Vanderbilt Export Compliance Education

Basic Principles of Export Control

www.vanderbilt.edu/exportcompliance/vec@vanderbilt.edu
Objectives

1. Define Export
2. Identify U.S. federal agencies charged with export control oversight
3. Introduce Vanderbilt Export Control Policy
4. Identify Most Common Export Control Transactions at VU
5. Contact Information for Guidance & Assistance
What is Export Control?

Export Control regulations are federal laws that prohibit the unlicensed export of controlled commodities or information for reasons of national security or protections of trade. Export controls usually arise for one or more of the following reasons:

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<th>Reason</th>
<th>Description</th>
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<td>The nature of the export has actual or potential military applications or economic or national security protection issues</td>
<td>Government restrictions to the destination country, organization, or individual</td>
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<td>Government restrictions on the declared or suspected end use or the end user of the export</td>
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What is an Export?

Any Oral, Written, Electronic or Visual Disclosure, or

Any Shipment, Transfer or Transmission of any *Controlled* Commodity, Technology, or Software Code outside of the U.S.

To anyone, including U.S. citizens, a non-U.S. entity, or non-U.S. individual *wherever they are located.*
## Who Regulates Export Controls?

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<th>Federal Agencies</th>
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<tr>
<td><strong>U.S. Dept. of State</strong></td>
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<td>International Traffic in Arms Regulations (ITAR)</td>
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<td>ITAR governs all military, weapons, and space related items and services</td>
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<td><strong>U.S. Dept. of Commerce</strong></td>
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<td>Export Administration Regulations (EAR)</td>
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<td>EAR governs the export of most items including those with military and non-military applications (&quot;dual use&quot;) in the U.S.</td>
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<td><strong>U.S. Dept. of Treasury</strong></td>
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<tr>
<td>Office of Foreign Assets Control (OFAC)</td>
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<td>OFAC enforces U.S. foreign fiscal policy, including all trade sanctions, embargoes and financial activities w/prohibited or blocked individuals or entities.</td>
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VANDERBILT UNIVERSITY POLICY ON COMPLIANCE WITH EXPORT CONTROL LAW AND REGULATION

It is the policy of Vanderbilt University to comply with all applicable United States export-control laws and regulations. Export control laws and regulations prohibit the transfer of certain items and information, such as software, equipment, technical data, and other technology and information to anyone outside the U.S., or to foreign nationals, wherever located, without a license from the federal government.

A fundamental principle of the University is that the teaching and research environment should be open so that ideas can be published and exchanged freely among faculty and students. Publications, presentations at professional meetings and student dissertations and theses are an integral part of the University's research mission and should remain unencumbered by external restrictions. However, the University recognizes that instances may arise in which some University research or activities will involve the dissemination of 'technical data', information, materials or equipment that are subject to federal export control regulations and, therefore, dissemination may be restricted by export control laws and regulations.

It is the responsibility of all faculty and staff to understand any export control requirements related to his or her work and to ensure that no exports or transfers are made contrary to those requirements. This includes abiding by both the export rules and regulations set forth by the United States Government as well as any policies and procedures established by the University with respect to those rules and regulations. It also includes understanding the export implications of research and other activities undertaken at the University and obtaining the proper license prior to the export or transfer of any export controlled item, whether abroad or within the U.S. Particularly, University employees must ensure that:

- No item of equipment or biological or chemical material is sent outside the U.S. or to any foreign national (wherever located) without first determining if an export license is required; and, if required, obtaining a license.

- All domestic and international shipments are in conformance with applicable regulations governing the licensing, packaging, and shipment of the material; and

- All transfers of export controlled information or technical data, whether to an individual in a foreign country or to a foreign national in the U.S., are in compliance with applicable export control regulations and University policy.

Failure of any University employee to comply with this Policy on Compliance with Export Control Law and Regulation, and/or the requirements of any applicable export control regulations may result in the imposition of sanctions by appropriate University officials up to and including termination, as well as the possibility of prosecution by the federal government and the imposition of federal, civil, criminal and/or administrative penalties or sanctions.

Nicholas S. Zeppos
Chancellor

6/1/2009

Vanderbilt Export Compliance Policy:
http://vanderbilt.edu/exportcompliance/policies.php
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Most Common Activities at VU that May Involve Export Controls

“Deemed Exports” involve the transfer of controlled technology within the U.S.

International Research Collaborations
Hosting Foreign Visitors

H-1B Visa Hires
Working w/Foreign Nationals

International Travel
International Shipping

For further information and assistance with determining if an activity may be export controlled and require additional actions on your part, go to: www.vanderbilt.edu/exportcompliance.
Fully Embargoed Countries = T5

E-mail vec@vanderbilt.edu for guidance
Unauthorized Release of Controlled Information is What Matters

- **Release of controlled information to Foreign Nationals and/or Foreign Entities**
  - E-mail, Phone and Fax Communications
  - In-Person Discussions, including professional conferences
  - Tours which involve visual inspections
  - Training Sessions, including protocol and equipment training

- **Foreign National Defined:** Any Person who is NOT a:
  - U.S. Citizen or National
  - U.S. Lawful Permanent Resident
  - Temporary Resident
  - Foreign National includes: Persons in the U.S. in non-immigrant status (e.g., H-1B, H-3, L-1, J-1 Visas, F-1 Practical Training Visa)

- **Foreign Entity Defined:** Any corporation, business or other entity that is not incorporated to do business in the U.S.
  - Such as international corporations, and organizations, foreign governments or any agency of a foreign government

**Foreign Defined:**
- **Foreign National**
- **Foreign Entity**
Vanderbilt faculty and staff share responsibility for export compliance. Penalties for export violations can be severe. Compliance can be achieved by working together.

Vanderbilt Export Compliance
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