

shipment is to a sanctioned nation, entity, or individual, an OFAC license is required. Shipping items controlled under EAR may also require an export license. It is critical to secure license approval or verify a license exception before shipping any controlled items.

### Foreign Travel

When you travel internationally as an employee, staff, or student, you need to know your responsibilities under U.S. export control regulations. Traveling abroad and taking certain items, providing certain services, or meeting with certain people can present export control problems.

Certain foreign parties—including specific people, businesses, research institutions, universities, government and private organizations, and other types of legal persons—may be subject to federal U.S. prohibitions. Such prohibitions may include prohibitions on research collaborations and may require specific licensing, even for educational exchange.

Travel to embargoed or sanctioned countries should be reviewed by the ORCP to determine if a license from OFAC is needed. For a current list of embargoed countries please see [treasury.gov/about/organizational-structure/offices/Pages/Office-of-Foreign-Assets-Control.aspx](https://www.treasury.gov/about/organizational-structure/offices/Pages/Office-of-Foreign-Assets-Control.aspx).

### Payments and Wire Transfers

OFAC monitors the transmission of cash through wire transfers made from U.S. banks. Payments to sanctioned nations or individuals of these nations are prohibited without a license. Taking cash into sanctioned nations and paying individuals there directly is also prohibited. Please see [treasury.gov/about/organizational-structure/offices/Pages/Office-of-Foreign-Assets-Control.aspx](https://www.treasury.gov/about/organizational-structure/offices/Pages/Office-of-Foreign-Assets-Control.aspx) for information on restricted nations, entities, and individuals.

### Failure to Comply

Failure to comply with U.S. export control regulations can result in severe criminal and civil penalties against the institutional and individuals.

### Best Practices for Export Control

- Determine if an item is controlled under ITAR and EAR prior to shipping outside of the U.S. This applies to outgoing materials under Material Transfer Agreements, scientific equipment, software, and other deliverables.
- Do not enter into secrecy agreements or otherwise agree to withhold results in research projects conducted at the university or that involve university facilities, students, or staff.
- Only attend meetings where foreign nationals are allowed to attend.
- If you are responding to an RFP from a sponsor that mentions export controls, prior approval of publications, or restrictions on citizenship, please discuss this with the Sponsored Research Administration as soon as possible.
- Return to the manufacturer any materials they provide to you about export-controlled equipment that are marked "Confidential" unless they are covered by a specific non-disclosure agreement.
- Do not accept publication restrictions or access/dissemination restrictions.
- Do not accept prior approval requests for use of foreign nationals.
- Do not accept proprietary information that is marked "Export Controlled."
- Keep information such as citizenship, nationality, or visa status for project staff protected and secure.
- Do not sign a Militarily Critical Technical Data Agreement (DD2345). ORCP maintains the official university DD2345. Always work with the ORCP prior to attending a meeting or conference where unclassified controlled technical data will be disclosed.
- Contact the ORCP to ascertain whether a license from OFAC is required to conduct research or education activities in an embargoed country before traveling to an embargoed country to conduct research or educational activities or entering into collaborations with foreign institutions.



The Office of Research Compliance Programs (ORCP) is responsible for the development, oversight and monitoring of the research compliance program for Florida State University. ORCP is your one-stop shop for research compliance matters.

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## A QUICK GUIDE TO **EXPORT CONTROLS**



FLORIDA STATE UNIVERSITY  
OFFICE OF RESEARCH

## About this Quick Guide

This Quick Guide is published by Florida State University's Office of Research Compliance Programs (ORCP) as a brief summary of the laws, regulations, and issues to be considered with regards to export controls and research in the university setting. While this Guide is designed to assist you in managing your sponsored projects, it is neither comprehensive nor exhaustive. For specific questions, review the applicable policy in its entirety, and contact ORCP as needed.

## Export Control Regulations

- International Traffic in Arms Regulations (ITAR) – Department of State

[pmdotc.state.gov/regulations\\_laws/itar.html](http://pmdotc.state.gov/regulations_laws/itar.html)

Regulates military or defense related articles, technologies and services.

- Export Administration Regulations (EAR) – Department of Commerce

[bis.doc.gov/](http://bis.doc.gov/)

Regulates commercial and “dual use” products and technologies.

- Office of Foreign Assets Control (OFAC) – Department of the Treasury

[treasury.gov/resource-center/sanctions/Pages/default.aspx](http://treasury.gov/resource-center/sanctions/Pages/default.aspx)

Sanctions the conduct of research and the transfer of assets in those countries where the U.S. has imposed trade or economic sanctions or embargoes, and governs purchases from or the transfer of assets to certain sanctioned individuals or organizations.

## Key Definitions

**1. Export** means to send or take controlled articles out of the U.S or to disclose certain defined information about a controlled article to a foreign government or foreign person. An export can also occur when performing services for the benefit of a foreign person or entity, sending a wire transfer, e-mail, or fax, or during a conversation.

**2. Deemed Export** is the transfer, release, or disclosure of technical data about controlled articles to foreign persons in the U.S.

**3. Technical Data** is technical information that goes beyond general and basic marketing materials about a



controlled article. The term does not refer to the controlled equipment or the article itself, or to the type of information contained in publicly available user manuals. It means specific information required for the design, development, production, manufacture, assembly, operation, repair, testing, maintenance, or modification of controlled articles.

A full list of key definitions and commonly used phrases is published [atresearch.fsu.edu/research-compliance/export-controls/](http://atresearch.fsu.edu/research-compliance/export-controls/)

## Fundamental Research Exclusion

The EAR provides that university research will normally be considered fundamental research unless the university or its researchers accept sponsor restrictions on publication of scientific and technical information resulting from the project or activity. The EAR specifically permits limited prepublication reviews by research sponsors to prevent inadvertent divulging of proprietary information provided to the researcher by the sponsor or to insure that publication will not compromise patent rights of the sponsor.

The ITAR states that university research will not be deemed to qualify as fundamental research if: (1) the university or its researchers accept any restrictions on publication of scientific and technical information resulting from the project or activity; or (2) the research is federally funded and specific access and dissemination controls protecting information resulting from the research have been accepted by the university or the researcher.

## Educational Information Exclusion

This exclusion allows for the disclosure of information that is released by instruction in courses identified in the university catalog and associated teaching laboratories of academic institutions (EAR), or information concerning general scientific, mathematical, or engineering principles commonly taught in schools, colleges, and universities (ITAR).

## Public Domain Exclusion

This exclusion applies if the information is in the public domain and is generally accessible to the public through unrestricted distribution. Public domain information (ITAR) and publicly available information and software (EAR) is published and generally accessible or available to the public through:

- Publication in periodicals, books, print, electronic, or any other media available for general distribution to any member of the public;
- Subscriptions that are available without restriction to any individual who desires to obtain or purchase the published information;
- Websites available to the public free of charge or at a cost that does not exceed the cost of reproduction or distribution;
- Libraries open to the public, including most university libraries;

- Patents and open (published) patent applications;
- Release at an “open” conference, meeting, seminar, trade show, or other open gathering in the U.S. (ITAR) or anywhere (EAR), which is generally accessible by the public for a fee reasonably related to the cost and where attendees may take notes and leave with notes;
- Fundamental research or educational information.

## Foreign Collaborations and Shipments

**Information** created under the Fundamental Research Exclusion may be freely transferred outside the U.S. provided that the country, entity or individual to which the information is being transferred is not on an OFAC list. Licenses are required for all transactions under OFAC. In general, collaboration with foreign universities is allowed. However, if any materials are to be shipped abroad or if the research involves proprietary information, the exchange of researchers or faculty, or work in or transfer of funds to sanctioned nations, licenses may be required.

**Shipments of tangible items** out of the U.S. may require a license. Even an item resulting from fundamental research may require a license if it is to be shipped outside of the U.S. Shipments of items controlled under ITAR out of the U.S. always require a license. In all cases, if the