## Regulatory Agencies

The Federal government operates three principal agencies that administer export controls, each agency having specific and enforceable regulations. The Bureau of Industry and Security (BIS), under the U.S. Department of Commerce, administers the Federal [Export Administration Regulations](https://www.bis.doc.gov/index.php/regulations/export-administration-regulations-ear) (EAR). In general, these regulations regulate the transfer of items that may be considered to have a largely commercial use (as well as items with dual-use, having both commercial and military applications). The U.S. Department of State administers the transfer (export and import) of items of military and defense use. The Department of State ensures compliance with the Arms Export Control Act, Executive Order 13637, and the International Traffic in Arms Regulations (ITAR, 22 CFR 120-30). The third agency, the U.S. Department of Treasury, administers and enforces economic sanctions and trade embargos through the [Office of Foreign Assets Control (OFAC)](https://www.treasury.gov/resource-center/sanctions/Pages/CFR-links.aspx). These regulations assist in regulating specific foreign countries due to terrorism, trafficking, the proliferation of weapons of mass destruction, and other national security threats.

## What is an Export?

In the [Introduction to Commerce Department Export Controls](https://www.bis.doc.gov/index.php/about-bis/404-file-not-found), the U.S. Department of Commerce identifies that ‘any item that is sent from the U.S. to any foreign destination is considered to be an export.’ Exported items are diverse in nature, and may include “commodities, software or technology, such as clothing, building materials, circuit boards, automotive parts, blue prints, design plans, retail software packages and technical information.”

## Research Interests

To separate the interests of commercial entities from those of the academic community, the Federal government issued [National Security Decision Directive No. 189: The National Security Policy on the Transfer of Scientific, Technical and Engineering Information](https://fas.org/irp/offdocs/nsdd/nsdd-189.htm). Directive 189 establishes national policy for “controlling the flow of science, technology, and engineering information produced in federally-funded fundamental research at colleges, universities, and laboratories.” This allows for basic and applied research in science and engineering to be published and shared within the global scientific community (separate from commercial interests which may be proprietary in nature).

## Special Notes

**Internal vs. External Funding**: All travel, import, or export must be reported to the [Office of Research](mailto:research@ysu.edu?subject=Export+Control) regardless of whether the funding comes from internal or external sources (i.e., through department funds or through a grant or contract).

**Transmission of Data**: Transmission of technology, data, and information to any individual other than a U.S. citizen or legal permanent resident within the U.S. may be prohibited under Federal export control regulations.

**Communication**: In some cases, communicating with foreign persons or entities, even within campus settings, may be controlled by Federal regulations and deemed to be an export.

**Participation from Foreign Nationals**: Regulations may prohibit the participation of foreign nationals in any research program, regardless of funding, without appropriate Federal licenses. Please notify the Office of Research so that appropriate staff may identify if the foreign national is from a currently embargoed or sanctioned country.

**Tangible vs. Intangible**: Export control regulations require the reporting of tangible items (prototypes of technology, circuit boards, and some software) as well as research data, research results, and other reports. Exceptions or exclusions do exist within Federal regulations; exclusions include open source or public domain software.

**Determinations**: All research interest must ensure that technology, research data, and other information is not accessed by foreign entities with a hostile intent (including the theft of intellectual property, data, or materials). As such, YSU personnel may not make the determination themselves regarding whether or not their travel, research, communication, or transmission is or may be considered a “deemed export.”

**Documentation**: Staff members in the Office of Research maintain copies of all screenings, forms, and issued Federal licenses for five years from the conclusion of the project or export activity.

**Reference Sites**: The U.S. Department of Commerce maintains the [Commerce Control List](https://www.bis.doc.gov/index.php/regulations/commerce-control-list-ccl) (CCL), while the U.S. Department of State maintains the [United States Munitions List](https://www.ecfr.gov/cgi-bin/text-idx?SID=86008bdffd1fb2e79cc5df41a180750a&amp;node=22:1.0.1.13.58&amp;rgn=div5) (USML). These lists can play a key role in determining whether an export license is required.

## YSU Faculty and Staff

Research interests conducted by YSU personnel (including students, faculty, staff, and administrators) involving travel or import/export of research knowledge/data must have the appropriate institutional approval and, as required by Federal law, appropriate certifications and licenses (which may take up to six months to obtain). These are issued under the [Export Administration Regulations](https://www.bis.doc.gov/index.php/regulations/export-administration-regulations-ear), International Traffic in Arms Regulations, and [Office of Foreign Assets Control](https://www.treasury.gov/resource-center/sanctions/Pages/CFR-links.aspx).

Faculty, staff, and student researchers (U.S. citizens as well as foreign persons living in the U.S.0 must remain in continual compliance with Federal regulations and remain cognizant of security issues that have potential to compromise their research. In most cases, research would be excepted under National Security Decision Directive No. 189; however, YSU researchers must submit a request for Export Control Approval to the Office of Research for approval prior to any communication, travel, signing of Memorandums of Understanding, or transmissions of research.

[**OR2.4 Export Control Approval Form (Reader Extended)**](http://docs.google.com/sites/default/files/images/OR2.6%20Export%20Control%20Form%20%28Digital%20Sig%29.pdf) **\***

## Contact

The Office of Research maintains a license to the [Visual Compliance](https://www.visualcompliance.com) database, which can assist research staff in the preliminary screening process. For questions, assistance, and other matters involving export controls involving research, the institution, and/or sponsored programs, please contact the Office of Research via [email](mailto:research@ysu.edu) or phone at: (330) 941-2378.

**\*** This document requires the free [Adobe Acrobat Reader](https://get.adobe.com/reader/) (link is external). Right click to save the document to your computer, complete the document on- or offline, and return via email to the [Office of Research](mailto:research@ysu.edu?subject=Export+Control).

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