



EXPORT CONTROLS: WHAT YOU NEED TO KNOW

What are “Export Controls”?

Export Controls are Federal laws restricting the transfer of goods and technology to and the performance of services for persons and entities outside the United States. These laws are currently implemented by the following government offices:

- U.S. Department of Commerce through its Export Administration Regulations (**EAR**),
- U.S. Department of State through its International Traffic in Arms Regulations (**ITAR**), and the
- U.S. Department of Treasury through its Office of Foreign Assets Control (**OFAC**).

What are the purposes of these laws and regulations?

Export control laws and regulations have several purposes:

- to restrict exports of goods and technology that could contribute to the military potential of U.S. international adversaries;
- to prevent proliferation of weapons of mass destruction;
- to advance U.S. foreign policy goals; and
- to protect the U.S. economy and promote trade goals.

What activities are impacted by Export Controls?

- (1) Transfers of controlled information, including technical data, to persons and entities outside the United States;
- (2) Shipment of controlled physical items, such as scientific equipment, that require export licenses from the U.S. to a foreign country;
- (3) Verbal, written, electronic, and/or visual disclosures of controlled scientific and technical information related to export controlled items to foreign persons in the United States; and
- (4) Provision of services to - or conducting financial transactions with - an embargoed or boycotted country, restricted individuals or entities.

What are some examples of situations subject to Export Controls?

Examples of situations that may be subject to Export Controls include, but are not limited to:

- Shipping controlled materials, supplies, or samples to other countries
- Sharing information disclosed under confidentiality agreements with foreign persons, including students, staff, and faculty
- Carrying a university-owned laptop computer containing controlled information or encryption software on foreign travel
- Exchanging unpublished research results or data with foreign persons located overseas or in the US by any means, including e-mail, file transfers, etc.
- Training a foreign person in the design, development, use, or testing of controlled equipment
- Carrying controlled materials, samples, or GPS equipment in checked or carry-on luggage on foreign travel
- Conducting research under a grant or any contractual agreement that restricts the participation of foreign nationals or requires approval to publish results

Who is considered a “foreign person”?

- (1) Any person who is not a US citizen or lawful permanent resident of the United States (green card holder);
- (2) Any foreign corporation or other entity or group that is not incorporated or organized to do business in the United States; and
- (3) Any foreign government.

What is a “Deemed Export?”

The transfer of technology or source code (except encryption source code) **by any method** to a foreign person in the U.S. or abroad is deemed to be an export to that individual’s country of citizenship.

Methods of transfer include fax, telephone discussions, e-mail, computer data disclosure, face-to-face discussions, training sessions, or facility tours which involve visual inspections of controlled technology.

What is the penalty for Violators?

The laws provide for criminal sentences for individuals of up to 10 years in prison and up to \$1 Million fines and civil fines of up to \$500,000.