Impact of Export Controls on Higher Education
University of Pennsylvania
Philadelphia, PA
March 26-27, 2013

PROFESSIONAL BACKGROUND

• Seattle partner in 550-attorney international law firm
• Head of Dorsey & Whitney’s National Security Law Group and co-head of its Asian Law Group
• International technology lawyer with >30 years experience
• Export control adviser to many research universities and manufacturing, electronics, aerospace, software companies
• Frequent speaker, writer, commentator on U.S. export control laws and export control policy advisor to U.S. Commerce Department; member of PECSEA
• Associate Member, Nat. Assn. of College & Univ. Attorneys
• White House Fellow, former Justice Department official and federal prosecutor
ORIGINS & BACKGROUND OF PECSEA

- President’s Export Council (PEC) advises the President on U.S. export policies
- PEC has several advisory subcommittees, including its Subcommittee on Export Administration (PECSEA)
- PECSEA has been chartered since June 1976 but has not been continuously appointed and active
- PECSEA advises on Export Administration Act (when in effect), Export Administration Regulations and related export control matters

REPORTING CHAIN & SUPPORT

- PECSEA Chair reports to Secretary of Commerce through PEC Chair
- Department of Commerce’s Assistant Secretary for Export Administration provides administrative and staff services, support, and facilities for PECSEA
- Appointed PECSEA members serve without any federal compensation or reimbursement for travel expenses to meet
- PECSEA typically meets four or more times per year, usually in Washington DC, often just prior to PEC
PECSEA AGENDAS & SCOPE OF WORK

• Each PECSEA meeting agenda is set by Secretary of Commerce or Secretary’s designee, such as Under Secretary or Assistant Secretary

• Scope of tasks, responsibilities assigned to PECSEA will vary widely by Administration and by preferences of Commerce Department leadership
  – As general matter, PECSEA may be consulted and used more extensively by Commerce Department officials in times of regulatory shifts
  – Industry itself also has multiple advisory channels in regard to “details” of EAR so industry’s reliance on PECSEA may also vary from year to year

PECSEA MEMBERSHIP & DESIGNATION

• PECSEA composed of approximately 25 members
  – Usually selected for industrial expertise, experience, representative knowledge and opinions

• Members appointed by Secretary of Commerce and serve at Secretary’s discretion

• Chair and one or more Vice Chairs appointed by Secretary selected from PECSEA membership

• All PECSEA members must be able to qualify at least for “Secret” level security clearance after standard background investigation
  – Members may received classified information
CURRENT PECSEA COMPOSITION

• Current chair: Raul Pedraza, President of Magno International, LP in Florida (logistics company)

• Current vice-chair: Marion Blakey, President & CEO of Aerospace Industries Assn. of America (AIAA) in Virgina (aerospace industry trade association)

• Other current members include representatives from companies in electronics, aerospace, advanced materials, machine tools, instrumentation, communications satellites, freight and logistics, a leading research university and external advisors and consultants to such organizations

RECENT PECSEA ROLES & ACTIVITIES

• Heavily involved by Obama Administration in feedback on its Export Control Reform (ECR) effort

• Organized into three subcommittees (Prioritization, Benchmarking and Outreach)

• Representative output:
  – New database of groups and organizations involved in export control
  – New “dashboard” to monitor ECR milestones
  – New initiatives to benefit universities, research institutes in further export control changes due to contemporary academic collaborations, demographics