



Export Controls

OVERVIEW

What are Export Controls?

- ▶ Multi-faceted laws and regulations governing the export of sensitive items, information or technology outside of the United States including the release of certain information to foreign nationals here in the U.S.
- ▶ Applicable to all U.S. Institutions and Individuals

Who enforces Export Controls?

Department & Regulatory Agency	Regulations	Scope of Regulation
Department of Treasury Office of Foreign Assets Control (OFAC)	Foreign Assets Control Regulations (FACR)	Transactions with foreign individuals and entities and travel abroad
Department of Commerce Bureau of Industry & Security (BIS)	Export Administration Regulations (EAR), including the Commerce Control List (CCL)	Dual use goods, software and technology predominantly civilian in nature but may have military application
Department of State Directorate of Defense Trade Controls (DDTC)	International Traffic in Arms Regulations (ITAR), including the Munitions List	Goods, software, technical data or information designed/delivered/modified for intelligence, defense or military application
Department of Homeland Security U.S. Citizenship & Immigration Services (USCIS)	Enforcing the above as part of visa process	"Deemed" Exports (i.e. visa holders access to export controlled information)

Export Controls include:

- ▶ Shipping to or taking items to foreign countries or nationals;
- ▶ Transfer of information or technology to a foreign national, even via cloud based computing or speaking with a colleague;
- ▶ Hand carrying information or technology overseas;
- ▶ Providing financial or professional assistance to countries, individuals or entities subject to embargos or sanctions.

Export Controls Regulations have to be taken seriously:

- UMASS- Lowell
 - Institution charged by BIS for violating export control laws in connection with exporting an atmospheric testing device to an individual on the restricted party list.
 - UMASS Lowell failed to obtain the required export license. The item fell under EAR99, which generally doesn't require a license. However, the individual receiving the testing device was on the restricted party list.
 - UMASS Lowell paid a civil penalty of \$100,000

Export Controls include:

- University of Tennessee
 - Professor John Reece Roth disclosed export-controlled technical data (unpublished) related to his research without obtaining an export license.
 - Professor Roth was held personally liable, convicted of export violations and sentenced to four years in prison.
 - The University of Tennessee was not prosecuted.

Why am I here:

- ▶ Export control regulations are complicated and NO ONE expects you to figure out whether a license is required or not on your own.
- ▶ BUT, I need your help. If your lab is shipping items, data or technology internationally, please have them contact me

ARI@hms.harvard.edu

Or

Suzanne_Higgins@hms.harvard.edu

Why am I here:

- ▶ When they reach out, please have them provide the following information:
 - ▶ 1. What is being shipped?
 - ▶ 2. Where is it going?
 - ▶ 3. Who is receiving it?
 - ▶ 4. What will it be used for?
- ▶ I'm happy to do the research, provide the shipper with guidance and, when needed, apply for the export license.