Complying With US Export Regulations Which Affect Foreign Students

Most of our students’ activities qualify for exclusion from US export regulations, i.e., a license is not required prior to allowing a student to access controlled technology. These Exclusions are:

**Education Exclusion**

Information concerning general scientific, mathematical or engineering principles, commonly taught in colleges or universities and released during catalog-listed courses through lectures, course materials, or instruction in laboratories. This **exclusion does not apply** to 1) Encryption (EAR), 2) Principles not normally taught (ITAR), and 3) Nuclear energy (DOE). If you have questions about any of these courses, contact RSCP.

**NOTE:** If you are teaching a course at foreign institution, i.e., abroad, this exclusion may not be applicable.

**Public Domain Exclusion**

Information generally accessible to the public in any form, including information:

- readily available at libraries open to the public or at university libraries
- in patents and published patent applications available at any patent office
- released at an open conference, meeting, seminar, trade show, or other open gathering
- published in periodicals, books, print, electronic, or other media available for general distribution (including websites that provide free uncontrolled access) or for distribution to a community of persons interested in the subject matter, such as those in a scientific or engineering discipline, either free or at a price that does not exceed the cost of reproduction and distribution

Encryption items may not be eligible for this exclusion under EAR.

**Fundamental Research Exclusion**

Information arising during or resulting from basic and applied research in science and engineering at an accredited US institution of higher education, where the results are ordinarily published and shared broadly in the scientific community. Fundamental Research is distinguished from proprietary research, or industrial design or development, where research results are restricted for proprietary or specific national security reasons. This exclusion may not apply to Encryption items under EAR. Contact RSCP for assistance/information.

**NOTE:** The Fundamental Research exclusion does not apply to a sponsored project if GSU accepts any contract clause that 1) forbids or restricts the participation of foreign persons, 2) gives the sponsor a right to approve publications resulting from the research, 3) restricts access to and disclosure of research results, and/or 4) has been determined to be a controlled project by a federal agency/sponsor.

**Sanctioned Countries**

In certain circumstances the Exclusions above may not apply to students who are citizens of the following sanctioned countries. For example, even though a student’s proposed activity meets the definition of Fundamental Research as stated in EAR or ITAR, the Office of Foreign Assets Control may require that the University obtain an additional license before allowing access. It is important to contact Research Compliance prior to allowing access to the controlled technology for these students.

- Belarus
- Burma (Myanmar)
- Cote d’Ivoire (Ivory Coast)
- Cuba
- Democratic Republic of the Congo
- Iran
- Iraq
- Liberia
- Lybia
- North Korea
- Somalia
- Sudan
- Syria
- Zimbabwe
Munitions and Dual-Use Items

Items, information, and software subject to US Export Control Laws and used in a university environment are generally categorized on the following two lists:

**US Munitions List (USML) - (ITAR)**

Published by the US State Department in its International Traffic in Arms Regulations (ITAR)

- Category I
  - Firearms, Close Assault Weapons, and Combat Shotguns
- Category II
  - Materials, Chemicals, Microorganisms, and Toxins
- Category III
  - Ammunition/Ordnance
- Category IV
  - Launch Vehicles, Guided Missiles, Ballistic Missiles, Rockets, Torpedoes, Bombs, and Mines
- Category V
  - Explosives and Energetic Materials, Propellants, Incendiary Agents, and Their Constituents
- Category VI
  - Vessels of War and Special Naval Equipment
- Category VII
  - Tanks and Military Vehicles
- Category VIII
  - Aircraft and Associated Equipment
- Category IX
  - Military Training Equipment
- Category X
  - Protective Personnel Equipment
- Category XI
  - Military Electronics
- Category XII
  - Fire Control, Range Finder, Optical, Guidance, and Control Equipment
- Category XIII
  - Auxiliary Military Equipment
- Category XIV
  - Toxicological Agents, Including Chemical Agents, Biological Agents, and Associated Equipment
- Category XV
  - Spacecraft Systems and Associated Equipment
- Category XVI
  - Nuclear Weapons, Design, and Testing Related Items
- Category XVII
  - Classified Articles, Technical Data, and Defense Services Not Otherwise Enumerated
- Category XVIII
  - Directed Energy Weapons
- Category XX
  - Submersible Vessels, Oceanographic, and Associated Equipment
Published by the US Commerce Department in its Export Administration Regulations (EAR)

- Category 0
  - Nuclear Materials, Facilities and Equipment
  - (and Miscellaneous Items)
- Category 1
  - Materials, Chemicals, Microorganisms, and Toxins
- Category 2
  - Materials Processing
- Category 3
  - Electronics Design, Development, and Production
- Category 4
  - Computers
- Category 5
  - Part 1: Telecommunications
  - Part 2: Information Security
- Category 6
  - Sensors and Lasers
- Category 7
  - Navigation and Avionics
- Category 8
  - Marine
- Category 9
  - Propulsion Systems, Space Vehicles, and Related Equipment