

1. Title

Export Controls

2. Policy

Sec. 1 Purpose. The purpose of The University of Texas System Policy for compliance with federal export control regulations is to facilitate and maintain an open, fundamental research environment.

Sec. 2 Policy Statement. U. T. System and its 15 member institutions encourage the exchange of research and technology, consistent with U.S. national security and nuclear nonproliferation objectives. Although most research at U. T. System institutions is excluded from the U.S. export control regulations, U. T. System and its institutions will comply with all export control regulations, including obtaining any required export licenses, for the transfer of export controlled materials, data, technology, or equipment to a foreign national, either in the U.S. or abroad. Each U. T. System institution is required to formalize an approved policy addressing export control regulations within its respective *Handbook of Operating Procedures*. Each U. T. System institution may adopt or modify the Model Institutional Policy for compliance with U.S. export control regulations, which can be found at the end of this Policy.

Sec. 3 Federal Regulations. The three main agencies that regulate and enforce federal export control regulations and prohibit the unlicensed export of specific technologies for reasons of national security or protection of trade are the Department of Commerce, through its Export Administration Regulations (EAR), the Department of State, through its International Traffic in Arms Regulations (ITAR), and the Department of Treasury, through the Office of Foreign Assets Control (OFAC). If university research involves specified technologies, the EAR and/or ITAR may require a university to obtain prior approval from the Departments of State or Commerce before allowing foreign nationals to participate in the research, allowing universities to partner with a foreign company, and/or allowing the sharing of research, verbally or in writing, with persons who are not U.S. citizens or permanent residents. The consequences of violating these federal regulations can be severe, ranging from the loss of research contracts to monetary penalties and jail time for the individual who violated these regulations.

Sec. 4 Model Institutional Policy. A Model Institutional Policy for Compliance with U.S. Export Control Regulations is provided under Item 5. This

Model Policy includes the essential elements that should be a part of each institution's overall export control effort.

Sec. 5 Institutional Requirement. Each U. T. System institution is required to adopt a *Handbook of Operating Procedures* policy that complies with federal export control regulations, and is encouraged to use this model policy as a guide.

3. Definitions

None

4. Relevant Federal and State Statutes

[Bureau of Industry and Security \(BIS\)](#)

[Export Administration Regulations \(EAR\)](#)

[International Traffic in Arms Regulations \(ITAR\)](#)

[Office of Foreign Assets Control \(OFAC\)](#)

[Department of Defense \(DoD\) Policy on Contracted Fundamental Research/
National Security Decision Directive \(NSDD\) 189](#)

5. Relevant System Policies, Procedures, and Forms

[Model Institutional Policy](#)

6. System Administration Office(s) Responsible for Policy

Office of General Counsel

7. Dates Approved or Amended

May 3, 2010

November 30, 2012