



UNIVERSITY OF  
**GEORGIA**

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 should be directed to Dan Runge, Export Compliance Officer, at 706.542.4188 or [drunge@uga.edu](mailto:drunge@uga.edu). Visit [research.uga.edu/export-control](http://research.uga.edu/export-control)

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# Regulatory Overview

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## Introduction

The Office of Export Control provides oversight, assistance, and training in complying with Federal export control regulations regarding access by foreign nationals to or the transfer abroad of scientific instruments and other equipment, technologies, software and materials. In addition to export controls, the Office also works to assure compliance with federal economic and trade sanctions that bar transactions with sanction-listed people, entities, and governments.

## What are export controls?

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. The export control regulatory scheme is most often implicated when:

- The export has actual or potential military application or is restricted by sanctions
- The government is concerned about the export's destination country, organization, or individual recipient of the export
- The government is concerned about the end-use or end-user of the export

## What is an export?

An export occurs when any item (commodity, software, technology, technical data, or equipment) or information is sent from the U.S. to a foreign destination or via technology provided to a foreign national here or abroad. The manner in which the transfer or release of the item occurs is irrelevant.

Examples of export activities include: international shipments, written or oral communications, hand-carrying items when travelling, providing access to or visual inspection of equipment or facilities. Additionally, the provision of services (defense or potentially otherwise) outside of the U.S. and potentially within the U.S., depending on the nature of the service, is considered an export.

## What is a deemed export?

A deemed export is the release or disclosure of information or technology to any foreign person within the United States. Deemed exports are treated as an export to that foreign person's home country. Deemed exports are a primary area of export control concern in the university setting. Note that persons with permanent resident status or U.S. citizenship, and persons granted status as a "protected individual" are exempt from the deemed export rule.

## Who is a foreign national?

**A foreign national is any person who is NOT a:**

- U.S. citizen or national
- U.S. lawful permanent resident
- Person granted asylum
- Person granted refugee status
- Temporary resident

**Foreign nationals include:**

- Persons in the U.S. in non-immigrant status (for example, H-1B, H-3, L-1, J-1, F-1 Practical Training)
- Persons unlawfully in the U.S.

### **Why have export controls?**

Export controls are necessary to protect the foreign policy and national security interests of the United States. Export controls:

- Restrict exports that could contribute to U.S. adversary's military potential
- Prevent proliferation of weapons of mass destruction (nuclear, biological, chemical)
- Prevent terrorism
- Assure compliance with U.S. trade agreements and trade and economic sanctions

### **Why is compliance important?**

- Growing foreign national involvement in science and technology related research
- Potential growth of defense-related research both with government and industry sponsors
- Potential publication/dissemination and citizenship restrictions in sponsored research
- Growing portfolio of international collaborations, travel, and research sites
- Failure to comply with U.S. export regulations and economic sanctions can result in severe penalties attributable to both the institution and individual

### **How can the regulations impact your work?**

May restrict ability to:

- Ship, hand carry, or transfer items out of the U.S.
- Travel internationally with equipment (including laptops, depending on destination country)
- Collaborate with foreign colleagues and institutions
- Allow the participation of foreign students, scholars, and visitors in research activities
- Provide services (including training) to foreign persons, both here and abroad
- Conduct research freely without having to apply for an export license and/or implement security access controls

### **What is the Fundamental Research Exclusion (FRE)?**

Fundamental research is *basic and applied research in science and engineering, where the resulting information is ordinarily published and shared broadly within the scientific community. Such research can be distinguished from proprietary research and from industrial development, design, production, and product utilization, the results of which ordinarily are restricted for proprietary reasons or specific national security reasons . . .* University research is considered to be fundamental to the extent that researchers do not accept restrictions on the publication of scientific and technical information resulting from the research. UGA research topics will typically fall within this exclusion. The FRE does not apply to physical equipment used during fundamental research or to the export of physical equipment. Additionally, a sponsor may provide background technical data that is export controlled, for use during fundamental research activities.

### **Which federal authorities administer export control and economic sanction regulations?**

The following U.S. governmental agencies administer the primary export control and economic sanctions regulations:

- The Department of Commerce administers the [Export Administration Regulations \(EAR\)](#)
- The Department of State administers the [International Traffic in Arms Regulations \(ITAR\)](#)
- The Treasury Department administers the [Office of Foreign Assets Control \(OFAC\)](#)

## 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 enforced these regulations within higher education, resulting in numerous investigations as well as civil and criminal sanctions at the university and individual levels. While UGA is committed to maintaining a teaching and research environment with global reach, we remain equally committed to full compliance with all export regulations.

As with all areas of research compliance, we strongly emphasize taking advantage of these resources. Most importantly, if you have any questions or become aware of a potential export control issue, please contact one of the designated individuals listed on the contacts page as soon as possible.

## Department of Commerce - Export Administration Regulations (EAR)

### Introduction

The EAR control the export of dual-use items, which are items that have primary civilian or commercial uses and military or space application. These items are classified on the Commerce Control List (CCL). The CCL is a “positive list.” If an item’s specifications are NOT listed on the CCL, then, generally, the EAR does not apply. The EAR also control the export of purely commercial commodities in support of U.S. trade and embargo policies. Purely commercial items are classified as EAR99 and have limited export restrictions. EAR99 items are restricted, however, for export to embargoed countries, prohibited persons, and prohibited end-uses.

Many activities are not subject to the EAR. In addition to activities subject to the exclusive authority of another agency, e.g. the export of a defense article which is controlled under the ITAR, the EAR lists several exclusions from the regulations. These include published information, information resulting from fundamental research, educational information, and the export or reexport of items with less than *de minimis* U.S. content (where applicable).

### Important EAR Definitions and Concepts

**Export** is defined in 15 C.F.R. § 734.13 as an actual shipment or transmission of items subject to the EAR out of the U.S., or the release of technology or software subject to the EAR to a foreign national in the U.S. Additional relevant definitions are at 15 C.F.R. § 734.17 and 15 C.F.R. § 734.18.

**Deemed Export** is defined in 15 C.F.R. § 734.13(a)(2). A deemed export is any release of technology or source code subject to the EAR to a foreign person in the United States. The release is deemed to be an export to the home country or countries of the foreign national. For the purposes of the EAR, legal U.S. permanent residents, naturalized citizens, and individuals protected under the Immigration and Naturalization Act (8 U.S.C. § 1324b(a)(3)), are not considered to be foreign nationals.

**Reexport** means an actual shipment or transmission of items subject to the EAR from one foreign country to another foreign country. It also means the release of technology or software source code subject to the EAR to a foreign person of a country other than the foreign country where the release or transfer takes place (**deemed reexport**). Reexport is defined in 15 C.F.R. § 734.14. Additional relevant definitions are at 15 C.F.R. § 734.18 and 15 C.F.R. § 734.20.

**Published** is defined in 15 C.F.R. § 734.7. Information (i.e., unclassified “technology” or “software”) is published when it is made available to the public without restrictions upon further dissemination. For example, via subscriptions available without restriction, libraries, unlimited distribution at conferences, etc., and public dissemination in any form, including posting on the internet on sites publicly available.

**Fundamental Research** is *basic and applied research in science and engineering, where the resulting information is ordinarily published and shared broadly within the scientific community. Such research can be distinguished from proprietary research and from industrial development, design, production, and product utilization, the results of which ordinarily are restricted for proprietary reasons or specific national security reasons . . .* The complete definition and discussion of fundamental research, including University based research is found at 15 C.F.R. § 734.8. University research is considered to be fundamental (i.e., arises during or results from and is intended to be published) to the extent that

researchers do not accept restrictions on the publication of scientific and technical information resulting from the research. Temporary delays in publication for the protection of sponsor proprietary information do not remove research from the fundamental domain. However, if that sponsor's proprietary information is subject to the EAR, then that information remains subject in the conduct of the research.

**Educational Information** is defined in 15 C.F.R. § 734.3(b)(3)(iii). Educational Information is information released as part of a course listed in the University's course catalog, and through instruction in the classroom or teaching laboratory. Participation in the course should be open to any qualified student enrolled at the academic institution. Educational information is not subject to the EAR, even if the faculty member is teaching the class at an institution outside the U.S.

### **License Exceptions**

While the CCL is much more extensive than the USML, fewer licenses are required for items controlled under the EAR than under the ITAR because of the availability of license exceptions.

A complete listing of EAR license exceptions may be found in 15 C.F.R. § 740. Exceptions commonly applicable to members of the UGA community travelling abroad are BAG, which applies to personally-owned items taken abroad for personal use while abroad, and TMP, which applies to the temporary export of UGA-owned equipment for work-related activities, including professional presentations, teaching, and field research. It is important to note that there are limitations on the use of the TMP license exception. (1) Items must be returned to the U.S. within one year of export, or if not returned, documentation of disposal is required. (2) Items exported using the TMP license exception must be kept under the effective control of the traveler while abroad. Additionally TMP is not applicable to some restricted locations, such as Cuba. **Use of BAG and TMP license exceptions are only necessary when the permanent export of the item(s) in question would be controlled.** The Office of Export Control can assist in ascertaining whether the use of a license exception is necessary or allowed.

### **Commodity Classification**

BIS encourages exporters to use the detailed descriptions in the CCL to self-classify items to be exported. However, in the event of an incorrect classification, the exporter is liable for any resulting violations of the EAR and may be subject to resulting penalties. Self-classification may be particularly difficult in the university environment where cutting edge-research may push the boundaries of existing technologies and may not precisely meet technical specifications described in existing CCL listings. When unsure about a self-classification, the exporter may submit the item/technology to BIS for a formal classification. Contact the Office of Export Control for assistance with classifying items.

### **Antiboycott Restrictions**

The Antiboycott provisions of the EAR address foreign governments' boycott of countries allied with the U.S. According to BIS, the Arab League Boycott of Israel is the principal foreign economic boycott of concern, however anti-boycott legislation applies to all boycotts imposed by foreign countries that are not sanctioned by the United States.

The antiboycott provisions are found in 15 C.F.R. § 760. The provisions apply to any person or entity in the U.S. as well as to U.S. persons or entities abroad. UGA is a U.S. person because it is located and organized under U.S. law. The antiboycott provisions specifically prohibit the following activities:

- Agreements to refuse or actual refusal to do business with Israel or blacklisted companies

- Agreements to discriminate or actual discrimination against other persons based on race, religion, sex, national origin or nationality
- Agreements to furnish or actual furnishing of information about business relationships with or in Israel or with blacklisted companies
- Agreements to furnish or actual furnishing of information about the race, religion, sex, or national origin of another person

**U.S. persons asked to engage in the prohibited activities are required to report the request to BIS.** If you encounter boycott language in a UGA activity, please contact the Office of Export Control for assistance.

In addition to EAR antiboycott restrictions, the Treasury Department administers an antiboycott law, applicable to U.S. taxpayers that imposes reporting requirements. As of December 2016 countries which require or may require cooperation with an international boycott are Iraq, Kuwait, Lebanon, Libya, Qatar, Saudi Arabia, Syria, United Arab Emirates and Yemen.

**In addition to antiboycott compliance questions or concerns the Office of Export Control submits commodity classification requests and any export licensing or use of exceptions/exemptions for UGA related activities.**



## Department of State – International Traffic in Arms Regulations

### Introduction

The Arms Export Control Act (AECA), 22 U.S.C. § 2778 grants authority to the President of the United States to designate and control the export and import of defense articles and services. Presidential Executive Order 11958 delegates this responsibility to the Secretary of State. The Department of State Directorate of Defense Trade Controls (DDTC) administers this authority through implementation of the International Traffic in Arms Regulations (ITAR), 22 C.F.R. §§ 120-130.

The ITAR includes the United State Munitions List (USML), which lists defense articles and related technical data that are export controlled. In addition to the defense article or related technical data, constituent parts and components of the defense article are controlled under the ITAR. For example, military aircraft are on the USML, as are their engines, electronic controls, and inertial navigation 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.

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)

**Public Domain** is defined in 22 C.F.R. § 120.11. Public domain information is information which is published and which is generally accessible or available to the public. The ITAR describes means by which public domain information might be available, which in addition to libraries, subscriptions, newsstands and bookstores, include published patents and public release at conferences, meetings and trade shows *in* the U.S. where those venues are generally accessible to the public and through public release in any form after approval by the cognizant U.S. government department or agency.

### **Exporting under the ITAR**

An export as defined under the ITAR includes sending or taking a defense article out of the U.S., disclosing (including oral or visual disclosure) technical data to a foreign person whether in the U.S. or abroad, or performing a defense service on behalf of a foreign person whether in the U.S. or abroad. (See 22 C.F.R. § 120.17 for a complete definition of export under the ITAR).

A U.S. person that manufactures, brokers, or exports defense articles or services must be registered with the Directorate of Defense Trade Controls (DDTC). Registration is required prior to applying for a license or taking advantage of some license exemptions. Registered entities may apply for licenses, or permission, to export defense articles and defense services. DDTC reviews license requests on an individual basis, and consults with other agencies, such as the Department of Defense, in consideration of the request. Exports of ITAR controlled items are prohibited to some countries and individuals. The University of Georgia will register with DDTC and appoint an Empowered Official as it becomes necessary per ITAR §122.1.

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

### **Commodity Jurisdiction**

The DDTC determines if an item or technology falls within the scope of the ITAR or if the item/technology is under the jurisdiction of the Department of Commerce. While it is possible to self-classify an item, DDTC should be consulted if there is any doubt as to whether an article or service is subject to the ITAR.

**Empowered Official(s) will submit license applications and commodity jurisdictions and determine the use of exceptions/exemptions for UGA related activities. Empowered Official(s) and/or the Office of Export Control will implement technology control plans.**

## Department of Treasury – Office of Foreign Assets Control

### Introduction

The Office of Foreign Asset Controls (OFAC) administers and enforces economic and trade sanctions based on U.S. foreign policy and national security interests. Sanctions are country, regime, or activity specific and are subject to frequent change based on the changing geopolitical landscape. In addition to foreign countries and regimes, OFAC imposes sanctions on individuals, such as people the U.S. government deems to be terrorists and narcotics traffickers. The implementing regulations for the OFAC sanctions are found in 31 C.F.R. §§ 500-599, the Foreign Asset Control Regulations.

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 prohibition generally includes importation and exportation of goods and services as well as related financial transactions or engaging in business activities with SDNs. As of December 2016, OFAC sanctioned countries include comprehensive sanctions against **Crimea region of Ukraine (Ukraine-/Russia-Related), Cuba, Iran, Sudan, and Syria, and targeted sanctions against Balkans, Belarus, Burundi, Central African Republic, Democratic Republic of the Congo, Iraq, Lebanon, Libya, North Korea, Somalia, South Sudan, Venezuela, Yemen, and Zimbabwe**. This list is updated as needed on the Office of Export Control website. Additional activity based sanctions programs include Counter Narcotics Trafficking, Counter Terrorism, Cyber-related, Magnitsky, Non-Proliferation, Rough Diamond Trade and Transnational Criminal Organizations. The activity based sanctions are implemented via designation of individuals as SDNs.

### OFAC Licensing

It is important to review the specific sanctions program before conducting activities with an OFAC sanctioned entity or person, or in an OFAC sanctioned country. The sanctions specifically describe what activities are exempt, for example, personal communications and exchange of informational materials. Additionally, activities may be permitted under an applicable license and are outlined. Activities permitted under a general license do not require specific permission from OFAC prior to engaging in the activity; however, the conditions of a general license must be carefully reviewed and the use of the general license documented. Activities that do not fall under an available general license may be eligible for a specific license from OFAC. Specific license requests must be submitted and approved by OFAC prior to engaging in the sanctioned activity. Activities conducted under both general and specific licenses are subject to OFAC audit, and records must be maintained for five years after the conclusion of the activity.

**The Office of Export Control decides on the applicability of general or specific licenses and applies for licenses for UGA related activities**

## Control Lists

### Dual-Use Items and Munitions

Items, information, and software subject to U.S. export control laws and potentially used in a university environment are generally categorized in two lists: the USML and the CCL. The USML controls related to munitions are strict across the board. Items on the USML may not be exported without a license and may not be accessed by foreign nationals without a license. The CCL controls depend on the nature of the dual-use item and the destination. Dual-use means both a civil and military use. The CCL classifications are illustrated by Export Control Classification Numbers (ECCN.) If an item is not on the CCL or USML, and falls within the Commerce Department jurisdiction, it is classified as EAR99. EAR99 items are the majority of commercial goods and are only controlled for sanctioned or embargoed countries or prohibited end-users and end-uses. A number of exceptions and exclusion to control also apply. Click through the links to view the details of each control category and list.

#### [Commerce Control List \(CCL\)](#) – (EAR)

Published by the U.S. Commerce Department in the Export Administration Regulations (EAR)

Detailed explanations about ECCNs and EAR99 may be found [here](#).

- [Category 0](#)  
Nuclear Materials, Facilities and Equipment (and Miscellaneous Items)
- [Category 1](#)  
Special Materials and Related Equipment, Chemicals, Microorganisms, and Toxins
- [Category 2](#)  
Materials Processing
- [Category 3](#)  
Electronics
- [Category 4](#)  
Computers
- Category 5  
[Part 1](#): Telecommunications  
[Part 2](#): Information Security
- [Category 6](#)  
Sensors and Lasers
- [Category 7](#)  
Navigation and Avionics
- [Category 8](#)  
Marine
- [Category 9](#)  
Aerospace and Propulsion

#### [U.S. Munitions List \(USML\)](#) – (ITAR)

Published by the US State Department in the International Traffic in Arms Regulations (ITAR)

- Category I  
Firearms, Close Assault Weapons and Combat Shotguns
- Category II  
Guns and Armament
- Category III  
Ammunition/Ordnance

- Category IV  
Launch Vehicles, Guided Missiles, Ballistic Missiles, Rockets, Torpedoes, Bombs, and Mines
- Category V  
Explosives and Energetic Materials, Propellants, Incendiary Agents, and Their Constituents
- Category VI  
Surface Vessels of War and Special Naval Equipment
- Category VII  
Ground Vehicles
- Category VIII  
Aircraft and Related Articles
- Category IX  
Military Training Equipment and Training
- Category X  
Personal Protective Equipment
- Category XI  
Military Electronics
- Category XII  
Fire Control, Range Finder, Optical and Guidance and Control Equipment
- Category XIII  
Materials and Miscellaneous Articles
- Category XIV  
Toxicological Agents, Including Chemical Agents, Biological Agents, and Associated Equipment
- Category XV  
Spacecraft and Related Articles
- Category XVI  
Nuclear Weapons Related Articles
- Category XVII  
Classified Articles, Technical Data, and Defense Services Not Otherwise Enumerated
- Category XVIII  
Directed Energy Weapons
- Category XIX  
Gas Turbine Engines and Associated Equipment
- Category XX  
Submersible Vessels and Related Articles
- Category XXI  
Articles, Technical Data, and Defense Services Not Otherwise Enumerated

### **Pathogens and Toxins**

Department of Commerce dual-use export controlled pathogens and toxins are found on the Commerce Control List (CCL) in Category 1 at ECCNs 1C351 through 1C354. Please note that export controls also apply to genetic elements and genetically modified organisms that contain DNA associated with the pathogenicity of these biological materials. Civil and/or criminal penalties apply to international shipments without an export license of any export controlled pathogen or genetic material containing the controlled DNA.

### **Chemicals, Chemical Agent Precursors, Propellants, Explosives, and Energetic Materials**

The EAR controls chemical agent precursors in 1C350 and 1C355. 1C350 includes chemicals that may be used as precursors for toxic chemical agents. 1C355 includes Chemical Weapons Convention (CWC) Schedule 2 and 3 chemicals and families of chemicals not controlled by ECCN 1C350 or by the Department of State under the ITAR. Further information about the Chemical Weapons Convention requirements of the EAR may be found on the [CWC website](#).

The ITAR controls certain military-related “Explosives and Energetic Materials, Propellants, Incendiary Agents, and Their Constituents” at Category V and “Toxicological Agents, Including Chemical Agents, Biological Agents, and Associated Equipment” at Category XIV, of the [US Munitions List \(USML\)](#)

## Sanctions and Embargoes (as of December 2016)

### Overview

Certain organizations and individuals are subject to trade sanctions, embargoes, and other restrictions under U.S. law. The Export Compliance Officer, and other registered UGA users, can screen entities and individuals against these lists using [Visual Compliance](#).

Embargoes and sanctions can be either *comprehensive* or *targeted*. Comprehensive embargoes prohibit virtually all exports/imports and other transactions without a license or other U.S. Government authorization. Targeted sanctions are prohibitions on trade in specified goods, technologies, and services with specific organizations (including foreign governments) and persons.

If you intend to ship or transact with any country that is identified on the Comprehensively Embargoed Countries lists below, or North Korea or Iraq, contact the Office of Export Control.

If you intend to ship or transact with any other country that is identified on the Targeted Sanctions Countries lists below, contact the Office of Export Control.

### ***Sanctioned Countries***

#### **Comprehensive Sanctions or Embargoes**

OFAC

Crimea region of Ukraine, Cuba, Iran, Sudan, Syria

EAR

Crimea region of Ukraine, Cuba, Iran, North Korea, Sudan, Syria

See [Sanctions Program and Country Summaries](#) and the [EAR's Part 746](#) embargoes pages for more specific information

#### **Targeted Sanctions or Embargoes**

OFAC

Balkans, Belarus, Burundi, Central African Republic, Democratic Republic of the Congo, Iraq, Lebanon, Libya, North Korea, Somalia, South Sudan, Venezuela, Yemen, Zimbabwe

EAR

Iraq

See [Sanctions Program and Country Summaries](#) and the [EAR's Part 746](#) embargoes pages for more specific information.

#### **Countries with Restricted Entities on the [EAR Entity List](#)**

Afghanistan, Armenia, Australia, Austria, Belarus, Belize, Canada, People's Republic of China, Crimea region of Ukraine, Cyprus, Ecuador, Egypt, Estonia, Finland, France, Germany, Greece, Hong Kong, India, Iran, Iraq, Ireland, Israel, Kazakhstan, Lebanon, Luxembourg, Malaysia, Netherlands, Norway, Pakistan, Panama, Philippines, Romania, Russia, Singapore, South Africa, South Korea, Sweden, Switzerland, Syria, Taiwan, Thailand, Turkey, Uganda, Ukraine, United Arab Emirates, and United Kingdom.

### **ITAR Proscribed Countries**

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

### **Organizations and Individuals**

There are two primary lists:

1. The OFAC [Specially Designated Nationals and Blocked Persons List](#), and
2. The Commerce Department's [Entity List](#).



# Compliance Procedures at UGA

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## Introduction

The University of Georgia is committed to compliance with federal export control and economic sanctions regulations. As part of this commitment, UGA engaged an external consultant to undertake an assessment of the institution's risk profile, make recommendations, and provide a roadmap for building a compliance program. The institution further committed to compliance by hiring a full-time Export Compliance Officer and creating the Office of Export Control. The approach to compliance is to bring stakeholders across campus into the process, from Sponsored Projects Administration to Procurement. The following pages will provide brief snapshots of how the Office of Export Control works with stakeholders across the University of Georgia.

## Roles, Responsibilities, and Procedures

### Office of Research Compliance

The Office of Export Control, located within the Office of Research Compliance, is a unit of the Office of Research. While located within compliance, the Office of Export Control works across a wide variety of academic departments and operational units in primarily a service role. Under the leadership of the Vice President for Research and as a member of the Research Compliance team, the Office of Export Control's goal is to find the appropriate balance between risk and burden, so that the Office can, in compliance with federal law, facilitate research and other university activities.

#### *Associate Vice President for Research Compliance*

The Export Compliance Officer reports to the Associate Vice President for Research Compliance. The AVP for Research Compliance is responsible for oversight of the Office of Export Control and works with the Export Compliance Officer to raise awareness about export controls and economic sanctions and to ensure that the University of Georgia is implementing appropriate compliance procedures. When the need to register as a manufacturer, exporter, importer, or broker of defense articles arises, the AVP for Research Compliance may serve as an Empowered Official for purposes of registration with the Directorate of Defense Trade Controls.

#### *Export Compliance Officer*

The Export Compliance Officer (ECO) manages the day-to-day activities of the Office of Export Control. These activities include outreach and awareness building, developing, implementing, and reviewing compliance procedures, reviewing and analyzing export compliance and sanctions related requests, responding to inquiries, and staying up-to-date on evolving regulations. These duties extend beyond research endeavors and into many operational units with potential export control and sanctions exposure. The ECO is the main point of contact with the external export control consultant. The ECO engages with the external consultant as needed for training, help desk support, and guidance on the regulatory environment. The Export Compliance Officer manages the University of Georgia SNAP-R, Automated Commercial Environment (ACE), and Visual Compliance accounts. When the need to register as manufacturer, exporter, importer or broker of defense articles arises, the Export Compliance Officer may serve as an Empowered Official for purposes of registration with the Directorate of Defense Trade Controls.

### *Registration with Commerce, Treasury, and State Department Licensing Authorities*

The University of Georgia has a Commerce Department SNAP-R account, managed by the Export Compliance Officer. As needed, export license applications, commodity classification requests, encryption registration, and license exception AGR notifications are processed via SNAP-R. The ECO is responsible for submitting these requests and will, as needed, provide access to SNAP-R to other UGA personnel for assistance in submitting SNAP-R requests. **The Office of Export Control submits commodity classification requests and any export licensing or use of exceptions/exemptions for UGA related activities in addition to antiboycott questions.**

The Export Compliance Officer is responsible for submitting Treasury Department Office of Foreign Assets Control license applications for University of Georgia related activities. These applications are submitted via the OFAC online portal. **The Office of Export Control decides on the applicability of general or specific licenses and applies for licenses for UGA related activities.**

The University of Georgia will register, when required, with the State Department Directorate of Defense Trade Controls as a manufacturer, exporter, importer, or broker of defense articles or if furnishing defense services, as required by [§122.1](#) of the International Traffic in Arms Regulations. The University, when required, will appoint an Empowered Official(s) pursuant to [§120.25](#) of the ITAR.

The Empowered Official(s) (EO) will be a U.S. person, directly employed in a position having authority for policy or management, legally empowered in writing by UGA to sign license applications or other requests on behalf of UGA. The EO will understand the provisions and requirements of the various export control statutes and regulations, as well as various liability and penalties for violations, and have the independent authority to enquire into any aspect of a proposed export or temporary import, verify the legality of the transaction and accuracy of information submitted, and refuse to sign any license application or other request for approval without prejudice or other adverse recourse.

**Empowered Official(s) will submit export license applications and commodity jurisdiction requests and determine applicability of any export licensing requirements or use of exceptions/exemptions for UGA related activities. Empowered Official(s) and/or the Office of Export Control will implement technology control plans.**

### **Restricted Party Screening – Visual Compliance**

The University of Georgia uses Visual Compliance software, by eCustoms, to engage in restricted party screening. As an educational and research institution, there are numerous “customers” that may require screening. Sponsors, vendors, visitors, international cooperative agreement partners, and end-users of physical exports, for example. The Visual Compliance screening 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.

## Partnering Across Campus

The Office of Export Control approaches compliance from a collaborative perspective, engaging with partners across campus. The Office partners with a variety of operational units on campus in the implementation of compliance procedures, in building awareness about the regulations, and training individuals and units in the identification of potential export controls and sanctions flags. A **Focal Point** network of individuals from potentially risk-sensitive departments engaged in fact and scenario based training in the fall of 2014. These trainings covered a variety of topics at a micro level. Focal points hold roles as various as Department Head, Administrative Specialist, Procurement Officer, and Associate Dean. Training is also associated with project, equipment, and technical data based TCPs. Training and workshops are provided as needs arise.

**Principal Investigators** are best positioned to know about the nature of their research endeavors and activities. As such, the Office of Export Control engages in awareness workshops and project or item/information specific training for risk sensitive departments and activities.

PIs have expert knowledge of the type of information or technology involved in a research project or other university activities, such as presenting at conferences and discussing research findings with fellow researchers or collaborators. PIs must ensure they do not disclose controlled information, including information provided under non-disclosure agreements or provided by sponsors with dissemination or foreign national participation restrictions. PIs must also avoid the transfer of controlled articles or services to foreign nationals, via physical or deemed export, without prior authorization. PI responsibility includes:

- Participating in training and identifying others that should attend
- Developing familiarity with regulations to enable the identification of potential flags
- Understanding obligations under the export control laws
- Assisting the Office of Export Control in classifying technology and items that may be subject to export control laws
- Cooperating with the Office of Export Control in assessing whether or not controls may be applicable and cooperating with UGA efforts to maintain compliance
- Adhering to technology control plans for any activity, data, or equipment where the need for such a plan is identified
- Understanding that compliance is a joint individual-institutional endeavor

The Office of Export Control works with **Sponsored Projects Administration** in identifying potential export control or sanctions flags, including identifying foreign sponsors, collaborators, or subcontractors, foreign research sites, or research involving U.S. Munitions List items or technical data. SPA staff help identify flags including publication or foreign national participation restrictions, specific mention of the applicability of export controls to the project, and the presence of troublesome clauses.

The Office of International education houses the **International Partnerships (IP)** and **International Scholar, Student, and Immigration Services (ISSIS)** offices. International Partnerships staff use Visual Compliance to screen potential partners and can identify potential

flags in agreements. ISIS staff members use Visual Compliance to screen individuals on whose behalf the University is petitioning for a visa. Additionally, ISIS administers a deemed export questionnaire for H1-B, J-1 and O-1 visa holders. Both IP and ISIS staff escalate potential issues to the Office of Export Control. The Export Compliance Officer assists departments with filling out the deemed export questionnaire and answers any related questions. Additionally, the Office of International Education administers an international travel registry which identifies the export of UGA-owned equipment abroad and travel to Crimea region of Ukraine, Cuba, Iran, North Korea, Sudan, and Syria, as well as travel to other OFAC sanctioned and ITAR proscribed countries.

**Procurement** plays a key role in assessing whether items purchased by UGA have any applicable export controls. Procurement purchase orders request that vendors provide ECCN or USML category, if known, for equipment purchases. P-card training and manual includes export control advisements. Additionally, any vendor export control language will result in requesting specific classifications from the vendor before purchase. Control classifications are maintained in the UGA mart system. The Office of Export Control reviews classifications that are provided by vendors. Depending on the material or equipment involved, the Export Compliance Officer contacts the PI or department representative to ensure that any ITAR-controlled or CCL 500 or 600 series items are secured under a TCP or to ascertain from the PI whether there are any deemed export concerns via use technology. Once an ITAR item is identified, **Property Control** is alerted, the classification is added to the inventory record, and a red "ITAR US Person Access Only" sticker is added to the controlled item. **Accounts Payable** utilizes Visual Compliance on a daily basis to screen new vendors and identify potential flags.

**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 receives all requests for MTAs and NDAs and review them for export control and sanctions risks.

The University of Georgia does not have a centralized shipping office. The Office of Export Control works with a variety of on campus entities when it comes to **International Shipping**. Key aspects include outreach to potentially risk sensitive departments, identifying and informing purchasers about any potential controls applicable to purchases, reviewing MTA's with international destinations (or incoming MTA's with export control language) and interfacing with Biosafety, Environmental Safety, Mail and Receiving Services, and Property Control. The Office of Export Control will make determinations as to applicable controls, use of exceptions or exemptions, license applications, and use of Visual Compliance to screen recipients. As is with all areas, international shipping compliance is evaluated regularly to assure appropriate procedures are implemented.

## **Training, Technology Control Plans, Licensing, and Use of Exceptions/Exemptions**

### **Training and Awareness**

The Office of Export Control is committed to providing awareness workshops and training to the University of Georgia community. An ability to identify potential export controls and sanctions issues is key to a comprehensive compliance program. Training and awareness workshops take different formats. Workshops are provided to risk sensitive academic departments and operational units. Awareness workshops take a macro approach to discussing the regulations. A focal point network, referenced above, was established to build awareness in risk sensitive departments.

### **Technology Control Plans**

Implementation and compliance with Technology Control Plans are key to an effective compliance program. Technology Control Plans are implemented to protect the disclosure of controlled technical data and equipment to non-US persons. TCPs can arise when an entire project is export controlled, when a single piece of equipment is export controlled, or when a PI is accessing or storing controlled technical data as background information related to an otherwise fundamental research endeavor, for example. U.S. persons accessing data or equipment covered by a TCP must agree to its contents and restrictions and sign an acknowledgement.

### **Licensing and Use of Exceptions/Exemptions**

The Office of Export Control (and the Empowered Official, as required pursuant to the ITAR) is responsible for determining when a license application is necessary and if a license exception or exemption is available and appropriate.

The Office of Export Control submits Commerce Department commodity classification requests and any export licensing or use of exceptions/exemptions for UGA related activities in addition to antiboycott questions.

Empowered Official(s) will submit ITAR export license applications and commodity jurisdiction requests and determine applicability of any export licensing or use of exceptions/exemptions for UGA related activities. Empowered Official(s) and/or the Office of Export Control will implement technology control plans concerning ITAR items or technical data.

The Office of Export Control decides on the applicability of OFAC general or specific licenses and applies for licenses for UGA related activities.

### **Recordkeeping**

The University of Georgia must comply with various record keeping requirements of the EAR, ITAR, OFAC and related laws and regulations. Records are generally maintained by the Office of Export Control, but in some instances documents are maintained locally with operation units. For example, ISSIS maintains all SEVIS program records and deemed export questionnaires. Procurement maintains export control classifications in UGA mart.

Export control records that are retained and secured include any licenses, license applications, policies, manuals, forms and guidelines, memoranda, notes, correspondence, screens, contracts, invoices and other financial records, shipping documents including bills of lading and Shipper's Export Declarations

and Automated Commercial Environment (ACE) records, certificates, audit/review check sheets and reports. Training/awareness records are also retained by Research Compliance and include sign-in sheets signed by persons attending, including the date and location of training. Records are maintained for a period of five years from the expiration date of the authorization or date an exemption is claimed. Thereafter, the records shall be discarded consistent with the University of System of Georgia record retention policy.

### **Monitoring and Review of the Compliance Program**

In order to maintain an effective export compliance program and to ensure consistent adherence to U.S. export laws, the Export Compliance Officer will conduct internal reviews of TCPs and export records. The purpose of the review is (1) to identify possible violations; and (2) to identify deficiencies in training, procedures, etc... that can be rectified.

In addition, the Office of Export Control regularly evaluates current procedures and identifies potential areas for new or improved compliance procedures. These reviews 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 needs
- Reviewing License and Technology Control Plan compliance
- Updating guidelines, procedures, forms, and website information

### **Detecting and Reporting Violations**

#### *Commitment to Reporting*

An integral part of export compliance is the reporting and investigation of suspected violations of export controls and economic sanctions. Members of the UGA community are expected to contact the Office of Export Control should they have any questions about the application of export control and/or economic sanctions to their research or other activities. UGA faculty, administrators, staff, and students should report any potential violations to the Office of Export Control and/or the Associate Vice President for Research Compliance.

#### *Compliance Hotline*

Suspected violations relating to export controls and economic sanctions, as well as other compliance concerns, may be reported through the UGA Compliance, Ethics, and Reporting Hotline at <http://legal.uga.edu/hotline.html>

#### *Investigation*

If an alleged violation is reported, an investigation will commence and an appropriate response will follow. If the allegation merits further attention, the Office of Export Control will work with the appropriate parties in undertaking an investigation. The results of an investigation will be relayed to senior administrators to consider further action, including notification to the appropriate government agency and the implementation of corrective action. All documents and records relating to any suspected violation must be secured and maintained in accordance with all applicable record keeping requirements

# Appendix A

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## Project and/or Background Technical Data Technology Control Plan

### *Technology Control Plan (TCP) – University of Georgia*

#### ***PI – ITAR Export Controlled Background Technical Data – “Project Title”***

***SPA Award ID#***

***Sponsor Award#***

#### **Introduction**

The purpose of this Technology Control Plan (TCP) is to establish the safeguards required by U.S. export control regulations that apply to export controlled background technical data provided by <X> to, and accessed by, PI, as a part of the “Project.” Specifically, the background technical data is marked as export controlled by its respective originators. These technical data are marked as controlled under U.S. International Traffic in Arms Regulations (ITAR) and are thus restricted from access by non-U.S. persons (foreign nationals<sup>1</sup>) unless otherwise authorized for access by export authorization from the Department of State’s Directorate of Defense Trade Controls (DDTC).

Under the ITAR, access is defined as physical access to and/or visual contact with such items, *regardless* of whether the person with such access is actually using the item for research purposes. In other words, the threshold for triggering the ITAR access restriction is low: unless a foreign national is specifically authorized by export license to access such items under this broad definition, they may not have any physical access or any visual contact with such items. Note: this restriction does not apply to research results unless otherwise restricted by sponsorship agreement. The access restriction only applies to the particular controlled background technical data PI accesses during the Project. (Note: the Project only involves US persons.)

For purposes of ITAR controls, the definition of technical data includes but is not limited to the following:

- Data pertaining to controlled instruments, software, etc. not otherwise in the public domain, including drawings, blueprints, schematics, specifications, or background information
- Operation Manuals and related documentation related to controlled instruments and software

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<sup>1</sup> In relevant part, ITAR defines foreign nationals as those individuals who are neither U.S. citizens nor Permanent Residents, but not recipients of Political Asylum Refugee Status. Typically, therefore, foreign nationals may include those present in the U.S. on temporary immigration visas –students or scholars at UGA on a J visa; employees present on an H-1 or O visa; or any visitor on campus who is present on a B visa.

- Data communicated through email, verbal conversations, or meeting notes pertaining to controlled items or controlled technical data (other than research results not otherwise restricted for publication or dissemination).

For additional information about ITAR regulations, consult the University of Georgia's Export Controls [website](#).

Failure to adhere to these regulations and the TCP which follows can result in an enforceable export control violation. Enforcement penalties can be civilly assessed and criminally prosecuted against both the University of Georgia and *the individual* associated with causing or facilitating the export violation. Therefore, it is of the utmost importance that all persons associated with access to the ITAR export controlled technical data strictly adhere to the following requirements, and sign the Acknowledgement-of-Understanding Certification, Non-Disclosure Statement, and Technology Control Plan Briefing Acknowledgment contained herein.

#### **Description of the ITAR Export Controlled Technical Data**

<Enter Description>

#### **TCP Oversight: Roles and Responsibility**

The following individuals are responsible for implementing the provisions of this TCP.

##### (1) Responsible Party

PI:

Email:

Telephone:

Location:

PI, as the Responsible Party and custodian of the information, determines, in consultation with the Export Compliance Officer, who from UGA will access the controlled technical data. Any individual who wishes to gain access to the controlled technical data must first be authorized by the Responsible Party, in consultation with the Export Compliance Officer. PI TCP Oversight responsibilities include the following:

- Approving access to the controlled technical data by UGA persons and coordinating technical data access with external participants. There are currently no other external participants (other than Sponsor contacts) or UGA persons other than PI that will access the technical data through the UGA workstation. PI will consult the Export Compliance Officer before external parties are to access the technical data.
- Approving all desktop access applicable to all parties accessing the controlled technical data (faculty, staff and students), including locked cabinet storage for hard copy technical data, and coordinating security measures with the Facilities Manager, as necessary.





- Communicating TCP requirements to all participants accessing the controlled technical data and obtaining TCP Acknowledgement Certifications from each participant
- Coordinating with IT Manager and the Export Compliance Officer on all levels of IT access to controlled technical data, and software, intranet usage to transfer data, and marking of technical data files, and termination of access privileges where required
- Coordinating with the Export Compliance Officer on ongoing training and monitoring of TCP requirements

(2) Export Compliance Officer

Daniel Runge, Export Compliance Officer, Office of Export Controls

Email: [drunge@uga.edu](mailto:drunge@uga.edu)

Telephone: 706.542.4188

Daniel Runge serves as UGA's Export Compliance Officer and, as such, has overall oversight for ensuring that the terms of this TCP are adhered to. This includes:

- Ensuring that those accessing the technical data are sufficiently trained on TCP requirements and have signed the Acknowledgement Certifications;
- Working with the Responsible Party and the IT Manager to ensure that all facility access and IT protocols protecting the controlled technical data subject to the TCP are adhered to by everyone engaged in accessing the controlled technical data;
- Responding to any inquiries from faculty, students and staff pertaining to export control over this controlled technical data; and
- Responding to any potential breaches of TCP requirements, in the event this occurs.

(3) Facilities Management and Physical Security

PI shall be responsible for ensuring that the desktop workstation on which the controlled technical data is accessed is adequately secured by lock/key behind his office door. Specific responsibilities include:

- Coordinating with facilities, as necessary, on lock, key and/or badge controls
- Logging off of the workstation when not in use and assuring the office door to the workstation is locked upon leaving his office

(4) IT Manager

Name:

Email:

Telephone:

Location:

IT Manager, shall be responsible for IT security with respect to approved access to Dr. Davis' computer, network and intranet systems, and secured data files as authorized by Responsible Party and Export Compliance Officer. Specifically these responsibilities include:

- User Authentication and password protection of all persons accessing the controlled technical data subject to this TCP;
- Dedicated virtual machine/security;
- Data file marking/designation;
- Establishing read/write privileges as authorized;
- Control of laptops, intranet controls;
- Encrypted functions where required;
- Terminating access rights when required;
- Testing all security protocols on an ongoing basis and reporting results back to Responsible Party and Export Compliance Officer on a quarterly basis; and
- Ensuring that all other IT personnel supporting the Program are appropriately aware of and trained for TCP control purposes.

#### **ITAR Controlled Technical Data Subject to this TCP**

The following items are subject to this TCP. The technical data classified as ITAR export controlled are stored on and only accessible through the virtual machine on PI's Windows 7 workstation.

<Description>

#### **Individuals Authorized to Access PI's ITAR Export Controlled Technical Data**

Only U.S. persons as defined in the ITAR and confirmed by Responsible Party or Export Compliance Officer shall access the controlled technical data. The U.S. person status of all new participants must be confirmed prior to accessing the technical data.<sup>2</sup>

Responsible Party and Export Compliance Officer shall maintain a list of individuals currently authorized to access the ITAR export controlled technical data and who have signed the TCP Acknowledgement Certification. This list shall be revised as necessary according to student, faculty and personnel changes. Only Responsible Party, in consultation with the Export Compliance Officer, is authorized to designate which individuals shall have access to the technical data.

#### **Authorization to Access the ITAR Export Controlled Technical Data**

Only Responsible Party, in consultation with the Export Compliance Officer, shall authorize who shall access the above-referenced ITAR export controlled technical data. Based on this authorization, only Responsible Party, Export Compliance Officer, and IT Manager shall facilitate access to the controlled technical data.

#### **Secured Access to ITAR Controlled Technical Data Files (soft and hard copy) and Data Controls**

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<sup>2</sup> Note: Consult HR Department for appropriate confirmation procedures. Proof of I-9 documentation does not necessarily confirm US person status. The same level of documentary evidence required by E-Verify (e.g. U.S. passport, birth certificate, or Permanent Residence Card) confirms U.S. person status.

The IT Manager shall coordinate with Responsible Party to ensure that the dedicated virtual Windows 7 client machine is physically secured at all times, and accessible only by IT approval. The IT Manager shall ensure that only U.S. persons are permitted to administer the server when needed and obtain documentation supporting U.S. person status from HR when required for confirmation.

Responsible Party shall assign password-protected access to the computers by which the controlled technical data is accessed. This authorization is required for UGA-affiliated faculty, staff, and students as well as external parties.

Responsible Party will contact the IT Manager and Export Compliance Officer before laptops are to be used to store or access any ITAR export controlled technical data.

Responsible Party is allowed read, write, delete, and printable rights to the encrypted virtual drive. If other parties need access to the data, they will have read only rights to the encrypted virtual drive.

All ITAR export controlled technical data shall be secured in the manner outlined in the "Description of Security Parameters" document, drafted by IT Manager and attached to this TCP.

Any controlled hard copy documentation shall remain within control of the Responsible Party and, when in use, remain under his direct oversight or supervision. When hard copies of controlled technical data are not in use, they shall be stored in locked cabinet(s) within PI's office.

At no time may any hard copy documentation be reproduced by any electronic photographic means, including photocopy machines, unless otherwise authorized by Responsible Party, in consultation with the Export Compliance Officer.

At no time may USB jump drives or CDs be used to download controlled technical data without first consulting the Export Compliance Officer and the IT Manager.

#### **Restrictions on Transfer of ITAR Export Controlled Technical Data and Confidentiality of Technical Data**

Likewise, under no circumstances may ITAR export controlled technical data be transferred for any reason by any means to any individual outside the approved list of persons authorized to access the technical data, unless authorized by Responsible Party and Export Compliance Officer.

Prohibited transfer applies, but is not limited, to the following situations:

- Electronically sending any controlled technical data to an unauthorized individual;
- Downloading controlled technical data to a CD (or other device) and providing it to an unauthorized individual;
- Making hard copies and providing them to an unauthorized individual;
- Verbally communicating content to an unauthorized individual; and
- Allowing visual contact by an unauthorized individual to the controlled technical data

#### **Travel Restrictions Pertaining to Laptops or External Storage Devices**

Under no circumstances may the ITAR export controlled technical data be taken outside of the United States, on a laptop or on any external storage devices, or otherwise.

### **Terminating Technical Data Access: Ongoing Confidentiality Requirement**

If at such time a program participant terminates participation in the program, Responsible Party shall ensure that all access privileges to the ITAR export controlled technical data (soft and hard copy) are immediately terminated.

Consistent with the TCP Acknowledgment Certification, such participants shall be advised of their ongoing obligation to maintain strict confidentiality about the content of controlled technical data known to this person.

### **Notification of Potential TCP Breach/Violations**

Any suspected breach of the foregoing TCP controls and any known violation shall be reported immediately upon discovery of said fact to Responsible Party and the Export Compliance Officer

### **Required Recordkeeping**

The following records shall be maintained throughout the duration of the need to access the ITAR export controlled technical data and for at least five years thereafter:

- List of all approved Program participants
- Copies of all signed TCP Acknowledgement Certifications
  - UGA faculty, students, staff
  - External (visiting) faculty, staff
- Records of communications and any other materials related to the implementation of this TCP

### **TCP Revisions**

All revisions to this TCP shall be authorized only by Responsible Party and the Export Compliance Officer. When such revisions are made, they shall be incorporated in an updated TCP that is clearly designated by version number and date.

Responsible Party, with assistance from the Export Compliance Officer, shall ensure that all program participants are trained to and using the revised TCP.

# Appendix B

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## Equipment Technology Control Plan

### PI – ITAR Export Controlled Equipment and Any Associated Instruction Manuals

#### Introduction

The purpose of this Technology Control Plan (TCP) is to establish the safeguards required by U.S. export control regulations that apply to export controlled equipment in the custody of PI. These equipment and associated instruction manuals are controlled under U.S. International Traffic in Arms Regulations (ITAR) by the U.S. Munitions List (USML) and are thus restricted from access by non-U.S. persons (foreign nationals)<sup>3</sup> unless otherwise authorized for access by export authorization from the Department of State's Directorate of Defense Trade Controls (DDTC).

Under the ITAR, access is defined as physical access to and/or visual contact with such items, regardless of whether the person with such access is actually using the item for research purposes. For additional information about ITAR regulations, consult the University of Georgia's Export Controls [website](#).

Failure to adhere to these regulations and the TCP that follows may result in an enforceable civil or criminal export control violation.

#### Description of the Equipment Controlled by ITAR Category <X>

<Description>

#### Physical Security

Responsibility for physical security lies with PI. The equipment and any instruction manuals shall be secured in PI's office (<Office Location>) when not in use and secured behind lock and key.

#### Access restrictions

Access to and use of the equipment and any instruction manuals is limited to U.S. Permanent Residents and U.S. Citizens unless authorized by DDTC. Those accessing the controlled items must sign the TCP Briefing and Acknowledgement-of-Understanding Certification on page 2.

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<sup>3</sup> In relevant part, ITAR defines foreign nationals as those individuals who are neither U.S. citizens nor Permanent Residents, but not recipients of Political Asylum Refugee Status. Typically, therefore, foreign nationals may include those present in the U.S. on temporary immigration visas –students or scholars at UGA on a J visa; employees present on an H-1 or O visa; or any visitor on campus who is present on a B visa.

# Appendix C

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## Technology Control Plan Acknowledgements Acknowledgement-of-Understanding Certification

I, \_\_\_\_\_ acknowledge that I have reviewed and understand the contents of the Technology Control Plan established for the R. Benjamin Davis – ITAR Export Controlled Technical Data – Bellows Project

\_\_\_\_\_  
Responsible Party

\_\_\_\_\_  
Export Compliance Officer

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

\_\_\_\_\_  
IT Manager

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**Non-Disclosure Statement**

I, \_\_\_\_\_ acknowledge and understand that the ITAR export controlled technical data discussed above, to which I have access or to which is disclosed to me in the course of my employment/assignment/visit at the University of Georgia, is subject to export control under the International Traffic in Arms Regulations (title 22, code of Federal Regulations, part 120-130). I hereby certify that such data will not be further disclosed, exported, or transferred in any manner to any foreign national or any foreign country without prior written approval of the Office of Defense Trade Controls, U.S. Department of State and in accordance with U.S. government security and customs regulations.

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

SAMPLE

**Technology Control Plan Briefing Certification**

I, \_\_\_\_\_, acknowledge that I have received a copy of the Technology Control Plan for the ITAR Export Controlled Technical Data – Bellows Project and a briefing outlining the contents of this TCP. Accordingly, I understand the procedures as contained in this TCP and agree to comply with all University of Georgia policies and U.S. government export control regulations.

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Export Compliance Officer

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

SAMPLE



# Appendix D

## TMP and NLR Certifications

### EXPORT LICENSE EXCEPTION (TMP) AND CERTIFICATION

#### Export Administration Regulations (EAR) controlled Items, Technology, and Software

The export of certain items, technology, commercial software, and encryption code is subject to export control regulations. The Department of Commerce’s Export Administration Regulations (EAR) makes an exception to licensing requirements for the temporary export or reexport of certain controlled items, technology, or software for professional use as long as the criteria to which you are certifying below are met. The exception does not apply to any EAR satellite or space-related equipment, components, or software, or to any technology associated with high-level encryption products. In addition, this exception does not apply to items, technology, data, or software regulated by the Department of State’s International Traffic in Arms Regulations (ITAR).

<b>Name of Traveler:</b>	
<b>College and Department:</b>	
<b>Country(ies) to be Visited:</b>	
<b>Travel Dates:</b>	

The traveler is an employee of the University of Georgia who is hand-carrying the specified UGA-owned items to the country(ies) specified above:

By my signature below, I certify that:

1. I will ship or hand-carry the items, technology, or software to the county(ies) above as a “tool of the trade” to conduct UGA business only;
2. **I will return the items, technology, or software to the U.S. on \_\_\_\_\_ which is no later than 12 months from the date of leaving the US** unless the items, technology, or software are certified by me to have been consumed or destroyed abroad during this 12 month period;
3. I will keep the items, technology, or software under my “effective control” while abroad (defined as retaining physical possession of item or keeping it secured in a place such as a hotel safe, a bonded warehouse, or a locked or guarded exhibition facility);
4. I will take security precautions to protect against unauthorized release of the technology while the technology is being shipped or transmitted and used abroad such as
  - a. use of secure connections when accessing e-mail and other business activities that involve the transmission and use of the technology,
  - b. use of password systems on electronic devices that store technology, and
  - c. use of personal firewalls on electronic devices that store the technology;
5. **I will not ship or hand-carry any ITAR-controlled items or technical data to any country or any items, technology or software to the Crimea region of Ukraine, Cuba, Iran, Sudan, or Syria without consulting with UGA’s Export Compliance Officer.**

Signed: \_\_\_\_\_ SPA AWARD #: \_\_\_\_\_  
[Employee] [if applicable]

***\*Keep a signed copy with you when traveling abroad and provide a copy to the Office of Export Control***

**TEMPORARY EXPORT-NO LICENSE REQUIRED (NLR) CERTIFICATION**

**Export Administration Regulations (EAR) controlled Items, Technology, and Software**

The export of certain items, technology, commercial software, and encryption code is subject to export control regulations. However, the United States Department of Commerce’s Export Administration Regulations (EAR) does not, generally, have licensing requirements for the export or reexport of EAR99 designated items. As a result, items designated as EAR99 may be temporarily exported to most countries.

<b>Name of Traveler:</b>	
<b>College and Department:</b>	
<b>Country(ies) to be Visited:</b>	
<b>Travel Dates:</b>	

The traveler is an employee of the University of Georgia who is hand-carrying the following UGA-owned items to the country(ies) specified above to conduct UGA business:

DESCRIPTION OF ITEM	ECCN	METHOD OF CLASSIFICATION	LICENSE EXCEPTION



By my signature below, I certify that:

1. **I will not ship or hand-carry these EAR99 items to the Crimea region of Ukraine, Cuba, Iran, North Korea, Sudan, or Syria, or export to any foreign national individual or entity without consulting with UGA's Export Compliance Officer.**

Signed: \_\_\_\_\_  
[Employee]

Printed Name: \_\_\_\_\_

***\*Keep a signed copy with you when traveling abroad and provide a copy to the Office of Export Control\****

SAMPLE

**TEMPORARY EXPORT-NO LICENSE REQUIRED (NLR) CERTIFICATION**  
**Export Administration Regulations (EAR) controlled Items, Technology, and Software**  
**Non-UGA Owned Items**

The export of certain items, technology, commercial software, and encryption code is subject to export control regulations. However, the United States Department of Commerce’s Export Administration Regulations (EAR) does not, generally, have licensing requirements for the export or reexport of EAR99 designated items. As a result, items designated as EAR99 may be temporarily exported to most countries.

<b>Name of Traveler:</b>	
<b>Country(ies) to be Visited:</b>	
<b>Travel Dates:</b>	

The traveler is hand-carrying the following items to the country(ies) specified above:

DESCRIPTION OF ITEM	ECCN	METHOD OF CLASSIFICATION	LICENSE EXCEPTION



By my signature below, I certify that:

1. **I will not ship or hand-carry these EAR99 items to the Crimea region of Ukraine, Cuba, Iran, North Korea, Sudan, or Syria, or export to any foreign national individual or entity without consulting with UGA's Export Compliance Officer.**

Signed: \_\_\_\_\_  
[Traveler]

Printed Name: \_\_\_\_\_

***\*Keep a signed copy with you when traveling abroad \****

SAMPLE