What are Export Controls and Why Should You Care?

What:
• Federal regulations that control the transmission of certain information, technologies, services, and items to Foreign Persons in the United States and everyone abroad.

• Restrict/prohibit certain transactions to countries, persons, and entities that have been sanctioned by federal agencies as a threat to important United States interests.

Why:
• Violations can result in institutional and personal liability including loss of research funding, significant fines, jail time, debarment, and unwanted publicity.
Export Controls in the University Setting

• Taking/shipping items (equipment, materials, information, biologicals) out of the country.

• Engaging in transactions involving certain individuals, entities or countries.

• Accepting publication restrictions or other restrictions on the distribution of research results or participation of certain persons.

• Foreign Person involvement in teaching or research activities related to controlled equipment or technology (potential deemed export).

• International activities (conferences, collaboration, teaching, travel, etc.).
Embargoes and Sanctions

• Targeted foreign countries, terrorists, those engaged in activities related to the proliferation of weapons of mass destruction, and other threats.

• Embargoed and sanctioned countries include: Iran, Cuba, Sudan, Syria, North Korea, Russia-Crimea Region of Ukraine, China, Iraq, Russia, Venezuela (not full list, each program is specific and not identical).
Restricted or Prohibited Party Lists

• Lists of parties of concern – if a party to a transaction appears on one of the lists, additional due diligence is required before proceeding.

• Depending on the list, a match could indicate strict export prohibition, a specific license requirement, or presence of a "red flag".

• Individuals as well as entities can be on the lists.
Definitions

• **Foreign Person;**
  – Not United States Citizen or legal permanent resident or protected individual (refugee, asylee)
  – Foreign entities not incorporated in U.S.
  – Foreign governments
  – International organizations

• **Deemed export;**
  – Release or disclosure **within** the United States of certain items, technology, software, source code or technical data (i.e. plans, blue prints, technical specifications) to a Foreign Person(s) (visual, verbal, electronic, physical, etc.)
Hiring International Employees

• Human Resources should work closely with the Immigration Services for Faculty and Scholars Office (ISFS) as well as the Export Controls Office to determine if the proposed international hire complies with export control regulations.

• ISFS has mechanisms in place to help determine if the proposed hire needs further review from the Export Control Office.
  – Export Control Review & Certification Form
Hiring International Employees
What to look for?

• When reviewing position descriptions look for key words that may help you determine when it is appropriate to contact the Export Control Office for further guidance. Some of the key words are:
  - Military (application/end-use)
  - Aerospace and Propulsion
  - Biological Weapons
  - Chemicals, Toxins/biological agents
  - Nuclear
  - Electronics Design
  - Information Security (Encryption)
  - Navigation or Avionics
  - Sensors or Lasers
  - Telecommunications

• If the proposed hire requires access to information that is proprietary, controlled, and/or not publicly available, further export control review is warranted.

• When in doubt, contact the Export Controls Office we are here to help you.
Hiring International Employees
What to look for?

• Consider including export control language for positions that require access to controlled technology.

• If working with controlled technology, authorization from the U.S. Government may be needed before the hire is completed.

• The Export Control Office will guide you through this process.
Resources

• Training, 2111212: “Export Controls & Embargo Training – Basic Course” via TrainTraq

• Export Controls Office website: https://vpr.tamu.edu/initiate-research/export-controls.
  – Links to the Export Controls Compliance Program Manual, checklists, guidelines, etc.

• Seek guidance from the Export Controls Office. We are here to help you!
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