

Tips for Avoiding Export Control Restrictions

Some people decide they do not want to be involved in export controlled research or other activities; this is an individual choice. If you want to avoid export controls here are a few dos and don'ts that may help:

DO

- Read requests for proposals, solicitations, and other announcements carefully for export control language.
- Be cautious of industry sponsorship.
- Seek grants rather than contracts.
- Let sponsors and OSP know if you won't accept restricted awards or programs.
- Ask for help! The Office of Export Controls is here to support your research and scholarly activities.



**Reminder:
Foreign Travel
can mean export
concerns!**

DON'T

- Travel to Sanctioned Countries.
- Deal with Restricted Parties or Listed Entities.
- Accept publication restrictions.
- Accept or sign Non-Disclosure, Secrecy or Confidentiality Agreements*.
- Conduct proprietary research or projects*.
- Travel internationally with potentially controlled items, technology, or technical data (examples: laptops, iPads, proprietary information and software, encryption, etc.)

* Not all proprietary or confidential information is subject to export control, but an assessment will be required to make that determination.

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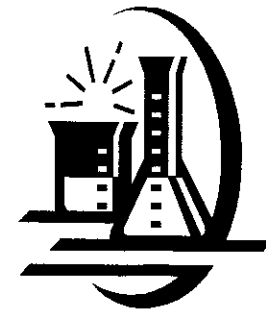
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***"Whenever you do a thing, act as if
all the world were watching."***

Thomas Jefferson



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Export Controls & University Activities

The most important things university researchers need to know about export controls are 1) that they do apply to university activities in some situations; and 2) that the Office of Export Controls is here to help you conduct your activities in compliance with the requirements of applicable regulations.

Many of the activities central to the mission of colleges and universities are specifically exempted or excluded from the scope of the export control regulations. The following are examples of activities that are not typically subject to export control:

- Instruction in catalog-listed courses and associated teaching laboratories;
- Basic and applied research, when the results may be published without restriction;
- Presentation at open scientific or scholarly meetings; and
- Disseminating publicly available information, unless provided as part of a defense service



Effective international collaborations are essential for the conduct of cutting edge research in many disciplines.

The general purpose of export controls is to prevent the loss of U.S. origin technology that provides a military or economic advantage and support U.S. policies and international initiatives through embargoes and trade sanctions.

Many federal agencies have export control regulations and responsibilities, but the most comprehensive are those issued by the U.S. Departments of State, Commerce and Treasury.

General Definitions

The following are generalized definitions; however, there are subtle differences between the regulations so the specific definitions must be used when determining regulatory requirements.

- U.S. Person – an individual who is a U.S. citizen, permanent resident, or been formally granted asylum in the U.S.; any entity legally organized to do business in the U.S.; and, U.S. federal, state, and local government agencies.
- Foreign Person or Foreign National – anyone who is not a U.S. person.
- Export – Physical shipment or transmission of controlled items, software or technical data out of the U.S. or the release of controlled items, software or technical data to a foreign national in the U.S.

Export Administration Regulations (EAR)

The EAR are rules and procedures issued by the Department of Commerce implementing its authority under the Export Administration Act and the International Emergency Economic Powers Act.

The scope of the EAR is quite broad; it covers all items in U.S. commerce that are not subject to the jurisdiction of another agency and U.S.-origin technology wherever it is located. Despite this breadth, only a small number of dual-use technologies (those with both military and commercial uses) are actually subject to export controls. The Bureau of Industry & Security (BIS) is responsible for licensing and enforcement under the EAR.

International Traffic in Arms Regulations (ITAR)

The ITAR are rules and procedures issued by the State Department to implement its authority under the Arms Export Control Act and Executive Order #11958.

The ITAR control exports and temporary imports of defense articles and the provision of defense services. Defense articles are identified in the U.S. Munitions List (ITAR section 121). Defense services are defined and interpreted very broadly and, as noted earlier, may apply

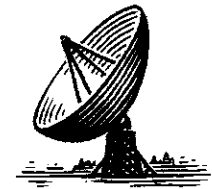
even if all of the information to be provided is in the public domain. Licensing of defense articles and services is by the Directorate of Defense Trade Controls (DDTC).

Embargoes & Trade Sanctions

The Office of Foreign Assets Control (OFAC), Department of the Treasury, administers and enforces economic and trade sanctions based on U.S. foreign policy and national security goals.

OFAC sanctions are either country-based or list-based. Country-based sanctions apply to all entities in that country and, sometimes to foreign persons of that country regardless of location or affiliation. The specific regulations for a country will identify what activities are allowed under a general license as well as those that may be permitted under a special license.

Examples of country-based sanctions are those targeting Cuba, Iran and Sudan. List-based sanctions apply to specific entities due to their involvement with prohibited activities. Examples of list-based sanctions include those targeting narcotics traffickers, terrorists and nuclear proliferators. License requests to listed entities are typically denied.



Examples of export controlled items include chemicals, software, infectious agents, source code, microchips, GPS technology, satellites, and

Office of Export Controls