Export Controls

OVERVIEW

Office of Academic and Research Integrity
Harvard Medical School
What are Export Controls?

- Laws and regulations governing the export of 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?

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

- 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 guidance and, when needed, apply for the export license.
Questions:

Please feel free to contact

Suzanne_Higgins@hms.Harvard.edu

Or

Samantha_Speyer@hms.Harvard.edu
Remember.....
Thank you