

ERIN:

Hi, My name is Erin.

AHMED:

And I'm Ahmed.

ERIN:

And we are here to talk to you about Export Controls.

The University of Arkansas at Little Rock staff, faculty and students are frequently engaged in a wide range of research and other activities meant to generate new knowledge and discoveries that will be made available to the public through education and publication.

Many of these activities are conducted through formal and informal cooperation with both foreign and domestic institutions.

To facilitate these activities, U-A-L-R provides a wide variety of information, services, and support through the Office of Research and Sponsored Programs.

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Because these research activities may have the potential for use by hostile foreign nations to compromise national security and by international commercial competitors to gain unfair market advantage, a set of federal policies, rules, regulations, and laws have been developed known as Export Controls.

Export controls are designed to regulate the distribution of strategically important products, services, and information to foreign nationals and countries for reasons of trade policy and national security.

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The object of this video is to provide you with an understanding of why export control is important and how to conduct foreign engagements in a legal, compliant, and efficient way.

***** BILLBOARD: XXXXXXXXXXXXXXXX *****

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To enhance its global presence, U-A-L-R faculty members are encouraged to conduct research inside and outside the U-S. One aspect of achieving internationalization is developing long term, multi-disciplinary partnerships as determined by staff from the Office of International Services at U-A-L-R.

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These partnerships should involve joint research activities and projects; reciprocal exchange of faculty, staff and students at universities around the world; exchange of published academic materials and information; participation in seminars and academic meetings; special short-term academic programs; and collaborations among colleges and departments at U-A-L-R.

However, problems can arise if the export control regulations that govern these activities are not followed.

But before we can talk about the regulations that govern export controls, we should discuss what is considered an export, who constitutes a foreign person and which governmental departments are involved in setting export controls.

***** BILLBOARD: WHAT IS AN EXPORT? *****

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An export is the transfer of controlled technology, information, equipment, software, or services to a foreign person in the U-S, this is referred to as a deemed export

Or abroad by any means including as an actual shipment outside of the U-S, a visual inspection inside or outside of the U-S, or as part of written or oral disclosure.

***** BILLBOARD: WHO OR WHAT IS CONSIDERED A FOREIGN ENTITY? *****

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A foreign person is anyone who is not a lawful permanent resident of the U-S;

Any foreign corporation or other entity or group that is not incorporated or organized to do business in the U-S; or any foreign government.

**** BILLBOARD: WHICH GOVERNMENTAL DEPARTMENTS SET THE EXPORT CONTROLS? ****

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There are three main government departments involved in setting export controls.

These are the departments of State, Treasury, and Commerce.

The Department of State, through the International Traffic in Arms Regulations, covers inherently military items, technologies, and information on the U-S Munitions List.

The Department of Treasury, through the Office of Foreign Assets Control, implements political and security sanctions.

The Department of Commerce, through the Export Administration Regulations, regulates the export and re-export of most commercial items, technology, and information on the Commerce Control List.

In addition, other agencies also have concerns with respect to export control.

These include the Department of Energy, the Department of Interior, the Department of Homeland Security, the Nuclear Regulatory Commission, and the Food and Drug Administration.

**** BILLBOARD: UNDERSTANDING THE ISSUES OF EXPORT CONTROL ****

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When not recognized and managed in a responsible fashion, export controls can potentially and severely limit the research opportunities of individuals at the university as well as prevent international collaborations in certain research areas.

Non-compliance with export control can result in severe monetary and criminal penalties against both the individual as well as the university.

It can also result in the loss of contracts, governmental funding, and ability to export items.

To facilitate these efforts when dealing with potentially controlled research products, the Office of Research and Sponsored Programs can play a vital role.

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In accomplishing this mission, the Office of Research and Sponsored Programs ensures accountability, compliance, and stewardship for sponsored programs as directed by all applicable Federal, State, Local, and Institutional policies, procedures, and regulations.

In fact, the Office of Research and Sponsored Programs serves as an administrative partner in helping the University achieve its global mission and foster a culture of service and compliance throughout the campus.

There are two main areas that you should be aware of regarding export control issues.

The first is more general and applies to the community as a whole when you are conducting certain activities such as traveling overseas, dealing with high-tech equipment, or providing financial assistance to people that are not U-S citizens or foreign entities.

Activities of these types can trigger export issues, especially when providing any sort of financial assistance to someone on one of the sanctioned list.

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The second area involves research activities in restricted disciplines.

These disciplines include, but are not limited to, engineering, space sciences, computer science, biomedical research - especially with lasers, and research with controlled chemicals, biological agents, and toxins.

Although research involved with military applications are often the first that come to mind when thinking of export control, there are a number of other basic research fields of federal interest.

They include, but are not limited to, high performance computing, strong encryption technologies, medical lasers, nuclear technologies, nanotechnology, chemical and biological weapons, select agents and toxins, space technologies, satellites, and dual use technologies.

***** BILLBOARD: DUAL USE ITEMS *****

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Items that have the potential for commercial and military applications and proliferation are often referred to as dual use items.

Obvious examples of dual use items would be global positioning systems, certain communications systems, and strong encryption technologies.

Many of these, once developed for military applications, are now often found in commercial markets.

***** BILLBOARD: EXCLUSIONS RELEVANT TO UNIVERSITY RESEARCH *****

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Under certain circumstances research may be excluded from coverage under export controls.

Two exclusions are particularly relevant to University research.

These are the Educational Exclusion and the Fundamental Research Exclusion.

The Educational Exclusion states that it is permissible, meaning you do not need a license, to share information concerning general, scientific, mathematical, or engineering principles commonly taught in universities or information in the public domain with foreign persons.

Information is considered in the public domain if it has already been published; is available in libraries or through newsstands, bookstores, subscriptions, or free websites; or is disclosed in published patent applications.

The Fundamental Research Exclusion allows the disclosure of information to foreign nationals which is published and generally available to the public through fundamental research.

Fundamental research referring to basic and applied research in science and engineering at universities where the resulting information is ordinarily published and shared broadly within the scientific community.

However, it is important to note that the fundamental research exclusion could be lost if

The institution accepts an agreement or contract clause that either forbids or must approve the participation of foreign persons;

gives the sponsor the right to approve publications resulting from the research;

or otherwise restricts participation in research and or access to and disclosure of research results.

You should also be aware that "side deals" between an investigator or researcher and sponsor destroy the fundamental research exclusion and may also violate institutional policies on openness in research.

***** BILLBOARD: FOREIGN TRAVEL *****

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At U-A-L-R, the most common and easily managed activities involve foreign travel.

Traveling with certain equipment or common personal items like laptops, cell phones, and any of the high tech GPS systems could require prior approval.

Some of these items may themselves not be subject to export control, however, technologies from which they are made might be restricted and may need to have an export license before you would be able to take it overseas.

Restrictions on travel really depend on how you answer the following questions.

What are you taking on your trip--computer, blackberry, research equipment or data?

What countries will you be visiting?

With whom will you be interacting?

And what will be done with what you bring?

In most cases, an export license is not required especially for common, commercially-available goods.

However, there are certain countries in which exports of any items from the U-S are highly restricted.

For these countries, no distinction is made for the reason why you are exporting controlled items and, in most cases, the export of any equipment type will require a license.

And, most often, the license request will be denied.

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The current list of countries includes Cuba, Iran, Syria, Sudan and North Korea.

You can access a current list by going to the U-S Department of Treasury website at W-W-W dot U-S-T-R-E-A-S dot gov.

Among the things that members of the U-A-L-R community need to consider when traveling abroad include the physical transfer of equipment outside the U-S;

participation of foreign national faculty, students, or staff in restricted research;

presentations of previously unpublished research at conferences or meetings where foreign national scholars might be in attendance; and visits to your laboratory by foreign national scholars.

When interacting with scholars or organizations from another country or transferring research equipment abroad, it is necessary to pre-determine if any of the parties involved are on the federal sanction lists.

These lists, provided by the U-S Department of Treasury, identify known or potential terrorists or those believed to be associated with terrorist organizations.

Of course, financial transactions, such as providing financial assistance, with such people is absolutely forbidden.

**** BILLBOARD: GETTING ASSISTANCE ****

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If you are anticipating any collaborations with a foreign national in your research and technical exchange programs; transferring research

equipment abroad; or hosting visits to your lab by foreign scholars, you will need to contact the Office of Research and Sponsored Programs.

The Office of Research and Sponsored Programs can provide you with a number of resources including computer software specifically designed for universities and faculty members to address the various export control issues and ensure that you meet the laws and strict compliance regulations.

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Please allow as much lead time as possible since, if a license is required, acquiring one could be a lengthy process.

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You can reach the Office of Research and Sponsored Programs at five zero one, five six nine, eight four seven four

or online at U-A-L-R dot E-D-U forward slash O-R-S-P.