

### What are export controls?

Export Control laws and regulations establish the conditions under which controlled information and items can be transmitted to anyone outside the United States and to foreign persons and entities in the United States. They also restrict or prohibit the transaction of business with certain countries, persons and entities that have been sanctioned by federal agencies as a threat to important U.S. interests. All Texas A&M employees and students must be aware of and are responsible for the export control implications of their work and must ensure that their activities conform to export control laws and regulations. There are severe institutional and individual sanctions for violations of export control laws and regulations, including the loss of research funding, loss of export privileges, and/or as criminal and civil penalties.

### Where do export regulations come from?

Several federal agencies implement export control rules and regulations. Each agency possesses jurisdiction over specific types of technology or restricted trade. The most relevant agencies are referenced below:

- The U.S. Department of Commerce, through the Bureau of Industry and Security, administers the Export Administration Regulations (EAR) 15 C.F.R. 730, which regulates “dual-use” items. These include goods and related technology, including technical data and technical assistance, which are designed for commercial purposes, but which could have military applications, such as computers, aircraft, and pathogens.
- The U.S. Department of State, through the Directorate of Defense Trade Controls (DDTC), administers the International Traffic in Arms Regulations (ITAR) 22 C.F.R. 120-130. ITAR regulates items and information inherently military in design, purpose, or use. Referred to as “defense articles” and included on the U.S. Munitions List (USML), it includes technical data recorded or stored in any physical form, models, mockups, or other items that reveal technical data directly relating to items designated in the USML.
- The U.S. Department of the Treasury, Office of Foreign Assets Controls (OFAC) 31 C.F.R. 500, administers and enforces economic and trade sanctions based on U.S. foreign policy and national security goals with regard to certain countries. OFAC regulations can severely restrict transactions, such as prohibiting the transfer of anything of value to certain countries.

### How do export control issues arise in the university setting?

Export control regulations can be triggered by many things, including but not limited to: taking a computer or other equipment out of the country; engaging in transactions and/ or providing services to certain individuals, entities or countries; accepting publication restrictions or other restrictions on the distribution of research results; foreign national involvement in teaching or research activities related to controlled equipment or technology; and other international activities. Most university activities will fall under exclusions to export controls regulations (i.e. fundamental research, public domain/public information, educational information exclusions).

### What happens if export control laws are violated?

There are severe institutional and individual sanctions for violations of export control regulations such as the loss of research funding, as well as civil and criminal penalties including million dollar fines and imprisonment.

### What’s an export?

An “export” generally includes

- Actual physical shipment of any goods or items
- The electronic or digital transmission of any covered goods, items or related goods or items
- Any release or disclosure, including verbal disclosures and visual inspections, of any technology, software or technological data to any foreign person or entity
- Actual use or application of covered technology on behalf of or for the benefit of a foreign entity or person anywhere

When a controlled item or information is transmitted to a foreign person or entity in the United States, it is known as a “deemed export”.

**For more information contact:** Export Control Office, Division of Research, (979) 862-6419, [exportcontrols@tamu.edu](mailto:exportcontrols@tamu.edu). Export Control website - <https://vpr.tamu.edu/initiate-research/export-controls>.