**Export Control Regulations**

Strong support exists at the federal level for amending export control regulations to clarify their application to universities and to include export control compliance as a topic of audits.

Export control regulations have the potential to undermine publication rights and delay or prohibit international collaboration when research does not qualify for one of several exceptions that apply to university research. Moreover, the consequences of violating these regulations can be quite severe, including loss of research contracts, monetary penalties, and jail time for individuals found in violation of these regulations.

Export control regulations restrict the export of regulated technologies and software, including the disclosure of technical data or training to foreign persons abroad or within the US. These regulated technologies are controlled by the Department of Commerce under the Export Administration Regulations ([EAR](http://www.bis.doc.gov/index.php/regulations/export-administration-regulations-ear)) and by US State Department under the International Traffic in Arms Regulations ([ITAR](http://www.pmddtc.state.gov/regulations_laws/itar.html)). The [ITAR](http://www.pmddtc.state.gov/regulations_laws/itar.html) and the [EAR](http://www.bis.doc.gov/index.php/regulations/export-administration-regulations-ear) prohibit the export of specific unlicensed technologies for reasons of national security or protection of trade.

* CATEGORIES of the controlled technologies under the [EAR](http://www.bis.doc.gov/index.php/regulations/export-administration-regulations-ear).
* CATEGORIES of the controlled technologies under the [ITAR](http://www.pmddtc.state.gov/regulations_laws/itar.html).

In addition to the [EAR](http://www.bis.doc.gov/index.php/regulations/export-administration-regulations-ear) and [ITAR](http://www.pmddtc.state.gov/regulations_laws/itar.html), the Office of Foreign Assets Control ([OFAC](http://www.treasury.gov/about/organizational-structure/offices/Pages/Office-of-Foreign-Assets-Control.aspx)) in the Treasury Department administers and enforces boycotts of goods and services that have been imposed against specific countries based on reasons of foreign policy, national security, or international agreements. Sanctions are currently enforced on the Balkans, Burma (Myanmar), Cuba, Iran, Iraq, Liberia, Libya, North Korea, Sudan, Syria, Zimbabwe, Diamond Trading, Narcotics Trafficking, Nonproliferation (Regulations of the Weapons of Mass Destruction), and Terrorists. More information on these designees can be found at <http://www.treasury.gov/resource-center/sanctions/Pages/default.aspx>

If it is determined that a specific shipment or export is controlled under the [EAR](http://www.bis.doc.gov/index.php/regulations/export-administration-regulations-ear), [ITAR](http://www.pmddtc.state.gov/regulations_laws/itar.html), or [OFAC](http://www.treasury.gov/about/organizational-structure/offices/Pages/Office-of-Foreign-Assets-Control.aspx) and that no exemption and exclusion applies, then a license for the export (which includes the sharing of information) is required from the appropriate federal agency (Department of Commerce, State Department or Treasury Department, respectively).

**Exemptions and Exclusions**

There are some very important exemptions and exclusions that apply to universities. Shipments or exports of materials or information in the public domain, i.e., available without restriction to interested parties, are generally exempted from the International Traffic in Arms Regulation ([ITAR](http://www.pmddtc.state.gov/regulations_laws/itar.html)), and shipments or exports directly related to an openly-conducted collaboration in support of fundamental research may qualify for "No License Required" treatment under Export Administration Regulations (EAR 99). There is an exemption for publicly available technology that is created from fundamental research. Where "'Fundamental research' means basic and applied research in science and engineering, the results of which ordinarily are published and shared broadly within the scientific community, as distinguished from proprietary research and from industrial development, design, production, and product utilization, the results of which ordinarily are restricted for proprietary or national security reasons."

Allowing a non-citizen to view export-controlled information or technology is considered an export, and is a violation of government regulations. Exceptions are allowed for necessary disclosures to citizens, permanent resident aliens, and full-time regular employees of the University who are here on employment (H-1B) visas. However, please note that Graduate Research Assistants on student (F-1) visas do not qualify for an exception to export control restrictions.

**CATEGORIES:** [**EXPORT ADMINISTRATION REGULATIONS**](http://www.bis.doc.gov/index.php/regulations/export-administration-regulations-ear)

Category 0 Nuclear Materials, Facilities & Equipment (and Miscellaneous Items) Category 1 Materials, Chemicals, Microorganisms, and Toxins

Category 2 Materials Processing

Category 3 Electronics Design, Development and Production

Category 4 Computers

Category 5 (Part 1) - Telecommunications (Part 2) - Information Security Category 6 Sensors and Lasers

Category 7 Navigation and Avionics

Category 8 Marine

Category 9 Propulsion Systems, Space Vehicles and Related Equipment

**CATEGORIES:** [**INTERNATIONAL TRAFFICKING IN ARMS REGULATIONS**](http://www.pmddtc.state.gov/regulations_laws/documents/official_itar/2013/ITAR_Part_121.pdf)

Category I Firearms, Close Assault Weapons and Combat Shotguns

Category II Guns and Armament

Category III Ammunition/Ordnance

Category IV Launch Vehicles, Guided Missiles, Ballistic Missiles, Rockets, Torpedoes, Bombs and Mines Category V Explosives and Energetic Materials, Propellants, Incendiary Agents and Their Constituents Category VI Vessels of War and Special Naval Equipment.

Category VII Tanks and Military Vehicles

Category VIII Aircraft and Associated Equipment

Category IX Military Training Equipment

Category X Protective Personnel Equipment

Category XI Military Electronics

Category XII Fire Control, Range Finder, Optical and Guidance and Control Equipment

Category XII Auxiliary Military Equipment

Category XIV Toxicological Agents, Including Chemical Agents, Biological Agents, and Associated Equipment Category XV Spacecraft Systems and Associated Equipment

Category XVI Nuclear Weapons, Design and Testing Related Items

Category XVII Classified Articles, Technical Data and Defense Services Not Otherwise Enumerated Category XVIII Directed Energy Weapons

Category XX Submersible Vessels, Oceanographic and Associated Equipment

See Also

For more information on export control regulations, see this [CU presentation (Microsoft PowerPoint)](http://www.colorado.edu/vcr/node/274/attachment/newest). The presentation was prepared by representatives of CU's Office of Contracts & Grants, Office of Research Integrity, and Office of University Counsel.