Why have a campus policy?
The purpose of the campus policy is to inform and educate the University community of their responsibilities to comply with federal export control regulations.

Why should I be concerned about compliance?
Non-compliance can result in large fines, loss of exporting privileges, and possible prison time for the University, the individual or both.

What are export controls?
Generally stated, export controls regulate the disclosure, shipment, use, transfer or transmission of anything appearing on the U.S. government's controlled technologies lists, to a foreign person or foreign entity. Additionally, export controls regulate transactions or the provision of services involving prohibited countries, persons or entities based on trade sanctions, embargoes and travel restrictions.

What are the different ways that a person can export under the regulations?

- Physical Export: the shipment or transmission of any item that is sent from the U.S. to a foreign destination
- Deemed Export: the release of technology or software subject to the export regulations to a foreign person in the U.S. Deemed exports can be conveyed through visual inspection, oral exchange, electronic/digital exchange, made available by practice/application (e.g. training).

Aren’t campus activities excluded from export controls?
While most campus activities are excluded from export controls or have a license exception available; these exclusions and exceptions need to be documented and recorded. Some campus activities, such as: international travel with items or technical data, international shipping, accepting export controlled information or items, sharing information with foreign nationals in the US and internationally, may require a license and/or a technology control plan to ensure compliance with the regulations.
What types of activities are excluded from export controls?

- Education: released by instruction in catalog courses and associated teaching laboratories of academic institutions.
- Fundamental Research: basic and applied research in science and engineering where the resulting information is ordinarily published and shared broadly within the scientific community.

What are some examples of possible university export control compliance areas?

- International travel with research equipment or technical data may require a license, depending on the items you are bringing and your destination. There is a license exception to bring your laptop and cell phone but this exception must be documented.
- Shipping equipment or materials internationally may require a license depending on the items you are shipping, the destination and the person/entity to whom the shipment is going.
- Sending technical data (i.e. schematics, blueprints, user manual, etc.) that is export controlled inside or outside of the US may require a license.
- Accepting publication restrictions, foreign national restrictions, or entering into a “gentlemen’s agreement” to not publish research results when conducting a funded or unfunded research project invalidates the Fundamental Research Exclusion and the project (and all resulting information) is subject to export controls.
- Purchasing equipment, materials, biologics, or chemicals that are export controlled require that proper security measures are implemented to ensure proper access and usage under the regulations.
- Accepting 3rd party proprietary data. The proprietary data could be export controlled and require a license to share with a foreign national.

Are there lists of the items that are export controlled?

The Department of State administers the International Traffic in Arms Regulations which includes the US Munitions List (USML). The USML contains items and technical data that is inherently military in nature (although it can have a commercial purpose) and also regulates the provision of defense services. The USML does not contain an index, the USML can be accessed at: [https://www.pmddtc.state.gov/regulations_laws/itar.html](https://www.pmddtc.state.gov/regulations_laws/itar.html)
The Department of Commerce administers the Export Administration Regulations which includes the Commodity Control List (CCL). The CCL contains dual-use items and technical data and is a positive list. The CCL contains an Index, however the index is not an exhaustive list of controlled items. Both the Commodity Control List and its Index can be accessed at: http://www.bis.doc.gov/index.php/regulations

Who can assist with determining if items or technical data are controlled?
Vendors should be able to supply the export category classification for their items.

If the item or technology is the result of your research, please contact the Office of Research Compliance as we have software that can assist or a request can be submitted to the appropriate federal agency.

Have there been cases of universities and/or researchers violating the export regulations?
As the University of Pittsburg’s website reminds us (www.research.pitt.edu/exco-export-violations):

On January 18, 2012, John Reece Roth, a former professor of Electrical Engineering at the University of Tennessee (UT) in Knoxville, began serving a four-year prison sentence for his September 2008 convictions. Roth received this sentence for illegally exporting military technology, in large part due to his work with graduate students from Iran and China. Although, Roth claimed he was ignorant of the regulations, the prosecution pointed out that he was warned on a number of occasions, including by university counsel, that the technology may have been controlled. Professor Roth’s conviction and prison sentence forcefully remind the research community, as well as academia, of the potentially severe consequences that may arise from ignoring technology export controls.
In May 2013, three researchers at the New York University School of Medicine were charged for sharing with Chinese companies non-public information about their N.Y.U work conducted through a grant from the N.I.H. to develop new M.R.I. technologies.

In March 2013, University of Massachusetts in Lowell (UML) has been sanctioned for two past violations of the Export Administrations Regulations: in 2006 and 2007 UML exported an antennae and an atmospheric testing device as EAR99 to SUPARCO, an organization listed on the Entity List (one of the Restricted Parties Lists).

In 2009, Georgia Institute of Technology allowed Internet Users in 36 countries, including China, and Iran, to view sensitive information that was intended only for federal employees and contractors. This course included 14 PowerPoint slides and was uploaded to Georgia Tech’s servers. The State Department stated that it had determined that violations had occurred.

In 2004, Dr. Thomas Campbell Butler, M.D., a professor of Texas Tech University received a 2 year prison sentence for illegally exported the Yersinia pestis (human plague), which is a controlled item under the EAR and cannot be exported without the required export licenses. Dr. T. C. Butler had to resign from Texas Tech and accepted a denial of his export privileges for a period of ten years.

**Resources and Additional Information**

Read “Don’t Let This Happen to You” [http://www.bis.doc.gov/index.php/enforcement](http://www.bis.doc.gov/index.php/enforcement)