



EXPORT CONTROL PROGRAM

INTRODUCTION TO EXPORT CONTROL

University of Wisconsin - Madison

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What is Export Control?

- ***Export control consists of federal laws and regulations that control certain commodities, technologies, information and data***
- ***Limits what can be shipped out of the country and to whom it can be shipped***
- ***Can limit access to information for certain foreign nationals and/or organizations***
- ***Determines when a license is required to ship items or information abroad***



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Purpose of the Regulations

- ***To control the export of military and dual use products, technology and services to foreign persons or organizations***
- ***Dual Use: commercial items that could have military, national security or proliferation applications***
 - ***Ex: computer technology and software, sensors, lasers, certain camera equipment, electronics***
- ***Primarily for national security purposes***



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Purpose of Export Control Program

- *To ensure that products, technology & services that are exported to foreign persons or organizations are transferred in compliance with United States export control regulations*
 - *Licenses: Appropriate export licenses are obtained prior to the transfer of items to foreign entities*
 - *Training: Organizations and staff affected by these regulations are being trained to identify issues of export control that may arise*
 - *Non-compliances: Non-compliances are reported & addressed quickly & effectively*



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Why Do We Care (about Export Control)?

- *It's the law*
- *These regulations can affect:*
 - *What type of research we do*
 - *Who we hire*
 - *Who we can share information with*
 - *Who we work with (collaborators / sponsors)*
 - *Where we ship items*
 - *What items we ship*
 - *Where we can travel*
 - *Level of security for projects / labs*
- *Fines and penalties can be very severe:*
 - *Fines from \$100s to \$millions*
 - *Jail time*
 - *Levied against offending person and organization*





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Export - Definition:

- ***Export: Sending or taking anything out of the United States in any manner, except by mere travel outside of the U.S. by a person whose personal knowledge includes technical data;***
 - ***Items: computers, electronics, biological agents, etc.***
 - ***Information via e-mail, fax, over the phone, etc.***
- ***Deemed Export: Transfer of information / data to a foreign person within the U.S. is deemed to be an export to that person's home country***
 - ***Examples: Lab tours, discussions at U.S. conferences or dinner with a foreign collaborator***





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Foreign Persons/Organizations

- ***A Foreign Person or Organization is anyone who is NOT a:***
 - ***U.S. citizen or national***
 - ***Permanent resident (green card holder) of the U.S.***
 - ***A refugee, someone granted political asylum or someone granted amnesty***
 - ***U.S. government agency and any state or local governments therein***
 - ***U.S. company, business, LLC or partnership***
 - ***U.S. university***





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Current Regulations

Parameter	ITAR	EAR	FACR
Name of Regulation	International Traffic in Arms Regulations	Export Administration Regulations	Foreign Asset Control Regulations
Agency	State	Commerce	Treasury
What Does Regulation Control?	Military equipment & information	Dual use items & information	Foreign assets (bank accounts)
Control Listing	USML (United States Munitions List)	CCL (Commerce Control List)	Specially Designated Nationals List
Comments	Treats all foreign destinations the same	Need for license depends on commodity, destination country, reason for control & exemptions	Depends on who (person or organization) you are communicating with

- Please note that other government agencies maintain export regulations but they have less of an effect on UW-Madison activities*



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Exemptions for Universities

- ***Fundamental Research Exemption (ITAR, EAR)***
 - *No license is required for fundamental research – basic or applied research in science or engineering – at an accredited institution of higher learning in the U.S. and resulting in information that is ordinarily published and shared broadly in the scientific community*
- ***Public Domain Exemption (ITAR, EAR)***
 - *No license is required to export information or research that are generally available in the public domain. This does not apply to physical equipment, materials, substances, etc.*
- ***Education Exemption (ITAR, EAR)***
 - *No license is required to transfer information to students, including foreign nationals, concerning general scientific, mathematical or engineering principles commonly taught in schools, colleges or universities*



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Shipping

- **Who?**
 - *To whom are you shipping the item?*
 - *Is the contact person or organization a restricted party?*
- **What?**
 - *Some items require an export license (i.e., military equipment; spaceflight H/W or S/W; select agents; some lasers; high speed cameras)*
- **Where?**
 - ***E:1/E:2 Countries: Cuba, Iran, North Korea, Syria and Crimea – Major restrictions***
 - ***OFAC & US Embargo List:*** *Balkans (western), Belarus, Burma, Central African Republic, China, Cuba, Democratic Republic of the Congo, Ethiopia, Iran, Iraq, Lebanon, Libya, Mali, Nicaragua, N. Korea, Russia, Somalia, South Sudan, Sudan and Darfur, Syria, Ukraine, Venezuela, Yemen, Zimbabwe*
 - ***ITAR Prohibited Countries (22CFR 126.1):*** *Afghanistan, Belarus, Burma, Cambodia, Central African Republic, China, Cuba, Cyprus, Democratic Republic of the Congo, Eritrea, Ethiopia, Haiti, Iran, Iraq, Lebanon, Libya, N. Korea, Russia, Somalia, South Sudan, Sudan, Syria, Venezuela, Zimbabwe*



Contact the ExCO if you need assistance determining if you need a license



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International Travel

- ***Where are you traveling? Similar destination concerns as shipping***
- ***Why are you going? Conferences, meetings, research***
- ***Who are you meeting? Specific persons, universities, companies***
- ***What are you taking with you? Similar concerns as shipping***

Other Travel Notes:

- ***Iran***
 - ***Tourist travel to Iran typically does not need a license***
 - ***Many work-related activities will need a license***
- ***Cuba***
 - ***Travel must be for 1 of 12 gov't allowed reasons***
 - ***Tourist travel not allowed***
 - ***Must pursue a full-time schedule of that activity; keep records of schedule***





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Export Licenses

- ***Not the “end of the world”***
 - ***It typically takes 1-2 months to submit and receive approval on licenses from the Depts. of Commerce and State***
 - ***The Export Control Office submits about 6 license applications a year (average 2010-2020)***



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Campus Examples

- *Anthropology – Take night vision goggles to study monkeys overseas*
 - *Night vision goggles may require an export license depending on make and model*
- *Botany - Importing seed and leaf samples from the Sudan*
 - *Required an import license from Treasury*
- *Geography - FBI visited the dept. to check on information regarding a foreign student's visa*
- *Mathematics – UW students from Iran wanted access to a supercomputing cluster in TN*
 - *U of TN required an export license for these students to use the cluster*
- *Political Science - Travel to Africa to study women and peacemaking*
 - *Required development of a procedure to address economic sanctions in Sudan*
- *Psychology – Thermal imaging camera taken to India to study meditating monks*
 - *Thermal imaging camera required an export license from Commerce to ship to India*



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For Additional Information, Contact:

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UW Export Control Website:

<https://research.wisc.edu/integrity-and-other-requirements/export-control/>