

Export Controls for Research Administrators

What are export control laws?

Export control laws are a complex set of federal regulations designed to protect United States (U.S.) national security; to prevent the proliferation of weapons of mass destruction; to further U.S. foreign policy, including the support of international agreements, human rights, and regional stability; and to maintain U.S. economic competitiveness. The export control regulations govern how information, technologies, and commodities can be transmitted overseas to anyone, including U.S. citizens, or to foreign nationals in the U.S. In addition to controlling exports to countries or individuals who are citizens of or located in those countries, the export control regulations ban exports to individuals and companies that have been involved in terrorist or drug trafficking activities as well as those who are barred from conducting exports because of previous violations of the export control laws.

How do they apply at Penn?

Most research at Penn is free from export control law restrictions because it is classified as fundamental research. However, if Penn accepts restrictions on publication of research results (other than a limited time review) or on who may participate in a research activity, then the research may be subject to export controls. Proprietary information disclosed to Penn researchers by industry sponsors or collaborators may also be subject to export controls. Additionally, research outside the United States, and even the presentation of research results at an international meeting, may raise export concerns. Finally, some research equipment may be export controlled, regardless of how it is used at Penn.

Many activities secondary to research are also subject to export control laws. For example, just entering into a contract with people listed on certain government lists, or sending money to certain countries, may require a license from the U.S. government. As another example, shipping certain items, such as ancient artifacts from the Penn Museum to certain foreign destinations, robots for a competition outside the United States, or inert plasmids to a Ph.D. student writing her dissertation at a foreign university, might involve complying with the export control laws. (These are all real examples from Penn.)

What is the role of the Researcher?

Research team members play an important role in helping Penn remain compliant with export control regulations. You can help Penn by:

1. **Knowing the controls on your research area:** Even when performing fundamental research at Penn, you should understand how export control regulations apply to your

research area. The fundamental research exclusions apply only to research conducted in the United States.

2. **Knowing the controls on equipment, software, and research tools you are using:** Much of the state-of-the-art equipment, software, and technology used in research at Penn are subject to export control laws. By understanding if and how these items are controlled, you can help Penn make sure violations of the export regulations are prevented.

When you are aware of how the export control regulations apply to your research area and to your research equipment, software, and technology, you will be able to assist Penn in remaining compliant in many activities, including:

- **Sharing knowledge of export controls:** When you are aware of export-controlled information/technology/items in your research laboratory, make sure that others, particularly new lab members, are made aware of those controls and receive appropriate training on export controls.
- **Purchasing new equipment and materials:** If a vendor indicates that an item(s) is export controlled, or may not be exported from the U.S., contact the Export Compliance Office for assistance in making sure Penn is able to meet the vendor requirements.
- **International shipments:** If you need to ship research materials or information internationally, the Export Compliance Office will assist you in determining if any export licenses are required and in obtaining such licenses as necessary.
- **International collaborations and meetings:** Understand the limits on fundamental research. For example, if you have developed an item, such as a robot or a biological vector that could increase the transmissibility of a pathogen in the course of fundamental research at Penn, an export license may be required to take that item abroad to a conference, competition, or for international collaboration.
- **Foreign national visitors to Penn laboratories:** Make sure that international visitors have been screened before allowing access to export-controlled items in Penn laboratories. Your Export Liaison, the Office of Export Compliance, or Business Administrator can assist with the screening. (See <http://www.upenn.edu/researchservices/exportcontrolscontacts.html> for contact information.)

Where can I get more information?

For further information on compliance with the export control laws at Penn, please see: <http://www.upenn.edu/researchservices/exportcontrols.html>.