

# Overview of U.S. Export Controls and Embargoes

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# Do Export Controls Apply to the HSC ?

Export control laws and regulations apply to everyone in the U.S. and to U.S. persons anywhere in the world

# Risk for Violations

Civil penalties up to \$500,000 per violation

Federal felony – fines and imprisonment

Debarment from federal contracting

# Common Examples of Exports

- Sending or taking controlled equipment out of the U.S. for a research project
- Discussing controlled technical data with a foreign citizen, whether in U.S. or abroad
- Sending controlled technical data out of the U.S. by email, text, fax, etc.

Any of these are likely to require a Technology Control Plan and a license from the Federal government

# Foreign Travel

Anything that is hand-carried, packed in luggage, or shipped out of the U.S. is an export!

There are license exemptions for “tools of trade” that cover most items.

# Common Examples of Controlled Items

Anything with an obvious military use

Anything intended for use in space, space launch, or for ground control of space craft or satellites

Nuclear reactor technology and materials

Advanced composite materials

Encryption software and devices (other than common, “off the shelf” such as required on HSC-owned devices)

Sonar, radar, lidar, laser, GPS, advanced computers, advanced computer technology and software, thermal imaging cameras

Advanced electronics, components, and technology

Select agents

# Rule of Thumb

Is it expensive?

Is it cutting edge?

Is it custom designed or built?

Is it for military, space, or aerospace?

Does it use or enable encryption?

**If so, it is probably export controlled!**



# What is not controlled?

Information and technology arising during or as a result of Fundamental Research\* in science and engineering

Information presented in a catalog course (including associated teaching labs)

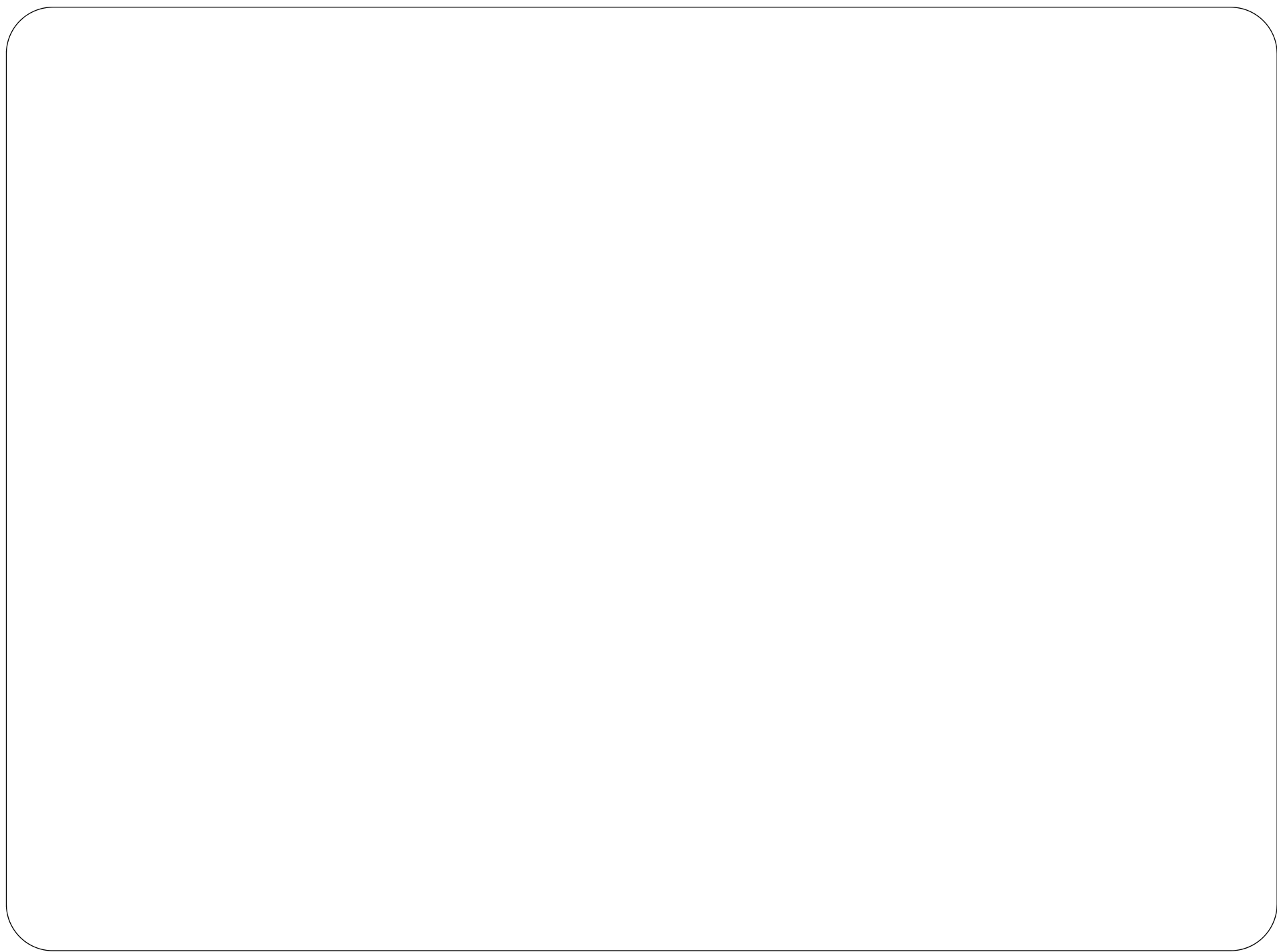
Information that has been published and is generally available to the public

\*see definition in next slide

# What Exactly is “Fundamental Research”?

- Basic and applied research in science and engineering, the results of which ordinarily are published and shared broadly with the scientific community
  - No restrictions on publication
  - No restrictions on the use of foreign citizens
  - No specific national security controls on the research or results





# Exemptions Common to HSC

Fundamental Research: No restrictions on working with foreign research assistants or collaborators – free to publish and discuss

Catalog Courses and Teaching Labs: No restrictions on

# Remember!

Tangible items are \_\_\_\_\_ control.

Sending or taking equipment, devices, machines, software, or any other tangible item out of the country is an export and may require a license or license exception

Normal operation of equipment allowed but if equipment “controlled” then access to information by foreign persons about design, source codes, etc. could be problematic.

# Export Controls: U.S. and International Sanctions

Cuba, Iran, North Korea, Sudan, and Syria are subject to comprehensive sanctions

- No exports to those countries

- No travel to these countries (with certain exceptions for Cuba)

- Significant restrictions on collaborating with researchers in those countries

The five countries above and several others are subject to sanctions that prohibit export of all military items and technology as well as certain commercial items and technologies

# There are also embargoes to consider

The transfer of items/services of value to embargoed countries is prohibited. Examples:

payments or providing anything of value to sanctioned countries, nationals of some countries and specified entities/individuals

travel to and other activities with embargoed countries and individuals/entities even when exclusions/exemptions for export controls apply



# Embargoes: Sanctioned Countries

Balkans

Belarus

Burma

Cote d'Ivoire

Cuba

Congo

Iran

Iraq

Lebanon

Liberia

Libya

North Korea

Somalia

Sudan

Syria

Zimbabwe

# What about visa requirements?

Work authorization visa applications such as H-1B, H-1B<sup>1</sup> and O-1 require certification for potential export control issues.

HSC Export Control Certification form will provide information regarding the employment circumstances of a particular individual.

