

Ask RCRA

Office Spotlight: **Export Controls**

April 28 2022



# Zoom Poll 1: Export or No Export?

- You are traveling abroad to attend a conference.
- You take your laptop, which has your research data.
- You do not present or provide the data to anyone at the conference.



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# Zoom Poll 2 – Export or No Export?

- You are traveling abroad to attend a conference.
- You take a clean laptop which has no research data.
- You access your research data from Emory servers



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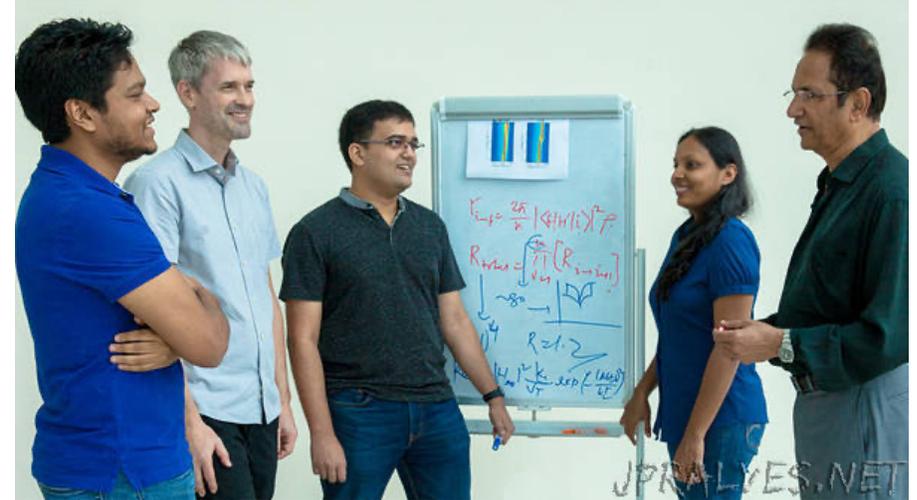
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# Zoom Poll 3 – Export or No Export?

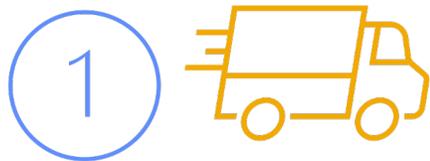
- Your Colombian collaborator visits Emory as a visiting scholar.
- She will be part of your research team for a period of 1 year.



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# What is an Export?



Transfer from US to foreign location

- Traditional Shipping
- Electronic transfer – e.g., email
- Hand-carry



Deemed Export

- Providing non-US person (whether in the US or abroad) with technology or software source code



# Export Control Regulations

## Department of Commerce

### Export Control Administration (EAR)

#### Dual-use

- commodities
- software
- technology

## Department of State

### International Traffic in Arms Regulations ITAR

- Defense hardware
- Technical data
- Software
- Defense services

## Department of Treasury

### Trade and Economic Sanctions

- Import and export of goods, technology and services
- Comprehensive embargoes  
Iran, Cuba, Syria, N. Korea, Crimea region

## Restricted or Prohibited Parties

- Individuals and entities
- Domestic and foreign
- Restrictions or prohibition on specified exports (including deemed exports), imports of goods and services



# Activities Impacted by Export Control Regulations Fall Under Four Broad Categories



**Physical Exports** Example:  
shipping or hand carried  
equipment, biological samples,  
unpublished information/data



**Deemed exports –**  
Release of controlled  
technology or information  
or software source code



**Economic & trade embargoes**  
Exports, imports and other  
transactions involving sanctioned  
countries



**Restricted or prohibited parties.**  
Activities involving parties appearing  
on restricted or prohibited parties'  
lists.





### International Collaboration

- Transfer of controlled information or technology?
- Collaborator on restricted list?
- Collaborator in sanctioned country?



### International Shipping

- Is the item export controlled?
- Recipient on restricted list?
- What is the end use?



### International Travel

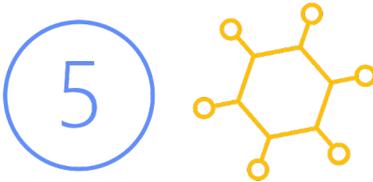
- With controlled data or equipment?
- To sanctioned destination?

## Examples of Activities That May Be Impacted



### International Visitors and Employees

- Visitor affiliated to a restricted institution, or sanctioned country?
- Access to export controlled technology or source code?



### Controlled Biologics & Toxins

- Export controlled agents include more than the Select Agents
- They are controlled regardless of quantity or attenuation
- Transfer outside the US require authorization



### Online Instruction/Learning

- Offering courses to persons located in comprehensive embargoed countries may require authorization





### Published Information

- Available to the public without restricting further dissemination



### Educational Information

- Released by instruction in a catalog course or associated teaching laboratory of an academic institution



### Open Conferences

- Conference, meeting, seminar, trade show, or exhibition, generally accessible to the interested public.

## Information that is NOT subject to Export Control Regulations



### Published Patents and Patent Applications

- Information in published patent documents is not export controlled.



### Results of Fundamental Research

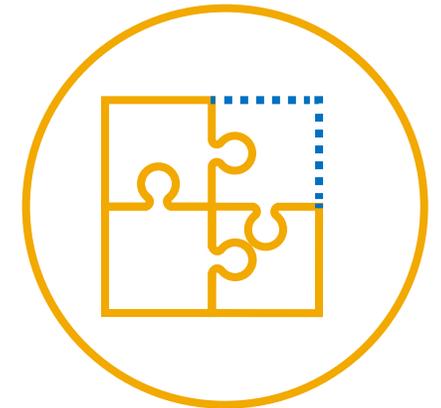
- Technology or software that arises during, or results from, fundamental research and **is intended to be published** is not export controlled



# Export Control Compliance Program @ Emory

## Export control risk assessment

- Conducted in 2020
- Assess research, academic, and business activities that trigger or are likely to trigger export control and trade sanctions compliance requirements
  - Identify activities that potentially expose Emory to export compliance/trade sanctions risks
  - Identify process gaps
  - Recommend pragmatic processes & procedures to close gaps



# Export Control Compliance Program @ Emory

## Export control risk assessment

- 31 Recommendations
  - ranges from enhancing existing processes to entirely new processes and workflows
- Closing gaps
  - Partnership with other operational and business units across Emory
  - Minimize operational disruptions - fold recommendations to existing processes or other ongoing related initiatives
  - New processes – avoid bottle necks, reduce administrative burden
  - Phased out implementation



# Closing the Gaps - Partnerships

Area	Responsibility/partnerships	Area	Responsibility/partnerships
Restricted Party Screening	ECO, OTT, GSI, OSP, Advancement, Procurement	Export Control in commercialization	ECO, OTT
International Shipping	ECO, Several operational units	Sec 889 NDAA 2019 Restrictions	Several Units, OIT lead
Procurement related activities	Procurement	EC Policy Development & Implementation	ECO
Sponsored Research	ECO, OSP, GSI	Capital assets tracking	ECO, Capital assets, various units
Deemed export reviews	ECO, ISSS, Academic Administrative Units,	Visitor policy	Office of the Provost, various units
IT & Research Security	RCRA,	International Travel related gaps	Travel Office, various units
EC controlled biologics & BSL 2 Access	ECO, EHSO	Website, training and outreach	ECO
Record Retention	ECO	Online Courses	ECO, academic units



# Export Control Compliance Program @ Emory

Visitors

Restricted Party  
Screening

International  
Shipping

Biologics and  
Chemicals

Records  
Retention

Procurement and  
NDAA 2019  
restrictions

Sponsored  
Research  
projects

J1 Scholars  
Students

Tech Transfer  
activities

International  
Agreements

Gifts

EC Policy



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# You have questions? We are here to help!

Email us at [exportcontrol@emory.edu](mailto:exportcontrol@emory.edu)

See additional information on our website  
[www.or.emory.edu/export-control](http://www.or.emory.edu/export-control)

thank you!



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