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.

Image courtesy of Bing.com Creative Commons
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

Image courtesy of Bing.com Creative Commons
Your Colombian collaborator visits Emory as a visiting scholar.

She will be part of your research team for a period of 1 year.
What is an Export?

1. Transfer from US to foreign location
   - Traditional Shipping
   - Electronic transfer – e.g., email
   - Hand-carry

2. 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 on 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

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   - Example: shipping or hand carried equipment, biological samples, unpublished information/data

2. **Deemed exports**
   - Release of controlled technology or information or software source code

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

4. **Restricted or prohibited parties**
   - Activities involving parties appearing on restricted or prohibited parties’ lists.
Examples of Activities That May Be Impacted

1. International Collaboration
   - Transfer of controlled information or technology?
   - Collaborator on restricted list?
   - Collaborator in sanctioned country?

2. International Shipping
   - Is the item export controlled?
   - Recipient on restricted list?
   - What is the end use?

3. International Travel
   - With controlled data or equipment?
   - To sanctioned destination?

4. International Visitors and Employees
   - Visitor affiliated to a restricted intuition, or sanctioned country?
   - Access to export controlled technology or source code?

5. 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

6. Online Instruction/Learning
   - Offering courses to persons located in comprehensive embargoed countries may require authorization
Information that is **NOT** subject to Export Control Regulations

**1. Published Information**
- Available to the public without restricting further dissemination

**2. Educational Information**
- Released by instruction in a catalog course or associated teaching laboratory of an academic institution

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

**4. Published Patents and Patent Applications**
- Information in published patent documents is not export controlled.

**5. 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

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

---

[Emory University Research Compliance and Regulatory Affairs Logo]
You have questions? We are here to help!

Email us at exportcontrol@emory.edu

See additional information on our website www.or.emory.edu/export-control

thank you!