

# Export Controls and Universities

**Nick Miller**  
**Export Control Officer**  
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# What is an Export at MSU?

- Transferring registration or ownership of a controlled item to a foreign entity
- “Deemed Export”
  - Disclosing (including oral or visual disclosure) or transferring in the United States any defense article to an embassy, any agency or subdivision of a foreign government;
- Actual shipment of items outside the United States.

# Universities and “Deemed” Exports

- Disclosure of controlled technology or information to a foreign national WITHIN the United States is deemed to be an export to that particular country!
- Know the visa status of your researchers
  - Permanent Residents “Green Card”
  - Naturalized U.S. citizens

# Why U.S. Restricts Exports?

- Implementation of foreign policy
- Restrict export of goods to military adversaries
- Maintain competitive economic advantage
- Prevent terrorism
- Prevent distribution of Weapons of Mass Destruction

# Who Regulates?

- Department of State
- Department of Commerce
- Department of the Treasury

# Department of State

- International Traffic in Arms Regulation
- Military and Space Technologies
- Regulates anything on the United States Munitions list
- Defense Services

# Department of Commerce

- Export Administration Regulations
- Maintains jurisdiction of Dual-Use Items
- Commerce Control List

# Department of Treasury

- Office of Foreign Assets Control
  - Restrict the flow of money to debarred parties

# How do these laws affect my research?

- Foreign national participation
  
- Secure labs and work products
  - Export Control Lab Procedures
  
- Prohibits publication

# What are our options?

- Licenses authorize export and “deemed” export of controlled technologies to foreign nationals
- Technical Assistance Agreements
- Process costs money and time

# Violations & Penalties

## *Entity:*

- **Civil and Criminal Fines**
  - \$10,000 to \$1 million

## *Individual*

- **Civil and Criminal Fines**
  - \$10,000 to \$1 million
  - Up to 10 years in jail



*Loss of Export Privilege*

# Recent Cases!

# Recent GAO findings

- Universities are particularly susceptible to technology leaks and espionage

# Foreign Espionage

- Email requests from “students” for further information
- Access to restricted labs

# What is not subject to export control regulations?

- Many university activities are not subject to export controls:
  - Public Domain Information
  - Educational Information
  - Fundamental Research
  - Humanitarian Projects
  - Information & Informational Materials
  - National Security Controls

# Public Domain

- Information in the Public Domain
  - Presentations in open conferences with the approval of your sponsor
  - Published journals
  - Websites accessible to the public without a fee
  - Certified for public disclosure by the relevant government agency

# Fundamental Research Exclusion

- Basic or Applied Research
- At an accredited U.S. institution of higher learning
- In the U.S.
- No publication or access controls
- Not federally funded w/ specific National Security restrictions

*As long as the above conditions are met the project may be exempted from ITAR/EAR restrictions*

# Sponsored Programs is Working for You

- Sponsored Programs reviews your contracts:
  - Watching publication language in contracts
  - Making you aware of export control issues on grants/contracts
  - Empowered to obtain licenses
  - Website established with links to crucial information and procedures for evaluating technology (under construction)
  - There to answer your questions

# Contact Us

**Mississippi State University  
Office of Sponsored Programs Administration  
P. O. Box 6156 (M.S. 9564)  
133 Etheredge Hall  
Mississippi State, MS 39762  
Ph: 662-325-7404 (Main Number)  
Fax: 662-325-3803  
[nmiller@spa.msstate.edu](mailto:nmiller@spa.msstate.edu)**

