Export Control
Office of Research

University of Georgia Export Compliance Program Management Guidelines

These guidelines are intended to promote awareness of the regulations and provide basic guidance on University of Georgia compliance procedures. Specific questions, concerns, or analysis from the University community should be directed to Dan Runge, Export Compliance Officer, at 706.542.4188 or drunge@uga.edu. The University community may also find more information at research.uga.edu/export-control.

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The University of Georgia's Commitment to Compliance

To: All Faculty, Research Staff, Students and Administrative Personnel
From: Pamela Whitten, Senior Vice President for Academic Affairs and Provost;
David Lee, Vice President for Research
Date: August 1, 2014
Re: University of Georgia Enhances Export Control Compliance

UGA is taking deliberate steps to enhance its export control compliance program, with the goal of facilitating compliance by the research community. Export controls are the U.S. laws and regulations that govern the transfer of controlled items or information to foreign nationals, countries, and entities for reasons of national security and foreign policy. Compliance enhancements include the addition of a dedicated export control compliance officer within the Office of the Vice President for Research, user-friendly export procedures, and awareness training. The UGA Export Control website identifies export requirements, answers commonly asked questions, and identifies "go-to" individuals on campus.

Export control regulations have a direct impact on the hardware, laboratory equipment, materials, software, technology and technical data that may be exported to other countries or apply to individual citizens of foreign countries working or studying at UGA. While some regulations have a focus on military technologies, others address dual-use items having both civilian and military applications. Regulations may also restrict specific foreign entities and individuals with which UGA can do business. In recent years, the U.S. Government has strictly

systems, even though such components may have other applications. If a commodity contains a part or component that is controlled under the ITAR, such as a controlled inertial navigation system, then that commodity is also controlled under the ITAR, regardless of whether or not that commodity has an inherently military purpose. However, this "see-through" rule does not apply when ITAR-controlled items are integrated into non-ITAR spacecraft and satellites.

Items designed for military use could also be used for research completely unrelated to that military use. Night vision items are an example of a potentially controlled item that could be used in university research unrelated to military purposes.

Important ITAR Definitions and Concepts

Defense article is defined in 22 C.F.R. § 120.6. Defense articles are items or technical data that is designed, developed, configured, adapted, or modified for a controlled use listed on the USML. In addition to the items on the USML, models or other items that reveal technical data related to USML items are also considered to be defense articles. Defense articles do not include basic marketing information on function or purpose or general system descriptions.

Technical data is defined in 22 C.F.R. § 120.10. Technical data includes information required for the design, development, production, manufacture, assembly, operation, repair, testing, maintenance or modification of defense articles. This information includes blueprints, drawings, photographs, plans, instructions or documentation. ITAR technical data also includes classified information relating to defense articles and defense services on the USML and 600-series items controlled by the CCL, as well as information covered by an invention secrecy order, or software directly related to defense articles. Information concerning general scientific, mathematical, or engineering principles commonly taught in schools, colleges, and universities, or information in the public domain as defined in §120.11, as well as basic marketing information on function or purpose or general system descriptions of defense articles, are not included within the definition of technical data.

Defense Service is defined in 22 C.F.R. § 120.9. A defense service is the furnishing of assistance, including training, to a foreign person, whether in the U.S. or abroad, in the design, development, engineering, manufacture, production, assembly, testing, repair, maintenance, modification, operation, demilitarization, destruction, processing or use of defense articles. It also includes providing any foreign person any technical data as defined above.

The ITAR considers **fundamental research** in science and engineering at accredited institutions of higher learning in the U.S. to be in the **public domain**, and, therefore, no export license would be needed to export the resulting information abroad, or share it with foreign nationals in the U.S. *Fundamental Research is defined to mean basic and applied research in science and engineering where the resulting information is ordinarily published and shared broadly within the scientific community, as distinguished from research the results of which are restricted for proprietary reasons or specific U.S. Government access and dissemination controls. University research will not be considered fundamental research if: (1) The University or its researchers accept other restrictions on publication of scientific and technical information resulting from the project activity, or (2) the research is funded by the U.S. Government and specific access and dissemination controls protecting information resulting from the research are applicable.* (22 C.F.R. § 120.11)

Export Compliance Program Guid

The OFAC sanctions broadly prohibit most transactions between a U.S. person and persons or entities in a sanctioned country, or persons that have been declared specially designated nationals (SDNs). The

Category XV
Spacecraft and Related Articles
Category XVI
Nuclear Weapons Related Articles
Category XVII

Afghanistan, Belarus, Burma (Myanmar), Central African Republic, China, Cuba, Cyprus, Democratic Republic of Congo, Eritrea, Haiti, Iran, Iraq, Lebanon, Libya, North Korea, Russia, Somalia, Somalia, South Sudan, Sudan, Syria, Venezuela, Zimbabwe

Organizations and Individuals

There are two primary lists:

1. The OFAC GATc 0 Tw 12.53 0 Td193

Compliance database is extensive and includes lists of proscribed individuals, entities, and countries.

Much of the screening process is done via partners across campus. When a potential flag arises, the campus stakeholder user contacts the Office of Export Control to assess the nature of the flag, false hits, and identify true matches, risk level, and next steps. The Office of Export Control is considering ways to improve use of Visual Compliance as of the Fall 2021 update to the guidelines.

Partnering Across Campus

The Office of Export Control approaches compliance from a collaborative perspective. The Office partners with a variety of operational units on campus in the implementation of compliance procedures, in building awar ico par(prat)10 (h a)(p)-4h0 Tdldi(iv)3 (e)9 (,)1 ( )]TJ12 (n.1 (o)12 15

and the presence of troublesome clauses. An export control review process, based on a variety of potential risk triggers, has been established within the SPA Grants Portal. The ECO is alerted to proposals with potential export control risks and awards with export control risks will require the completion of export control review prior to award account setup.

The Office of Global Engagement houses the **International Initiatives** and **Immigration Services** offices. International Initiatives staff use Visual Compliance to screen potential partners and can identify potential fITJ5n.002.86 -1.22 Td[(id)-4 (e)-1 (n10 (t)6.22 f)-4 (IT-4 (d)-4 ((o)8 (t)-4 (m10 (p)-4 (ar)10 (t.9

Innovation Gateway, the UGA office that handles technology transfer and entrepreneurship, partners with the Office of Export Control in identifying Material Transfer Agreements and Non-Disclosure Agreements with potential export control implications. The ECO reviews requests for these MTAs and NDAs with potential export control risks and records those reviews.

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including participating in audits directed by university Internal Audit.

This includes evaluation of current procedures and identifies potential areas for new or improved compliance procedures. These reviews may include:

- Identifying current training needs
- Reviewing internal Office of Export Control procedures
- Reviewing procedures in partnered operational and academic units
- Verifying and ensuring appropriate records compliance
- Assessing effectiveness of procedures and potential updated needs
- Reviewing License ro5(Tcop2.7c9 (eTw)-3 (-43l)-3 (c)83 (rin)y)1 (e)-C6 (o62.9 (C)10.3 ()-0.7.1 (r.3 (p)13.l-6 (d)-