

EXPORT CONTROLS GUIDANCE BASICS

What are export controls?

Export Control laws and regulations establish the conditions under which controlled information and items can be transmitted to anyone outside the United States and to foreign persons and entities in the United States. They also restrict or prohibit the transaction of business with certain countries, persons and entities that have been sanctioned by federal agencies as a threat to important U.S. interests. All Texas A&M employees and students must be aware of and are responsible for the export control implications of their work and must ensure that their activities comply with export control laws and regulations.

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 U.S. Department of Commerce, through the Bureau of Industry and Security, administers the Export Administration Regulations (EAR; 15 C.F.R. 730). EAR regulates “dual-use” items and related technology, which are primarily designed for commercial purposes, but which could have military applications, such as computers, aircraft, and pathogens.
- The U.S. Department of State, through the Directorate of Defense Trade Controls (DDTC), administers the International Traffic in Arms Regulations (ITAR; 22 C.F.R. 120--130). ITAR regulates items and information inherently military in design, purpose, or use. Controlled items are referred to as “defense articles” and are included on the U.S. Munitions List (USML).
- The U.S. Department of the Treasury, Office of Foreign Assets Controls (OFAC; 31 C.F.R. 500), administers and enforces economic and trade sanctions based on U.S. foreign policy and national security goals with regard to certain countries. OFAC regulations can severely restrict transactions, such as prohibiting the transfer of anything of value to certain countries.

How do export control issues arise in the university setting?

Export control regulations can apply in many situations, including but not limited to: taking a computer or other equipment out of the country; engaging in transactions or providing services to certain individuals, entities or countries; accepting publication restrictions or other restrictions on the distribution of research results; foreign person involvement in teaching or research activities related to controlled equipment or technology; conducting work and/or research from abroad; and other international activities. Most university teaching and research will fall under exclusions to export control 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 laws and regulations, including loss of research funding, loss of export privileges, and criminal or civil penalties.

What is an export?

An “export” generally includes:

- Physical shipment of goods, items, or biologicals out of the United States;
- Electronic transfer of any controlled technology or information;
- Release or disclosure, including verbal disclosures and visual inspections, of controlled technology, software or technical data to any foreign person or entity; and
- Use or application of controlled technology on behalf of or for the benefit of a foreign entity or person, regardless of location.

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”.

For more information contact:

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