

**Export Controls**

One mission of the Office of Research Assurances is to facilitate and assist Washington State University researchers, staff and students in identifying and complying with all pertinent Export Control Regulations. We work in collaboration with other WSU departments to provide a network of Export Control Resources to assist with Export Control questions. It is ultimately each person’s obligation to comply with Export Regulations in respect to their WSU associated activities.

**Responsibilities of PI’s:**

Review in advance research for potential EAR/ITAR issues.

- Check to see if equipment/supplies to be purchased are controlled under EAR/ITAR – find the ECCN (Export Commerce Control Number).
- If you are planning to hire a foreign national, check the regulations to see if a deemed export license may be required.
- At the contract stage, check for restrictive clauses that would eliminate the Fundamental Research Exemption.
- Document exemptions and store records for 5 years.
- Apply for a license BEFORE project begins--process can take 2-6 months.

**Fundamental Research Exemption**

- Generally permits US universities to allow foreign members of their communities (e.g. students, faculty and visitors) to participate in research involving export-controlled

information on campuses in the U.S. without obtaining a license.

- Does NOT permit the transfer of export-controlled materials or items abroad, even to research collaborators.
- University based research is not considered “fundamental research” if the university or its researchers accept restrictions on the publication of the results of the project.

**Deemed Export**

- The EAR defines a deemed export as the release of technology or source code subject to the EAR to a foreign national (no green card) in the U.S.
- Such release is “deemed” to be an export to the home country of the foreign national.
- Situations that can involve release of U.S. technology or software include:
  - Tours of laboratories
  - Foreign students or professors conducting research
  - Hosting foreign scientists
  - Emails, visual inspection, oral exchanges
- Unless the fundamental research exemption applies, a university’s transfer of controlled technology to a non-permanent resident foreign national may be controlled and/or prohibited.

**Activities that Generally Require Export Control Review**

The following list is not designed to be an exhaustive list of all activities that should be reviewed; but is meant to serve as a reminder for all parties as to their responsibility to assure that

WSU activities are performed in compliance with Export Control Regulations. The following activities generally require an Export Control Review:

- Export of goods (testing kits, equipment, hardware and materials).
  - Materials include biological and chemical agents.
- Export of technology (technical information and data) even when sent by email.
- Export of software / codes (commercial or custom) even when sent by email.
- Travel to other countries.
- Visits by foreign nationals to WSU.
- Disclosure of specific information and specific types of services to foreign nationals inside the U.S.
- Collaboration with a foreign national or foreign company.

**Export Management Systems Infrastructure**

Regulation	Authority	WSU
Visas	Homeland Security	International Programs – Office of International Students and Scholars
Select Agents	CDC & USDA	Central Receiving
Export	EAR: BIS/DoC ITAR: DoD/State	Contracts: Office of Grants and Research Development (OGRD)
		Technology Transfer: Office of Intellectual Properties Administration + OGRD
		Export Reviews : Office of Research Assurances
		Export Reviews (Deemed Export): International Programs
		Technology Control Plans: Office of the Attorney General.
OFAC	Treasury	Business Affairs
Customs	Homeland Security	MTA’s: Office of Grants and Research Development
		Shipping: Central Receiving

## ***Export Control Website Resources***

### ***WSU***

- <http://www.ora.wsu.edu/ExportControls/>
- [http://www.ogrd.wsu.edu/ec\\_faq.asp](http://www.ogrd.wsu.edu/ec_faq.asp)
- [http://www.ogrd.wsu.edu/docs/Export\\_Controls.pdf](http://www.ogrd.wsu.edu/docs/Export_Controls.pdf)

### ***Federal Government***

- <http://www.bis.doc.gov/>
- [http://www.access.gpo.gov/bis/ear/ear\\_data.html](http://www.access.gpo.gov/bis/ear/ear_data.html)
- [http://pmdotc.state.gov/itar\\_index.htm](http://pmdotc.state.gov/itar_index.htm)
- <http://www.treas.gov/offices/enforcement/ofac/>
- <http://frwebgate.access.gpo.gov/cgi-bin/get-cfr.cgi?TITLE=22&PART=121&SECTION=1&YEAR=2002&TYPE=TEXT>
- <http://www.bis.doc.gov/ComplianceAndEnforcement/ListsToCheck.htm>

### ***Other***

- [http://www.stanford.edu/dept/DoR/exp\\_controls/tree/](http://www.stanford.edu/dept/DoR/exp_controls/tree/)
- <http://www.cogr.edu/docs/ExportControls.html>

### ***Consequences of Illegal Export Activities***

- EAR (Export Administration Regulations)
  - Criminal: \$50K to \$1 million or 5 times value of export, whichever is greater, per violation, 10 years imprisonment
  - Civil: Revocation of exporting privilege, fines \$10K-\$120K per violation
- OFAC (Office of Foreign Assets Control)
  - Criminal: Up to \$1 million per violation and 10 years imprisonment
  - Civil: \$12 K to \$55 K per violation
- ITAR (International Traffic in Arms Regulations)
  - Criminal: Up to \$1 million per violation and 10 years imprisonment
  - Civil: Seizure and forfeiture of article, revocation of exporting privilege, up to \$500,000 fine per violation

**If you have any questions, comments, or concerns about Export Controls please do not hesitate to reach one of the contacts listed below!**



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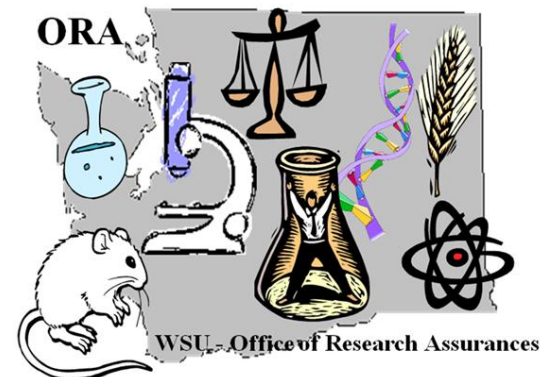
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