

## U.S. Export-Contril Policy in Dire Need of an Update

By Howard L. Berman  
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Today, Congress is coming to Palo Alto: The House Foreign Affairs Committee will hold a public meeting at Stanford on export controls and national security. We're convening in Silicon Valley because no state is more heavily affected by export controls than California — with our cutting-edge high technology industry, academic institutions and scientific and research establishments — and no region of the state has more experience with such controls than this one.

Through export controls, the federal government restricts the international transfer of what are called "dual use" technologies: those that have legitimate civilian uses but also can have military purposes. This critical aspect of our national security helps prevent our adversaries from misusing the benefits of science and industry against us and our allies.

But there is a growing consensus among security experts that due to legal and technological developments in recent years, our current export-control regime, founded during the Cold War and last revised by statute in 1979, is out of date. It needs to be modernized in order to continue protecting sensitive technologies while also maintaining U.S. technological leadership.

This event, at 10:30 a.m. in Stanford's Francis C. Arrillaga Alumni Center, therefore serves at least two purposes. The testimony will help Congress prepare for a complete revision of that outdated statute. And what we learn will contribute to congressional oversight of the export-control policy review that President Barack Obama has set in motion.

Export controls don't get a lot of public or media attention, but they are an important part of our national security establishment and affect a variety of U.S. industries.

Here in California, many of our 61,000 exporting firms and an increasing number of our academic and research establishments have significant compliance responsibilities.

You practically have to have a law degree or Ph.D. to keep from running afoul of the increasingly complex export-controls regime. The regulations now fill more than 2,000 pages. There are frequent changes; two dozen were announced last year alone. More than 2,600 items and technologies are subject to controls, just in the dual-use area.

Exporters and universities are required to check six separate lists, with thousands of entries, of potentially dangerous individuals and groups before allowing access to controlled goods and technological information. In many cases, government approval is required, and the growth rate in applications and approvals of licenses is phenomenal: 21,000 licenses were issued in 2008, double the number from 10 years ago.

Moreover, the worldwide diffusion of sensitive goods and technological knowledge has a significant impact on national security. These are the same technologies that drive scientific advances and commercial progress.

- Thermal imaging cameras are being used in the latest collision-avoidance systems for vehicles, while remaining a key advantage for our forces on the battlefield.
- Encryption is an important defense for individuals, companies and governments against cyber warfare and cyber crime, while at the same time shielding communications among terrorists from interception by law enforcement authorities.
- Commercial software reportedly is being used to defeat our unmanned drones in Afghanistan.
- Bioengineering and nanotechnology carry the promise of prolonging life and curing disease, but they can also be turned to designing a new generation of bioweapons.

These are just four examples; there are countless others.

In order to sustain America's leadership in scientific research and discovery, this complex area of national security policy needs to be brought into the 21st century. There are no easy answers. But today and in the weeks to come as we concentrate on revising the export-control regime, we hope to ask the right questions.

*HOWARD BERMAN is chairman of the House Foreign Affairs Committee. He wrote this article for the Mercury News.*