Sponsored Projects and Export Controls – The Basics

- What can be problematic in sponsored project agreements?
  - Specific problematic clauses, see examples below;
  - Publication and/or dissemination restrictions on the project may implicate export controls;
  - Foreign national participation prohibitions and/or restrictions or “US Person Only” requirements on the project will implicate export controls;
  - Projects with certain foreign sponsors and/or foreign collaborators may implicate export controls and economic sanctions
- Dissemination and foreign national participation restrictions are most likely to be found in certain
  - DoD prime (and related departments, agencies, and research lab) funded projects
  - SBIR/STTR flow-through with a DoD (or related department, agency, or research lab) prime award
  - Some NASA, intelligence, or homeland security related projects

Examples of Problematic Export Control Clauses*

- DFARS 252.204-7000 (Disclosure of Information)
- AFMC 5352.227-9000 (Export-Controlled Data Restriction)
- DFARS 252.204-7008 (Compliance with Safeguarding Covered Defense Information Controls)
- DFARS 252.204-7012 (Safeguarding Covered Defense Information and Cyber Reporting)
- DFARS 252.225-7048 (Export-Controlled Items)
- FAR 52.227-17 (Rights in Data, Special Works)
- ARL 52.005-4401 (Release of Information)
- ARL 52.004-4400 (Foreign Nationals Performing Under Contract)
- H099 Export-Controlled Data Restrictions

*List is not exhaustive. Problematic clauses will likely mention dissemination, publication, export controls, controlled information, etc... The Export Compliance Officer will assist in attempts to negotiate problematic clauses and determine next steps if the clause remains and is in fact problematic.

Export Control Countries of Heightened Concern

- Cuba- Sanctions and Embargo
- Iran- Sanctions and Embargo
- North Korea-Sanctions and Embargo
- Sudan-Sanctions and Embargo
- Syria-Sanctions and Embargo
- Ukraine (Crimea region)-Sanctions and Embargo
- China- Multiple universities and research institutes subject to US sanctions