

Research and Sponsored Projects Manual (RSP)

RSP 214: Export Control

Effective: 12/1/2010

Revised: 11/1/2024

Purpose

To explain applicable export control laws and regulations regarding the dissemination of research results and the transfer of items and information

Sources

International Traffic In Arms Regulations (ITAR) 22 CFR Parts 120-130

Export Administration Regulations (EAR) 15 CFR Parts 730-774

Office Of Foreign Assets Control (OFAC) 31 CFR Parts 500-599

National Security Decision Directive 189

Knowledge Enterprise (KE) Research Operations Export Control Team

Applicability

[Faculty](#), academic professionals, classified, administrative, and [university staff](#), and students

Background

Export control regulations, as promulgated by several federal agencies, are federal laws that prohibit the unlicensed [export](#) and [re-export](#) of certain categories of information, technologies, and items for reasons of national security or protections of trade.

Export controls apply to:

- the transfer of physical items
- information
- the provision of specific services to persons and entities outside the United States (exports)

and/or

- the provision of specific types of services to [foreign nationals](#) inside the United States ([deemed exports](#)).

The fundamental research exclusion does not apply to tangible items abroad or for technical items taken/presented outside of the United States.

Export controls restricting a foreign national's participation in university research within the United States generally do not apply to the conduct or results of [fundamental research](#).

Export controls also apply when university property (such as laptop computers, PDAs, global positioning systems (GPS) and the software installed on such equipment) is taken outside the United States. Staff support in export controls can help you determine whether you can take your university property outside the US.

It is the goal of the university to allow faculty both to explore freely their research interests and disseminate their research results. The university also wishes to allow faculty to collaborate freely with their international colleagues in the conduct of fundamental research and to allow foreign researchers and graduate students to participate in university research projects. However, the university must pursue these goals in accordance with applicable export control laws and regulations.

Policy

All university personnel engaged in sponsored or nonsponsored research of any scope and duration are responsible for reviewing, prior to beginning such research, applicable export control regulations to determine whether any aspect of the intended research is subject to the regulations and, if so, whether any exclusion or exemption is available or whether a license must be obtained as a condition of conducting the research. Such determination must be re-evaluated prior to any subsequent changes in the terms of sponsorship, the scope of work, or the personnel involved in the research.

The Export Control Team in KE Research Operations provides assistance to personnel in assessing the application of and compliance with the export control regulations, but the primary compliance responsibility rests with the principal investigator of the research project.

All university personnel engaged in research should perform an annual review of their research and the personnel participating in such research to determine the applicability of the export control regulations. A Technology Control Plan (TCP) shall be filed with the KE Research Operations- Export Control Team with respect to any research that is covered by ITAR, EAR, or [OFAC](#) requirements to ensure compliance with all applicable ASU and export control regulations.

Failure to comply with applicable export control regulations can result in severe civil and criminal penalties, the university's loss of export and government contracting privileges, and disciplinary action under university policies.

Additional Information

For International Traffic In Arms Regulations (ITAR) 22 CFR Parts 120-130, see https://www.pmdotc.state.gov/ddtc_public?id=ddtc_public_portal_itar_landing

For Export Administration Regulations (EAR) 15 CFR Parts 730-774, see <https://www.bis.gov/>

For Office Of Foreign Assets Control (OFAC) 31 CFR Parts 500-599, see <https://www.treasury.gov/about/organizational-structure/offices/Pages/office-of-Foreign-Assets-Control.aspx>

For [National Security Decision Directive 189](#), see <https://www.fas.org/irp/offdocs/nsdd/nsdd-189.htm>

KE Research Operations-Export Control Team provides resources and guidance on [Export Control](#).

Cross-Reference

See also [RSP 406](#), "Publication."