

SUBJECT: Export Control	Effective Date: 3/15/2019	Policy Number: 10.10	
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required to comply with U.S. export control laws and regulations. In addition, FAU Personnel are required to adhere to all FAU policies and procedures to maintain federal, state, and institutional compliance.

IV. Statement

Florida Atlantic University is committed to complying with all U.S. laws and regulations in its operation. As such, all FAU Personnel are required to comply with U.S. export control laws and regulations. FAU Personnel are responsible for the lawful transfer, control, maintenance, storage, access, and dissemination of certain items, Technology, Technical Data, and services outside of the U.S. or to Foreign Persons, whether located in the U.S. or abroad.

The laws that regulate the export and release of certain items, Technology, Technical Data, and services are enforced primarily by three agencies: The U.S. Department of State, the U.S. Department of Commerce, and the U.S. Department of Treasury.

The U.S. Department of State, through the Directorate of Defense Trade Controls (“DDTC”), regulates “Defense Articles” and “Defense Services” in the International Traffic in Arms Regulations (“ITAR”). Items and information subject to ITAR are found under the DDTC’s U.S. Munitions List (“USML”). The U.S. Department of Commerce, through the Bureau of Industry and Security (“BIS”) and the BIS’s Export Administration Regulations (“EAR”), regulates “dual-use” items, which are items that have both commercial and potential military applications. Items and information subject to EAR are found under the Commerce Control List (“CCL”). The U.S. Department of Treasury maintains the Office of Foreign Assets Control (“OFAC”) which enforces economic sanctions and embargoes in transactions and exchanges with designated countries, entities, and individuals.

In certain circumstances, the export or release of certain items, Technology, Technical Data, or services out of the U.S. or to Foreign Persons, whether in the U.S. or abroad, is either prohibited by law, requires an export license granted by the appropriate agency, or other governmental approval. Instances that may require an export license or governmental approval include, but are not limited to, sponsored research at FAU involving controlled items, including dual-use items, research conducted outside of the U.S., international travel, international shipping, hosting foreign scholars, and Deemed-Export visa certifications.

Obtaining an export license is not guaranteed. Depending on the sensitivity of the item, Technology, Technical Data, parties, and/or countries involved, the U.S. government may take between three (3) to six (6) months to review and approve or deny an application for an export license. Before an export license is obtained, or determining that an export control exclusion is applicable, no access to, or conduct of, export controlled activities are permitted by FAU Personnel.

FAU Personnel have an obligation to report any violation or suspected violation of export control laws, regulations, and policies. Such reports can be made to FAU’s Division of Research Export Control Officer or the Vice President for Research. All reports of violations or suspected violations of export control laws, regulations, or policies will be reviewed. If an investigation is warranted, FAU’s Division of Research will lead the

investigation, with involvement/advisement from the Office of General Counsel as needed. Violations of U.S. el as i3s24.3(he p)10 Tw [f

the U.S. are not subject to export control laws and regulations under the Educational Information Exclusion.

VI. Definitions

Deemed Export: A release of Technology, Technical Data, or software source code to a Foreign Person in the U.S. The export is thereby "deemed" to take place to the Foreign Person's home country or last country of citizenship.

Defense Article: Any item or Technical Data designated in ITAR's U.S. Munitions List. Defense Article includes Technical Data recorded or stored in any physical form, models, mockups or other items that reveal Technical Data directly relating to the item.

Defense Service: The furnishing of assistance (including training) anywhere (inside the United States or abroad) to Foreign Persons in connection with the design, development, engineering, manufacture, production, assembly, testing, repair, maintenance, modification, operation, demilitarization, destruction, processing, or use of defense articles, and the furnishing of any controlled "Technical Data" to Foreign Persons anywhere.

Empowered Official: A U.S. person who is directly employed by FAU in a position of having authority for FAU's export control policy and management. The Empowered Official has the authority granted by FAU to sign license applications and other requests for approval of export control related matters at FAU. The Empowered Official has the independent authority to review any aspect of a proposed export to verify the legality of the transaction and may refuse to sign any license application or other request for approval without prejudice or other adverse recourse. The Empowered Official has the authority to suspend or terminate a research or other export activity if the Empowered Official determines the activity is not in compliance, or will lead to noncompliance with existing export control laws, regulations, or policy.

Foreign Person(s): A natural person who is not a citizen or Permanent Resident Alien of the United States. A Foreign Person also means any foreign corporation, business association, partnership, or other entity or group that is not incorporated or organized to do business in the United States.

Technology (as defined under