Highlights of GAO-22-105727, a report to congressional requesters

EXPORT CONTROLS

Enforcement Agencies Should Better Leverage Information to Target Efforts Involving U.S. Universities

What GAO Found

According to U.S. government agencies, foreign entities are targeting sensitive research conducted by U.S. universities and other institutions. Releases or other transfers of certain sensitive information to foreign persons in the United States are subject to U.S. export control regulations. Such releases or transfers, which are considered to be exports, are commonly referred to as deemed exports. A U.S. Assistant Secretary of State wrote in 2020 that greater attention needed to be paid to deemed exports. He noted that these transfers, including the “know how” of cutting-edge science and its applications, are what China’s military–civil fusion strategy seeks in its attempts to mine and exploit U.S. academia’s open knowledge system.

Hypothetical Examples of Deemed Exports Subject to Export Control Regulations

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<tr>
<th>Written disclosure</th>
<th>Oral disclosure</th>
<th>Visual disclosure</th>
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<td>An individual posts export-controlled information to an open discussion board website. (ITAR)</td>
<td>A researcher discusses ongoing export-controlled research with a foreign person (e.g., a foreign colleague). (ITAR)</td>
<td>A foreign person visually inspects blueprints, and such inspection reveals controlled technology or source code. (EAR)</td>
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Legend: ITAR = Informational Traffic in Arms Regulations; EAR = Export Administration Regulations.

Agencies involved in enforcing export control regulations—the Departments of Commerce and Homeland Security (DHS) and the Federal Bureau of Investigation (FBI)—conduct outreach to universities to strengthen efforts to prevent sensitive technology transfers, including unauthorized deemed exports. According to officials, outreach increases awareness of threats to research security and builds stronger two-way relationships with university officials. The agencies identified this outreach as a key enforcement mechanism.

However, additional information about universities’ risks could enhance the agencies’ outreach efforts. For example, Commerce does not base its outreach on analysis of universities’ risk levels and has not identified any risk factors to guide its outreach priorities. DHS has ranked roughly 150 U.S. universities for outreach, and FBI provides information to all of its field offices to guide their outreach priorities; however, both agencies base these efforts on only one risk factor. Identifying and analyzing any additional relevant risk factors could provide a more complete understanding of universities’ risk levels and could further inform Commerce’s, DHS’s, and FBI’s efforts to target limited resources for outreach to at-risk universities.

What GAO Recommends

GAO is making eight recommendations to strengthen Commerce’s, DHS’s, and FBI’s ability to prioritize outreach to at-risk universities. All three agencies concurred with the recommendations.

View GAO-22-105727. For more information, contact Kimberly Gianopoulos at (202) 512-8612 or gianopoulosk@gao.gov.