

Federal Export Controls

Over the past few years the Federal government has become increasingly involved with protecting information and technology from disclosure by universities, the release of which could hamper U.S. economic vitality or contributes to the military potential of U.S. international adversaries. Export laws and regulations promulgated by the U.S. Department of Commerce, the U.S. Department of State and the Treasury Department's Office of Foreign Assets Control are the bases for restricting use and access to this information and technology. These laws impact research, foreign travel and the transfer of technology and information to certain countries. The laws also impose severe criminal and civil fines for noncompliance. It is important that all persons involved in sponsored research understand the regulations and implementation requirements.

This information sheet provides an overview of the Department of Commerce's ITAR and EAR regulations, the Office of Foreign Assets Control embargoes, principal investigator responsibilities, examples for BMC faculty and staff, penalties for noncompliance and important links for further information.

Export Control is regulated by the Department of Commerce's Export Administration Regulations (EAR) and by International Traffic in Arms Regulations (ITAR). These regulations control the export of commodities, software, technical data, and information to foreign countries. Export commonly refers to the shipment or transmission of items, services, or technical data out of the United States however, under EAR and ITAR export can also refer to the release of technology or software technical data to a foreign national in the United States (deemed export). Software or technical data is considered released for export through:

- visual inspection by foreign nationals of equipment and facilities that originated in the United States;
- oral exchanges of information in the United States and abroad; or the application to situations abroad of personal knowledge or the experience acquired in the United States.

ITAR and EAR **cover items** of U.S. origin, such as

- equipment
- chemicals
- biological substances
- other materials
- software codes
- computers

Examples when export controls may apply to a BMC College employee

- A laptop computer is carried into one of the OFAC/embargoed countries.
- A cellular phone with a GPS system is carried into a restricted country.
- A grant/contract award is accepted from the U.S. government that has proprietary restrictions on the release of data.
- A computer or encrypted software is shipped to a foreign country.
- A Bryn Mawr College employee collaborates with a foreign national or releases information to a foreign national on a research project for the federal government.

Principal Investigator Checklist

Every principal investigator should ask himself/herself the following questions:

- Do you anticipate any foreign travel associated with the project?
- Will you collaborate in any way with a foreign national as a research or commercial partner?
- Will you send your research results or ship items to a foreign country or foreign citizens?
- Will you use a research assistant who is a foreign national?
- Does the research involve anything else with a substantial or dual-use military application?
- Does the research involve any EAR categories?
- Does the research involve any item on the ITAR Munitions List?
- Does the research involve technology or devices designed for use in military, security and intelligence applications?

BMC Employee Procedures

If you answered affirmatively to any of these questions, then there is a possibility that export control does apply to your project and you need to contact your Office of Sponsored Research to make a final determination.