

Definitions

Agreements: A manifestation of mutual assent by two or more parties, made through offer and acceptance. An agreement can be written or oral. Forms of agreements may include contracts, gift agreements, corporate sponsorship agreements, grant agreements, and memoranda of understanding.

Engagements: A general term used to describe an activity that the University or any of its components undertake at the Institutional Level that involves significant or meaningful interaction or exchange with another entity. For the purposes of the President's letter, "Engagements" is a "catch-all" term to describe Agreements, Affiliations and Collaborations that need to be considered and sent to the President for review and approval if they involve a country of concern and emerging technologies.

Affiliation: An association or relationship of a continuing nature between the University or any of its components (e.g., location or location sub-units) and another organization or individual in support of an academic, research, clinical and/or scholarship program and/or exchange of students, faculty, scholars, and staff.

Collaborations: A general term used to describe an activity that the University or any of its components undertake at the Institutional Level that involves significant or meaningful interaction or exchange with another entity. For the purposes of the President's letter, this term is used interchangeably with "Engagements."

Institutional vs. Individual Levels: For the purposes of the President's letter, international Engagements that are undertaken by or on behalf of the University, a location or any of its components are considered at the "Institutional Level." In contrast, agreements that are NOT undertaken by or on behalf of the University, a location or any of its components are considered to be undertaken at the "Individual Level." Examples of Individual Level affiliations and agreements include professional relationships between a researcher acting in their individual capacity and international parties to collaborate on a research project or co-author a scientific journal.

Enhanced Review and Approval: For the purposes of these guidance documents, when the phrase "Enhanced Review and Approval" is used, it means specifically pursuant to President Drake's Letter to the Chancellors and LBNL Director on August 28, 2023, and does not mean to be comprehensive of other policies or processes, such as the International Activities Policy, where Enhanced Review and Approval may be required separate of the President's letter.

What is a Country of Concern?

For the purposes of the framework, countries of concern include China, Iran, North Korea, Russia, Qatar, Saudi Arabia, and the United Arab Emirates. International Engagements involving these countries represent higher risks for institutions of higher education based on federal regulations and policies in these two areas:

- The [Sec 19221 of the CHIPS and Science Act of 2022](#) identifies China, Iran, North Korea, and Russia as countries of concern for reasons of national security.
- The Department of Education's report on [Institutional Compliance with Sec 117 of the Higher Education Act of 1965](#) identified China, Qatar, Saudi Arabia, and the United Arab Emirates as the top foreign sources of funding to U.S. institutions of higher education by total amount (more than \$1 billion of the total \$6.6 billion reported in 2020). According to this report, funding from China, Qatar and Saudi Arabia came largely from the instrumentalities of those countries' governments, which may carry a higher risk. The University of California

is committed to HEA Sec 117 compliance, and therefore contributions originating from or Engagements with these countries should undergo thorough review.

Due to the possibility of further federal government actions, consider this list dynamic and subject to future updates by UCOP.

What is Emerging Technology?

As a term, Emerging Technology can be used broadly to mean different specific technology areas for various purposes. For the purposes of reviewing international Engagements and affiliations in relation to the President's Letter, Emerging Technology means a specific but evolving list of technology areas under [Sec 1758 of the Export Control Reform Act \(ECRA\)](#). Research on and with these technologies, which include Engagements with countries of concern, needs to be reviewed by the location first and then routed for Enhanced Review and Approval. Based on various federal guidance¹, technology areas considered Emerging Technology include:

- Biotechnology (Note: currently, the government has identified the following areas of biotechnology as emerging technology: Nanobiology, Synthetic biology, Genomic and genetic engineering, Neurotech).
- Artificial intelligence (AI) and machine learning
- Positioning and navigational technology
- Microelectronics or Semiconductors
- Advanced computing
- Data analytics technology
- Quantum information and sensing
- Additive manufacturing
- Robotics and autonomous systems
- Brain-computer interfaces
- Hypersonics

UCOP will update this list periodically, but it is recommended that locations consult the Export Control Officer regularly for the most current information on how the federal government is looking at Emerging Technology.

¹ [Export Control Reform Act \(ECRA\) draft](#); White House Office of Science and Technology Policy (OSTP) [Critical and Emerging Technologies](#) List Update from 2022; and the Center for Strategic International Studies (CSIS) report on [Optimizing Export Controls for Critical and Emerging Technologies](#). Note: the federal government is regularly updating and refining what they consider to be Emerging Technology.