

Export Controls Policy

The Institute must fully comply with all United States export control laws and regulations, including the Export Administration Regulations (EAR) under the Department of Commerce, the International Traffic in Arms Regulations (ITAR) under the Department of State, and other such regulations imposed by the Treasury Department through its Office of Foreign Assets Control (OFAC).

Export control laws apply to an increasingly broad range of activities and technologies and an export license is almost always required to provide foreign nationals with training (e.g., under a technical assistance agreement) that involves a Covered Technology or otherwise transport a Covered Technology to a foreign country. Also subject to licensing are “Deemed” exports, or transfers of covered technology to foreign persons, usually in the U.S., where the transfer is regulated because the transfer is “deemed” to be to the country where the person is a resident or a citizen.

An export license is not required for research conducted on the Institute campus -- including research involving Covered Technology or Deemed Exports -- provided there are no access restrictions to the publication or the research. The Institute’s policy and practice of open access and publication provides protection under the fundamental research exemption. As defined in the federal guidelines on Export Control, fundamental research includes basic or applied research in science and/or engineering at an accredited institution of higher learning in the United States where the resulting information is ordinarily published and shared broadly in the scientific community.

The responsibility for complying with these export control regulations -- recognizing whether technology or equipment involved in a foreign scholar’s research might be a Covered Technology and determining if there are any access restrictions to the publications or the research -- is a shared responsibility between the Faculty and the Visiting Scholar engaged in the research. If there are questions about the Export Control guidelines, the Office of Human Resources and specifically, the Visa and Visitor Services Coordinator are available to assist with compliance efforts and, when necessary, will seek support from outside counsel.