



November 5, 2024

Submitted Electronically: <https://www.regulations.gov>

U.S. Department of Commerce
Bureau of Industry and Security
Thea D. Rozman Kendler
Assistant Secretary of Commerce for Export Administration

RE: Response to Interim Final Rule – “Implementation of Controls on Advanced Technologies Consistent with Controls Implemented by International Partners” (Docket Number 240813-0217)

Dear Ms. Kendler:

We write to offer comments in response to the U.S. Department of Commerce Bureau of Industry and Security (BIS) interim final rule “Implementation of Controls on Advanced Technologies Consistent with Controls Implemented by International Partners” (IFR) that was published in the Federal Register on September 6, 2024.

COGR is the national authority on federal policies and regulations affecting U.S. research institutions. We provide a unified voice for over 220 research universities and affiliated academic medical centers and research institutes. Our work strengthens the research partnership between the federal government and research institutions and furthers the frontiers of science, technology, and knowledge. We advocate for effective and efficient research policies and regulations that maximize and safeguard research investments and minimize administrative and cost burdens.

COGR and its member institutions recognize that ever-changing global threats to U.S. security and economic interests require vigilance in safeguarding sensitive technologies. We support BIS’s efforts to harmonize export regulations with U.S. international partners while recognizing the critical need for collaborations with non-U.S. expertise in the performance of federally funded research necessary to advance U.S. scientific and technological knowledge. We also appreciate BIS’s solicitation of public comment on the IFR and the opportunity for us to respond.

While the IFR complicates compliance with deemed export restrictions, COGR appreciates BIS’s efforts to minimize the impact on the deemed export procedure and the regulatory burden on our member institutions. However, we are concerned about the possibility of a quantum-specific deemed export licensing policy. It is our belief that this would unnecessarily muddy the deemed export and reexport process.

We would also like to reaffirm COGR's and our member institutions' support for the preservation of the fundamental research exclusion (FRE) by BIS. Under the FRE, our member institutions can continue to conduct and publish fundamental research without undue administrative burden. The knowledge produced by such research fosters valuable innovation, leads to the development of technologies that benefit the security and health of the U.S., and supports the training of a robust science and technology workforce capable of solving the challenges faced by our nation and our global partners.

Thank you for the opportunity to comment on this IFR. Should you have any questions regarding these comments, please contact me or Kevin Wozniak, COGR's Director of Research Security and Intellectual Property, at kwozniak@cogr.edu.

Sincerely,

A handwritten signature in blue ink that reads "M. Owens". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Matt Owens
President