

EXPORT CONTROLS

OVERVIEW

WHAT ARE EXPORT CONTROLS?

- The U.S. government regulates the transfer of information, commodities, technology, and software considered to be strategically important to U.S. interests of national security, economic and/or foreign policy concerns.
- An export occurs whenever an item, commodity, technology, or software is sent out of the U.S. to a foreign destination.
- If the item being released or exported is a “controlled item” then an Export License may be required before the transfer can legally occur.

WHAT IS A DEEMED EXPORT?

- In addition to the physical transfer of items out of the country, the U.S. Government also actively regulates the release or transmission of controlled technology or information to Foreign Nationals within the U.S. (e.g. foreign national graduate students). This is a “deemed export.”
- Deemed exports are regulated by the same Export Controls as the actual transfer of items out of the U.S.

TYPES OF EXPORT ACTIVITIES

- Shipment of items out of the U.S.
- Written/oral communications
- Electronic/digital transmissions
- Hand-carrying items out of the U.S.
- Providing visual inspections or tours of facilities
- The use or application of a controlled service or technology on behalf of or for the benefit of a foreign person or entity

Export controls apply to all international University activities, not just to shipping equipment overseas. If your research includes international activities, the Export Controls office is available to perform an assessment to help you determine your export control compliance requirements.

EXPORT CONTROL QUESTIONS OR CONCERNS

If you have a question, concern, or suspect an export control violation, call:

SIUC: 618-453-2308 (Brenda Martin)

SIUE: 618-650-2476 (Todd Wakeland)

EXPORT CONTROLS MAY APPLY

- Foreign travel
- Foreign collaborators, either here or abroad
- Foreign visitors on campus
- Foreign students/faculty
- Transfer or shipment of equipment, materials, or funding to or from foreign countries
- Military equipment, weapons, defense, chemical or biological weapons, encryption technology and software, space or other dual-use items used in research
- Development of something new
- Restrictions on publication, access to, or dissemination of research results

RESEARCH EXCLUSIONS

- **Fundamental Research Exclusion:** Applies to any basic or applied research where the resulting information is ordinarily published and broadly shared in the scientific community. It covers the “results” of research. It does not cover actual materials, items, or technologies involved in or resulting from the research. Export controls may still apply to these items.
- **Educational Information Exclusion:** Covers information commonly taught in universities via instructions in catalog courses and/or through the associated teaching laboratories.
- **Public Information Exclusion:** Covers any information that is already published or out in the public domain.

EXPORT CONTROLS TRAINING INFORMATION

<https://siusystem.edu/academic-affairs/export-controls/training.shtml>

U.S. EXPORT CONTROL REGULATIONS

Export Administration Regulations (EAR)

- Administered by the U.S. Department of Commerce Bureau of Industry and Security (BIS)
- "Dual-use" technologies
- Commerce Control List (CCL)

International Traffic in Arms Regulations (ITAR)

- Administered by the U.S. Department of State Directorate of Defense Trade Controls (DDTC)
- Military technologies
- United States Munitions List (USML)

Foreign Assets Control Regulations (FACR)

- Administered by the U.S. Department of Treasury Office of Foreign Assets Control (OFAC)
- Economic & trade sanctions against targeted countries, regimes, and individuals

KEY FUNCTIONS OF THE SIU EXPORT CONTROLS OFFICE

- Monitor and interpret export control legislation
- Identify areas at SIU impacted by export control regulations
- Develop export control procedure guidance
- Provide training and education for faculty, staff, and students, as applicable
- Review agreements for export control language
- Review terms and conditions in grants and contracts
- Notify PIs when export control restrictions may apply to sponsored programs
- Assist PIs in implementing a Technology Control Plan (TCP) to prevent disclosure of export-controlled items
- Screen visiting scholars and foreign visitors
- Obtain export licenses, as needed
- Advise and assist with recordkeeping for export-controlled activities
- Maintain the Export Controls website

CONTACT INFORMATION

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INTERNATIONAL TRAVEL

<https://siusystem.edu/academic-affairs/export-controls/travel.shtml>

SIU CLEAN LAPTOP PROGRAM

All SIU employees that travel to the designated foreign countries will require that an ITS clean laptop be used during SIU business travel to these countries:

- China
- Iran
- Cuba
- Sudan
- Russia
- North Korea
- Syria
- Ukraine (Crimea Region)
- Venezuela

RED FLAGS

*Contact the Export Controls Office
If You See This Language*

- Military equipment
- Controlled, sensitive, classified
- Restrictions for publication or participation based on citizenship
- Export Control Classification Number (ECCN)
- International Traffic in Arms Regulations (ITAR)
- United States Munitions List (USML)
- Export Administration Regulations (EAR)
- Commerce Control List (CCL)

WHAT SHOULD YOU DO?

- Educate yourself about export controls and sanctions regulations
- Identify potential export controls or sanctions issues in your research
- Contact the Export Controls office with any questions or concerns

PENALTIES

- **Criminal:** Up to \$1,000,000 per violation and 10 years in prison
- **Civil:** Up to \$500,000 per violation, loss of export privileges, loss of Federal research funding and/or seizure and forfeiture of articles.

EXPORT CONTROLS WEBSITE

<https://siusystem.edu/academic-affairs/export-controls/index.shtml>