair
Riverside Division

From: Leonard Nunney 
Committee on Library and Information Technology

Re: [Systemwide Review] Proposed Presidential Policy on Export Controls

The Committee on Library and Information Technology reviewed the [Systemwide Review] Proposed Presidential Policy on Export Controls at their April 11, 2017 meeting.

The goal of the policy is to ensure compliance with Federal export controls, bearing in mind that the Fundamental Research Exclusion (FRE) exempts most research. The committee noted two issues.

First, the policy repeatedly refers to "training" as a solution. Too much Faculty time is already spent on peripheral issues without campuses requiring yet more training that is only relevant to a vanishingly small fraction of individuals. We agree that the training of "gatekeepers" is important (p11) - provided that "gatekeeper" (which is not defined in the current policy) is defined narrowly to include only those directly involved in the oversight of the local Export Control Compliance program, and those faculty involved in research not covered by the FRE. The policy is too vague on this important issue. For example, it is suggested that the whole campus community (faculty, staff and students) needs training (see p12). Such a broad-brush approach may satisfy a policymaker, but is a huge waste of valuable time. The policy should be crystal clear that training should be focused only on those who need it.

Second, it is noted on p3-4 that object (executable) code is exempt under the EAR, but on p11 (bottom) it is stated that Faculty should be cautious (and contact the local Export Control Officer) regarding various items of "software". Based on the EAR definition, it must be assumed by the reader that this caution about software only relates to the source code, but this specificity needs to be made very clear. The distinction between having the source code vs. having an executable is a huge one and should not be a source of potential confusion.