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MEMORANDUM

DATE: April 10, 2017
TO: OSU Faculty
FROM: Kenneth W. Sewell, Vice President for Research 
SUBJECT: Export, Deemed Export, and Foreign Travel Laws and Regulations

Please take a moment to review the following information regarding compliance with some often-misunderstood export laws and regulations, even if you believe at first glance that they do not apply to you.

Oklahoma State University (OSU) is committed to complying with all laws and regulations related to “export controls”—even though that terminology may not mean what is often assumed. As a faculty member, it is important that you understand the concept of export controls, and how these requirements apply to you and your work. It requires a joint effort to ensure that we the institution remain compliant, and I appreciate all your efforts in this area.

The generic concept of ‘export’ is often *erroneously* thought to mean the selling/sending of items to foreign targets. Export controls apply to many kinds of research, international travel, training foreign nationals, and hosting international visitors. Export control laws and regulations have seen extensive revisions in the past. We anticipate continued changes will occur. I encourage you to familiarize yourself with the three major enforcement areas. The Export Administration Regulations (EAR) overseen by the Department of Commerce and the International Traffic in Arms Regulations (ITAR) overseen by the Department of State are the primary regulations pertaining to export controls. The Treasury Department’s Office of Foreign Assets Control (OFAC) also has authority over some areas that impact export control issues. There are also numerous Executive Orders that reference export controls. You may visit University Research Services’ website (<https://research.okstate.edu/urs/exportcontrol.html>) which provides links to the information and more details on this issue.

If your research is in areas involving ITAR-related technologies, which are inherently military in nature, you should know that OSU is currently not registered with the Department of State, Directorate of Defense Trade Controls and at this time there are no plans to be registered. If you are planning to pursue research funding on ITAR-related technologies, you must discuss this with your college research office and my office well in advance of the preparation and submission of any proposals.

It is unlawful to send or take export-controlled technology out of the U.S. or to disclose, orally or visually, or transfer export-controlled technology to foreign nationals inside or outside U.S. territory without government approval. Technology is defined as “specific information necessary for the development, production or use of a product.” This applies to tangible technology such as field equipment, computers, smart phones, etc. that you may carry with you or ship abroad for your professional use. There have been recent changes regarding laptops and other electronic items allowed on aircraft to and from certain countries. I urge you to review the latest information on the U.S. Department of State’s Travel site (<https://travel.state.gov/>).

Understanding the laws and regulations and how they apply can be confusing. Each item and/or project must be considered independently of others. I encourage you to familiarize yourself with the resources available. Ms. Jada Bruner Gailey, Director of Sponsored Programs, is available to help you understand export control regulations. Contact her at 405.744.9995 or jada.gailey@okstate.edu. If you are a department head or director, I encourage you to invite her to meet with you and your faculty/staff.

Thank you for your attention to this important matter.