Researchers at the University of Rhode Island work with colleagues both in the United States and internationally. These activities include the sharing and development of products, goods, hardware, software, or materials, as well as technology that may be subject to U.S. export control laws and regulations. It is the University’s policy to comply with all applicable laws and regulations. This statement summarizes key provisions of export control laws and regulations and discusses how the University will assist researchers in complying with these complicated requirements.

**Federal Agencies Involved in Export Controls**

The Departments of Commerce, State, and Treasury administer the primary controls on the export of goods or commodities. The Department of Commerce regulates the export of items and information that have civilian and dual-use applications (military and civilian), the Department of State regulates the export of items that have military applications or that relate to space, and the Department of the Treasury enforces country-specific embargoes. In certain circumstances, these agencies may require the University to secure a license before the item or information is exported to another country or shared with a foreign national.

**Department of Commerce**

The Bureau of Industry and Security, or BIS, of the U.S. Department of Commerce implements and enforces U.S. export control regulations relating to the export of dual-use goods and technologies as well as exclusively civilian items. Items subject to the jurisdiction of BIS are listed on the Commerce Control List (CCL) found in the Export Administration Regulations. Whether a license is required to export or re-export an item on the CCL is determined by examining the precise classification of the item, the destination of the item, and the end user. The CCL covers topics such as chemicals, microorganisms, computers lasers and sensors. The full list is available at [https://www.bis.doc.gov/index.php/regulations/commerce-control-list-ccl](https://www.bis.doc.gov/index.php/regulations/commerce-control-list-ccl). BIS also maintains the Denied Persons List and the Entities List, which identify specific persons and entities to which exports are not permitted without the prior approval of BIS. The Denied Persons List is available at [https://www.bis.doc.gov/index.php/policy-guidance/lists-of-parties-of-concern/denied-persons-list](https://www.bis.doc.gov/index.php/policy-guidance/lists-of-parties-of-concern/denied-persons-list). The Entities List is at [https://www.bis.doc.gov/index.php/policy-guidance/lists-of-parties-of-concern/entity-list](https://www.bis.doc.gov/index.php/policy-guidance/lists-of-parties-of-concern/entity-list).

**Department of State**

The Directorate of Defense Trade Controls of the U.S. Department of State regulates the export of defense goods, technical data, and defense services. The Directorate administers the International Traffic in Arms Regulations, or ITAR, which can be viewed at [http://www.pmddtc.state.gov/regulations_laws/itar_official.html](http://www.pmddtc.state.gov/regulations_laws/itar_official.html). Generally, a defense article is an item developed for a military application and has no predominant civilian application. Unless an exemption applies, a license must be obtained before any defense article is exported to a foreign country or foreign national. Directorate authorization is also required for any agreement under which a U.S. person will assist foreign persons in the development, design, production or use of a defense article or under which a U.S. person will license to a foreign party the right to
manufacture U.S.-origin defense articles abroad. The Directorate maintains a list of debarred persons and entities whose exporting privileges have been revoked as a consequence of violations of the ITAR. It can be viewed at [https://mary.dtas-online.pmdtc.state.gov/regulations_laws/itar.html](https://mary.dtas-online.pmdtc.state.gov/regulations_laws/itar.html).

**Department of the Treasury**

The Office of Foreign Assets Control, or OFAC, of the U.S. Department of Treasury administers and enforces certain country-specific controls that take the form of economic embargoes against countries, currently including Burma (Myanmar), Cuba, Democratic Republic of the Congo, Iran, Iraq, Lebanon, Libya, North Korea, Somalia Sudan, Syria, Ukraine, Venezuela, Yemen and Zimbabwe. The scope of these economic and trade embargoes varies from country to country, and the list is constantly changing. OFAC has adopted regulations that detail the scope of the embargo against each country. OFAC also maintains lists of Specially Designated Terrorists and Specially Designated Nationals and Blocked Persons, with whom U.S. persons are prohibited from engaging in any transactions due to U.S. foreign policy and national security concerns. Transfers of items and information to individuals or entities on these lists are prohibited without the prior approval of OFAC. Details about the sanction programs are at [https://www.treasury.gov/resource-center/sanctions/Programs/Pages/Programs.aspx](https://www.treasury.gov/resource-center/sanctions/Programs/Pages/Programs.aspx).

**Deemed Exports**

In addition to regulating the export of actual goods or commodities, U.S. export controls cover the export or release of technical data or technology (which includes information, whether printed, electronic or communicated orally). Under the deemed export rule, the transfer or release of technical data or information subject to U.S. export controls to a foreign national, whether it occurs in the United States or abroad, is “deemed” an export from the United States to the home country of the foreign national. At universities, this issue arises most frequently in connection with the participation of international researchers or collaborators in projects involving export controlled technology.

Much of the export controlled technology that our international students and scholars have access to on campus at URI will not require licensing because of the exceptions contained in the relevant regulations for “fundamental research” or “educational information”. If the on-campus teaching of basic and applied research is free from restrictions on publication and involves information that is not subject to any access or dissemination controls, it generally qualifies for the “fundamental research” exemption. The information is considered to be in the public domain, and no license is necessary for access to this information by foreign nationals.

Similarly, there is an exception for educational information that is released through instruction in catalog courses and associated teaching laboratories of U.S. academic institutions. Thus, we do not need a license to share information with our international community on campus if the information is provided through instruction in the classroom or in our laboratories on campus in the United States. For students physically living in the United States, some distance learning courses may also fall within this exception. Although the fundamental research exemption (coupled with the educational information exemption) may be broad, it generally does not authorize the transfer of physical items outside of the U.S. In addition, the fundamental research
exemption does not generally apply to work conducted abroad by URI researchers, even if such research and informational exchanges are being conducted at an institution that is affiliated with URI. To be eligible for the fundamental research exemption, the research must take place at an accredited institution in the United States.

Penalties for Violations

If U.S. export control law is violated, both the university and the individuals involved in the violation may be liable. The exporter and the individual employees involved may be subject to severe administrative and civil sanctions as well as criminal penalties. For example, knowing violations of the EAR are punishable by a fine of up to five times the value of the exports involved, or $50,000, whichever is greater. Willful violations can result in penalties of up to $1 million per violation. Penalties can also include the denial of export privileges and debarment from contracting with the federal government. In addition to monetary fines, individuals may be imprisoned for intentional violations. Almost all enforcement actions are public.

Policy Implementation at URI

It is URI’s policy that all personnel, including employees, visiting scientists, postdoctoral fellows, students, and other persons retained by or working at or for URI conduct their affairs in accordance with U.S. laws and regulations, including compliance with U.S. export control laws and regulations applicable to its operations. The laws and regulations governing exports are detailed and complex. Employees with responsibility for URI’s export-control compliance program or whose duties include a significant amount of work with foreign nationals will be offered formal training sessions on the U.S. export-control laws and regulations and their applicability to their jobs. In many cases, research involving export controlled technology requires implementation of a formal technology control plan to identify export issues and controls. All URI employees with managerial or supervisory authority over foreign nationals or projects involving materials or technology subject to export controls should view export-control compliance as an important part of their day-to-day responsibilities.

It is particularly important in an institution like URI that frequently works in tandem with researchers and collaborators from abroad to determine early in the process of any international collaboration the potential requirement for export-control authorization. No URI personnel may transfer any items or technology contrary to U.S. export control laws and regulations or URI University Export Control Policies and Procedures. The policies and procedures include a number of screening steps required prior to exporting. In addition, the policies and procedures identify people to contact to answer questions about whether specific research activities raise any export issues.

Contact Information

If you are planning to export materials, to engage in international collaborations that will involve the transfer of materials or equipment, or have any questions about the application of export controls to activities in which you are involved, please contact the Export Control Officer, Ross M. Levine at (401) 874-5343 or ross_levine@uri.edu.