



TO: Deans, Directors, Department Chairs and Administrative Staff

FROM: Chancellor Tom Case *TC*

SUBJECTS: Export Control Regulations and Policies

GENERAL OVERVIEW

The U.S. government regulates the transfer of controlled information, materials, software, technology, and commodities to foreign countries or to foreign nationals in the U.S. in the interest of national security, the economy, and foreign policy. Federal regulations, including the [Export Administration Regulations](#) (EAR) and [International Traffic in Arms Regulations](#) (ITAR), are implemented by a system of federal agencies, otherwise known as export controls. In brief, an export is the transfer of a physical item, computer software, or technical information to a foreign country. Furthermore, a deemed export includes certain information that is shared with foreign nationals within the U.S.

It is UAA policy that all personnel, including faculty, students, postdoctoral fellows, and staff conduct university business in compliance with U.S. export control laws and regulations. Export regulations apply despite funding by a grant, contract, or other agreement. Federal regulations and UAA policy require some exports to apply for an export license or permit. UAA's export control policy and program procedures, as well as UAA's Export License Exception forms for traveling outside of the U.S. are attached to this memo for your review.

RISKS

Qualification for an export license exemption, or if an item requires a license for export, must be documented by the University. Failure to document an exemption or apply for a license can pose serious risks for the Principal Investigator and UAA. UAA personnel may not transfer items, information, technology, or software in violation of U.S. export control laws or UAA export control policies. Violating export control laws and policies, whether accidental or intentional, can result in serious consequences.

Fundamental Research Exclusion

Most of UAA's research activities are exempt from export control laws because of a general exception for fundamental research, which is defined as basic and applied research in science and engineering conducted at an accredited U.S. institution of higher education where the resulting information is published and disseminated broadly to the scientific community (ITAR 120.11 and EAR 734.7). The fundamental research exemption allows institutions in the U.S. to allow foreign members of their communities to participate in research projects without a deemed export license. However, a

fundamental research exemption covers only the resulting information and does not necessarily cover the technology, software, or commodities from the research. If research involves technologies that are subject to export control laws, the EAR and/or ITAR may require the researcher to obtain federal approval prior to allowing foreign nationals to participating in the research.

It is crucial to note that even if the fundamental research exclusion applies, if a UAA activity involves an export or deemed export, UAA must document that an export control review was completed before the export takes place.

The University supports researchers to freely collaborate with international colleagues in the interest of fundamental research and to allow foreign researchers and students to participate in UAA research projects. With that said, it is the responsibility of the Principal Investigator and their respective Departments to be aware of federal export regulations and University policy and procedures for export controls. The Vice Provost for Research is the institutional official and signatory authority responsible for oversight of export licensing. The Research Integrity & Compliance Office is responsible for advising investigators and department administrators on performing assessments of whether a license exemption is applicable, and assisting with the license application (if required).

CONSEQUENCES

Violating export control laws can result in significant criminal and civil penalties, such as prison terms for up to 10 years, fines of \$1 million per violation, and the loss of export privileges and research funding. It is pertinent that Principal Investigators and unit administrators understand their obligations under these regulations and comply with the laws.

WHO TO CONTACT

The University's export control policies, program procedures, export control definitions, required forms, and frequently asked questions are available here:

<http://www.uaa.alaska.edu/research/ric/exportcontrols.cfm>

The Office of the Vice Provost for Research will facilitate administrative support and a license application if one is necessary for university activities. It is the Principal Investigator's responsibility to not proceed until a determination has been made.

For additional information, or if you have any questions about export controls, please contact:

- Dr. Helena Wisniewski, Vice Provost for Research, at hswisniewski@uaa.alaska.edu or 786-4833
- Dr. Dianne Toebe, Compliance Officer, at dmtoebe@uaa.alaska.edu or 786-4566
- Kelly McLain, Research Compliance Administrator, at kamclain@uaa.alaska.edu or 786-1099