

Export Control Compliance

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Export controls are a complex set of laws and regulations that restrict the physical export of items and limit access of certain foreign persons to biologic agents, technology, technical data, software or services without first obtaining a license.

US Export Regulations: Continuously changing - International politics & regulations are not static

- Export Administration Regulations (EAR)
- International Traffic in Arms Regulations (ITAR)
- Office of Foreign Asset Control (OFAC)

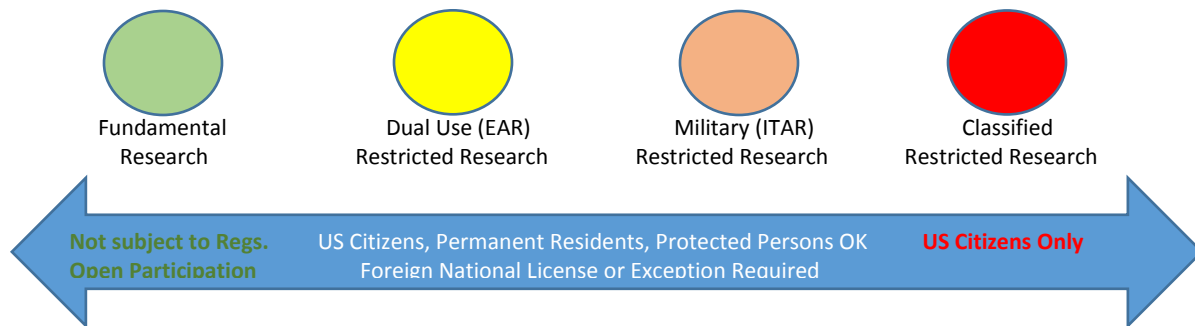
What is an “Export”?

- Physical Export: sending any material to foreign locations (includes hand carry & electronic exports)
- Deemed Export: disclosing “controlled technical data either written, oral, or visually to a foreign person.

Export Control Factors

- Place – sanctions or countries requiring license for an item
- Persons – restricted person or national status of person
 - Foreign person: Not a US citizen, legal permanent resident, or protected person
- Item – what is it? (Export classification i.e.: GPS, drones, infrared cameras, biologic agent / toxin)
- End Use Prohibitions – missile, nuclear, WMD

Spectrum of Research & Export Controls



Export Control Risk Assessment

- Fundamental Research vs Restricted Research
 - Research risk areas: Engineering, space, encryption, military, nuclear
 - Could item have dual use?
- Foreign national population on campus: Faculty / staff, students, visiting scholars
- International Research / Collaborations
- Sanction country interaction? Sanctions vary by country.
 - Heavily sanctioned: Cuba, Iran, North Korea, Syria, Sudan
 - Limited sanctioned: Russia, Liberia, Iraq, Zimbabwe, Balkans, Cote D’Ivoire, Palestinian Territories
- International Travel
- Known export restricted items: equipment / technology / technical data

Export Review Procedures:

- Contract, Grants, Purchase Orders, Material Transfer Agreements
- Publications, foreign national restrictions – negotiate out
 - Important to understand situation – no off-line agreements

Export Controls apply regardless if research is funded or un-funded.

- Universities are expected to police their own.
- The investigator is responsible for any item in question!
- Price of non-compliance – penalties, fines & jail time

Restricted Research, Equipment or Materials

- What are the restrictions?
- What is the export classification (ECCN or ITAR)?
- Who is involved? (International collaborators, students, or faculty)
- If restricted, Technology Control Plans (TCP) will be required
- If restricted, Export Licensing will be required

Export Control Partners:

- Faculty, Researchers & Staff
- Research & Sponsored Programs
- Purchasing
- Shipping
- Technology Transfer
- International Affairs & Travel Clinic

Restricted Party & Sanctions Screening

- Country screen for sanctions
- Name of person and entity – **There are universities and research institutes on the restricted lists!**
- Could apply to:
 - International payments (sub awards, purchases, or service)
 - International shipments
 - International collaborations
 - International visitors (visiting scholars)
 - International undergraduate students and International graduate students

Technology Control Plans

- Physical Security
 - Restricted Access areas (labs, offices, etc.)
 - All foreign nationals (non-US persons) will NOT be permitted into restricted areas without an export license. (This includes visitors touring labs.)
- IT Security
 - Technical data must be restricted & approved based on citizenship / permanent residency credentials
 - IT staff with access to servers and equipment could require export licenses
- ITEM Security – secure / lock (i.e.: Infrared camera)

The RSP Office is here to help.

- Training
 - UT 30 minute presentation. email Pamela.Suhan@utoledo.edu or Kandace.Williams@utoledo.edu
 - CITI Program Training available for all faculty, staff, students. <https://www.citiprogram.org>
 - The University of Toledo website: <http://www.utoledo.edu/research/exportcontrol/>
- Restricted party screening (visitors, researchers, collaborators)
- Review sponsored research grants & contracts to insure compliance
- Assist the PI in resolving Export Control issues
 - Licensing to allow foreign nationals access (if possible)
 - Contract negotiation to allow for open access to publication
 - Assist PI developing Technology Control Plan & acknowledgement of Briefing forms

Research & Sponsored Programs: (419) 530-2844