



Vice Provost for Research Statement on Export Controls

Although federal laws governing and limiting exports of technology and information have existed for many decades, companies and universities are coming under increasing scrutiny by the federal government in recent years. Boston College is committed to complying with all applicable laws, regulations, and policies related to such exports. While most instruction, research, and other activities at the university falls within one or more of the regulatory exclusions, it is vital that we each recognize our responsibilities as individuals and members of the university community. A good start at obtaining information can be found at the university's export controls website: <http://www.bc.edu/research/exportcontrols>

The Office for Research Compliance is designated as the primary location for information and assistance regarding export controls. It will collaborate with the Office for Sponsored Programs and other offices and committees to provide assistance and information regarding export controls. The regulations are very complex and one should not assume automatically that they do not apply to one's activities. *Violations of the regulations carry with them both criminal and civil penalties that apply to both organizations and individuals.* Criminal penalties include fines and prison sentences for individuals. Administrative sanctions also may be imposed. These include debarment from receiving federal research funding. Since these regulations are updated and change frequently, it is important to consult with the Office for Research Compliance whenever one anticipates exporting items or information or deals in any way with countries on the embargoed countries list.

The Office for Research Compliance also is designated as the unit responsible for the application and execution of export licenses, developing educational programs, and assessing project-specific and university-wide compliance with export control laws, regulations, and policies.

Export control regulations apply in a general sense to:

- transfers of items or information outside the United States (which may include simply carrying controlled items or raw or processed data on trips to other countries);
- disclosures of controlled information to foreign nationals inside the United States (often called a "deemed export");
- training or offering of services involving controlled equipment or information to foreign nationals; and
- transactions with, or providing services to, certain foreign countries or individuals who are on embargo lists.

The federal government has given three agencies cognizance over certain aspects of export controls:

- Department of Commerce, Bureau of Industrial Security: Export Administration Regulations (EAR) – dual use technologies that may have both commercial and military applications as well as lists of denied persons and entities. A review of the Commerce Control List can be quite surprising since many items routinely used in university research are included;

- Department of State: International Traffic in Arms Regulations (ITAR) – technologies that have primarily military applications;
- Department of Treasury, Office of Foreign Asset Control (OFAC) – economic and trade sanctions against embargoed countries as well as lists of individuals and organizations on lists pertaining to terrorism, narcotics trafficking, and those related to the proliferation of weapons of mass destruction.

As noted above, most of the instruction, research, and other activities at Boston College fall within one of the regulatory exclusions. One must, however, be very careful not to assume exclusions automatically apply since they are not identical across the regulations. Early consultation with the Office for Research Compliance is essential since, if none of the exclusions apply and, consequently, licenses are required, the process can take anywhere from two to twelve months or more.

Dr. Stephen Erickson, Director, Office for Research Compliance, is designated as the university's Responsible Official for export controls compliance and education. He should be contacted with any questions you may have concerning export controls and how they may apply to your work. You also may contact John Carfora, Director, Office for Sponsored Programs, with questions about how export controls may affect or apply to particular sponsored projects. Both offices have the ability to screen the commodity and denied persons lists and will be glad to assist you in resolving any questions you may have.



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