

Export Controls BASICS

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What are Export Controls?

- Laws that control and restrict the release of equipment, chemical and biological materials, information, technical data, software, source code, and services to foreign persons or countries.
- Purpose of restrictions is to protect U.S. national security and promote U.S. foreign policy, anti-terrorism, and non-proliferation interests.

What's an Export?

- The transfer of controlled goods, technology, software/source code, or assistance to a foreign person either outside or inside the United States
- Exports can occur through:
 - Shipping items to other countries
 - Visual inspection of ITAR-controlled equipment or data
 - Emails
 - Phone calls or in-person conversations
 - Presenting controlled information at conferences
 - Hand-carrying controlled items during international travel

Applicable Regulations

- International Traffic in Arms Regulations (ITAR)
 - Administered by the Department of State
 - Control technologies with military and space applications
- Export Administration Regulations (EAR)
 - Administered by the Department of Commerce
 - Control civil and dual-use (both military and civilian applications) technologies
- OFAC Regulations
 - Administered by the Office of Foreign Assets Control (Department of Treasury)
 - Control fiscal and trade transactions, travel, and other activities with sanctioned countries

Prohibited Activities

- Export of controlled goods, technology, or software/source code without a license or other authorization to prohibited destinations, end-users, or end-uses
- Certain activities with, or some travel to, U.S. sanctioned countries

➤ **Cuba**

➤ North Korea

➤ Syria

➤ **Iran**

➤ Sudan

*And others with fewer sanctions

Which Technologies are Controlled?

- Items and information specifically listed on the United States Munitions List (USML) or the Commerce Control List (CCL)
- In general, items, information, and software related to the following areas may be controlled: (*Not All-Inclusive List*)

Missiles, Rockets, Bombs	Materials Technology	Remote Sensing, Imaging, Reconnaissance
Navigation Systems	Space Related Technology	Astronomical Instrument Design
Circuits (MMIC, HEMT, Radiation Hardened)	Robotics	Autonomous Vehicles
Telecommunications / Networking	Sensors and Sensor Technology	Nuclear Technology
Optics	Laser and Directed Energy Systems	Information Security/Encryption
Infrared Technology	Armor	Radar

Fundamental Research Exclusion

- Basic and applied research, AND
- At an accredited institution of higher learning in the U.S., AND
- Research results are ordinarily **published** and **shared broadly** within the scientific community
- No Foreign National Restrictions

As long as these conditions are met, the **results of the research** are not subject to the ITAR or EAR even if the research's subject area appears on the USML or CCL

Travel & Conferences

- In general, travel to most countries and bringing typical/usual items with you will not require a license (e.g., standard laptop, cell phone, personal items)
- **Caution:** Comprehensively Embargoed Countries (Cuba, Iran, North Korea, Sudan, Syria)
- **Caution:** Hand-Carry or Shipping Special Equipment (e.g., infrared camera)
- **Caution:** Do not present or discuss any controlled information, even at domestic conferences

Visitors & International Collaborations

- Two main concerns: (1) access to ITAR or EAR information and (2) working with denied parties
- Foreign partners in U.S. on valid Visa may participate in any work within the scope of the Visa
 - But, still cannot access certain controlled equipment and information without a license or exemption

Visitors & International Collaborations

- The U.S. government has identified certain persons and entities with whom exports and collaborations are either prohibited or require special approval → **Denied Parties**
- Before you host an international visitor in your lab or begin an international collaboration, request restricted party screening from Division of Research Compliance

Export Control Compliance at UF

- DSP & DRC Grants/Contracts Review
 - Identify red flags
 - If controlled, develop TCP
 - Apply for licenses for foreign persons
- Review International MTAs, High-Risk OTL Disclosures
- Assist with approvals for travel to and hosting visitors from embargoed countries
- Obtain licenses or perform exception approval for exports of controlled equipment and technology
- Provide export control training



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Contact Information

- Division of Research Compliance
352-294-1632 or compliance@research.ufl.edu
- <http://research.ufl.edu/faculty-and-staff/research-compliance/export-controls.html>