

# 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 Division of Research (DOR) and the Office of General Counsel 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**

Division of Research  
Pre Award  
MARC 430  
Ext. 7-2494

Office of the  
General Counsel  
PC 511  
Ext. 7-2103

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 – up to \$250K per civil violation and up to \$1M for criminal violations
    - 2. ITAR – up to \$500K per civil violation and up to \$1M for criminal violations
    - 3. OFAC – \$250K to \$1.075M for civil violations and \$50k to \$10M for criminal violations
  - ii. Imprisonment:
    - 1. EAR – up to 20 years per violation
    - 2. ITAR – up to 10 years per violation
    - 3. OFAC – up to 30 years for violations
  - iii. Loss of exporting privileges and/or federal funding
  - iv. Damage to reputation

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- f. The Division of Research and the Office of General Counsel provide periodic education and training on export controls and will also provide such training upon departmental request. Dates for education and training sessions during the academic year will be posted on the Division of Research website. Faculty members are urged to complete this training as the regulations are complex and the penalties for non-compliance are substantial.
- g. Other available FIU resources to learn more about export controls include:
  - i. Division of Research website on Export Controls available at:  
<http://research.fiu.edu/compliance/exportControls/exportControls.html>
  - ii. Division of Research Foreign Project Handbook available at:  
[http://research.fiu.edu/researchers/preparingProposal/documents/foreignProjectGuide\\_07202010.pdf](http://research.fiu.edu/researchers/preparingProposal/documents/foreignProjectGuide_07202010.pdf)