Export Controls and the Principal Investigator

What is Export Control?

Federal law regulates and controls the export of certain commodities, technology, data, and software for reasons of national security, foreign policy, and competitive trade. The majority of exports do not require government licenses. Only commodities, technology, data, and software that the U.S. Government considers “subject to the EAR”, and ITAR-controlled items require licenses. Export-controlled transfers are usually required for one of the following reasons:

- The nature of the export has actual or potential military applications; or it has economic protection issues.
- Government concerns about the destination country, organization, or individual.
- Government concerns about the declared or suspected end use, or the end user of the export.

Should I be concerned if I see the terms “ITAR”, “EAR”, or export control?

No, but this is certainly a prompt to look for any “red flags” that may indicate a second look for export control measures. Some common “red flags” could include references to export control regulations (beyond a mere statement to comply with the law); restrictions on the use of proprietary or confidential information; allowing the sponsor to claim the results or data generated in the agreement as propriety or trade secret; involving the acquisition of export-controlled items or technical data (if known); including foreign sponsors or collaborators; and/or including military application of project results.

How is research with restrictions on personnel and/or publication different from research without such restrictions?

Export control laws do not apply to “fundamental research” projects which are ordinarily published and disseminated broadly without restrictions (such as sponsor-imposed pre-publications review requirements or nationality-based participation restrictions). However, export control restrictions do apply if there are restrictions on publication and/or personnel and may require implementation of various measures to adhere to their requirements.

What is new?

The “Sponsored Research Export Control Checklist” form is filled out by the Principal Investigator at the Post-Award stage and submitted along with the proposal package. The Office of Sponsored Projects reviews for affirmative answers that might be an indication of a potential export control issue. If there is an affirmative response to any of the questions the Export Control Officer contacts the Principal Investigator to address the potential export control issue.

I would like to learn more about export controls. Who should I contact?

If you would like more information about export controls, please contact the Export Control Officer at exportcontrol@utep.edu.