Export Controls and International Research Activities

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In this presentation -

• Overview of regulations & activities impacted by the regulations
• Activities that are **not** subject to export control regulations - Fundamental Research
• Export controls in International research activities.
What is an Export?

1. Transfer from US to foreign location
   • Traditional Shipping
   • Electronic transfer – e.g., email
   • Hand-carry

2. Deemed Export
   • Providing non-US person (whether in the US or abroad) with technology or software source code
What are Export Controls

• Export Controls generally refer to U.S. federal regulations that control export of certain items (hardware, technology, software) outside the U.S. or to foreign persons in the U.S.

• The regulations are based on multilateral agreements/control regimes.
Export Control Regulations

Department of State
- International Traffic in Arms Regulations (ITAR)
  - Defense hardware
  - Technical data
  - Software
  - Defense services

Department of Commerce
- Export Administration Regulations (EAR)
  - Dual-use and civil
    - Commodities
    - Software
    - Technology

Department of Treasury
- Trade and Economic Sanctions
  - Import and export of goods, technology and services
  - Comprehensive embargoes to Iran, Cuba, Syria, N. Korea, Crimea region
Restricted or Parties

- Individuals and entities
- Domestic and foreign
- Restrictions or prohibitions on specified exports (including deemed exports), imports of goods and services
## Activities Impacted by Export Control Regulations

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<th>Physical Exports</th>
<th>Example: shipping or hand carried equipment, biological samples, unpublished information/data</th>
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<td>Deemed exports</td>
<td>Release of controlled technology or information or software source code</td>
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<td>Economic &amp; trade embargoes</td>
<td>Exports, imports and other transactions involving sanctioned countries</td>
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<td>Restricted or prohibited parties.</td>
<td>Activities involving parties appearing on restricted or prohibited parties’ lists.</td>
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Published Information
- Available to the public without restricting further dissemination

Educational Information
- Released by instruction in a catalog course or associated teaching laboratory of an academic institution

Open Conferences
- Conference, meeting, seminar, trade show, or exhibition, generally accessible to the interested public.

Published Patents and Patent Applications
- Information in published patent documents is not export controlled.

Results of Fundamental Research
- Arising during, or resulting from, fundamental research and is intended to be published
Fundamental Research Exclusion

- Defined as research the results of which
  - **ordinarily are published** and shared broadly within research community, and
  - for which the **researchers have not accepted restrictions** for proprietary or national security reasons.

- Research can be basic or applied
Fundamental Research Exclusion

• Fundamental research exclusion applies to results. It does not apply to tangible commodities or items. e.g., A biological agent used in research remains controlled.

• Proprietary data, technology, software or information used in conduct of research is remains controlled.

• If researcher decides to maintain results as restricted or proprietary, it becomes subject to export control regulations
Export Controls Considerations in International Activities

• International collaborations
  • Does the collaboration involve transfer of export of controlled information or technology?
  • Is collaboration in a sanctioned country?
  • Is the collaborating institute or individual on a restricted or prohibited list?
Export Controls Considerations in International Activities

• International Travel
  • Traveling with equipment (including hand-carried), research material or technology/information that may be export controlled.
  • Travel with laptops with restricted data/information.
  • Travel sanctioned/embargoed destinations
Export Controls Considerations in International Activities

- **International Shipping**
  - Items shipped outside the US may require an **export license** (e.g., equipment, biological material or samples, etc.)
  - Items valued at $2500+ - Electronic Export Information (EEI)
  - Is the recipient on a **restricted or prohibited** list?
  - What is the **end-use**?
Export Controls Considerations in International Activities

• Online Learning
  • Educational information and published information is not subject to export control regulations, but
  • Offering such services to persons located in comprehensively embargoed countries may violate the regulations
Export Control Compliance Program @ Emory

Partnering across the relevant units and departments is key

- Office of Sponsored Research
  - Proposal stage
  - Awards /grant terms and conditions

- Global Services
  - International activities
  - Shipments

- Office of Technology Transfer
  - Material transfer agreements /shipping

- Schools and departments
  - Hosting Visitors
  - Shipments
  - International collaborations
You have questions? We are here to help!

Email us at exportcontrol@emory.edu

See additional information on our website www.or.emory.edu/export-control