What are Export Controls?

U.S. laws and regulations that restrict the distribution to foreign nationals and foreign countries of strategically important products, services and information for reasons of foreign policy and national security.
What is the purpose of the Regulations?

1. Implement foreign policy goals and objectives
2. Prevent terrorism
3. Restrict exports of goods and technology that could contribute to U.S. adversaries’ military potential
4. Restrict exports of goods and technology that could damage the vitality and critical interests of the U.S. Economy
5. Prevent proliferation of weapons of mass destruction (chemical, biological, nuclear)
Federal Agencies with Oversight of Export Control Laws

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<th>Department of State</th>
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<td><strong>1</strong> International Traffic in Arms – (ITAR) – technologies with inherently military properties</td>
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<th>Department of Commerce</th>
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<td><strong>2</strong> Export Administration Regulations (EAR) – technologies with “dual uses” but primarily commercial</td>
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<th>Department of Treasury</th>
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<td><strong>3</strong> Office of Foreign Asset Control (OFAC) - prohibits transactions of value with certain countries and individuals</td>
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What is an “Export”

- Physical shipment of goods or items
- Electronic or digital transmission of goods or items
- Release of specific technical data to any foreign national
- Access by a foreign national of any covered technology
What is an “Deemed Export”

When a foreign national on U.S. soil is exposed to, or allowed access to an export-controlled item or export-controlled software or information.

- Applies to research assistants, students, visiting foreign researchers, and U.S. citizens visiting a foreign country

- Does not apply to U.S. citizens or permanent residents (“green card’)

- May occur through visual inspection, electronic mail, oral exchange and a variety of other means
Although many of the University’s activities are exempt from export control laws, some activities may be restricted.

In those cases, prior written authorization (a ”license) from one or more U.S. Government agencies will be required to carry out certain sponsored research or other educational activities involving specified technologies or certain countries, if an exemption or exclusion is not available.
Exemptions/ Exclusions for Universities Activities

The University *does not* need to apply for an export control license if one of the following exemptions apply:

- Public Domain Exclusion (ITAR, EAR)*
- Education Exclusion (ITAR, EAR)
- Fundamental Research Exclusion (ITAR, EAR)*
- Employment Exclusion (ITAR only)

* Under the ITAR, the Fundamental Research Exclusion is a subset of the Public Domain Exclusion.
Fundamental Research Exclusion (ITAR, EAR)

No License is required to disclose to foreign nationals information which is “published and which is generally accessible or available to the public [through, for example] fundamental research in science and engineering at universities where this resulting information is ordinarily published and shared broadly in the scientific community”
**Caution !!**
Certain Activities May Compromise the Fundamental Research Exclusion

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<td><strong>1</strong></td>
<td>Forbids the participation of foreign nationals</td>
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<td><strong>2</strong></td>
<td>Gives the sponsors the right to <em>approve</em> publications resulting from research; or</td>
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<tr>
<td><strong>3</strong></td>
<td>Otherwise operates to forbid participation in the research and/or access to and disclosure of research results</td>
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<td><strong>4</strong></td>
<td>This includes “side deals” that may be made outside the terms of the award</td>
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The FRE is **destroyed** if the University accepts any contract /grant that:
Other Areas of Concern

Although research is the primary area of concern, there are other University activities that may raise export control compliance issues such as:

1. Providing services (such as training) to foreign persons/entities (ORSP)
2. Academic Travel (Academic Affairs)
3. Hiring a foreign national to work at UNO in a temporary, nonimmigrant status (H-1B, H1B1, L-1 and O-1A) (OISS)
4. Equipment – IR Camera, Advanced Computer Chips, etc.
   Software – Encryption, Commercial Package (Oracle), etc.

Departmental procedures have been developed to identify potential export control issues in these areas.
UNO policies and procedures for export control matters are set forth in the following policy documents:

UL System PPM-16: EXPORT CONTROL
http://www.ulsystem.net/assets/docs/searchable/boards/M- (16) Export Control.pdf

UNO - AP-RE-05.2 - Compliance with Export Control Laws and Regulations
http://www.uno.edu/president/administrative-policies/

Employees are expected to be familiar with and to comply with these policies and procedures.

Failure to do so may result in severe civil and/or criminal penalties for the individual including substantial fines, imprisonment and debarment from government contracting and substantial fines and debarment from government contracting for the University.
Export Control for Research Faculty and Staff

This is a very general overview of U.S. export control regulations and how they can impact various University–related activities.

Research faculty and staff will be expected to attend a more detailed discussion of the UNO export control policies and procedures.
Whom to Contact:

Export Control regulations are complex and subject to frequent change. If you have questions about whether a particular activity raises export control issues, you are encouraged to contact:

1. Facility Security Officer
   - OTMC@uno.edu
   - (504) 280-3943

2. The Office of Research and Sponsored Programs
   - vpresearch@uno.edu
   - (504) 280-6836
THANK YOU!