A. Statement Regarding Compliance With Federal Export Regulations

There are a number of export laws that directly affect Institute research, including the Export Administration Regulations (EAR) controlled by the Department of Commerce, the International Traffic in Arms Regulations (ITAR) managed by the State Department and the sanction regulations governing the transfer of assets governed by the U.S. Department of Treasury through its Office of Foreign Assets Control (OFAC). These Regulations exert governmental control and supervision of research involving technological, biological, and chemical and military-related research when a foreign national is involved in any segment of the research project. The regulations require in such circumstances that the Institute apply for a license with the appropriate agency, or find and record an exception to the law. Penalties are severe for non-compliance, including monetary and criminal punishment.

Further, the export regulations apply to all research activities – both to those funded under research contracts and to awards made under grants and cooperative agreements. Export regulations also apply in all other aspects of the Institute setting outside of grants and contracts, for example, in the downloading and access of certain software programs, in addition, because the export regulations are law, they apply whether or not they are referenced in research awards. Consequently, the Institute may never get a warning when there is a possible export situation and an inadvertent violation may easily result unless the Institute is proactive.

It is therefore the position of Rensselaer to create a system of compliance for export control laws which impact its sponsored research projects. All proposals and awards will be examined by the staff of Research Administration and Finance (RA&F) for subject matter that may involve export regulations. RA&F will work with the Office of Legal Counsel and the Office of Technology Commercialization in reviewing any such research, determining if the research requires a license, or whether an exception to the law applies. The Secretary of the Institute and General Counsel or his/her designee shall serve as the authorized institutional official with authority to secure a license when needed. RA&F will inform all parties to a project of their respective responsibilities to comply with export regulations through educational programs and flow-down requirements to subrecipients and collaborators.