The United States is committed to encourage technology exchanges that are consistent with U.S. national security and nuclear nonproliferation objectives. Although most of the research and technology development UVU conducts is exempt from U.S. export control regulations, it is imperative that we comply with the regulations. The following information is supplied to assist the Principal Investigator and others in determining appropriate actions to take to maintain compliance with Export Control Regulations.

Activities that are covered by export regulations include: sharing, shipping, transmitting or transferring of goods (testing kits, equipment, hardware and materials including biological materials); technology (technical information and data); software/codes (commercial or custom) to a foreign national in the US (deemed export) or a foreign individual/entity or country outside of the US (export or re-export). An export can occur through a variety of means, including:

- Shipping,
- Oral communications,
- Written documentation (including e-mails), and
- Visual inspections of any technology, software or technical data to any non-U.S. citizen, whether here in the U.S. or abroad.

How do these regulations affect you as a faculty or staff member at UVU? Export controls affect three main areas: 1) Research (including technology, goods, and software); 2) Travel outside the U.S.; and 3) Shipping.

**NOTE:** All documentation of determinations regarding Export Control matters must be retained for 5 years.

**RESEARCH TECHNOLOGY (technical information and data)**

If you are working in fundamental research (see definition below) and the results of the research will be in the public domain (see definition below), you probably will not have any export control issues with information unless you have a foreign national working with **controlled** (found on the Commerce Control List or the U.S. Munitions List) proprietary technology in conjunction with your research project.

You may also be working on a project that has controlled proprietary technology or the government has placed access controls on the technology, but you do not have foreign nationals...
involved in your research. In this situation you must have a Technology Control Plan in place that limits access to only U.S. citizens and foreign nationals with a green card.

**Fundamental Research**, as used in the export control regulations, includes basic or applied research in science and/or engineering at an accredited institution of higher learning in the United States where the resulting information is ordinarily published and shared broadly in the scientific community. Fundamental research is distinguished from research which results in information which is restricted for proprietary reasons or pursuant to specific U.S. Government access and dissemination controls. University research will not be deemed to qualify as Fundamental Research if: (1) the University or research accepts any restrictions on the publication of the information resulting from the research, other than limited prepublication reviews by research sponsors to prevent inadvertent divulging of proprietary information provided to the researcher by sponsor or to insure that publication will not compromise patent rights of the sponsor; or (2) the research is federally funded and specific access and dissemination controls regarding the resulting information have been accepted by University or the researcher. The citation for the official definition of Fundamental Research under the EAR is 15 CFR § 734.8. The ITAR citation is 22 CFR § 120.11.

**Public Domain** (22 CFR 120.11) means information that is published and that is generally accessible or available to the public: (1) through sales at newsstands and bookstores; (2) through subscriptions which are available without restriction to any individual who desires to obtain or purchase the published information; (3) through second class mailing privileges granted by the U.S. Government; (4) at libraries open to the public or from which the public can obtain documents; (5) through patents available at any patent office; (6) through unlimited distribution at a conference, meeting, seminar, trade show or exhibition, generally accessible to the public, in the United States; (7) through public release (i.e., unlimited distribution) in any form (e.g., not necessarily in published form) after approval by the cognizant U.S. government department or agency; and (8) through **fundamental research**.

**RESEARCH GOODS AND SOFTWARE**

For export of goods (testing kits, equipment, hardware and materials including biological materials, and software/codes either commercial or custom) even to collaborators in other countries, go to [http://www.uvu.edu/compliance/postaward/exportcontrols.html](http://www.uvu.edu/compliance/postaward/exportcontrols.html) to read more about Export Controls. If after reading this supplemental information you have answered yes or maybe to any of the questions under “Do I need to be concerned about export controls” please submit an export review request by filling out the form and submitting it by email to compliance@uvu.edu.

**TRAVEL**

Travel to most countries does not usually constitute an export control problem. In most cases, items such as a personal laptop computer and other “tools of the trade” do not require a license.
A license would be required if you are taking an item found on the Department of State’s U.S. Munitions List (USML). Travel to certain embargoed or sanctioned terrorist countries would require a license from the Office of Foreign Asset Controls (OFAC), or could, in fact, be denied. In addition to OFAC’s license requirements, the Bureau of Industry and Security (BIS) would require a license to take any items found on the BIS Commerce Control List (CCL). For example, a license would be required to take any laptop computer if you were traveling to a sanctioned or embargoed country. There are also regulations about securing licensed items and returning them to the U.S.

The Department of State, OFAC, and BIS also have various lists of persons and entities that we are prohibited from doing business with; in other words, we should not be providing them with a defense service (includes training), giving money to these people or organizations, or providing them with controlled (on the CCL) proprietary technology. We can be fined by the government agencies if we do business with any person or entity found on these lists.

A link to the BIS Lists to check can be found at the following website: http://www.bis.doc.gov/ComplianceAndEnforcement/ListsToCheck.htm.

A link to the OFAC website to review Specially Designated Nationals and the Sanctioned Countries List can be found at the following website: http://www.treas.gov/offices/enforcement/lists/.

Countries of concern include the following: (Lists may change; please check appropriate list for current information.)

Generally speaking, a license may be required to ship or transfer “controlled” technology, data, or items to certain countries outside of the United States (The technology, data, or items are considered to be “controlled” if found on the EAR Commerce Control List or the ITAR Munitions List). This includes the transfer of “controlled” technology, data, or items to foreign nationals within the U.S. or outside the U.S.

In addition, OFAC has sanctions on the following countries: Balkans, Belarus, Burma, Cote d’Ivoire (Ivory Coast), Cuba, Iran, Iraq, Liberia, North Korea, Sudan, Syria, and Zimbabwe. Some of the sanctions are monetary in nature, and other sanctions may either prohibit shipping or require a license to ship. For example, the shipping of cotton seed to Iran requires a license or permission from OFAC. Please note: the item does not have to be military in nature to require a license. Keep in mind that foreign countries also have their own import regulations that must be followed.

The International Traffic in Arms Regulations (ITAR) also prohibits exports and sales to certain countries (22CFR126.1).
It is the policy of the United States to deny licenses and other approvals for exports and imports of defense articles and defense services, destined for or originating in certain countries. This policy applies to Belarus, Cuba, Iran, Lebanon, Libya, North Korea, Syria, Vietnam and Venezuela. This policy also applies to countries with respect to which the United States maintains an arms embargo (e.g., Burma, China, Haiti, Liberia, Somalia, and Sudan) or whenever an export would not otherwise be in furtherance of world peace and the security and foreign policy of the United States.

Exports to countries which the Secretary of State has determined to have repeatedly provided support of acts of international terrorism are contrary to the foreign policy of the United States. Except for a few limited circumstances, it is the policy of the United States to deny licenses, other approvals, exports and imports of defense articles and defense services destined for or originating in Iraq, Afghanistan, Rwanda, and the Democratic Republic of the Congo.

**TRAVEL – EXPORT REVIEW REQUEST**

Go to [http://www.uvu.edu/compliance/postaward/exportcontrols.html](http://www.uvu.edu/compliance/postaward/exportcontrols.html) to read more about Export Controls. If after reading this supplemental information you have answered yes or maybe to any of the questions under “Do I need to be concerned about export controls” please submit an export review request by filling out the form and submitting it by email to compliance@uvu.edu.

**SHIPPING**

Shipping items outside the U.S. could require a license from OFAC, the Department of State, or the BIS. An OFAC license takes six months to receive, a license from the Department of State takes two months, and a license from the BIS takes approximately two weeks, so allow plenty of time before you need to ship. Do not ship an item without going through Mailing Services because if customs audits your shipment and a license was required and not in place, you and UVU will be fined. Go to [http://www.uvu.edu/compliance/postaward/exportcontrols.html](http://www.uvu.edu/compliance/postaward/exportcontrols.html) to read more about Export Controls. If after reading this supplemental information you have answered yes or maybe to any of the questions under “Do I need to be concerned about export controls”, please contact compliance@uvu.edu for assistance.

**CONTACT INFORMATION**

You may contact University Compliance, if you have any questions regarding foreign nationals working on research projects, travel outside the U.S., or shipping items outside the U.S., by email at compliance@uvu.edu.

A special note of thanks to Oklahoma State for the use of this material.