



Academic Affairs Committee Meeting

PRESENTED BY

Interim Provost Rodner Wright

September 10, 2014

Florida Agricultural and Mechanical University



Action Item

FAMU Export Control Administration

Responsible Official:

Associate VP for Research

Responsible Office: Office of VP for Research

Critical New Personnel:

Export Control Manager

Committee on Export Control (COEC)





Rationale for Export Control

- The export of certain items, technologies, software and services is regulated for reasons of national security, foreign policy, prevention of the spread of weapons of mass destruction and for competitive trade reasons.
- Prior written authorization (a “license”) from one or more U.S. government agencies is required to carry out certain sponsored research or other educational activities involving specified technologies or certain countries, if an exemption or exclusion is not available.
- Export control laws restrict the shipment, transmission or transfer of certain items, software, technology and services from the U.S. to foreign countries, as well as “deemed exports,” which are releases of controlled technology and software source code to foreign nationals located in the U.S.





Export Control Regulations and Triggers

- Before engaging in activities that involve an export, members of the university community must understand and identify any potential export limitations.
- A few examples of export control 'triggers' include:
 - Where foreign persons will participate in the research;
 - Where FAMU will partner with a foreign company;
 - Where FAMU hosts foreign visiting scholars for the purpose of research that involves certain specified technologies subject to export controls; and
 - Where equipment needed for experiments or research abroad will be exported (i.e., shipped or accompanying the researcher/faculty member), including, for example, laptops, GPS equipment, other hand-held mobile devices, etc., or any device that contains encrypted software.
- Many university activities are eligible for one of the **EAR**, **ITAR**, or **OFAC** exclusions, meaning that no license will be required.
- **However, when a research or educational activity involves an export, FAMU must document its analysis of export control issues, including the availability of any exclusion or exemption.**





Export Control Law Violation Penalties

- Although many of the university's activities are exempt from export control laws, some activities may be restricted.
- Failure to comply with these laws exposes both the employee and the university to severe criminal and civil penalties (fines and prison sentences) as well as administrative sanctions (loss of research funding and export privileges).
- Criminal penalties for unlawful export and disclosure of information in violation of U.S. export control laws may include fines up to \$1 million and/or imprisonment up to 20 years.
- Civil penalties can be assessed up to \$250,000 or 2 times the value of the transaction, whichever is greater, for each violation.
- The university and the individual(s) involved also may lose their ability to export in the future.





Export Control Regulations

- **ITAR (International Traffic in Arms Regulations):** Criminal penalties can reach up to \$1 million per violation and 10 years imprisonment for individual willful violations. Civil penalties imposed upon departments, agencies, and officials can reach up to \$500,000 per violation. A university found to be in violation of ITAR regulations can be debarred from contracting with the government and could lose its export privilege.
- **EAR (Export Administration Regulations):** Criminal violations by the university can incur penalties up to \$1million for each willful violation. For individuals, these penalties can reach up to \$1 million or 20 years imprisonment, or both, per violation. Civil penalties for both the university and individuals can reach up to \$250,000 per violation, or two times the value of the export, whichever is greater. These violations can also result in a denial of export privileges as well as other potential collateral penalties.
- **OFAC (Office of Foreign Assets Control):** Penalties will range depending upon the sanction regime in question. Criminal violations by the university can reach up to \$1 million, and criminal penalties for individuals can reach \$1 million or 20 years in prison, or both. Civil penalties can be imposed up to \$250,000 per violation, or two times the transaction in question, or both.





Action Item

USDA Brooksville Land Acquisition













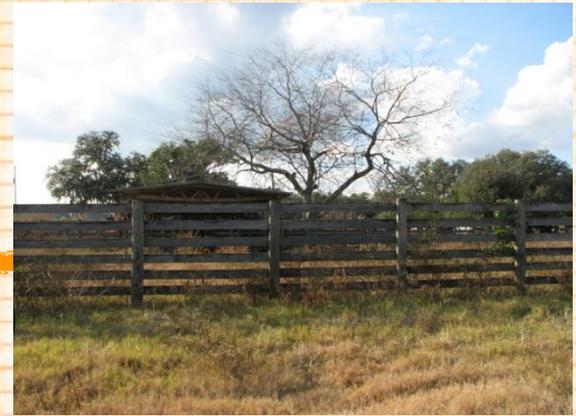














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established 1887

