

# **UF Export Control Manual**

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## I. Introduction

United States export controls are a complex set of laws and regulations in place to ensure U.S. national security; prevent the proliferation of weapons of mass destruction; further U.S. foreign policy; and govern U.S. economic stability. U.S. export control laws and regulations govern the transfer of technology, information, and commodities overseas or to a foreign national within the U.S. Export controls apply to all types of entities, organizations, and individuals, including the University of Florida and its faculty, staff, and students.

The University of Florida (UF) anticipates an open international culture of education and research shared broadly with the academic community. As a public institution of higher education, UF employs foreign nationals, collaborates with international partners, and host foreign visitors. UF intends to continue to foster this international engagement while also ensuring compliance with U.S. laws and regulations governing the export of certain commodities, information, and technical data.

While most of the research in which UF personnel participates is “fundamental research”, which consists of research in basic and applied efforts published and shared broadly with the academic community, UF does accept restricted research awards and agreements. Some of these awards and agreements may require additional controls to ensure compliance.

## II. Institutional Policy

The University of Florida is fully committed to complying with all applicable export control laws and regulations. To ensure compliance with these laws, UF has implemented an export control policy. In accordance with this policy (Appendix A), all UF projects and programs will be managed in adherence with appropriate laws, regulations, and UF policies and procedures, including the Export Administration Regulations (EAR), the International Traffic in Arms Regulations (ITAR) and all sanctions and embargoes administered by the Office of Foreign Assets Control (OFAC).

In an effort to assist with compliance while supporting UF’s research, education, and outreach endeavors, UF Research Integrity (UFRI) was created within UF Research. The Export Control Officer within UFRI serves as the institutional expert on export control laws and regulations, providing guidance, managing controlled research, and applying for government licenses on behalf of the University. UFRI is available to provide export control guidance related to all UF activities, enabling faculty to focus on their research agendas.

## III. Export Controls at Universities

The University of Florida is an open campus with a wide range of research, education, and outreach. There is a common misunderstanding that export controls do not apply to institutional activities other than research, however, UF employees engage in a number of important activities that may require the need for export compliance. Many other UF business activities, including travel abroad to high-risk countries, international shipping, international visitors, controlled or proprietary research, military items, international engagements, and interactions with comprehensively sanctioned countries, require additional review. It is important to understand that export controls apply to all individuals within the UF community.

#### IV. Understanding the Basics

Three principal U.S. regulatory governing bodies oversee the export of commodities and technology outside of the U.S. or to a foreign person:

1. The **U.S. Department of State**, Directorate of Defense Trade Control (DDTC), governs commodities, technical data, and defense services which are “inherently military” in nature through the International Traffic in Arms Regulations (ITAR), 22 C.F.R. Part 120;
2. The **U.S. Department of Commerce**, Bureau of Industry and Security (BIS), oversees “dual-use” or commercial items through oversight of the Export Administration Regulations (EAR), 15 C.F.R. Part 730; and
3. The **U.S. Department of the Treasury**, Office of Foreign Assets Control (OFAC) administers comprehensive and selective sanctions and embargoes including management and oversight of all engagements and activities involving commodities, services, and technologies to prohibited persons or destinations.

The following pages of this manual provide additional information on the three primary export control governing bodies. In addition, UFRI is available to provide verbal and written assistance by contacting (352) 392-9174 or [exportcontrol@research.ufl.edu](mailto:exportcontrol@research.ufl.edu).

If any UF personnel believe that they are working with an item or technology that might be subject to one of the above jurisdictions, the individual should notify UFRI as promptly as possible. UFRI can assist with review of the items or technologies and the associated activities to determine the proper level of control.

While UF does engage in research and activities governed by export control laws and regulations, much of the technology UF develops and many of the programs UF facilitates are exempt from export control authority based on the following three exclusions.

1. Publicly Available Information

Information which is previously published and widely available in the public domain is excluded from export controls.

The **ITAR** defines “public domain” (22 C.F.R. § 120.11) as information which is published and generally accessible or available to the public and thus not considered controlled “technical data” subject to the regulations.

The **EAR** defines “published” (15 C.F.R. § 734.7), and thus not subject to the EAR, as information which has been made available to the public without restrictions upon its further dissemination.

Both definitions include publications such as subscriptions available without restriction to any individual who desires to obtain or purchase the published information; library or other public collections; and published patents.

2. Fundamental Research

Both the ITAR and the EAR define fundamental research as 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 results of which are restricted for proprietary reasons or specific U.S. government access and dissemination controls.

One of the differences between the EAR and the ITAR is that the ITAR requires fundamental research to occur at an accredited institution of higher learning in the U.S.

There are two caveats that can void the fundamental research exclusion:

- If the University or its researchers accept restrictions on publication of the scientific and technical information resulting from the project or activity; or
- The research contains citizenship or dissemination restrictions requiring specific access controls to protect the research results (i.e. if there is a requirement for U.S. persons only or approval of foreign nationals).

3. Educational Information

Information that is generally available through teaching at institutions of higher education is addressed in both the ITAR and the EAR. Such information is generally not subject to the jurisdiction of export controls.

The **ITAR** (22 C.F.R. § 120.10(b)) specifically provides that the definition of “technical data” does not include information concerning general scientific, mathematic, or engineering principles commonly taught in schools, colleges, and universities.

The **EAR** (15 C.F.R. § 734.8(b)(3) and 734.9) specifically provide that publically available “educational information” is not subject to the controls, if it is released by instruction in catalog courses and associated teaching laboratories of academic institutions.

**V. Export Controls at the University of Florida: Key Cooperating Offices and Individuals**

Complying with export control laws and regulations takes University-wide commitment, not just the efforts of one compliance office. Varying offices and individuals on campus, in conjunction with each individual faculty, staff and student, all working together, are the key to protecting U.S. national security on UF’s campus. Each area plays an individual role in supporting the export control program at UF in its own unique way. Below is a description of the key cooperating individuals and offices involved in the effort.

UF Research Integrity

Within UF Research, UF Research Integrity (UFRI) serves as the University’s authority on export controls, providing guidance to UF personnel. UFRI assists with the application of regulations to UF activities, the transfer of controlled items, and the provision of services. UFRI serves as the authority to advise on and

apply for U.S. Government export control authorizations. The primary point of contact in UFRI for export controls is the Associate Director and Export Control Officer, reachable through email at [exportcontrol@research.ufl.edu](mailto:exportcontrol@research.ufl.edu).

### Faculty Members

Faculty members play an integral part in export control compliance and management within the University. Engagement with faculty for all activities is required to identify and manage export controlled activities. Faculty disseminate security information, manage control of technology or commodities, and have oversight of their respective students and visitors.

### College and Department Level Research Administrators

Research Administrators serve as the first line of communication with faculty, administration, and UFRI, ensuring information is entered accurately into systems of record. Research Administrators assist faculty with entering data into systems including UFIRST, Asset Management, Travel registry, etc. In addition, research administrators serve to inform and update UFRI of incoming contracts and activities requiring assistance with export controls.

### Division of Sponsored Programs

The Division of Sponsored Programs (DSP) facilitates institutional approval for all proposal submissions, accepts and administers grant awards, and negotiates contracts and research agreements on behalf of the University of Florida. Representatives within these areas review and route all awards, contracts, and agreements with potential export control concerns to UFRI. DSP triggers an additional review by UFRI through an internal review system and series of questions within UFIRST that identify items with potential export control implications during negotiation or award stage.

### Asset Management

Asset Management, a Division within UF Finance and Accounting, provides support services to the University community to facilitate the management of UF tangible property. In order to manage assets traveling overseas, Asset Management has instituted a review process for foreign travel with UF owned equipment. In conjunction with UFRI, all UF tangible and/or attractive property require review and approval prior to transfer overseas, whether temporarily or permanently. The review ensures compliance with export control regulations.

### UF International Center

The UF International Center (UFIC) supports international engagement through facilitation of education abroad, service to international students and visitors, and support for global research engagement. UFIC oversees registration of international travel, serving as a partner with UFRI to identify high-risk travel to embargoed countries, including Cuba. UFIC serves as a resource to faculty, knowing when to engage UFRI in additional review and providing opportunities for UFRI to educate faculty and staff on export control concerns when engaging internationally.

### Information Security

The UF Information Security Office has established an IT Risk Management process that is based on many factors, and designed to meet all university policies, Board of Governors policies, Florida Statutes, and comply with federal laws. UFRI and the UF Information Security Office collaborate to develop appropriate IT security procedures within Technology Control Plans (TCP) for export controlled projects. The Risk Assessment contains all relevant documents related to the project ensuring continuity between offices. Once the risk assessment is complete, a report of the findings is submitted to the necessary stakeholders to make a risk-based decision on moving forward with the proposed technology.

### Research Computing

UF Research Computing provides comprehensive support for researchers through computing solutions including HiPerGator and Research Vault (ResVault). Research Computing manages ResVault as a pre-vetted secure solution for protection of technical data, source-code, and software. In conjunction with UFRI, Research Computing supports faculty conducting export controlled research by providing a secure environment to process, store, and manage controlled technical data.

### Environmental Health & Safety

UF's Environmental Health & Safety (EH&S) houses a number of programs to ensure a safe and healthy environment for all UF business activities occurring on campus. Biological Safety is contained within this list of programs. EH&S is instrumental in the on campus mitigation of risk related to controlled biologicals and chemicals, as well as the facilitation of international shipping and transport of materials.

### Human Resources

The Office of Human Resources Immigration Compliance Services (HR) processes all University-sponsored employment for foreign national hiring, including H1-B, O-1, TN, and E-3. HR collaborates with UFRI to ensure compliance in submission of the Controlled Technology/Technical Data (CTTD) form required by U.S. Customs and Immigration Services prior to hiring.

### Institutional Compliance

The UF Compliance Office, under the direction of the Chief Compliance Officer (CCO), coordinates compliance initiatives and operations across the UF enterprise. In that role, the CCO maintains partnerships with all major compliance functions, including UF's Export Control program. The CCO regularly consults with the Export Control Officer on programmatic matters of enterprise-wide significance.

### Office of the General Counsel

The Office of the General Counsel provides legal advice and representation to the University of Florida and its employees while acting within the scope and course of their employment. The General Counsel provides UFRI with expert advice and guidance in complex legal matters related to export controls, international engagement, internal reviews, and voluntary self-disclosures.

### Office of Internal Audit

The UF Office of Internal Audit provides independent, objective assurance and consulting services. The office manages the UF Compliance Hotline, a confidential hotline service operating 24 hours a day, 365 days per year. The UF Compliance Hotline is used for reporting anonymous concerns related to potential violations, including alleged violations of export control regulations, and is reached by calling **1-877-556-5356**. In addition, there is a website available for anonymous reports at <https://compliance.ufl.edu/uf-compliance-hotline/>.

### Export Control Working Group

The Export Control Working Group is a group of key individuals from across campus. The purpose of the working group is to stay informed on key export control updates, relaying information back to their respective offices. In addition, the working group members serve to inform UFRI of process and procedure changes that require review or compliance requirements for export controls.

## **VI. Processes & Procedures**

The following describes some of the most common processes and procedures related to the export control program at UF. As many situations are unique to the circumstances, the below is intended to serve as an overview and not an exhaustive listing or set of standard operating procedures.

### UFIRST

UFIRST is the University of Florida's official system of record for proposals, awards, and agreements. UFIRST is mandatory for the entry and routing of proposals and agreements managed by DSP. UFIRST allows transparent tracking throughout the lifecycle of the award from proposal development to proposal submission to agreement negotiation, set up and management. Below is a brief snapshot of the relationship UFRI has within the system related to award and agreement review.

1. Faculty proposes research through formal proposal in UFIRST.
2. Agreement or Award is received from Sponsor.
3. UFIRST data entry, including required export control questionnaire to be completed by faculty.
4. DSP review of award or agreement for export control red flags.
5. Push to UFRI for export control review with simultaneous negotiation continued by DSP.
  - a. If UFRI determines no Export Control concerns, the Award is finalized and executed with no Technology Control Plan.
  - b. If UFRI determines there are Export Control concerns, the Technology Control Plan process begins.

Additional information regarding UFIRST is available at: <https://research.ufl.edu/ufirst.html>

### Technology Control Plan Development

A Technology Control Plan (TCP) is an internal document designed to lay out the plan to appropriately comply with export control regulations and contract terms related to a specific research project or export controlled article. Among other things, the TCP details the Controlled Articles and Technical Data



(CATD) involved in the research, responsible jurisdiction and classification (USML or CCL), the physical and IT security, and a listing of project personnel. The document is designed in conjunction with UFRI, the lead Principal Investigator (PI), and Information Technology (IT). Below is a brief overview of the process of TCP development at UF.

1. Notice of Controlled Project or receipt of controlled equipment by UFRI.
2. TCP Kick-Off Call (includes UFRI, PI, local IT, and Research Computing).
3. Draft TCP sent to PI and IT for review and comment.
4. Final TCP signed by UFRI and PI after all negotiations finished.
5. TCP training conducted in person with all Project Personnel.
6. TCP review and signature by Chair and ADR of College.

A TCP may survive the life of the contract period based on the CATD and jurisdiction. For example, ITAR controlled articles which will be used after the contract period ends will still need to be secured appropriately.

### TCP Management

UFRI works in conjunction with UF faculty and administration to ensure compliance with TCPs. Faculty are required to inform UFRI of changes to TCPs such as removal and addition of personnel, change in scope of work, or inclusion of subcontractor access. Faculty and all personnel listed on TCPs are required to receive training in conjunction with work on controlled projects.

In an effort to assist faculty with compliance, UFRI regularly audits TCPs for consistency and accuracy. Upon closeout of the controlled project, appropriate procedures will be taken to ensure continued protection of materials and technology. Each of these steps are appropriately documented in the process.

### Information Security Risk Assessment Process

All export controlled projects requiring a TCP for management will need to go through the IT risk assessment process. UFRI engages with UF Information Security Office at an early stage in the TCP development process to ensure the IT risk assessment moves promptly. In addition, engaging the Departmental Information Security Manager (ISM) from the beginning ensures that all parties are in agreement with the required plan and process steps. Engaging the Departmental ISM for assistance in submitting the requests is essential. Find the ISM assigned to each department here: <https://security.ufl.edu/it-workers/isaism/> to develop the request. Submit the request to begin the risk assessment process here: <https://security.ufl.edu/it-workers/risk-assessment/>

Within two business days of the submission of the request, it will enter the Triage phase of the Risk Assessment process. In Triage, the request may be moved into several categories requiring more information to determine the level of risk assessment that is necessary. For export controlled projects this process can involve multiple units, including the Information Security Office, Research Computing, the Office of the General Counsel, UF Research, and Procurement Services.

The submitter will receive status updates via email regarding the progress of the submission.

For any questions, please email IT Risk Management(?) at [UFRM@mail.ufl.edu](mailto:UFRM@mail.ufl.edu), noting the request number in the email's subject line. Risk Management (?) is here to help with this process.

### Research Computing Process

The primary goal of the partnership and process between export controls and Research Computing Operations (RCO) is to ensure that each research project will have a secure and successful outcome. After determination that a project does need to comply with export control regulations, the RCO team will support the PI for the duration of their project in the use of the ResVault computing environment.

In an effort to efficiently set-up controlled research projects and onboard personnel, the following steps are followed:

1. RCO will conduct an initial consultation with the PI.
2. RCO will enter the Risk Assessment Request into the Archer system.
3. RCO will build the Virtual Machine (VM) infrastructure within ResVault.
4. UFRI will perform the compliance review with the Information Security Office.
5. RCO will document and perform final review of the VM infrastructure with PI.
6. UFRI and RCO will perform training on ResVault and TCP compliance together for all project personnel.
7. RCO and the PI will determine project support needs for the life of the project.
8. At the completion of the project, UFRI, RCO, and PI will determine long term data storage or destruction needs for the data.

For additional information on ResVault Services for securing controlled research, please visit:

<https://www.rc.ufl.edu/services/restricted-data/researchvault/>

### Foreign Travel

UFRI receives a weekly report from UFIC of UF personnel who registered for international travel. When necessary, UFRI will engage faculty to inquire further regarding travel plans. The primary purpose of the inquiry is to ensure all export control requirements are met prior to travel and that faculty are not working with or visiting with restricted entities or individuals while abroad.

In addition, UFRI assists UFIC with review, approval, and facilitation of travel and related transactions to Cuba. All travelers going to Cuba are required to complete the [Cuba Travel Form](#) prior to travel to ensure an accurate review occurs. Travelers are required to complete this process prior to making any reservations or incurring any direct expenses to ensure there are no restrictions or issues with the proposed travel and itinerary.

Upon completion of the review, barring no additional requirements, UFRI will provide UFIC with certification and documentation for the traveler. Once approved by UF for travel to Cuba, each traveler will receive a letter indicating the appropriate U.S. government authorization for travel. This letter, along with a copy of the required full-time schedule of activities, must be retained by the traveler for five years following completion of the travel.

Should the traveler need to export or hand-carry any items to Cuba, additional review will be required, including registration through UF's Asset Management system and federal licensing from the responsible U.S. governing body. Licensing and approvals are applied for and managed by UFRI.

### Asset Management

University, state, and federal regulations require the University to identify and track the location of all capital assets and attractive property. UF employees report all furniture and equipment traveling to a foreign country using a Foreign Travel Request within myAssets. myAssets is the online portal for managing capital assets and attractive property which are owned or controlled by the University of Florida.

UF personnel are required to get approval for all UF owned or UF controlled furniture or equipment, whether exported permanently or temporarily, from Asset Management and UFRI before the item leaves the United States. A Foreign Travel Request in myAssets can be submitted by the traveler or anyone associated with the department. UFRI collaborates with Asset Management to review and approve all equipment or furniture submitted via Foreign Travel Requests.

Asset Management and UFRI have developed a process to minimize the approval time for the traveler while decreasing the risk to the University of non-compliance with applicable regulations. Asset Management and UFRI have created a process in which low-risk Foreign Travel Requests automatically receive approval in myAssets. All other Foreign Travel Requests are reviewed and approved or denied by UFRI. For the non-low risk Foreign Travel Requests, UFRI reviews, approves or denies, and provides additional services including facilitation of license applications, use of export control exceptions, and filing of Electronic Export Information through the AES filing system, when necessary.

UFRI has established the following criteria to determine the risk level of a Foreign Travel Request. A Foreign Travel Request is not low-risk when any one of the following scenarios occur:

- The country of destination is a high-risk country;
- The item will remain out of the U.S. for more than 365 days;
- The item will not remain in the effective control of the traveler;
- The item has a designated ITAR category or an ECCN which requires additional review; or
- The traveler is listed as project personnel on a TCP.

Foreign Travel Requests route through myAssets to UFRI for review and, when necessary, UFRI reaches out to the traveler for additional information. Additional information required to complete the review may include items such as recipient of the export, entity the traveler is visiting, and purpose of travel.

Upon completion of review, the traveler will receive notification by email from myAssets stating the approval or denial of the Foreign Travel Request. Attached within the Foreign Travel Request approval email is a PDF the traveler can utilize to assist with customs questions. For additional information on registration of Foreign Travel Requests, please visit the [Asset Management website](#).

### Foreign Visitors

Through partnership with colleges across campus, UFRI performs reviews of visiting scholars on an ad hoc basis. Colleges and departments conduct a cursory review of visitors based on red flags and send high-risk visitors to UFRI on an ad hoc basis. At a minimum, it is recommended that all colleges and departments conduct Visual Compliance screening on the individual and representative entity for all visitors, whether coming on a J-1 visa or B-1 visa.

Red Flags which would indicate the need for additional review by UFRI include:

- Individuals coming from a comprehensively or high-risk sanctioned country
- Foreign Military Service
- An individual or entity with a Visual Compliance match
- An individual coming to visit a faculty with export controlled (TCP) projects or equipment
- Research or development in a military or space technology
- Sponsorship by the government of a country, especially military agencies

Any department may request additional review by UFRI for a visitor by emailing the Visit Intake Form, CV, funding source, and a brief explanation of purpose or research scope to [exportcontrol@research.ufl.edu](mailto:exportcontrol@research.ufl.edu)

### International Physical Exports

Physical Shipments may require additional steps beyond registration in Asset Management, especially when the export is permanent or being exported to a comprehensively sanctioned country. Each export may have varying factors which are carefully considered. For assistance with licensing and authority to export, please reach out to UFRI directly. Please note, UFRI cannot assist with import regulations and customs negotiation for foreign countries.

### Training Requirements

All individuals working with technology, technical data or items controlled via a Technology Control Plan are required to attend training. Additional trainings are offered to Research Administrators and faculty through various face-to-face meetings. UF subscribes to CITI training modules for export control online training. Direct instructions on CITI training access can be found in Appendix C.

## **VII. Restricted Parties**

Each U.S. Government agency with oversight for export controls administers various lists of restricted (or denied) parties. Individuals, organizations, or companies that the governing agency has identified as a party the U.S. cannot engage in business without specific authorization are included within these lists.

**With few exceptions, the University of Florida will not host visitors, enter into contracts or other agreements, do business, or engage in any activity with entities listed on U.S. government restricted party lists.**

U.S. Department of State, Directorate of Defense Trade Control (DDTC)

The U.S. Department of State maintains six lists, which are found below. Each list contains individuals which are debarred from receiving ITAR controlled items and technical data, all of which the University cannot engage with barring additional in-depth review. The Cuba Restricted List is comprised of entities that U.S. Persons cannot conduct financial transactions with while traveling to or engaging with Cuba.

- Department of State Arms Export Control Act Debarred Parties [DDTC]
- Department of State Cuba Restricted List
- Department of State Nonproliferation Orders
- Department of State Munitions Export Control Orders [DDTC]
- Department of State Designated Terrorist Organizations
- Department of State Terrorist Exclusion List

U.S. Department of Commerce, Bureau of Industry and Security (BIS)

BIS maintains three lists of parties of concern. In the event an individual or entity is listed, an exporter cannot continue the proposed action without further requirements or authorization.

*Denied Persons List* – A list of individuals and entities that have been denied export privileges. Any dealings with a party on this list that would violate the terms of its denial are prohibited.

*Entity List* – Identifies foreign parties that are prohibited from receiving some or all items subject to the EAR unless the exporter secures a license from BIS.

*Unverified List* – A list of parties whose bona fides BIS has been unable to verify. No license exceptions may be used for exports to unverified parties. A statement must be obtained from such parties prior to shipping items not subject to a licensing requirement.

U.S. Department of the Treasury, Office of Foreign Assets Control (OFAC)

OFAC publishes lists of individuals and companies owned or controlled by, or acting for or on behalf of, targeted countries. It also lists individuals, groups, and entities, such as terrorists and narcotics traffickers designated under programs that are not country-specific. Collectively, such individuals and companies are called “Specially Designated Nationals”. Their assets are blocked and U.S. persons are generally prohibited from dealing with them.

**VIII. Applicable U.S. Laws and Regulations (ITAR, EAR, and OFAC)**

The primary export control governing bodies exist to oversee the export of technology, items, and services to foreign countries and to foreign individuals within the U.S. These include the International Traffic in Arms Regulations (ITAR), the Export Administrations Regulations (EAR), and the sanctions and embargoes administered by the Office of Foreign Assets Control (OFAC).

Various other U.S. government agencies administer limited controls on the export, re-export, or transfer of certain types of items and technologies, which UF may be involved in, such as the following:

- Nuclear Regulatory Commission (“NRC”) regulates nuclear equipment and materials;
- Department of Energy (“DOE”) regulates nuclear technology and high-energy lasers, etc.;
- Food and Drug Administration (“FDA”) regulates drugs and medical devices; and
- Drug Enforcement Agency (“DEA”) regulates drugs and certain chemicals.

**IX. International Traffic in Arms Regulations (ITAR)**

Regulatory Authority and Scope

The Arms Export Control Act (AECA), as amended, authorizes the President of the U.S. to control the export and import of defense articles and defense services. The authority delegated in the AECA promulgates the ITAR regulations.

The ITAR controls articles, services, and related technical data which are inherently military in nature and designated on the United States Munitions List (USML) enumerated at 22 C.F.R. § 121.1. The USML contains Twenty-One (21) Categories varying in scope and including firearms and ammunition, submersible vessels, military electronics, and radar.

The U.S. Department of State, via the Directorate of Defense Trade Controls (DDTC) ensures commercial exports of defense articles and defense services are consistent with U.S. national security and foreign policy objectives. The agency provides regulatory updates and guidance, is the authority to issue licenses and registrations, and provides commodity jurisdictions.

Important ITAR Definitions

A **Defense article** (22 C.F.R § 120.6) includes any item or technical data designated in the USML.

**Defense service** (22 C.F.R § 120.9) is defined to mean:

(1) The furnishing of assistance (including training) to foreign persons, whether in the United States or abroad in the design, development, engineering, manufacture, production, assembly, testing, repair, maintenance, modification, operation, demilitarization, destruction, processing or use of defense articles;

(2) The furnishing to foreign persons of any technical data controlled, whether in the United States or abroad; or

(3) Military training of foreign units and forces, regular and irregular, including formal or informal instruction of foreign persons in the United States or abroad or by correspondence courses, technical, educational, or information publications and media of all kinds, training aid, orientation, training exercise, and military advice.

**Technical data** (22 C.F.R § 120.10), as defined in the ITAR, means information required for the design, development, production, manufacture, assembly, operation, repair, testing, maintenance, or modification of defense articles. This includes information in the form of blueprints, drawings, plans, instructions or documentation.

### Exporting under the ITAR

An **export** (22 C.F.R § 120.17) has a broad definition within the ITAR including the actual shipment, transmission, release or transfer of control out of the United States or to a foreign person. This includes any release of technical data to a foreign person within the U.S.; this is “deemed” an export to all countries in which the foreign person holds or held citizenship or permanent residency.

In order to legally export defense articles, technical data or defense services, an entity must maintain registration with the DDTC prior to export. UF maintains active DDTC registration as an exporter and renews this registration on an annual basis through UF Research. This registration allows UF to conduct ITAR controlled research and activities, as well as apply for export licenses when necessary.

UFRI is the division on campus authorized by the Board of Trustees to sign license applications on behalf of the University of Florida. In conjunction with the responsible faculty member, UFRI draft license applications based on case specifics and regulatory applicability. Only an individual formally designated as an Empowered Official can sign a Department of State license application. The University has designated the Vice President for Research, as well as the Associate Director of UFRI, as the Empowered Officials registered with the Department of State.

## **X. Export Administration Regulations (EAR)**

### Regulatory Authority and Scope

The regulations contained within the EAR implement the Export Administration Act of 1979, as amended. The EAR controls the export of purely commercial items in support of U.S. embargoes and trade sanctions. The U.S. Department of Commerce’s Bureau of Industry and Security (BIS) is responsible for implementing and enforcing the EAR.

An Export Control Classification Number (ECCN) on the Commerce Control List (CCL) designates the items subject to specific control and licensing authority under BIS within the EAR. Frequently referred to as “dual-use”, items on the EAR generally have both commercial and military or proliferation applications.

There are a number of exclusions which have previously been discussed that remove items from the scope of the EAR. These include fundamental research, published information, and educational information.

### EAR Definitions and Concepts

**Fundamental Research** (15 C.F.R. § 734.8), as defined previously, may include the development of “technology”. “Technology” or “software” that arises during, or results from, fundamental research and is intended to be published is not subject to the EAR.

**Software** (15 C.F.R. § 772) is a collection of one or more programs or microprograms fixed in any tangible medium of expression.

**Technology** (15 C.F.R. § 772) means information necessary for the development, production, or “use” of an item. “Technology” may be tangible or intangible in form, such as written or oral communications,

blueprints, drawings, photographs, plans, diagrams, models, formulae, tables, engineering designs and specifications, computer-aided design files, manuals or documentation, electronic media or information revealed through visual inspection.

**Use** (15 C.F.R. § 772) means operation, installation (including on-site installation), maintenance (checking), repair, overhaul and refurbishing. NOTE: If an ECCN specifies one or more of the six elements of “use” in the heading or control text, only those elements specified are included under that ECCN.

#### License Exceptions

Various license exceptions authorize the export or temporary transfer of items abroad without the need for a specific license. Two of the BIS exceptions most frequently used by UF personnel are TMP and SCP. All license exceptions require approval for their official use through UFRI.

**Temporary exports (TMP)** (15 C.F.R. § 740.9) – authorizes temporary use abroad of tools of the trade by the exporter to all destinations other than Iran, North Korea, Sudan, or Syria as long as the following conditions are met:

- Tools of the trade must be items which are reasonably used in the individual’s professional capacity while abroad;
- Tools of the trade must remain in the “effective control” of the employee at all times;
- Tools of the trade must not remain abroad longer than 365 days; and
- No release of ITAR or EAR controlled “technology” will occur in conjunction with the temporary export unless otherwise authorized.

**Support for the Cuban People (SCP)** (15 C.F.R. § 740.21) – authorizes certain exports to Cuba that are intended to support the Cuban people by improving their living conditions and support independent economic activity; strengthening civil society in Cuba; and improving the free flow of information to, from, and among the Cuban people. In certain conditions, SCP authorizes the temporary export of tools of the trade to Cuba for use in professional research and professional meetings.

#### **XI. Office of Foreign Assets Controls (OFAC)**

The Office of Foreign Assets Control (OFAC) of the U.S. Department of the Treasury administers and enforces economic and trade based sanctions based on foreign policy and national security goals against targeted countries and regimes, terrorists, international narcotics traffickers, those engaged in activities related to the proliferation of weapons of mass destruction, and other threats to the national security, foreign policy or economy of the United States. OFAC acts under Presidential national emergency powers, as well as authority granted by specific legislation.

#### Comprehensive Sanctions

OFAC sanctions can be comprehensive or selective, using the blocking of assets and trade restrictions. Comprehensive sanctions are nation-wide sanctions and include the export or import of all goods and services to a specific country or individual normally resident in that country. Each comprehensive sanction varies in its application and licensing policy. For additional information on specific sanctions



and their application to UF, please visit the UF Research Integrity [website](#), or contact UF Research Integrity at **352-392-9174** or email us at [exportcontrol@research.ufl.edu](mailto:exportcontrol@research.ufl.edu).

### Selective Sanctions

Selective sanctions are sanctions programs targeted at a specific activity or regime. These sanctions are more specific in nature and often exclude interactions with the general population of the country. Selective sanctions change frequently with fluctuations in political regime, national security concerns, and economic interests. Examples of selective sanctions include the Venezuelan Sanctions Regulations and the Rough Diamond Trade Controls.

### OFAC Licensing

Authorization from OFAC to engage in a transaction otherwise prohibited by a sanctions program must be acquired in the form of either a general or specific license. A general license authorizes a specific transaction for a group of people without a need to apply for specific authorization. A specific license is a written document issued by OFAC to a particular person or entity, authorizing a specific transaction. Both come with specified terms and conditions to which individuals must adhere.

UFRI serves as the authorized official to make decisions on the applicability of OFAC general licenses providing documentation when necessary. In addition, UFRI drafts, signs, and submits all specific license applications to OFAC in cases deemed appropriate.

## **XII. Other Considerations**

### Records and Record Retention

The ITAR, EAR and OFAC have stringent record retention requirements related to licensing and the use of exceptions and exemptions. Under each set of regulations, the record keeping period is five (5) years following the completion of the activity. When a license or exception is used, additional records documenting the applicability of the license exception may be required. This requirement extends to the employee as well as the University. Records that should be kept include memoranda, notes, correspondence, financial records, shipping records, and schedules of activities (OFAC).

Shipment of items controlled under the EAR and ITAR should be clearly marked as controlled with regulatory information cited. Any licensed export, as well as exports with a value greater than \$2,500, requires filing of registration in the Automated Export System (AES) prior to the export of the item or information. While commercial freight forwarders can assist with this entry into AES, UFRI is also available to file Electronic Export Information (EEI) on behalf of the University.

### Penalties for Violations

Violation of export control laws and regulations can result in both civil and criminal fines up to and including imprisonment. These penalties can be applied to the individual(s), the University, or all parties involved. While the regulations establish maximum fines, the maximum fines established are per instance of violation. The resulting final penalty can be extrapolated, for instance, by each item exported incorrectly or each occurrence of export, often resulting in large fines. In addition to fines and

imprisonment, violations may lead to the loss of export privileges for future transactions or even debarment from participation in federal contracts.

When assessing penalties, government agencies consider mitigating and aggravating factors. Mitigating factors may include Voluntary Self-Disclosure of exports, whether the violation was a first offense, appropriate compliance procedures, and whether the export was inadvertent or a misapplication of the law.

UF faculty, staff or students who have witnessed a potential violation of export controls should report immediately through the UF compliance hotline or directly to the UF Export Control officer at [exportcontrol@research.ufl.edu](mailto:exportcontrol@research.ufl.edu) or **352-392-9174**.

UFRI will fully investigate each potential violation, in conjunction with the Office of General Counsel as needed. All reports and circumstances receive careful consideration. Violation reporting to the appropriate governing body occurs when deemed necessary through the proscribed Voluntary Self-Disclosures.

Appendix A – Export Control Policy

**Export Control Policy**

**Responsible Office:** UF Research

**Effective Date:**

May 19, 2008

**Last Revision:**

January 24, 2020

**Purpose:**

As a measure to protect national security, foreign policy and economic objectives, the United States government implements a series of export control laws and regulations. The University of Florida is committed to compliance with these laws and regulations and the effective management of the export of items, technology, software and defense services to international locations and foreign persons both within and outside U.S. borders.

**Policy:**

University faculty, staff and students must adhere to export control laws and regulations, including but not limited to the Export Administration Regulations (EAR) governed by the U.S. Department of Commerce; the International Traffic in Arms Regulations (ITAR) governed by the U.S. Department of State; and economic sanctions and embargoes programs administered by the U.S. Department of the Treasury, Office of Foreign Assets Control (OFAC). All individual employees and students are responsible for compliance with these laws, regulations and UF policy when performing any activities on behalf of UF, including all aspects of education, research, and service.

UF Research Integrity (UFRI) serves as the expert authority on export controls providing guidance to UF individuals. UFRI assists with the application of regulations to UF activities, transfer of controlled items, and the provision of controlled services. UFRI serves as the University’s authority to advise on and apply for U.S. government export control authorization.

To ensure compliance, approval from UFRI and, when necessary, the appropriate governing authority is required before transferring controlled items, technology or restricted services to a foreign person or international location.

For details on the processes and partnerships used to ensure compliance with export control laws and regulations in University of Florida activities, refer to the UF Export Control Manual.

UF faculty, staff, and student conduct regulations mandate compliance with this policy and govern disciplinary actions for failure to comply by any UF individual.

### Appendix B– Comprehensive Sanctions Specifics

#### Cuba

Most transactions involving Cuba, including the export, import, or provision of commodities, technology or services continue to be prohibited by the Cuban Assets Control Regulations (CACR) found at 31 C.F.R Part 515. In addition, BIS has additional requirements for the temporary and permanent export of commodities and technology governed under the EAR.

General Licenses within the CACR do authorize some transactions involving travel to Cuba. UF faculty most commonly use two general licenses to travel to Cuba.

1. *Professional Research and Professional Meetings* – This general license allows travel to Cuba for professional research that is within the scope of the employee’s professional field or job description. The traveler must maintain a full-time schedule of activities every day with no free-time in excess of a normal work day.
2. *Educational Activities* – This general license provides for travel to Cuba for educational activities including for-credit Study Abroad, teaching at a Cuban Institution, and research activities for graduate students.

**NOTE:** When planning travel to Cuba, please consult the [Cuba Prohibited Accommodations List \(CPA\)](#) prior to booking travel. Recent updates now prohibit any persons subject to U.S. jurisdiction from lodging, paying for lodging, or reserving lodging, on behalf of a third party from an entity listed on the CPA.

It is important to note that all exports and imports require additional specific or general licensing from OFAC, as well approval from BIS for physical exports. UFRI reviews each set of circumstances carefully prior to travel and, therefore, it is imperative advance notice of activity is provided.

Travel with personal items that are not UF-owned and normal incident to travel, including clothes, toiletries, etc. are authorized for temporary export.

It is still unauthorized to make payment to any entity listed on the [Cuba Restricted List](#). UF personnel traveling to Cuba should consult UFRI and be careful to avoid these businesses, as payment to one of these entities would result in a violation of U.S. law.

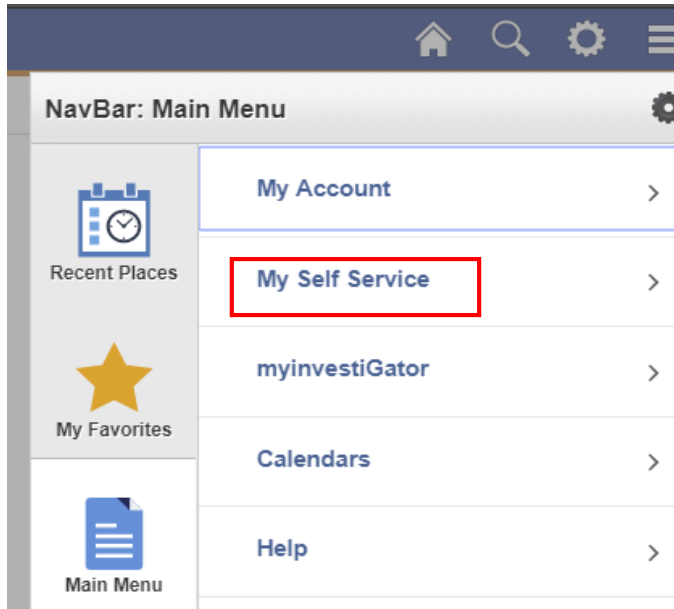
In addition, signing a contract or binding document with a Cuban entity while in Cuba is unauthorized. It is important to understand the regulations define the term “contract” loosely and it not only includes binding contractual agreements, but it also includes, letters of intent, MOUs, etc.

For additional information regarding the current Cuba Sanctions, please contact UFRI or reference the OFAC [FAQs on Cuba Sanctions](#).

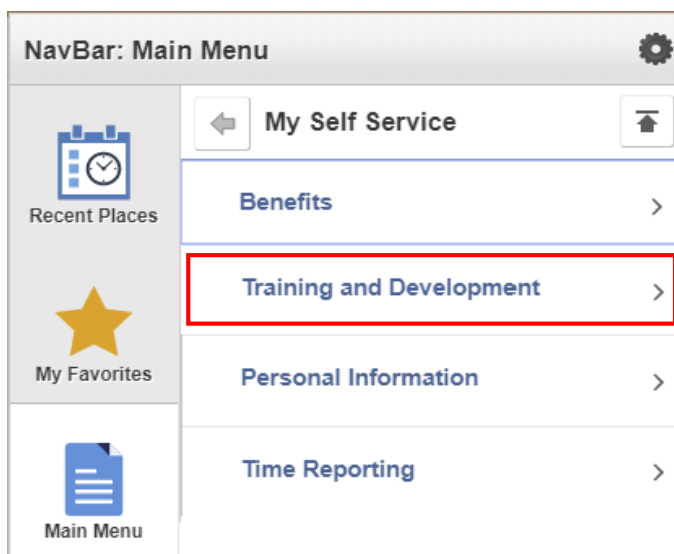
Appendix C – Training

The Export Control (EC) training modules have recently changed. CITI Training offers the new required training modules for EC. Below are the instructions for accessing the EC CITI training modules. For questions, please contact the UF Research Integrity (UFRI) office at 352-392-9174 or by email at [exportcontrol@research.ufl.edu](mailto:exportcontrol@research.ufl.edu)

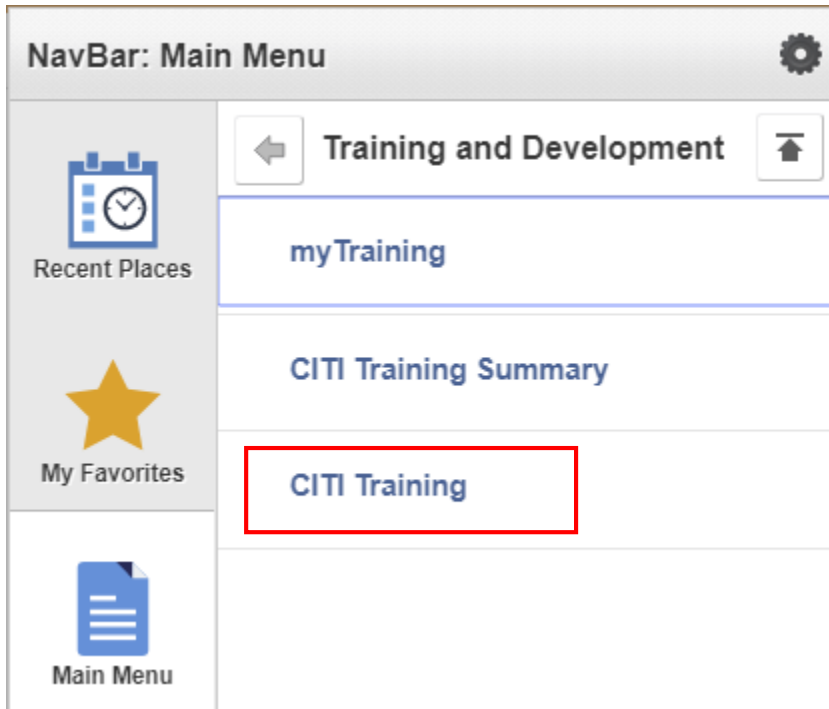
1. Login into my.ufl.edu and click on My Self Service



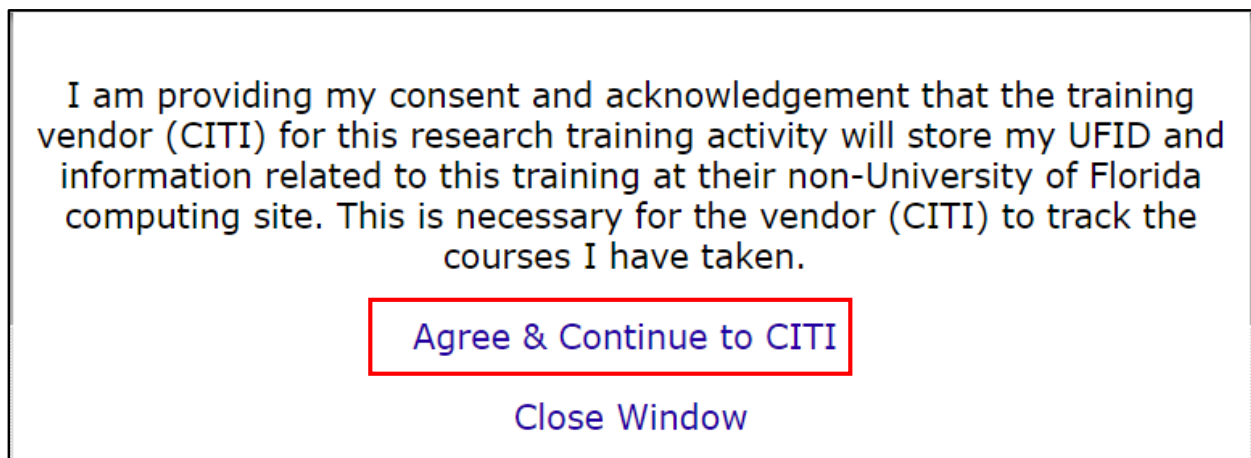
2. Next click on Training and Development



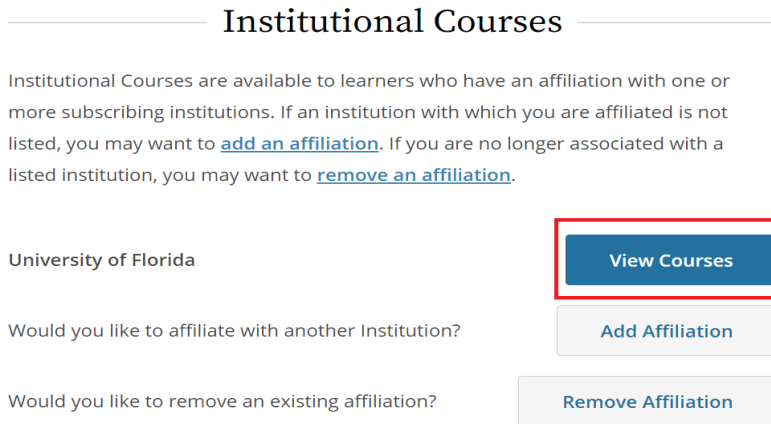
3. Click on CITI training



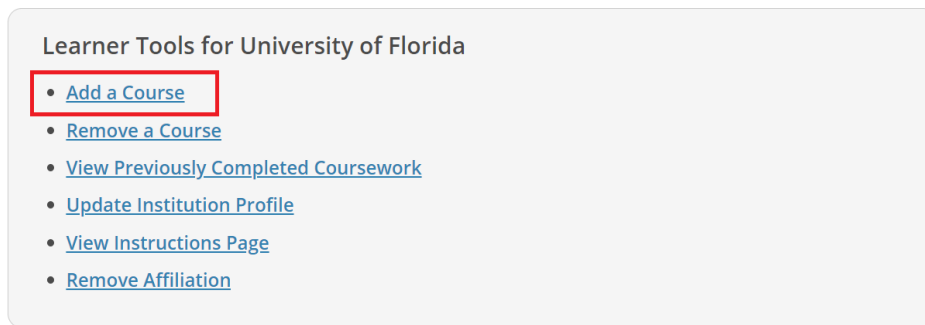
4. Click on Agree & Continue to CITI



- On the main screen of CITI training click on the University of Florida View Courses button



- On the University of Florida Courses screen, click on Add a Course at the bottom of the page



- On the next window, you will find a list of questions which pertain to the variety of CITI trainings you are eligible to take. For Questions 2, 3, 4, 6, 7, and 9, please check the box that says “Not at this time”. For Question 8, check “CITI Export Control Course”. Next click on the submit button to go to the CITI Export Control Course list.

## Question 8

### Export Compliance

If you would you like to register for the Export Compliance course, please select the appropriate option below.

- CITI Export Controls Course
- Export Compliance Refresher Course
- Not at this time.

**8. As a researcher assigned to a project which has an associated Technology Control Plan (TCP), you will be required to take the following EC CITI Modules:**

- **Introduction to Export Compliance (ID 16800)**
- **Export Compliance for Researchers: Part I (ID 16801)**
- **Export Compliance for Researchers: Part II (ID 16802)**

**Click on the start button next to each of the above modules to add to your course queue.**

**9. Additional optional training is available for all Research Administrators and Staff who may interact with export control projects. Recommended training modules with CITI include:**

- **Introduction to Export Compliance (ID 16800)**
- **Export Compliance for Research Administrators (ID 16803)**

**Click on the start button next to each of the above modules to add to your course queue.**

**10. Upon completion of the required EC CITI modules, your completion record will automatically be sent to UFRI, there is no need to send to our office. You may want to download/print a copy for your records.**

**11. On an annual basis, a refresher will be required. UFRI will reach out to you at the appropriate time.**