

Export Control

A Summary of What You Need to Know

Why YOU?

- ✓ Export Control is a University wide responsibility that applies to all Temple personnel, including faculty, staff, students, or any other person working for or at Temple University (paid or unpaid) from transferring or accessing Export Controlled Items.

What are Export Controls?

- ✓ Federal laws and regulations that govern how physical items, technology, information and data may be exported from the U.S. or shared with foreign persons within the US to support these primary goals:
 1. **Protect U.S. Military Assets.** Prohibit the export of U.S. defense information, technology or services without a license.
 2. **Protect Against Dual-Use Threats.** Control the use and export of commercially available products that can be used for military or proliferation applications.
 3. **Protect Against Threats to National Security.** Prohibit transactions or other activities with sanctioned or embargoed countries, individuals such as terrorists and narcotics traffickers, and various organizations.

What are Examples of Export Controlled Items?

- ✓ Firearms, ammunition, toxicological agents, submersible vessels are sample categories of items controlled by the Department of State's International Traffic in Arms Regulations (ITAR) US Munitions List (USML).
- ✓ Lasers-based energy weapon system and related components, flight control systems, underwater sonar, satellites and drones are sample categories of items controlled by the Department of Commerce's Bureau of Industry Security (BIS) Commerce Control List (CCL).
- ✓ Any services or assets involved in transactions with sanctioned or embargoed countries are controlled by The Department of Treasury Office of Foreign Assets Control (OFAC).

How do Export Controls Apply to Me?

All members of the Temple community are responsible for compliance with Export Control Laws. Examples that might apply based on your role at Temple are included below:

- ✓ **Researchers:** Items in the life sciences can include agents/toxins with a history of attempted use in biowarfare or have the potential for serious economic or public health. The list includes items listed by the Australia Group (link [here](#)):
 - **Viruses:** SARS-related coronaviruses (incl: Sars-COV-2), Chikungunya virus, Foot-and-Mouth Disease virus and more than 50 other viruses are subject to Export Control Restrictions.
 - **Bacteria:** Chlamydia psittaci, certain subspecies of Salmonella and more than 20 other listed bacteria.
 - **Toxins:** Conotoxins, Clostridium botulinum, staphylococcus aureus enterotoxins and more than 16 other toxins
 - **Genetic Elements:** Any gene or genes specific to any listed viruses; or any gene or genes specific to any listed bacterium or fungus, and which in itself or through its transcribed or translated products represents a significant hazard to human, animal or plant health; or could endow or enhance pathogenicity; or codes for any listed toxins or sub-units.



Office of the Vice President for Research

Other research items may include drones, drone components, encryption technology and equipment capable of use in handling biological materials, such as P3 or P4 facilities and components, fermenters and components, centrifugal separators, automated nucleic acid synthesizers.

- ✓ **EHRIS:** Materials and equipment under EHRIS protocols may be controlled, especially BLS3+ related research and materials. Handling protocols may include shipping of materials to foreign countries or restricted parties.
- ✓ **Educators:** A recent example includes the potential limitations on providing distance education remotely to students in certain embargoed or sanctioned countries.
- ✓ **HR and International Student and Scholar Services:** Export control is not limited to exporting controlled items out of the university or the United States. A “deemed export” can occur by “releasing” controlled technology to a foreign person within the United States. Restricted party screening is an important process to identify an individual with government restrictions prior to accessing controlled technology.
- ✓ **IT Services:** Secure servers in high-risk academic or research departments are essential for protecting proprietary and/or export-controlled technical information. Information sharing and storage via email and cloud services, in addition to international travel with devices are other areas of concern.
- ✓ **Provost’s office:** Government restrictions that may be associated with international sabbatical destinations, in addition to visitor and student adherence to export control regulations.
- ✓ **Purchasing:** Purchases involving entities on the restricted party lists and/or the purchases of goods or services that are export controlled.
- ✓ **Research Office:** Research materials, including agents such as those listed above, are often handled pursuant to a material transfer agreements. Research contracts may exclude Temple from Fundamental Research Exclusion if certain terms apply, including restrictions on publication (see below). Foreign sponsors and persons should be screened for government restrictions.

Fundamental Research Exclusion (ITAR 22 CFR § 120.11(a)(8))

Generally, Temple’s research activities fall under a Fundamental Research Exclusion (FRE). FRE applies in science and engineering at accredited institutions of higher learning in the U.S. where the resulting information is ordinarily published and shared broadly in the scientific community. “Ordinarily published” and shared broadly within the scientific community is distinguished from research the results of which are restricted for proprietary reasons or specific U.S. Government access and dissemination controls. University research will not be considered fundamental research if there are restrictions on publication of scientific and technical information resulting from the project or activity, or the research is funded by the U.S. Government and specific access and dissemination controls protecting information resulting from the research are applicable.

Where Can I Learn More?

- ✓ Training is available through the CITI Program’s Export Control Courses. Requirements are available here: https://research.temple.edu/sites/research/files/images/temple_export_training_requirements.pdf
- ✓ Further information, including Temple’s Export Control Policy can be found here: <https://research.temple.edu/research-compliance/export-control>

What are the Penalties?

- ✓ Civil fines of \$250K or 2x the value of the transaction, in addition to denial of export privileges
- ✓ Criminal penalties up to \$1M and imprisonment of up to 20 years per violation

Who do I contact?

Please don’t hesitate to contact exportcontrol@temple.edu or Temple’s Export Control Manager Dwayne King (215-707-7819, dwayne.king@temple.edu)