



Office of Research

TENNESSEE TECH

INTRODUCTION TO EXPORT CONTROLS

**Institutional Training
for Tennessee Tech Researchers**

OUTCOMES-BASED TRAINING

Institutional training

- is a mandatory element of core research activities
- ultimately has a positive impact on the activity
- requires completion of a verifiable comprehension assessment at the end of the training

RESEARCH COMPLIANCE AND MANAGING RISK



Stating that you have always done it this way will not protect you from violating federal export controls laws.

Risk Management includes:

- Institutional Management
- Personal Management
- Safety Management
- Career Management

NEED FOR EXPORT CONTROL TRAINING

- ❑ The U.S. has had export control laws for decades.
- ❑ They apply directly to universities and their employees.
- ❑ The 9/11 event significantly heightened security and compliance concerns.
- ❑ Criminal sanctions apply for violations.
 - Large fines (\$2K - \$1M) and /or
 - Imprisonment for individuals (up to 20 years in prison)
- ❑ Federal law enforcement officials (FBI) have been to TTU to give a workshop regarding export control laws.

Universities and their employees are likely to be engaged in many activities that are covered by these laws and regulations.

WHAT YOU WILL LEARN ABOUT EXPORT CONTROLS



The primary goal of the training is to provide you with enough information to raise awareness about personal and institutional export controls compliance requirements.

Export Controls regulations (EAR and ITAR) are exceptionally complex. Federal regulators sponsor multi-day seminars on this subject. This training is intended to generate more questions than answers.

The Office of Research can answer your questions about Export Controls Laws and Regulations. Visit <https://www.tntech.edu/research/export-controls.php> for detailed information.

PURPOSE OF THE TRAINING



To understand that universities and their employees are likely to be engaged in many activities that are covered by export control laws and regulations.

- ❑ The U.S. has had Export Control Laws for decades.
- ❑ The laws apply directly to universities and their employees.
- ❑ 9/11 significantly heightened security and compliance concerns.
- ❑ **CRIMINAL SANCTIONS APPLY FOR VIOLATIONS AND INCLUDE**
 - **Large fines (\$2K - \$1M) and/or**
 - **Imprisonment for individuals (up to 20 years in prison)**
- ❑ Federal law enforcement officials (FBI) have been to TTU to provide information on export control laws.

UNDERSTANDING WHO CONTROLS EXPORTS

- ❑ **International Traffic in Arms (ITAR)**
Department of State
Items that are inherently military in character
- ❑ **Export Administration Regulations (EAR)**
Department of Commerce
Items that are Dual Use (military and civil applications) or strictly civil
- ❑ **Office of Foreign Asset Control (OFAC)**
Department of the Treasury
Financial transactions/travel to embargoed/sanctioned countries

EXPORT ADMINISTRATION REGULATIONS (EAR): COMMERCE

- ❑ The Commerce Dept.'s Bureau of Industry and Security (BIS) administers the Export Administration Regulations (EAR). The EAR regulates the export and re-export of most *commercial items*.
- ❑ The EAR do not control all goods, services, and technologies – other U.S. government agencies, e.g., State Dept. and the International Traffic in Arms Regulations (ITAR), regulate more specialized exports.

Items that BIS regulates are often called “dual-use,” which are those that have both commercial and military applications. However, purely commercial items without an obvious military use are also subject to the EAR.

INTERNATIONAL TRAFFIC IN ARMS REGULATIONS (ITAR): STATE



The Arms Export Control Act authorizes control over the export and import of defense articles and defense services that are deemed to be inherently military in character.

- ❑ **Defense articles include:** models, mockups, and other such items that reveal technical data directly relating to items designated in the ITAR regulations.
- ❑ **Defense service means:** furnishing assistance, including training to foreign persons in the design, engineering, development, production, processing, manufacture, use, operation, overhaul, repair, maintenance, modification, or reconstruction of defense articles, in the United States or abroad; or furnishing to foreign persons of any technical data, in the United States or abroad.

U. S. DEFENSE MUNITIONS: 21 SPECIFIC CATEGORIES REGULATED BY THE ITAR LAWS

- Category I: Firearms
- Category II: Artillery Projectors
- Category III: Ammunition
- Category IV: Launch Vehicles, Guided Missiles, Ballistic Missiles, Rockets, Torpedoes, Bombs and Mines
- Category V: Explosives, Propellants, Incendiary Agents, and their Constituents
- Category VI: Vessels of War and Special Naval Equipment
- Category VII: Tanks and Military Vehicles
- Category VIII: Aircraft, Spacecraft and Associated Equipment
- Category IX: Military Training Equipment
- Category X: Protective Personnel Equipment

U. S. DEFENSE MUNITIONS (CONT.)

- Category XI: Military [and Space] Electronics
- Category XII: Fire Control, Range Finder, Optical and Guidance and Control Equipment
- Category XIII: Auxiliary Military Equipment
- Category XIV: Toxicological/Biological Agents and Equipment and Radiological Equipment
- Category XV: Spacecraft Systems and Associated Equipment
- Category XVI: Nuclear Weapons Design and Test Equipment
- Category XVII: Classified Articles, Technical Data and Defense Services Not Otherwise Enumerated
- Category XVIII: [Reserved]
- Category XIX: [Reserved]
- Category XX: Submersible Vessels, Oceanographic and Associated Equipment
- Category XXI: Miscellaneous Articles

HOW UNIVERSITIES CAN VIOLATE EXPORT LAWS: ITAR/EAR

- ❑ Transfer export-controlled equipment, materials, technology/technical data, or software, or provide defense services to an unauthorized non-U.S. person without a government-approved license or other government approval (ITAR/EAR)
- ❑ Allow a foreign national to “use” export EAR-controlled equipment, materials, items (deemed export) or have access to defense articles and technical data about a defense article (deemed export)

HOW UNIVERSITIES CAN VIOLATE EXPORT LAWS: OFAC

- ❑ Transactions involving designated foreign countries or their nationals
- ❑ Transactions with respect to securities registered or inscribed in the name of a designated national
- ❑ Importation of and dealings in certain merchandise
- ❑ Holding of certain types of blocked property in interest-bearing accounts
- ❑ Transactions with specific entities or individuals known as “specially designated nationals,” found in the Specially Designated Nationals List (“**SDNL**”)

DIVISION OF SPONSORED RESEARCH EXPORT CONTROL STRATEGY

- ❑ Minimize the number of awards with export control restrictions
- ❑ Ensure that the cost of security for a sponsored project is borne by the sponsor
- ❑ Adequately protect those awards that have export control restrictions to prevent license violations

PIs play a key role in this strategy.

DEFINITION OF EXPORT



Any “item” sent from the U.S. to a foreign destination is an export.

Items would include but not be limited to commodities (products, goods and services) such as software or technologies, including clothing, building materials, circuit boards, automotive parts, blueprints, design plans, retail software packages, and technical information.

Sending the item includes

- actual shipment of any covered (applicable) goods or items to a foreign national or destination;
- electronic or digital transmission of any covered goods, items, or related goods or items to a foreign national or destination;
- release or disclosure, including verbal disclosures or visual inspections, of any technology, software or technical data to any foreign national wherever located; or
- actual use or application of covered technology on behalf of or for the benefit of any foreign entity or person anywhere.

DEFINITION OF RE-EXPORT

- ❑ Actual shipment or transfer of items subject to EAR that originated or was produced in the U.S., shipped to a foreign country, and then on to another foreign country
- ❑ Release of technology or software (source code) subject to the EAR in one foreign country then shipped to another foreign country

Always consult the regulations for specific information about export controls.

DUAL-USE ITEMS HAVE BOTH COMMERCIAL AND MILITARY OR PROLIFERATION APPLICATIONS

- ❑ “Dual Use” is a term to describe items and activities in which the BIS exercises regulatory jurisdiction under the EAR and may include but not be limited to: chemicals, Dx kits, fermenters, PCR machines, viruses, bacteria, toxins, etc.
-

- ❑ Items “subject to the EAR” include:
 - All items in the U.S. including those in a U.S. Foreign Trade Zone or those moving through the U.S. from one foreign country to the other.
 - All U.S.-originated items wherever located
 - U.S.-originated parts, components, materials, or other commodities integrated abroad into foreign-made products

DEFINITION OF EAR99

- ❑ If your item falls under the U.S. Department of Commerce's jurisdiction and is not listed on the Commerce Control List, it is designated as EAR99.

EAR99 items generally consist of low-technology consumer goods and do not usually require a license.

- ❑ However, if your proposed export of an EAR99 item is to an embargoed country, to an end-user of concern, or in support of a prohibited end-use, you may be required to obtain a license.

PARTICIPATION OF FOREIGN GRADUATE STUDENTS

in research involving “covered items or technology” is prohibited unless an export license has been obtained from the appropriate government agency (Dept. of Commerce/Dept. of State)

A FOREIGN PERSON

is anyone who is not a citizen of the United States (exceptions noted later). This includes foreign corporations (i.e., corporations that are not incorporated in the United States), international organizations, foreign governments, and any agency or subdivision of foreign governments (e.g., diplomatic missions).

HOW AN ITEM IS TRANSPORTED (OR EXPORTED) OUT OF THE U.S.

does not matter in determining export license requirements.

The “item” can be:

- Mailed
- Faxed
- E-mailed
- Disclosed in a conversation
- Hand-carried in a car, plane, or boat
- Uploaded or downloaded from the Internet
- Disclosed in a presentation at a scientific meeting

DEFINITION OF DEEMED EXPORT



*the release of technology or source code subject to export controls regulations to a **foreign national in the U.S.** Such a release is “deemed” to be an export to the home country of the foreign national. Universities often engage in activities that could be “deemed” research.*

Situations that could involve release of sensitive U.S. technology or software covered by export control regulations might include:

- Tours of laboratories
- Foreign national employees involved in certain research, development, and manufacturing activities
- Foreign students or scholars conducting research
- Hosting of foreign scientists

DEFINITION OF DEEMED EXPORT PROGRAM



An important mechanism that prevents diversion of sensitive dual-use technology to non-U.S. citizens and balances the following two concerns:

- ❑ The vital role of foreign nationals in industry and academia contributing to the strength of our industrial base and technology advantage
- ❑ Foreign countries seeking to illegally acquire controlled U.S. technology that could be diverted to weapons programs

EXAMPLES OF EXEMPTIONS FOR FOREIGN NATIONALS FROM THE LICENSING EXPORT RULES

- ❑ A foreign national granted U.S. citizenship
- ❑ A foreign national granted permanent residence status (i.e., “Green Card” holders)
- ❑ A foreign national granted status as a protected individual (8 USC 1324b(a)(3)), including
 - Political refugees
 - Political asylum holders
 - Educational information received in courses listed in educational catalogs
 - Teaching laboratories of academic institutions
 - Public information available on patents

LICENSING EXEMPTIONS FOR PUBLICALLY AVAILABLE INFORMATION

Information that is accessible to the general, interested public is exempted from licensing export rules. The information must be (EAR 734.7):

- Generally accessible to the interested public
- Found in periodicals, books, print, electronic other media forms
- Accessible in libraries (university, public, etc.)
- In the form of open patents
- Accessed through open conferences

Conversely, if the university or researcher accepts any restrictions on the publication of information from research, other than limited prepublication reviews - **export control regulations apply**

EXEMPTED FUNDAMENTAL RESEARCH



Fundamental research is exempt from export control regulations and is by far the best way to comply with export control laws in academia!

- ❑ Fundamental research is different from proprietary research that is controlled or restricted by the U.S. government (i.e., classified).
- ❑ Fundamental research, as defined in the EAR and ITAR regulations, includes basic or applied research at accredited U.S. academic institutions where the resulting information is ordinarily published and shared broadly in the scientific community.

EXCEPTIONS TO FUNDAMENTAL RESEARCH EXEMPTIONS

The exemptions for fundamental research no longer apply if the university or researcher

- accepts any restrictions on publication of information, other than limited prepublication reviews by sponsors to protect proprietary information provided by sponsor, or to ensure that publication will not compromise sponsor patent rights;
- has accepted an initial transfer of information from another sponsor or provider, and the parties have agreed that the sponsor or provider may restrict university publication of some or all of the information; or
- is federally funded and specific access and dissemination controls have been accepted by the university or the researcher, i.e., the information is classified

Fundamental research is defined under the 15 CFR § 734.8 EAR guideline and 22 CFR § 120.11 ITAR citation.

CONFUSION OVER THE SCOPE OF FUNDAMENTAL RESEARCH



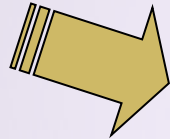
The fundamental research exemption does not provide relief from all export licensing consideration:

- Fundamental research applies only to information that arises during or results from the research.
- There is no blanket exemption for all information that is transferred during such research.
- If there is preexisting export-controlled technology required to conduct the research, deemed export licensing implications must be considered.

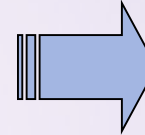
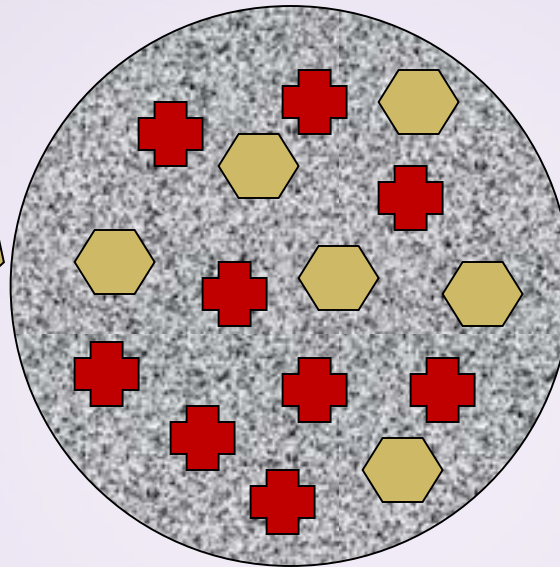
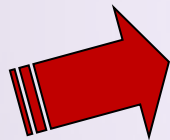
LIMITATIONS OF FUNDAMENTAL RESEARCH EXEMPTION

Input

*Uncovered /
uncontrolled
Resources*



*Export
Covered /
Controlled
Resources*



Output

Research/
results
publicly
available

Fundamental
research

The Research World

Even though the final product of the research may qualify for the fundamental research exemption, certain sensitive components of the research may need to be protected or have an export license.

EXPORT CONTROLLED TECHNOLOGY



The EAR refers to specific information “required” for the “development”, “production”, or “use” of specific items.

- ❑ **Required technology:** refers only to that portion peculiarly responsible for achieving controlled characteristics

- ❑ **Use technology:** regulatory definition refers to: Operation, Installation, Maintenance, Repair, Overhaul, Refurbishing. All six attributes of the “use” definition must be present to qualify as controlled “use” technology. If all six categories are not applicable, it probably falls under EAR 99.

"USE" TECHNOLOGY LICENSING REQUIREMENT

- ❑ "USE" technology requires export control measures. The simple use of export-controlled equipment is not a deemed export.
- ❑ Deemed exports occur only if controlled technology is transferred.
- ❑ The foreign national must have access to technology that would enable him/her to replicate or improve the design of that equipment to meet a "controlled use" threshold.

DEEMED EXPORT APPLICATION

Applying for a deemed export license is the same as applying for other covered technology exports, but must also provide:

- Detailed letter of explanation
- Comprehensive Bio/Resume
- Complete job description
- Safeguards to restrict access (technology control plan)

Universities must be able to

- accurately classify activities, equipment and technologies to determine if they fall under “controlled” categories
- keep and update inventory of controlled items
- perform Restricted Party Screening to ensure regulations on transfer of controlled technologies are not breached

RESEARCH PROGRAM SIZE



Whether the research program budget is \$25 thousand or \$25 million, export controls laws still apply.

- ❑ The fundamental research exemption applies only under certain conditions when there is:
 - No restriction on publications
 - No controlled technology involved
 - No need for encryption software
 - Certainty that results cannot be used for WMD

- ❑ Even if all these conditions are satisfied, foreign nationals must still be screened to ensure they are not on a Restricted Party list.

RAMIFICATIONS OF NON-COMPLIANCE

PENALTIES ARE SEVERE:

- ❑ Fines can potentially be hundreds of thousands of dollars for each civil violation of export control laws.
- ❑ Criminal penalties are harsher:
 - Organizations can receive multimillion-dollar fines.
 - Researchers and administrators can be sentenced to jail.
 - Reputations can be damaged from FBI raids, federal charges, negative news headlines, etc.

DEEMED EXPORT CONVICTION

KNOXVILLE, Tenn. - A federal judge sentenced a retired University of Tennessee professor to four years in prison for passing sensitive information from a U.S. Air Force contract to two foreign research assistants.



- Plasma physics expert J. Reece Roth was found guilty on all 18 counts of conspiracy, fraud and violating the Arms Export Control Act. Roth allowed two graduate students from Iran and China to see sensitive information while researching a plasma-guidance system for unmanned aircraft.*
- Roth took reports and related studies in his laptop to China during a lecture tour and had one report e-mailed to him through a Chinese professor's internet connection.*
- Roth testified that he didn't believe he broke the law because the research had yet to produce anything tangible. He said he received only about \$6K from the contract.*

Associated Press – 1 July 2009

This was the first time the government used the Arms Export Control Act to crack down on the distribution of restricted data, and not hardware, to foreigners in a university setting.

LESSONS FROM THE ROTH CASE

- The federal government is serious about export controls compliance.
- Researchers have misconceptions about export control laws.
- There is a danger in over-reliance on fundamental research exemptions for military contracts.
- International travel with export-controlled materials is problematic.
- Negotiations should be made with sponsors to remove restrictive clauses.
- “Export” of controlled items or technologies to foreign nationals or through international travel should be prevented. Export licenses should be obtained when appropriate.
- Adequate training should be provided.

Bottom Line: Universities must be prepared.

KEEPING CONTRACTS FREE OF EXPORT CONTROLS

Don't unnecessarily enter into secrecy agreements or otherwise agree to withhold results in university research activities such as:

- Sponsored projects
- Material management/purchasing
- Licensing in agreements such as software, etc.

It is essential to understand why this concept is important.

DETERMINING WHETHER YOU NEED A COMMERCE EXPORT LICENSE

Few of the nation's total "exports" require an export license. License requirements are dependent on an item's technical characteristics, the destination, the end-user, and the end-use. To determine if you need an export license, answer the following questions:

1. What are you exporting?
 2. Where are you exporting?
 3. Who will receive your item?
 4. What will your item be used for?
-

Answering these four simple questions to satisfy Export Control Laws correctly is an exceptionally complex process.

SCIENCE IN THE LAB AND TOOLS OF THE TRADE



Export controls do not apply to science performed in the lab.

- ❑ Overseas travel and activities carrying potentially controlled items can present problems with Export Controls Laws and regulations!
These may be called “Tools of the Trade.”

- ❑ Tools of the trade are usual and reasonable kinds and quantities of tools (commodities and/or software) for use by the exporter (faculty) or employees of the exporter while out of the country and must remain under effective control of the exporter, i.e., retain physical possession of the item, locked in the hotel safe, or guarded.

- ❑ All tools of the trade may accompany the departing individual, or may be shipped unaccompanied within one month of departure from the U.S., or at any time after departure.

"TOOLS OF THE TRADE" LICENSE EXCEPTION

What Can be Taken Overseas?

- ❑ All commodities and software, if not consumed or destroyed in normal course of authorized temporary use abroad, must be returned as soon as practicable but no later than one year after the date of export.
- ❑ No tools of the trade may be taken to Cuba, Libya, or Sudan.
- ❑ Reference 15 CFR Part 740.9(a)(2)(i) for TMP "Tools of Trade" License Exception.
- ❑ Do NOT travel to Cuba, Iran, Iraq, Libya, North Korea, the Sudan, or Syria for research or educational activities without first contacting the Office of Research. These countries are currently embargoed and require specialized consideration and approval before initiating activities there.

CONTROLLED COMMODITIES



Laptops are considered controlled commodities.

- Most commercially available laptops have software applications that have encryption capable software that is strictly controlled.
- Any controlled technical data on your laptop may be also subject to export control restrictions.

There are some exceptions that may apply to foreign travel with a laptop. Consult with the Office of Research prior to travel with potentially controlled items.

LICENSE EXCEPTIONS TO FOREIGN TRAVEL WITH A LAPTOP OR GPS



Baggage Exception:

- You do not intend to sell or discard the item while abroad.
- You or an immediate family member owns the item.
- You or you family member intends to use the item for personal and appropriate purposes.
- You are not traveling to an embargoed country such as Libya, North Korea, the Sudan, Syria, or Cuba.

To qualify for the Baggage Exception, all statements above must be true.

LICENSE EXCEPTIONS THAT MAY APPLY TO FOREIGN TRAVEL WITH A LAPTOP OR GPS

Temporary Export Exception:

- You will accompany item abroad, or it will be shipped within one month of or after your departure.
- Item will be returned to U.S. ASAP or within one year.
- Item is a “tool of the trade” – appropriate for lawful use in professional activities.
- You will maintain effective control/security of item while abroad (i.e., hotel safe not locked hotel room).
- You are not using the item for any sensitive nuclear activity,
- You will not be exporting it to Cuba or the Sudan.

**To qualify for the Temporary Export Exception,
all statements above must be true.**

SANCTIONED COUNTRIES: OFAC DEPARTMENT OF TREASURY

Visit www.treasury.gov/resourcecenter/sanctions/Programs/Pages/Programs.aspx
for a list of sanctioned countries.

BIOLOGICAL RESEARCH

If you are “*exporting*” any of the following items related to biological research, you need to be aware of export control laws.

- Viruses
- Bacteria
- Toxins
- Sub-units of toxins
- Plant pathogens
- Genetic elements of pathogens
- Select Agents (SA)
- Genetic elements of SA
- Immunotoxins – vaccines
- Laboratory equipment

BIOLOGICAL AND BIOTECHNOLOGY RESEARCH

- The EAR does not regulate the domestic use of any of the pathogens (Select Agents and others) on the CCL.
- It does control the physical export of the pathogens to another country.
- It does regulate export production (knowledge of how to replicate) or development (design) technology that is not in the public domain.

NON-FUNDAMENTAL RESEARCH CONCERNS AT UNIVERSITIES

- ❑ Exporting is not limited to physically transferring a document or piece of equipment. The following activities *may pose* potential export control concerns.
 - Direct exports: cooperative R&D agreements, certain contracts, donations, sales, or *transfers of surplus equipment*
 - International and domestic collaborations and technical exchange programs
 - Publications such as conference papers, abstracts, and journal articles

NON-FUNDAMENTAL RESEARCH CONCERNS AT RESEARCH UNIVERSITIES

- Written materials that can include memos and letters for trip reports and work notes
- Presentations at conferences and meetings
- Visits and assignments by foreign nationals
- Foreign travel by personnel
- Conversations outside the university; conversations with foreign nationals anywhere
- Specs included in proposals or requests for quotes

SELECT AGENTS



Select agents are specific microorganisms and toxins considered to have potential for criminal or terrorist use.

Department of Commerce Lists All Select Agents and Toxins on CCL. The Department of Commerce has amended the Export Administration Regulations (EAR) to include all the select agents and toxins identified by the CDC APHIS on its Commerce Control List (CCL). So, if you are using a select agent, export controls laws apply.
<http://www.cdc.gov/od/sap/docs/salist.pdf>

ITAR EMPLOYMENT EXEMPTION

- ❑ ITAR contains the *Bona Fide Employee Exemption* (ITAR 125.4(10):

It allows “Disclosures of unclassified technical data in the U.S. by U.S. institutions of higher learning to foreign persons who are their bona fide and full time regular employees” as long as

- Employees’ permanent abode during period is in the U.S.
- The country is not prohibited (section 126.1 ITAR).

ITAR EMPLOYMENT EXCLUSION

- ❑ Institution informs individual in writing that technical data may not be transferred to other foreign persons without approval of Directorate of Defense Trade Controls.
- ❑ The “bona fide and full-time regular employee” exclusion typically does not apply to students, and may not include post-doctoral researchers (funding dependent).

HOW ITEMS CAN LEGALLY BE EXPORTED

Authorization to export is determined by the transaction:

- What is the item
- Where are you exporting
- Who will receive it
- What will the item be used for

If it is determined that your activity is covered by the export control regulations, there are three possible outcomes:

- NLR – No export license required
- License Exception – If a license is required, a license exception may be available. Part 740 of the EAR sets conditions for license exceptions.
- License – If your item requires a license, you must apply to the BIS for an export license. (License is usually current for two years).

Most items require no export license!

APPLYING FOR AN EXPORT LICENSE

- ❑ If an export license is required, exporters must prepare and submit for review and approval a Multipurpose Application Form (Form BIS-748P).
- ❑ Part 748 of the EAR details requirements for submitting a license.
- ❑ The online application for an export license is called the Simplified Network Application Process (SNAP). At best, it will take months to obtain an export license.

REVIEW

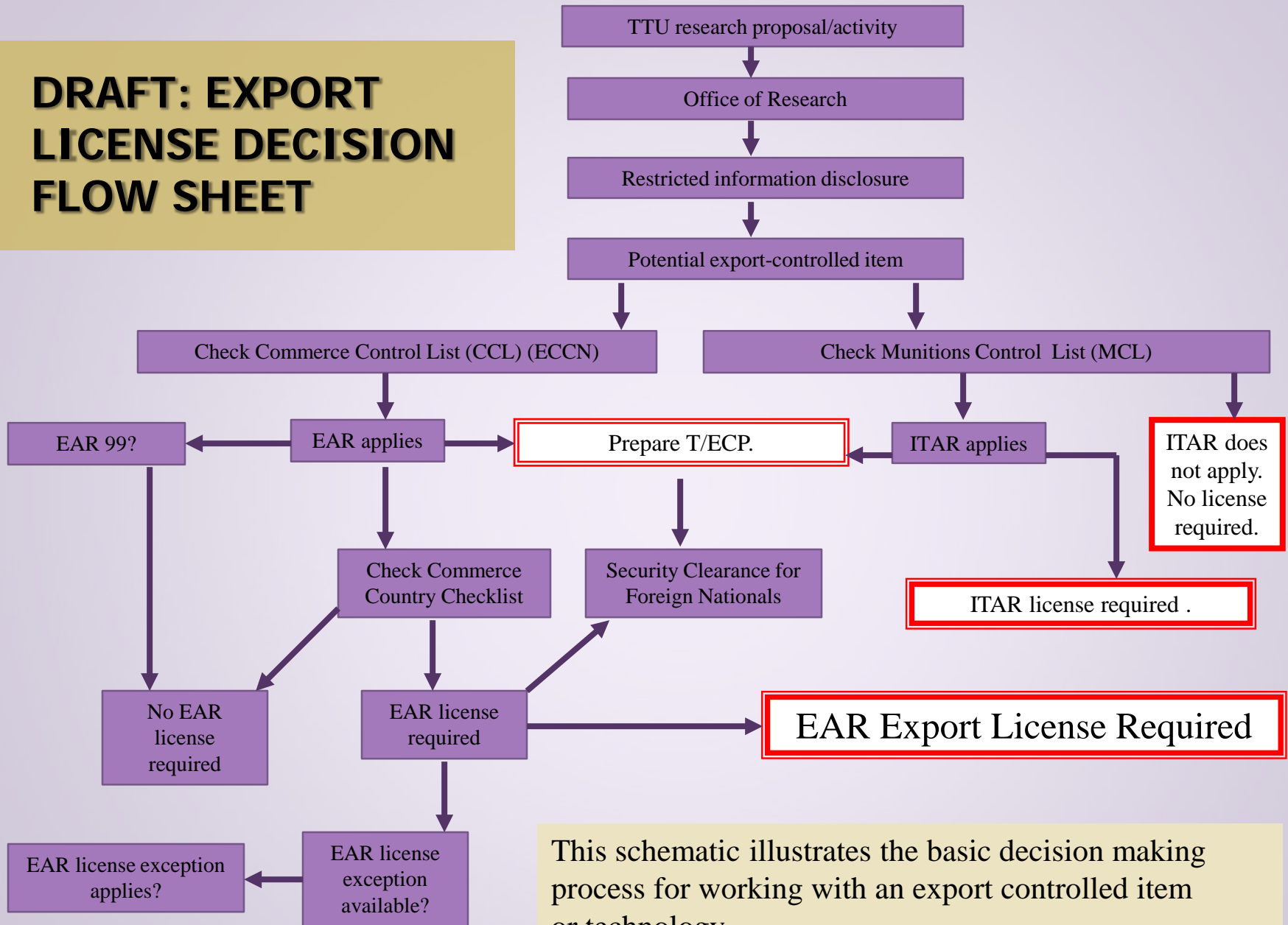
- ❑ It is unlawful under EAR or ITAR to send or take export-controlled items or information out of the U.S. This includes:
 - disclosing covered information orally or visually, or
 - transferring export-controlled items or information to a foreign person inside or outside the U.S. without proper authorization.
- ❑ An export license may be required for foreign nationals to access export-controlled information. A foreign person is one who is not a U.S. citizen or permanent resident alien of the U.S. The law makes no exceptions for foreign graduate students.
- ❑ Consequently, you must protect (secure) covered technology from use and/or observation by unlicensed non-U.S. citizens.

In order to prevent unauthorized exportation of protected items/products, information, or technology deemed to be sensitive to National Security or economic interests, a Technology/Export Control Plan (T/ECP) may be required.

KEY ELEMENTS OF A TECHNOLOGY/EXPORT CONTROL PLAN (T/ECP)

- Project/principal investigator information
- Corporate commitment to EC compliance statement
- Physical Security Plan: includes location, physical security, perimeter security, etc.
- Information Security Plan: includes structure of IT security, IT security plan, verbal/conversation security, etc.
- Item Security: includes item marketing, item storage, etc.
- Project Personnel: listing of persons with potential access to covered item/technology
- Personnel Screening Procedures: includes background checks, third-party contractors, etc.
- Training and Awareness Program: includes all project participants
- Self-Evaluation Program: includes schedule for review, audit checklists, corrective actions, etc.

DRAFT: EXPORT LICENSE DECISION FLOW SHEET



This schematic illustrates the basic decision making process for working with an export controlled item or technology.

SUMMARY

- Export controls are an important consideration at TTU.
- There are both an institutional and faculty/staff responsibility for compliance.
- There are significant personal and institutional risks involved in noncompliance.

The best export controls strategy at TTU is to comply with the fundamental research exemption - within its limits - whenever possible. The Office of Research is the first place to start.

TAKEAWAYS FROM THE TRAINING

- ❑ Export controls (EC) regulations are exceptionally complex, and one presentation cannot answer all the questions.
- ❑ This training should have provided you with enough information to raise your awareness about personal and institutional EC compliance requirements and liabilities.
- ❑ Many believe that “It is easier to ask for forgiveness than to ask for permission.” This is not a good strategy for dealing with export regulatory and compliance issues.
- ❑ Don’t be surprised by an EC problem. It is better to manage it before it becomes a problem.

This presentation has been adapted with permission from the Office of Compliance at Kansas State University.

**If you have questions, please call (931) 372-3374
or send an email to research@tntech.edu.**