
ABOUT THESE MATERIALS

Export control laws are complex and fact-specific. Regulations, rules, and lists for specifying who or what is considered export-sensitive and where export controls apply are subject to change. The content below is intended to provide a very brief outline of basic export control information. It should not be relied upon exclusively, nor should it be construed as legal advice.

EXPORT CONTROLS BASICS

What are export controls?

Export control laws regulate the conditions under which certain information, technologies, and commodities can be transmitted to foreign persons or entities in the United States or abroad. Their purpose is to protect national economic, security, and foreign policy interests. Most exports do not require specific approval from the federal government. Certain exports, however, require a license. Others are prohibited.

Where do export regulations come from?

Several federal agencies implement export control rules and regulations. Each agency possesses jurisdiction over specific types of technology or restricted trade. The most relevant agencies are referenced below.

- The Department of Commerce regulates commercial products and technology through the Export Administration Regulations (EAR) 15 C.F.R. 700-799.
- The Department of State regulates defense articles, defense services, and related technical data through the International Traffic in Arms Regulations (ITAR) 22 C.F.R. 120-130.
- The Treasury Department regulates transactions involving certain countries, individuals, and entities subject to embargo, boycott, or trade sanctions through the Office of Foreign Assets Control (OFAC) 31 C.F.R. 500-599.

How do export control issues arise in the university setting?

Export control regulations can be triggered by: taking a computer or other equipment out of the country; engaging in transactions involving certain individuals, entities, or countries; accepting publication restrictions or other restrictions on the distribution of research results; foreign national involvement in teaching or research activities related to controlled equipment or technology; and in other ways. Most university activities will fall under exclusions to export controls regulations (i.e. fundamental research, public domain/public information, educational information exclusions).

What happens if export control laws are violated?

There are severe institutional and individual sanctions for violations of export control regulations including the loss of research funding, as well as civil and criminal penalties including million dollar fines and imprisonment.

What's an export?

An "export" generally includes:

- Actual shipment of any covered goods or items
- The electronic or digital transmission of any covered goods, items or related goods or items
- Any release or disclosure—including verbal disclosures and visual inspections—of any technology, software, or technological data to any foreign person or entity
- Actual use or application of covered technology on behalf of or for the benefit of a foreign entity or person anywhere

When a controlled item or information is transmitted to a foreign person or entity in the United States, it is known as a "deemed export."

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