



How Export Control Regulations Can Affect You

Federal export control regulations implemented after 9/11 require U.S. government approval before export or disclosure of certain information, technology or commodities to foreign entities. This includes academic institutions. **However, export licenses are not typically needed if the project meets the requirements of fundamental research as described below.**

Fundamental research is defined as: basic or applied research in science and engineering at an accredited institution of higher learning in the U.S. resulting in information ordinarily published and shared broadly in the scientific community.

This would cover almost all situations on our campus. **But this fundamental research exclusion is voided if the college:** a) accepts any restrictions on the publication of information; b) gives a sponsor the right to approve publications; or c) limits access to foreign nationals.

Areas subject to export controls including interacting with a foreign person or entity in the U.S. or abroad by: a) transferring ownership of controlled articles; b) transferring a controlled technology (ex. sharing export controlled technology with a foreign visiting scholar); c) disclosing controlled technical data; d) performing defense services for the benefit of a foreign person. Specific examples of exports of controlled information or equipment could include: a) direct exports of equipment; b) publications that are not accessible to the public; c) conversations involving covered technology; d) sending or taking an export controlled article out of the U.S. (e.g., faculty traveling with laptops with controlled information on them to another country); e) shipping equipment abroad for research or other purposes to certain countries.

Penalties—there are severe criminal and civil penalties for individuals and corporate noncompliance.

Impact on You—penalties are severe, and failure to correctly identify the need for Export Controls is a risk. The Research Foundation for SUNY reviews all foreign travel, collaborations, purchasing or other foreign components on each proposal and subsequent award. The Research Foundation for SUNY makes the final determination of whether Export Controls are required. Approval for foreign activity (travel, collaborations, purchasing, etc.) on any award is required prior to the activity taking place. Please contact Laura Merkl at The Research Foundation for SUNY with any questions and prior to any foreign grant activity at (585) 395-2444 or lmerkl@brockport.edu.