



# EXPORT CONTROL OFFICE

UM Export Control Office News Brief—The Eye of the Hurricane

#1001

2021

## UM's Export Control Office

The University of Miami's Export Control Office (ECO) Website is a "one-stop shop" which furnishes export control written policies, procedures and a compliance program necessary to ensure UM, its management, employees and students remain in full compliance with U.S. Export Control Laws and Regulations.

UM encourages and supports open research and the free exchange of ideas, however, UM engages in clinical, engineering and oceanographic research including the development of new technologies that may be subject to U.S. Export Control Laws and Regulations. Individuals acting on behalf of UM, including faculty, staff and students, are responsible for complying with applicable U.S. Export Control Laws, including requirements related to international travel, the proper handling, transfer, access, storage, control, and dissemination of export controlled hardware, software, information, technology, biological materials, chemicals, equipment and technical data to destinations and persons outside of the U.S.—These laws also apply to foreign persons at UM engaging in instruction, conducting research, or providing service activities.

For more information visit [UM Policy Stat—Export Control Policy #10389739](#).

UNIVERSITY OF MIAMI  
OFFICE of the VICE PROVOST  
for RESEARCH & SCHOLARSHIP



*"The University of Miami  
is committed to compliance  
with the U.S. Export  
Control Laws "*



OFAC

<p>Current Status: Active</p> <p><b>UNIVERSITY OF MIAMI</b></p> <p><b>Export Control Policy</b></p> <p><b>PURPOSE:</b> UM employs foreign persons and often hosts foreign visitors in connection with international exchange programs, degree-granting programs, and other business agreements. While UM welcomes the opportunity to employ foreign persons and host international visitors, it must also assure compliance with U.S. laws and regulations governing the export of certain commodities, technology, and technical data.</p> <p>Export control laws and regulations apply to and affect the full range of University of Miami (UM) activities including research and scholarly activity, software development, hiring, the selection and education of international students, scholars and graduate advisors, laboratory security, technology transfer, purchasing, receiving, shipping, international travel, exchanges of educational, research and technical information, and responsibility for the activities of visitors to the campus.</p> <p>Failure to comply with export control laws and regulations affects both the individual(s) involved in the violation as well as UM. Criminal and Civil penalties can be financially severe and may also include imprisonment, deportation, or loss of licensure. Other administrative sanctions may include loss of research funding and export privileges.</p> <p><b>SCOPE:</b> All UM personnel must be aware of the complex and detailed rules provided under Federal and non-Federal regulations as well as the terms and conditions of the individual sponsored activity. While compliance with all applicable requirements is essential, it is equally important to maintain an open research environment that welcomes the participation of researchers from around the world as part of UM's mission. To maintain this balance, UM personnel must be familiar with this policy in addition to the Federal and non-Federal regulations on restricted sponsored activities.</p> <p>This policy applies to all UM personnel, namely:</p> <ul style="list-style-type: none"> <li>Faculty, including voluntary faculty.</li> <li>Faculty emeriti engaged as active researchers on UM research activities.</li> <li>Researchers, including research staff, postdoctoral fellows, and research associates.</li> <li>Graduate students, undergraduate students, and interns involved in research programs.</li> </ul> <p>1 A foreign person is any individual who is not a U.S. Citizen, Permanent Resident (green card holder), or protected under U.S. refugee or asylum status.</p> <p>Export Control Policy. Retrieved 08/2021. Official copy at <a href="http://umiami.policy.state.com/policy/10389739">http://umiami.policy.state.com/policy/10389739</a>. Copyright © 2021. Page 1 of 4</p>	<p>PolicyStat ID: 10389739</p> <p>Origination: 02/2014 Effective: 09/2021 Last Approved: 09/2021 Last Reviewed: 09/2021 Next Review: 09/2023</p> <p>Owner: William Collins, Director, Compliance Area: Export Control References: University of Miami System-Wide</p> <p>• Staff in departments, centers, institutes, and administrative offices charged with responsibilities under this policy. • Consultants, agents, and volunteers associated with research and scholarly activities, as well as in departments and offices charged with responsibilities under this policy.</p> <p><b>POLICY:</b> It is the policy of UM to comply with all U.S. export control laws and regulations, and to develop and maintain an export compliance program that enables UM employees, faculty, students, trainees, visiting scientists, and other persons, herein referred to as "UM personnel" retained by or working at or for UM to conduct business in accordance with these laws and regulations. No UM personnel may engage in any export activity that is prohibited by the U.S. Department of Commerce, the U.S. Department of State, the U.S. Department of Treasury's Office of Foreign Assets Control, or any other government agency that enforces export laws/ regulations. Similarly, no UM personnel may transfer any controlled item, including technology and technical data, without approved documentation.</p> <p>Compliance with export control laws and regulations must be considered and achieved before traveling internationally, engaging in science or technology-based research, executing contracts or other agreements, purchasing high-technology devices or software, or engaging in any other activity that may be affected by export controls.</p> <p>Export control requirements are constantly changing. Governmental and inter-governmental agencies in the U.S. and abroad are evaluating their regulations and protocols as a result of new laws and directives, as well as administrative and judicial experience. While this policy will be reviewed and revised on a regular basis, it is essential that all UM personnel keep current with information and training provided by the Director, Export Control Compliance within the Regulatory Affairs and Assessment Office of the Vice Provost for Research and Scholarship.</p> <p>The Vice Provost for Research and Scholarship is the University of Miami's Empowered Official.</p> <p><b>RESTRICTED PARTY SCREENING:</b> Federal Regulations including current United States Government's best practices, as well as Florida statutes, require conducting Restricted Party Screening (RPS) to verify that the parties/entities for which UM is having business interchanges and interactions do not appear on any denied/restricted/debarred list. UM personnel are responsible for ensuring that foreign persons or entities (including students, visitors, observers, outside services vendors, etc.), have been screened, prior to engaging in business activities, to confirm that the person or entity does not appear on any agency list of denied/excluded parties. This activity is done through the UM Export Control Office (ECO) RPS process.</p> <p>The RPS system performs screening against all relevant U.S. Government lists, including: Department of Treasury Office of Foreign Assets Control (OFAC), Department of State, Department of Commerce, Department of Justice, Food and Drug Administration (FDA), Immigration and Customs Enforcement (ICE), Federal Bureau of Investigation (FBI), Office of Inspector General (OIG), Department of Health and Human Services (HHS), General Services Administration (GSA).</p> <p><b>TRAINING:</b> UM's Export Control Training Program focuses on the effective implementation of the University's Export Management Compliance Program (EMCP). UM's Export Control Training Program has been established to improve and maintain an export control program that is focused, current, and relevant to the successful</p> <p>Export Control Policy. Retrieved 08/2021. Official copy at <a href="http://umiami.policy.state.com/policy/10389739">http://umiami.policy.state.com/policy/10389739</a>. Copyright © 2021. Page 2 of 4 University of Miami</p>
--	--

## What you Need to Know

- UM Export Control Policy
- USG Regulations Affecting Medical & University Institutions
- Who is a Foreign Person and U.S. Person?
- What are the Consequences?
- UM's Export Control Office

UM Export Control Office



UM Export Control Office

# USG Regulations Affecting Medical and University Institutions

U.S. Government (USG) regulations affecting Organizations, Institutions, and Individuals include the following:

1. **Export:** An actual shipment or transmission out of the United States, including the sending or taking of **an item** out of the United States, in any manner. Exporting can also include verbal or written transmissions or communications (phone calls or emails) with persons located in other countries, even if the recipient is a U.S. person or transmission or communications carried out in the United States, if the recipient is a foreign person.
2. **Deemed Export:** Occurs when there is a "release" in the United States of "technology" or source code to a foreign person. Similarly, "release" is defined in the BIS Rules as "visual or other inspection by a foreign person of items that **reveals** 'technology' or source code subject to the EAR to a foreign person."
3. **Fundamental Research:** Fundamental research means research in science, engineering, or mathematics, the results of which **ordinarily are published and shared broadly within the research community**, and for which the researchers **have not accepted restrictions** for proprietary or national security reasons.
4. **Dual-Use Research of Concern (DURC):** *U.S. Government Proposed Policy for Institutional Oversight of Life Sciences Dual Use Research of Concern* – updated September 2014.

Applies to:

- ◆ all federal agencies
- ◆ institutions receiving federal funding
- ◆ institutions conducting research that meets the definition of DURC, regardless of funding source.

**National Institutes of Health DURC:** Limited to: 15 Select Agents / Toxins; 7 Categories of Experiments.

# Export Control Basics

What's EAR?

**EAR** = Export Administration Regulations

**DoC** = Department of Commerce  
**BIS** = Bureau of Industry & Security

**CCL** = Commerce Control List  
 5-digit Alphanumeric sequence (e.g., 7A994, 5D103, 3C600) "EAR99 / NLR"

What's ITAR?

**ITAR** = International Traffic in Arms Regulations

**DoS** = Department of State  
**DDTC** = Directorate of Defense Trade Controls

**USML** = U.S. Munitions List  
 Roman numeral sequence (e.g., VII(i), XI(d), IV(e), etc.)

What's OFAC?

**OFAC** = Office of Foreign Assets Controls



UM Export Control Office

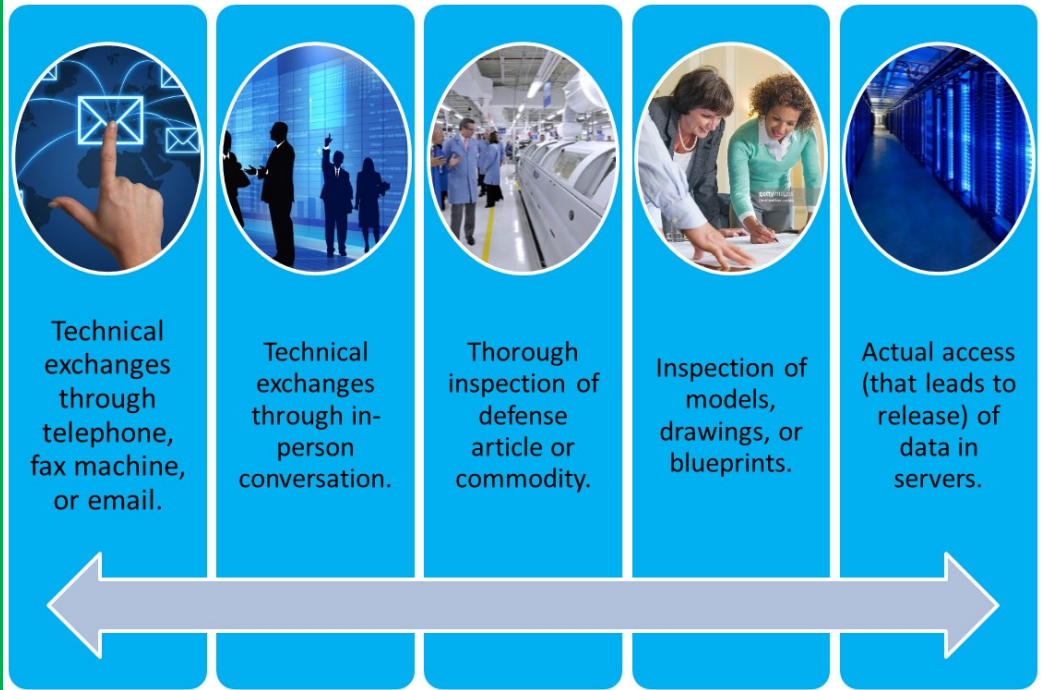
## Methods of Exporting

Technology is “released” for export when it is available to foreign persons for visual inspection (such as **reading** technical specifications, plans, blueprints, formulae, source code, object code, etc.); when technology is **exchanged** orally; or when technology is **made available** by practice or application under the guidance of persons with knowledge of the technology.

## Restricted Party Screening (RPS)

- RPS required for all foreign persons being sponsored by UM: I-129 / DS-2019—VISA
- University Visitors (U.S.)
- Research Contracts
- University Purchases
- International Shipping

The image shows a screenshot of the 'Restricted Party Screening Request' form from the University of Michigan. The form includes sections for 'Requester Information', 'Requestee Information', and 'Requestee Information'. It contains various fields for names, addresses, dates, and checkboxes for screening criteria. A red banner at the top states: 'You must download all your documents before completing. Once completed, save your file naming it all info and the doc'. The form is titled 'FOR USE BY THE EXPORT CONTROL COMPLIANCE OFFICE'.



UM Export Control Office



## Who is a Foreign and U.S. Person?

**Foreign Person:** The regulations define a foreign person as anyone who is **not** a U.S. person.

This includes: Any individual who is **not** a U.S. citizen; or any individual who is **not** a U.S. permanent resident alien (“green card” holder); or individual who is **not** a protected individual (e.g., refugees, or have political asylum); any foreign corporation/business/organization/group **not** incorporated or organized under U.S. law; foreign government and any agency or subdivision of foreign governments (e.g., diplomatic missions).

**U.S. Person:** (EAR Part 772 and ITAR 120.15)

This includes: Any individual who is **granted** U.S. citizenship; or any individual who is **granted** U.S. permanent residence (“Green Card” holder); or any individual who is **granted** status as a “protected person” under 8 U.S.C. 132b(a)(3); any corporation/business/organization incorporated in the United States under U.S. law; any part of the U.S. government.





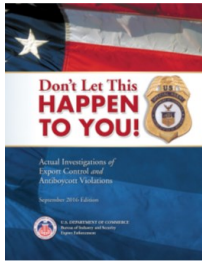
# What are the Consequences ?



**Failure to comply** with export control laws and regulations may lead to significant civil and/or criminal penalties including, but not limited to, monetary penalties per infraction starting at **\$300,000 and up to \$1,000,000.00 per violation**; **prison term up to 20 years**; denial of export privileges; and **debarment from U.S. government contracts**.

Liability for any export violation is **personal and/or institutional**.

## Don't Let This Happen to You!



OEE Special Agents executing a search warrant.

## Contact the UM ECO

For assistance and questions concerning export control, call or email the UM ECO.

**UM ECO**  
(305) 284-9558

**Wjc59@Miami.edu**

Visit us on the web at  
**https://www.research.miami.edu/about/admin-areas/raa/export-control-compliance/index.html**



### UM Export Control Office

# UM Export Control Office

**Services:** Maintains an export compliance program to assist UM in the appropriate transfer of information and/or equipment out of the U.S., or to foreign persons within U.S. territory.

### The office is responsible for:

- Training U employees on export compliance as it relates to UM business activities
- Specialized training for specific projects & Reviewing contracts and agreements
- Investigations (Voluntary Disclosures, Internal Audits, Corrective Actions)
- Restricted Party Screening (RPS) & I-129 Attestation Review/DS-2019 Review
- Purchase Requisition Review & International Travel Consultation
- Technology Control Plan (TCP) implementation
- License applications to U.S. government agencies
- Liaison with other departments on compliance issues

