

How do export controls impact universities?

Export controls primarily impact universities in the area of research and the transfer (release) to foreign nationals of technology subject to the EAR that is associated with the research.

Research:

In the university context, research in which foreign nationals participate may implicate export controls. As a general matter, a university may need to obtain an export license from BIS to release technology or source code subject to the EAR to a foreign national in the U.S. in the context of research activities. (Under the EAR, such an export is a “deemed export” (“deemed” to be an export to the most recent country of citizenship or permanent residency.) However, information arising during or resulting from **fundamental research and that is intended to be published** is not subject to the EAR, and therefore its export does not require prior authorization from BIS.

Inputs	Research	Outputs
Publically Available Technology (not subject to the EAR)		Published Research (not subject to the EAR)
Export-Controlled Technology (subject to the EAR)		Research Withheld from Publication (subject to the EAR)
Commodities (subject to the EAR)		Commodities resulting from published or unpublished research (subject to the EAR)

Why Should I Comply?

Violators of the Export Administration Regulations, 15 C.F.R. Parts 730-774 (EAR), may be subject to criminal and administrative penalties. Under the Export Control Reform Act of 2018 (50 U.S.C. §§ 4801-4852) (ECRA), criminal penalties can include up to 20 years of imprisonment and up to \$1 million in fines per violation, or both. Administrative monetary penalties can reach up to approximately \$307,000 per violation or twice the value of the transaction, whichever is greater.

Helpful Resources

BIS Export Counseling Desks:

To speak with an export counselor, please call:

(202) 482-4811 – Washington, DC – open Monday-Friday, 8:30am-5:00pm ET

(949) 660-0144 – Irvine, CA – open Monday-Friday, 8:00am-5:00pm PT

(408) 998-8806 – San Jose, CA – open Monday-Friday, 8:00am-5:00pm PT

or e-mail your inquiry to: ECDOEXS@bis.doc.gov

BIS website guidance: www.bis.doc.gov

The Export Administration Regulations: <https://www.bis.doc.gov/index.php/regulations/export-administration-regulations-ear>

Short, animated videos on a variety of export control topics: <https://www.bis.doc.gov/index.php/online-training-room>

This Guidance does not create any privileges, benefits, or rights,

Frequently Asked Questions

(Additional related FAQs can be found at

<https://www.bis.doc.gov/index.php/policy-guidance/faqs>)