

**UNIVERSITY OF LOUISIANA AT MONROE
POLICIES AND PROCEDURES MEMORANDUM**

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| <i>Title:</i> | EXPORT CONTROLS POLICY |
| <i>Effective Date:</i> | 10/13/2008 |
| <i>Update Responsibility:</i> | Academic Affairs |
| <i>Update Date:</i> | NONE |
| <i>Cancellation Date:</i> | NONE |

PURPOSE/PREAMBLE

The United States (US) laws that govern exports control physical items (hardware) as well as information transfers. Congress passed export control laws to protect national security, prevent terrorism and other illicit activities, restrict exports of goods and technologies that could contribute to the military potential of our adversaries and prevent the proliferation of weapons of mass destruction.

The US export control laws affect higher education by undermining publication rights and prohibit international collaboration if the information or hardware does not qualify for the defined fundamental research exclusion. The consequences for violating these regulations range from loss of research awards and/or other monetary penalties to incarceration.

It is the University of Louisiana at Monroe (ULM)'s policy to comply fully and completely with

- h. Foreign National refers to any person who is not a citizen or Permanent Resident Alien of the U.S. Under the EAR, the term applies to “persons lawfully admitted for permanent residence in the United States and does not apply to persons who are protected individuals (i.e. has been admitted as a refugee or granted asylum).
- i. Fundamental Research - (EAR and ITAR) means basic or applied research in science and engineering performed or conducted at an accredited institution of higher learning in the United States where the resulting information is ordinarily published and shared broadly in the scientific community. Fundamental research is distinguished from research that results in information that is restricted for proprietary reasons or national security reasons (EAR) or pursuant to specific U.S. government access and dissemination controls (ITAR).
- j. Fundamental Research Exclusions refers to research that normally will be considered as fundamental research unless the university or its researchers accept sponsor restrictions on publication of scientific and technical information resulting from the project or activity.
- k. International Traffic in Arms Regulations (ITAR) refers to the US Department of State’s responsibility for the control of the permanent and temporary export and temporary import of defense articles and services as governed primarily by 22 U.S.C. 2778 of the Arms Export Control Act (AECA) and Executive Order 11958, as amended. The AECA, among other requirements and authorities, provides for the promulgation of implementing regulations, the International Traffic in Arms Regulations (“ITAR,” 22 CFR 120-130).
- l. Technology refers to specific information necessary for the ‘development’, ‘production’, or ‘use’ of a product. Please note that the terms "required," "development," "production," "use," and ‘technology’ are all defined in Part 772 of the EAR.
- m. Transaction refers to “what the item is, where it is going, who will receive it, and what it will be used for. The majority of U.S. commercial exports do not require a license” (BIS).

2) PROCEDURES

- a. Before including foreign nationals in on-campus research, presenting research at international conferences or transferring research information or materials to foreign nationals (within or outside the U.S.A.), there needs to be a discussion with OSPR.
- b.

- iii. Entity List— a list of parties whose presence in a transaction can trigger a license requirement under the Export Administration Regulations. The list specifies the license requirements that apply to each listed party. These license requirements are in addition to any license requirements imposed on the transaction by other provisions of the Export Administration Regulations.
- iv. Specially Designated Nationals List— a list compiled by the Treasury Department, Office of Foreign Assets Control (OFAC). OFAC's regulations may prohibit a transaction if a party on this list is involved. In addition, the Export Administration Regulations require a license for exports or reexports to any party in any entry on this list that contains any of the suffixes "SDGT", "SDT", "FTO" or "IRAQ2".
- v. Debarred List— a list compiled by the State Department of parties who are barred by §127.7 of the International Traffic in Arms Regulations (ITAR) (22 CFR §127.7) from participating directly or indirectly in the export of defense articles, including technical data or in the furnishing of defense services for which a license or approval is required by the ITAR.
- vi. Nonproliferation Sanctions— Several lists compiled by the State Department of parties that have been sanctioned under various statutes. The Federal Register notice imposing sanctions on a party states the sanctions that apply to that party. Some of these sanctioned parties are subject to BIS's license application denial policy described in §744.19 of the EAR (15 CFR §744.19).
- vii. General Order 3 to Part 736 (page 9)—