

Export Controls Compliance



THE UNIVERSITY OF
TENNESSEE
KNOXVILLE

Export control regulations and their application



What You Need to Look For . . .

- Foreign travel
- Foreign research partners
- Foreign visitors to campus
- Foreign students/faculty
- Controlled or Proprietary Information / Data
- Shipping or receiving from foreign countries
- Military equipment used in your research (thermal cameras/night vision goggles)
- If you are developing something new

Words/Phrases to Look for in Research



“ITAR” or “EAR”

- “Export Control Regulations Will Apply to the Research”
- Publication Restrictions
- Restrictions/Prohibitions Against Participation of Research Personnel Based on Citizenship/National Origin.
- Military Equipment
- USML
- CCL
- Export Control Clauses

Export Control Regulations



The U.S. government regulates the **transfer of information, commodities, technology, and software** that are **strategically important to U.S. interests of national security, economic and/or foreign policy concerns.**

Military Items



Department of State,
Directorate of Defense Trade Controls

International Traffic in Arms Regulations (ITAR)
United States Munitions List (USML)

Dual Use Items



Department of Commerce,
Bureau of Industry & Security

Export Administration Regulations (EAR)
Commerce Control List (CCL)

Travel



Department of the Treasury,
Office of Foreign Assets Control

Foreign Assets Control Regulations (FACR) and
other various regulations

Embargoed and Sanctioned Countries



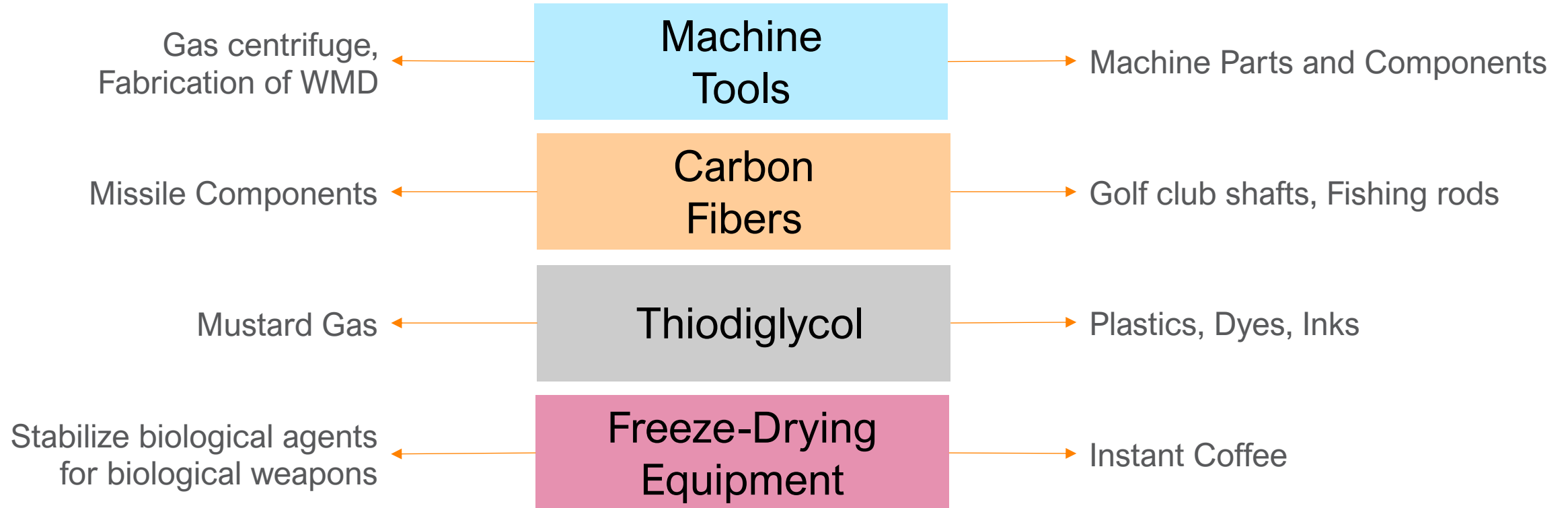
EAR <u>15 CFR 746</u> <u>15 CFR 744</u>	ITAR <u>22 CFR 126.1</u>	OFAC
Embargoed countries: <i>Cuba, Iran, Syria.</i>	(a) Prohibited countries: <i>Belarus, Cuba, Eritrea, Iran, North Korea, Syria, Venezuela.</i>	Embargoed countries: <i>Cuba, Iran</i>
Targeted sanctions countries: <i>Crimea - Region of Ukraine, Iraq, North Korea, Russian industry sector.</i>	(c) U.N. Arms Embargoed countries: <i>Burma, Côte d'Ivoire, Congo, Eritrea, Iraq, Iran, Lebanon, Liberia, Libya, North Korea, People's Republic of China, Somalia</i> (f) to (v) special policy : <i>Iraq, Afghanistan, Democratic Republic of the Congo, Haiti, Libya, Vietnam, Somalia, Sri Lanka, Liberia, Cyprus, Zimbabwe, Lebanon, Central African Republic</i>	Targeted sanctions countries: <i>Balkans, Belarus, Central African Republic, Congo, Iraq, Lebanon, Liberia, Libya, North Korea, Somalia, Syria, Ukraine/Russia, Venezuela, Yemen, and Zimbabwe.</i>
Military End-Use/End-User licensing requirements: <i>People's Republic of China, Russia* and Venezuela*.</i>		
Prohibited Parties: - Denied Parties List - Entity List - Unverified List	Prohibited Parties: - Debarred List - Munitions E.C. Order	Prohibited Parties: - Specially Designated Nationals and Blocked Persons List (SDN)
Proliferation activities Other Red Flags	Proliferation activities Other Red Flags	Other Red Flags

EAR: Examples of dual-use items



Use of Concern

Legitimate Use



ITAR: U.S. Munitions List (USML)



- I Firearms and Related Articles
- II Guns and Armament
- III Ammunition/Ordnance
- IV Launch Vehicles, Guided Missiles, Ballistic Missiles, Rockets, Torpedoes, Bombs, and Mines
- V Explosives and Energetic Materials, Propellants, Incendiary Agents, and Their Constituents
- VI Surface Vessels of War and Special Naval Equipment
- VII Ground Vehicles
- VIII Aircraft and Related Articles
- IX Military Training Equipment and Training
- X Personal Protective Equipment
- XI Military Electronics
- XII Fire Control, Laser, Imaging, and Guidance Equipment
- XIII Materials and Miscellaneous Articles
- XIV Toxicological Agents, Including Chemical Agents, Biological Agents, and Associated Equipment
- XV Spacecraft and Related Articles
- XVI Nuclear Weapons Related Articles
- XVII Classified Articles, Technical Data, and Defense Services Not Otherwise Enumerated
- XVIII Directed Energy Weapons
- XIX Gas Turbine Engines and Associated Equipment
- XX Submersible Vessels and Related Articles
- XXI Articles, Technical Data, and Defense Services Not Otherwise Enumerated

Drones



- Unmanned Aerial Vehicles (UAV) and Unmanned Aircraft Systems (UAS), commonly referred to as “drones”, are increasingly popular tools in research.
- Many drones are export controlled; Some may be banned for purchase/use at the Federal/State level.
- As part of the drone registration process, the Export Control Office will determine if the drone is export controlled.
- If the drone is export controlled, the Export Control Office will coordinate with the responsible party to create a Technology Control Plan.
- Discuss with the Export Control Office if you intend to design, build, research, use in research, modify, dismantle, and/or operate a drone in foreign countries and/or with foreign nationals in the U.S.

OIT Travel Laptop

Available for all UT System employees, UTK faculty and staff, that travel to the designated foreign countries.

All travelers to high-risk locations are STRONGLY ENCOURAGED to consider the use of an OIT travel laptop during UTK business travel to those areas.

Export Control Exclusions

Export Controls & University Research



The good news: The vast majority of research conducted at U.S. universities is exempt from export controls under three exclusions provided for under the current regulations:

- The Fundamental Research Exclusion
- The Educational Information Exclusion
- The Public Information Exclusion



The Fundamental Research Exclusion



The Fundamental Research Exclusion applies to any basic or applied research in science or engineering where the resulting information is ordinarily published and broadly shared in the scientific community

It is important to note that the fundamental research exclusion only covers the “results” of research. It does not cover actual materials, items or technologies involved in or resulting from the research. Export Controls may still apply to these items.

The Fundamental Research Exclusion



For research to qualify as Fundamental Research, all of the following must be true:

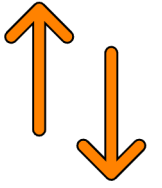
- There can be no restrictions on publication
- There can be no access or dissemination restrictions
- The research must take place at an accredited institution in the U.S.

Delays in finalizing sponsored research agreements can be encountered when sponsors try to insert publication or access restrictions in agreements which would nullify the Fundamental Research Exclusion.



Questions for Pls

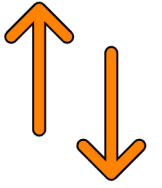
When Export Controls may apply to your research



The following list of questions is designed to help you determine if Export Controls may apply to your research:

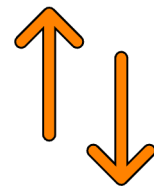
1. Does the research involve military, weapons, defense, chemical or biological weapons, encryption technology & software, space or other dual-use items or export restricted technologies?
2. Does the research involve collaboration with foreign colleagues (including graduate students) at UTK or abroad?
3. Does the research involve the transfer or shipment of equipment, materials or funding out of the U.S.?

When Export Controls may apply to your research *(continued)*



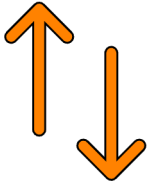
4. Does any part of the research take place outside of the U.S. (e.g. field work)?
5. Does any part of the research involve the receipt or use of Export Controlled information or items provided by a 3rd party?
6. Are there any contractual restrictions on publication or access to or dissemination of the research results?

When Export Controls may apply to your research *(continued)*



7. Does the research involve the shipment or transfer of materials, money or any other type of collaboration with foreign nationals from a sanctioned or embargoed country (i.e. Cuba, Iran, North Korea, Sudan, or Syria)?
8. Do you have any reason to believe that the end-user or the intended end-use of the item or information violates any existing export controls?

When Export Controls may apply to your research *(continued)*



If you answered yes to any of the proceeding questions, then the research may be subject to Export Controls an assessment will need to be done.

Contact the Export Control Office for more information.



How do you help ensure the University is compliant with Export Controls?



- If you review your research for potential export control issues and if you think that your work may be subject to Export Controls, contact the Export Control Office as early as possible (obtaining a license can take 3 to 4 months).
- If you are planning to receive or use export-controlled information or technology from outside the University contact the Export Control Office.
- If you are planning to hire a foreign national or will be working with foreign collaborators on export-controlled research, you must determine if an Export License is required. If required, **the License must be obtained—Before work can proceed.** Contact the Export Control Office for assistance in obtaining the appropriate licenses.

CUI



Controlled Unclassified Information (CUI) refers to unclassified information within the U.S. Federal government that requires specific safeguarding and dissemination controls. While it's not classified, it's still sensitive and important, so it must be protected. Think of it as a safeguarding system for sensitive but unclassified data.

CUI



(CUI) encompasses various types of sensitive but unclassified data. Here are some examples:

- **Export-Controlled Information:** Details related to the export of goods, technology, or services that are subject to export control laws and regulations.
- **Privacy Information:** Personal data such as Social Security numbers, medical records, or financial information.
- **Critical Infrastructure Information:** Details about essential systems (e.g., power grids, transportation networks) that require protection.
- **Sensitive Research Data:** Scientific or technical information that could impact national security or public safety.
- **Proprietary Business Information:** Trade secrets, financial data, or intellectual property.
- **Nuclear Information:** Data related to nuclear facilities, materials, or technology.

Remember, CUI isn't classified, but it still demands safeguarding and controlled handling.

Summary



Export Controls apply to all international University activities not just to shipping equipment overseas.

If your research includes international activities an export control assessment will need to be done to determine if an export license(s) are needed.

Assistance is readily available to help you determine your export control compliance requirements.



Where can I go for assistance?

- UTK Export Control Website – <https://exportcontrol.utk.edu/>
- Email UTK Export Control Officers – utkexportcontrol@utk.edu

A silhouette of a muscular man, likely the Statue of Liberty, holding a flaming torch. The background is a sunset sky with soft, glowing clouds. The man is shown from the waist up, facing right, with his right arm extended holding the torch. The torch is lit, with bright orange and yellow flames. The overall mood is one of gratitude and hope.

Thank you for your time and attention