Drexel UNIVERSITY
Office of Research

EXPORT CONTROLS 101

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Drexel's Compliance Statement and Position

- *Drexel adheres to a policy of strict compliance with all applicable US export control laws.*
- *Drexel believes that education and awareness of all US export control laws by the Drexel community is critical to compliance.*

What do the US Export Control regulations cover?

- **US export control regulations, technology control lists and entity/person denial lists restrict the release to foreign nationals in the US and abroad of certain:**
  - Controlled Critical Technologies
    - Both civilian “dual-use” and “military-focus”
  - Technical Data and Software Code
    - Especially encrypted software
  - Equipment and Research Tools
  - Chemical and Biological Materials
  - Other Materials and Information
  - Services of Value to Certain Countries, Entities or Individuals
  - Increased Transparency for Travel Reimbursements

Exports Can Be…

- Physical Exports (mail/items or travel/people)
- Digital Transmissions (e-mail)
- Other Disclosures or Releases
  - Verbal or Visual
  - Lab Visits Abroad or in the US
- Deemed Exports
- Transfers Within the US to Certain Foreign Nationals

The federal definition of a deemed export is a release or transfer of technology or source code that is “deemed” to take place when it is released to a foreign national within the US.

- Unless an exemption applies, any transfer of export-controlled technology to a non-citizen or non-permanent resident within the US is subject to US jurisdiction and may require the prior approval of the US government. The approval is usually given in the form of a license.

- Permanent US residents (commonly called “green card holders”) and “protected immigrants” have the same rights to controlled information as a US citizen.

- Export controls also govern “use technology” which includes such information about operations, repair, maintenance and refurbishing of export controlled equipment or tools.

Export Controls – Key Areas for University Compliance

- Deemed Exports – On-campus research projects with foreign nationals (students, post-docs and visiting researchers/scholars without green cards).
- Sponsored Research Contracts – Terms and Conditions
  - Corporate and University Subcontracts
  - Master Sponsored Research Agreements
  - Federal Government Funding
- International Research Collaborations, Centers and Projects
- Any of the above in the context of “Defense Services” and/or

  “Defense-Related Research”

Many Drexel Activities are Subject to Export Controls but Most Should not Require a Government License

- *Why?*
  - **Most research and teaching on campus qualifies for an exclusion and/or exemption from licensing.**
  - Therefore, it is important that all conditions for these exclusions an/or exemptions are met and are vigorously protected.

The Fundamental Research Exclusion (FRE) provides the basis for exempting most on-campus university research from export control licensing requirements

- *The Fundamental Research Exclusion covers:*
  - Information (not items)
  - Resulting from "basic and applied research in science and engineering"
  - At an "accredited institution of Higher Education" (EAR) or Higher Learning (ITAR)
  - Located in the United States
  - That is "ordinarily published and shared broadly within the scientific community"

Consequences of Non-Compliance with US Export Control Laws

- Violations can result in:
  - Severe criminal and civil penalties for individuals
    - Millions of Dollars in fines
    - Extended jail sentences
- The denial of government funding
- The loss of exporting privileges
- Damage to individual and institutional reputations
- Threats to national security

If you have any questions or comments, please contact:

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For Additional Information:
Please consult the Office of Research Website at
http://www.drexel.edu/research

However, individuals are personally responsible for knowing and understanding the laws. IGNORANCE IS NOT A DEFENSE