



Export Controls Policy

Category: Academic Affairs/Research

Responsible Office: Vice President for Finance & Management
and Provost

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POLICY SUMMARY

Informed and proactive compliance with U.S. export control regulations is an important contribution to U.S. national security. Buffalo State is committed to assuring due diligence and compliance with the U.S. federal government export control laws and regulations.

POLICY

Policy Statement

The United States federal government has enacted laws that regulate the distribution of specific technology, information and services to foreign persons and foreign countries for reasons of national security and foreign policy. These laws are applicable to U.S. citizens, and are relevant to the campus community, especially in respect to travel and research conducted by individuals alone and/or in affiliation with Buffalo State. The laws apply to exports of “controlled” items and technologies, and to deemed exports.

In order to facilitate compliance with federal regulations regarding the control of exports, all Buffalo State faculty, staff, students and volunteers are required to submit the Export Controls Foreign Travel Disclosure Form a minimum of two weeks prior to international travel or the commencement of any project where they will work with foreign persons (including foreign volunteers), educational institutions, or businesses.

In addition, all employees who are seeking funding for sponsored programs that may include a foreign component (i.e., foreign travel, working with an international business or educational institution, working with a foreign person), must complete the Export Controls Survey and follow all applicable procedures. If the survey results indicate the possibility that an export control license may be required, the employee shall work with the Sponsored Programs Administration Export Controls Officer to complete the license review and, if needed, the licensing process.

Applicability

This policy applies to all Buffalo State Faculty, staff and students who may be planning to travel outside of the continental U.S. or Canada or who maybe engaged in a project that includes a foreign component.

Background

The United States federal government has enacted laws that regulate the distribution of specific technology, information and services to foreign persons and foreign countries for reasons of national security and foreign policy. These laws are applicable to U.S. citizens, and are relevant to the university community, especially in respect to travel and research conducted by individuals alone and/or in affiliation with the university. The laws apply to exports of “controlled” items and technologies, and to deemed exports. In recent years, penalties have been enhanced to impact not only individuals, but also institutions; thus, universities have implemented export control programs to educate their employees and to facilitate the export control license application

process when necessary and appropriate. In addition, many universities have adopted policies to assure that research conducted meets the criteria of "fundamental research," to increase the chance that faculty research will not require an export controls license.

Definitions

Deemed export - The federal definition of a deemed export is an export of technology or source code (except encryption source code) that is "deemed" to take place when it is released to a foreign national within the U.S. A "deemed" export situation can occur by access/use in research or training, visual inspection, or an oral exchange of information.

In a university situation, a deemed export might occur when an investigator requires a foreign national to have access to or use of a controlled laser. A determination must be made to identify whether or not an export license is needed prior to that individual accessing or using the laser.

Export – The federal definition of an export is any item that is sent from the U.S. to a foreign destination;

- to anyone outside the U.S., including U.S. citizens
- to foreign entities, individuals, embassies or affiliates at any location, including the U.S. "items" include, but are not limited to, commodities, software or technology, retail software packages and technical information.

Foreign National/Person - The federal definition of a foreign national is a person who is not:

- granted permanent U.S. residence, as demonstrated by the issuance of a permanent residence card, i.e., a "Green Card"
- granted U.S. citizenship
- granted status as a "protected person" under 8 U.S.C. 1324b(a)(3), e.g., political refugees, political asylum holders, etc.
- This includes all persons in the U.S. as students, business people, scholars, researchers, technical experts, etc.

Re-export - The federal definition of a re-export is the shipment or transmission of an item subject to regulation from one foreign country (i.e., a country other than the U.S.) to another foreign country.

Shipment or transmission may occur in any of the following ways:

- phone
- e-mail
- lab tours
- meetings
- computer data

A re-export also occurs when there is a "release" of technology or software (source code) subject to regulation in one foreign country to a national of another foreign country.

RELATED INFORMATION

Documents and Forms:

[Export Control Form](#) – SUNY Center for Global Engagement (Amitra Wall)

[Export Control Survey](#) – RF Can't open This form is on SPO website and revised by Jessica

Other Documents:

[SUNY/RF Export Controls Fact Sheet CO](#)

Related Links:

[Research Foundation Export Control Guidance CO](#)

CONTACT INFORMATION

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