Federal Government Announces an "Academic Outreach Initiative" to Prevent Unauthorized Exports

In June 2022, the Government Accountability Office (GAO) released a report following its review of federal agencies' efforts to address risks associated with U.S. universities and foreign students and scholars who may seek to evade U.S. export control regulations. The report concluded that research conducted by U.S. universities and supported by visiting foreign students and scholars makes critical contributions to U.S. national security and economic interests. However, the relative openness of the university environment presents a vulnerability that can be exploited by foreign adversaries. The report recommended that the Department of Commerce's Export Enforcement arm identify university risk factors and periodically assess the relevance and sufficiency of risk factors used in any efforts to identify at-risk universities. Doing so will help Export Enforcement ensure they address any new and evolving threats to university research security.

The report made two specific recommendations for the Department of Commerce. First, it recommended that the Secretary of Commerce ensure that the Undersecretary for Industry and Security identify relevant risk factors and analyze this information to identify universities at greater risk for sensitive technology transfers, including unauthorized deemed exports. Second, it recommended ensuring that the Undersecretary for Industry and Security shares the results of any analysis aimed at identifying U.S. universities at greater risk for sensitive technology transfers, including unauthorized deemed exports, with Export Enforcement field offices.

In response to the GAO report, on June 28, 2022, Assistant Secretary for Export Enforcement announced an "Academic Outreach Initiative" to implement the recommendations of the GAO's report. The Academic Outreach Initiative recognizes the unique and challenging compliance environments faced by American research institutions. In light of these challenges, the Initiative contains four prongs to address the issues raised in the GAO report:

- **Strategically Prioritized Engagement.** BIS will identify and strategically prioritize academic research institutions whose work gives them an elevated risk.
- **Assignment of "Outreach Agents" for Prioritized Institutions.** BIS will assign "Outreach Agents" to prioritized academic research institutions. These Outreach Agents will work with the identified institutions to help them prevent unauthorized exports, including improper releases of technology or source code.
- **Background Briefings.** Outreach Agents will brief prioritized academic research institutions on known national security risks associated with specific foreign partners.
- **Trainings.** Outreach Agents will offer trainings to prioritized academic research institutions on how export controls apply in academic settings and on the national security threats facing academic research institutions.

This Initiative will likely result in increased export control oversight by BIS at academic research institutions, including Johns Hopkins, and investigators should continue to work with the Export Control Office to prevent the unauthorized export of controlled materials and information.

Sources:

June 2022 GAO Report

[Academic Outreach Initiative Announcement](#)

This update is for informational purposes only and is not legal advice. If you have further questions about this development, please contact the Export Control Office, eco@jhu.edu*, for assistance.*

U.S. Government Imposes Additional Restrictions of Russian High-Technology Entities

On August 2, 2022, the U.S. Department of State announced additional costs on Russia for its continued war against Ukraine. Importantly, the Department of State imposed new sanctions on numerous Russian high-technology entities, including the Moscow Institute of Physics and Technology (MIPT) and Skolkovo Institute of Science and Technology (Skoltech).

As a result of these new sanctions, University investigators are no longer permitted to engage in collaborations or other academic work with individuals at either MIPT, Skoltech, or any other entity listed in the recent sanctions announcement. A link to the announcement and the full list of sanctioned high-technology entities is linked below for reference.

If you are engaged in ongoing work with MIPT, Skoltech, or any other sanctioned high-technology entity, or contemplating any such work, please contact the Export Control Office before continuing or moving forward with the work.

Sources:

[Restrictions on Russian High-Technology Entities](#)

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New Export Controls on Certain Advanced Computing and Semiconductor Items

If you are a researcher who works with integrated circuits, computer commodities that contain integrated circuits, or semiconductors **and** that work has a connection to China (including Hong Kong), it is important to pay attention to recent changes announced by the Bureau of Industry (BIS).

On October 7, 2022, BIS announced a new rule that amend the Export Administration Regulations (EAR) to implement necessary controls on certain advanced computing and semiconductor items. The restrictions implemented in these new rules recognize the U.S. government's view that the Government of the People's Republic of China (PRC) has mobilized vast resources to support its defense modernization in ways that are contrary to U.S. national security and foreign policy interests. These changes create an effective embargo against providing the PRC the technology, software, manufacturing equipment, and commodities that are used to make certain advanced computing integrated circuits and supercomputers.

The new rule adds certain items, software, and technology to the Commerce Control List (CCL), meaning it is more likely that work with these items in relation to the PRC will now require a license. Specifically, the new rule:

- Adds certain advanced and high-performance computing chips and computer commodities that contain such chips to the CCL;
- Adds new license requirements for items destined for a supercomputer or semiconductor development or production end use in the PRC;
- Expands the scope of the EAR over certain foreign-produced advanced computing items and foreign produced items for supercomputer end uses;
- Expands the scope of foreign-produced items subject to license requirements to 28 existing entities on the Entity List that are located in the PRC;
- Adds certain semiconductor manufacturing equipment and related items to the CCL;
- Adds new license requirements for items destined to a semiconductor fabrication "facility" in the PRC that fabricates integrated circuits meeting certain specifications;
- Restricts the ability of U.S. persons to support the development, or production, of integrated circuits at certain PRC-located semiconductor fabrication "facilities" without a license;
- Adds new license requirements to export items to develop or produce semiconductor manufacturing equipment and related items; and
- Establishes a Temporary General License (TGL) to minimize the short-term impact on the semiconductor supply chain by allowing specific, limited manufacturing activities related to items destined for use outside the PRC.

As a result of these changes, it is incumbent on researchers who work with the technology described above to be aware of potential connections to the PRC. If you are contemplating this type of work with an entity or collaborator located in the PRC, please reach out to the Export Control Office prior to commencing any project activities.

Sources:

Implementation of Additional Export Controls

Commerce Implements New Export Controls

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Expanded Restrictions on U.S. Export Controls for Russia and Belarus

On September 15, 2022, the Commerce Department's Bureau of Industry and Security (BIS) announced further restrictions on Russia and Belarus to enhance the effectiveness of U.S. export controls and to better align those controls on both countries with those implemented by U.S. allies.

The new rule imposes further export controls on Russia and Belarus in an effort to clamp down on Russia's access to technologies and items that may be used to support military capabilities. The rule:

- Expands the scope of the Russian industry sector sanctions to add items potentially useful for Russia's chemical and biological weapons production capabilities, as well as items needed for advanced production and development capabilities that enable advanced manufacturing across a number of industries;
- Imposes controls on quantum computing-related hardware, software, and technology;
- Adds Belarus to the scope of industry sector sanctions that previously applied only to Russia; and
- Expands the "military end user" and "military-intelligence end user" controls.

This update is important to investigators working with discrete chemicals, biologics, fentanyl and its precursors, and related equipment, or quantum computing and advanced manufacturing, particularly where the work has a known connection to Russian and/or Belarusian individuals and/or entities.

If your work involves a connection to Russia or Belarus, or if you are contemplating work with such a connection, please contact the Export Control Office to ensure compliance with this new rule.

Sources:

[Expanded Export Controls on Russia and Belarus](#)

[Implementation of Additional Sanctions Against Russia and Belarus](#)

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