UC San Diego

SURF SYMPOSIUM
EXPORT CONTROL OFFICE

Mike Miller, Director of Export Controls & Facility Security
EXPORT CONTROL OFFICE

- **Identification & Risk Mitigation**
  - Export Controls
  - Dual Use Research of Concern (DURC)
  - Facility Security

- **Advise, Assist & Adjudicate**
  - Research, other activities & participants
  - Legal agreements,
  - Technology exports/deemed exports,
  - International payments, shipments, travel and collaborations
  - Sanctioned country activities (Cuba, Iran, Sudan, Syria, North Korea & Russia)
  - Restricted, denied, specially designated parties

- **Research Security**
  - Prior USG Authorizations (license, exemption, exception)
  - Technology Control Plans
EXPORT CONTROL IS A TEAM EFFORT

- Export Control Office
- Faculty & Researchers
- Gifts
- Purchasing
- Tech Transfer
- Shipping
- International Center & HR
- MSOs & Dept. Admins
- Travel & Disbursements
- Contracts & Grants
- Export Control Partners
• Export control is a **shared responsibility**

• Policy **applies to all** UC Faculty, Academic Appointees, Staff, Students (including student employees), non-employee participants in University programs (e.g., visiting scholars, vendors and contractors) and to all University activities.

• Export control **reviews are required** for certain transactions to ensure there are no unauthorized exports abroad or to foreign persons in the U.S. Transactions, items or activities may require export authorization (license, exemption, exception, exclusion), control plans or other approaches to ensure compliance with the export control regulations.

• If you are involved in export transactions, you are responsible for ensuring export reviews are escalated to the **UC San Diego Export Control Office**, providing information required to complete the reviews or export licenses and complying with the terms of a technology control plan or export license conditions issued by the government.

• [https://policy.ucop.edu/doc/2000676/ExportControl](https://policy.ucop.edu/doc/2000676/ExportControl)
Export Controls 101
Export controls are U.S. government regulations that cover the export of strategic technologies, equipment, hardware, software, and technical information. They also cover activities such as providing technical assistance or payments. Such activities may be regulated for reasons of national security and foreign policy. Technology may be restricted for export, including to Foreign Persons, even in the U.S.
WHY DOES THE GOVERNMENT CONTROL EXPORTS?

U.S. Reasons for Control:
- National Security Reasons
- Nuclear Non-Proliferation Reasons
- Missile Technology Controls
- Chemical & Biological Controls
- Anti-Terrorism
- Regional Stability
- Crime Control Measures
- Anti-boycott Reasons

International Multilateral Agreements:
- Wassenaar Agreement – Controls conventional arms & dual-use commodities (42 countries)
- Nuclear Suppliers Group – To stem the proliferation of nuclear weapons (48 countries)
- The Australia Group – Ensure exports don’t contribute to chemical or biological weapons (43 countries)
- Missile Technology Control Regime – limit the proliferation of missiles capable of delivering WMDs (35 countries)
Export Administration Regulations (EAR)
“Dual use” items on the Commerce Control List (CCL) are controlled by the Export Administration Regulations (EAR – 19 CFR 730-774) administered by The Department of Commerce’s Bureau of Industry and Security (BIS).

International Traffic in Arms Regulations (ITAR)
The United States Munitions List (USML) and defense services are controlled under the International Traffic in Arms Regulations (ITAR) administered by the Department of State’s Directorate of Defense Trade Controls (DDTC).

Office of Foreign Asset Control (OFAC)
Department of the Treasury’s Office of Foreign Assets Control (OFAC) administers economic and trade sanctions. Research in or collaborations with Cuba, Iran, North Korea, Sudan, Syria, and the Crimean Peninsula of Ukraine requires special export control review… and others such as the 10 CFR Part 810 (Nuclear Regulatory Commission)
WHY IT MATTERS

1. Delays – Can impact research timeline
   • Licensing timelines can be long – Plan ahead.
   • U.S. and foreign Customs agencies can detain or seize goods
   • Likely to require additional internal review

2. PI’s and administrators need to be involved

3. Fines – loss of research dollars

4. Debarment & loss of export privileges

5. Puts federal funding at risk – for UCSD and for the PI

6. Placement on the denied parties list

7. Negative publicity
EXPORT CONTROL FACTORS

**What (Things) (what is being exported?)**
- The commodity and it’s technical capabilities
- The commodity’s export classification?
- Equipment, materials, software, & technology (information)

**Where (Places) (where is it going?)**
- Involvement of sanctioned countries
- Export controls depend on the destination country

**Who (People) (who is the end-user?)**
- Involvement of restricted entities
- Foreign person access to export restricted technology

**Why (Use Case) (what is the end-use?)**
- Prohibited End Uses (WMD, missile, nuclear, chem/bio, etc.)
- Military end use & Military end user
WHEN TO REACH OUT TO ECO

International Research, Collaborations, Services and Activities
• Services/Activities supporting proprietary RDT&E
• Collaborations involving anything that cannot be published
• Foreign defence & military services
• Technology licensing
• Know your collaborator...what, where, end-use, end-user

International Shipments
• Exports of Items, materials, data, including MTAs
• Handcarry, ship, aircraft

International Travel
• Countries, collaborators, places, people, services

Engagement with a Sanctioned Country (travel, shipping, services, activities)
• Anything with a person/entity located in Cuba, Iran, Sudan, Syria, North Korea, Russia/Belarus/Ukraine
• Financial Transactions
WHEN TO REACH OUT TO ECO (CONTINUED)

1. DOD activities (including research & flow-thru awards)
2. Proprietary sponsored activities
3. Proprietary Recharge Services Agreements
4. Nondisclosure agreements
5. Software Use/Hardware Use agreements & licenses
6. Hosting or employing foreign visitors/visiting scholars
7. International employment & consulting
8. Talent program participation
9. Equipment sales & surplus (particularly defense articles)
10. Fund transfers to foreign countries
11. Engaging with a denied entity (DE), unverified list (UVL), military end-user (MEU), intelligence end-user (MIEU)
EXPORT CONTROL TRAINING VIDEOS

Topics
• University Research (7 minutes)
• Traveling abroad (4 minutes)
• ITAR (8 minutes)
• Biological Agents (5 minutes)
• OFAC (4 minutes)

Who should watch them?
• Staff (as new hire training or when you have a question)
• Faculty
• Students, post-docs, researchers

Where are they?
http://blink.ucsd.edu/sponsor/exportcontrol/training.html
CONTACT INFORMATION

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Research Compliance and Integrity Helpline: (858) 822-4939, rci@ucsd.edu
Conflict of Interest Helpline: (858) 534-6465, info-coi@ucsd.edu
Export Control Helpline: (858) 246-3300, export@ucsd.edu
IACUC Helpline: (858) 534-6069, iacuc@ucsd.edu
Hot Topics and Newsletters:

Website: http://blink.ucsd.edu/sponsor/rci/news.html
Research Compliance and Hot Topics Training Program
To be added to the RCI list serv, please email rci@ucsd.edu
PLEASE COMPLETE THE SURF EVALUATION

We want to hear from you!