

Introduction to Export Controls

RESEARCH COMPLIANCE

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The University of Texas
Rio Grande Valley™

What are Export Control Regulations?

- Federal Regulations
- Physical Items, Technical Data, Software
- Civil and criminal penalties of fines over \$1 million and prison



How are Export Controls Regulated?

Department of State

- Directorate of Defense Trade Controls (DDTC)
- International Traffic in Arms Regulations (ITAR)
- United States Munitions List (USML)
 - Defense Articles
 - Defense Services
 - Technical Data



How are Export Controls Regulated?

Department of Commerce

- Bureau of Industry and Security (BIS)
- Export Administration Regulations (EAR)
- Commerce Control List (CCL)
 - Commodities
 - Software
 - Technology



How are Export Controls Regulated?

Department of Treasury

- Office of Foreign Assets Control (OFAC)
- Foreign Assets Control Regulations (FACR)
- Services of value to certain countries, regimes and other parties on which economic and trade sanctions have been issued



How are Export Controls Regulated?

Additional Federal Agencies

- Nuclear Regulatory Commission (NRC)
 - Regulates the import and export of nuclear equipment and material
- Department of Energy (DOE)
 - Controls assistance to foreign atomic energy activities
- Department of Justice (DOJ)
 - Investigates and enforces violations of export controls regulations
 - FBI

What Information is not Controlled?

- Fundamental Research
- Educational Information
- Publicly Available Information

Fundamental Research Exclusion

- The Fundamental Research Exclusion (FRE) exempts most on-campus university research from export control licensing requirements.
- Fundamental research means research in science, engineering, or mathematics, the results of which ordinarily are published and shared broadly within the research community, and for which the researchers have not accepted restrictions for proprietary or national security reasons.
- FRE pre-publication review by sponsor is allowed; however, approval process that could result in denying publishing means that the research is not Fundamental Research.
- FRE covers information, not items.
- Technology and software that is not yet published but is intended to be published is not subject to export controls

What Information is Controlled?

- Confidential or proprietary information
 - Non-Disclosure Agreements (NDA)
- Research results with access or dissemination restrictions
 - Agreements that require approval before publication
 - Agreements that restrict participation by citizenship

Deemed Export

The release of controlled data or technical information to a foreign person

- In the USA or anywhere

Physical Items

- All physical items are subject to export controls
- Shipping and hand carrying physical items are controlled activities

Anti-Boycott Regulations

UTRGV cannot agree to refuse to do business with a country as a part of an agreement with another country.

- Arab countries sometimes try to put a clause in their agreements that UTRGV would agree to not do business with Israel
- Some agreements will ask UTRGV to refuse to deal with certain vendors (usually Israeli vendors)
- Some agreements will ask UTRGV to disclose certain business relationships (usually with Israel)
- Some agreements will ask UTRGV to discriminate against certain nationalities
- UTRGV cannot agree to these requests and must report whenever they are encountered

UTRGV Activities Affected by Export Controls

- International collaborations
- Educational exchanges
- Foreign visiting scholars
- Financial transactions
- Hiring
- Procurement
- Interactions with foreigners on campus
- Sending, receiving, developing, fabricating controlled technical data, software, instruments, items
- International shipping
- International travel
- Foreign conferences, meetings, presentations

Takeaways

- Export controls are complicated and change frequently
- Your UTRGV activity may require a license
- Penalties for export violations can be significant
- Know when and where to seek assistance

Contact / Resources

[Export Controls Web Page](#)

UTRGV HOP [ADM 07-105](#)

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