

Export Controls

I. Abstract

This module provides a basic description of the export controls laws and regulations which apply to the export of controlled technologies and information to foreign nationals. Three sets of regulations are principally referred to as export controls. Because of their complexity, the Office of Sponsored Research Administration (OSRA) and the University Compliance Office offer periodic education and training to those faculty members, staff and students whose university or research activities may involve working with controlled technologies or information.

II. Helpful Contact Information

OSRA- Pre Award
MARC 430
Ext. 7-2494

University
Compliance Office
PC 520
Ext. 7-2216

III. Rules of the Road

- a. "Export controls" refer to the federal laws and regulations which govern the export of certain information and technology to foreign entities and foreign nationals both abroad and in the United States.
- b. These laws are extensive and complex and, as applied to institutions of higher education, subject to increased monitoring and enforcement. Their purpose is to regulate the distribution of strategically important technology and information to foreign nationals and foreign countries and entities for reasons of foreign policy, national security and prevention of terrorism. Federal regulations include:

- i. "EAR"-Export Administration Regulations, administered by the U.S. Department of Commerce, Bureau of Industry & Security. 15 CFR §§ 730-774.

The EAR applies to "dual use" items--designed for commercial (civilian) purposes but that can have military applications (such as computers, software, lasers and pathogens).

- ii. "ITAR"- International Traffic in Arms Regulations, administered by the U.S. Department of State, Directorate of Defense Trade Controls. 22 CFR §§ 120-130.

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The ITAR applies to items (and related technical data) that are military in nature.

- iii. “OFAC”—Office of Foreign Assets Control of the U.S. Department of Treasury, 31 CFR §§ 500-599.

These regulations impose economic sanctions and embargoes on specified countries, entities and individuals.

- c. You may visit <http://policies.fiu.edu/files/130.pdf> to view the University’s policy on export controls. This policy applies to sponsored research and includes provisions for non-sponsored research as well.
- d. The policy also describes the procedures followed by the University in order to identify possible export control issues and document compliance with the applicable regulations including, without limitation, applying for an appropriate license in the event of anticipated export of controlled technologies or information and developing an export control management plan.
- e. Please note that the consequences for non-compliance with the export controls laws and regulations are severe and include:
 - i. Fines and civil penalties:
 - 1. EAR and ITAR – up to \$1M per violation
 - 2. OFAC - \$50k to \$10M per violation
 - ii. Imprisonment:
 - 1. EAR and ITAR – up to 10 years
 - 2. OFAC – up to 30 years
 - iii. Loss of exporting privileges and/or federal funding
 - iv. Damage to reputation
- f. The Office of Sponsored Research Administration and the University Compliance Office provide periodic education and training on export controls. Dates for education and training sessions during this academic year will be posted on the Office of Sponsored Research Administration’s and the University Compliance Office’s Web sites. Faculty members are urged to attend as the regulations are complex and the penalties for non-compliance are substantial.

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- g. Other available FIU resources to learn more about export controls include:
- i. Office of Sponsored Research Administration Web site on Export Controls available at: <http://ori.fiu.edu/exportControls.html>
 - ii. Office of Sponsored Research Administration Foreign Project Handbook available at:
<http://www.osra.fiu.edu/Webpage%20Layout/downloads/Foreign%20Project%20Guide%20080206.doc>