



THE UNIVERSITY OF
TENNESSEE
KNOXVILLE

Export Control Management System

This document is intended to promote understanding of the regulations in order to ensure compliance by all persons involved in research. For questions about how the export regulations apply to specific research, refer to our [Export Control website](#) or email utkexportcontrol@utk.edu.

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The University of Tennessee Export Control Statement of Commitment



May 5, 2021

The University of Tennessee's Export Control Statement of Commitment

Colleagues,

The United States government regulates the distribution (both domestically and abroad) of strategically important products, services, technology, and information to foreign nationals and foreign countries – for reasons of foreign policy, national security, and protection of United States' commerce – under a complex set of regulations collectively referred to as Export Control. The penalties for export control violations are both civil and criminal in nature and will be applied to you personally as well as the institution under certain circumstances. These penalties include federal prison time and fines reaching as high as \$1,000,000 per violation. Non-compliance with export control laws could also result in disciplinary action by the university. The University of Tennessee is committed to the highest level of compliance with all applicable export control laws and regulations that pertain to the conduct and dissemination of our research and to the export, whether through transfer or sale, of tangible items such as equipment, components or materials. While our primary mission is education, research and dissemination of knowledge, the responsibility remains to balance the service of this mission with safeguarding national assets through adherence to the export regulations, rules and laws of our country.

Campus Export Control Offices have developed tools and resources on their websites to assist the university community with export control compliance including export control determinations:

- Chattanooga: <https://new.utc.edu/research/research-integrity/export-control>
- Health Science Center: <https://uthsc.edu/research/compliance/export-control/>
- Knoxville, Institute of Agriculture (UTIA), Institute for Public Service & Space Institute: <https://exportcontrol.utk.edu>
- Martin: <https://www.utm.edu/export/>

Please utilize these sites and the resources to find information concerning your responsibilities for export control compliance, including shipping, deemed export considerations, and other utilities. Faculty Awareness Workshops also are an ongoing part of our Export Control Management programs, available to individual researchers and teams along with university departments upon request and as new developments emerge. The campus Export Control Officers (ECOs) are knowledgeable and available to assist with implementation and management of the various policies and procedures of the institution related to export controls as well as their underlying federal regulations, rules and laws. The ECOs can be reached directly at:

- | | | | |
|--------------------------------|--------------|----------------------|-------------------------|
| • Chattanooga | 423-425-4443 | David Deardorff | David-Deardorff@utc.edu |
| • Health Science Center | 901-448-2164 | John Denton | jdenton3@uthsc.edu |
| • Knoxville & UTIA | 865-974-0232 | Chris Godfrey | jgodfre8@utk.edu |
| • Institute for Public Service | 865-974-6621 | Thaddeus Grace | Thaddeus.Grace@utk.edu |
| • Martin | 731-881-7015 | Vicki Seng | vseng@utm.edu |
| • Space Institute | 931-393-7260 | Scott Van Zandbergen | svanzand@utsi.edu |

Visit your campus export control website often for updates and contact your campus ECO at the first sign of possible applicability of export control.

Stacey S. Patterson, Ph.D.
Vice President for Research
The University of Tennessee

Introduction

The University of Tennessee is committed to the highest level of compliance with all applicable Export Control laws and regulations that pertain to the conduct and distribution of our research and to the export of tangible items such as equipment or materials. While our primary mission is education, research, and dissemination of knowledge, the responsibility remains to balance the service of this mission with safeguarding national assets through adherence to the export regulations, rules, and laws of our country. This is emphasized in the Export Control Statement of Commitment that is annually circulated across campus.

The purpose of this manual is to restate for the University community the essential aspects of the laws and regulations concerning exports, confirm our policy for compliance, and explain how the University will provide our researchers with the assistance they may need to ensure compliance with these complicated laws.

Export Control Regulations

The three main Export Control Regulations applicable to the University are as follows:

The Export Administration Regulations (EAR), Title 15, sections 730-774 of the Code of Federal Regulations (CFR) are promulgated and implemented by the Department of Commerce. The EAR regulates the export of ‘dual use’ goods and services (goods and services having both military and civilian uses) identified on the Commodity Control List (CCL).

The International Traffic in Arms Regulations (ITAR), 22 CFR §§ 120-130 are promulgated and implemented by the Department of State and regulate defense articles and services and related technical data. Regulated items are identified on the United States Munitions List (USML), 22 CFR § 121.

Treasury Department, Office of Foreign Assets Control (OFAC), The U.S. Department of the Treasury, through the Office of Foreign Assets Control (“OFAC”), regulates economic trade with foreign countries. The Foreign Assets Control Regulations (“OFAC Regulations”), 31 C.F.R. Parts 500-597, implemented pursuant to the Trading with the Enemy Act (“TWEA”), 50 U.S.C. §§ 1-44 and the International Emergency Economic Powers Act (“IEEPA”), 50 U.S.C. §§ 1701-1706, administer the statutory economic trade sanctions imposed against several foreign countries. The sanctions range from partial to full trade embargoes and are imposed *in addition* to other U. S. Export Control law penalties.

University Export Control Compliance Structure and Responsibilities

The University's export compliance efforts will be coordinated through the Offices of Research and Sponsored Programs with the assistance of The Office of the General Counsel. The purpose of this section is to outline the University's Export Control compliance structure and responsibilities.

Export Control Compliance - UT System Level

Empowered Official

Vice President for Research

Empowered Official

Stacey Patterson, Ph.D.

Executive Vice President & Vice President for Research

813 Andy Holt Tower

1331 Circle Park

Knoxville, TN 37996-0180

Phone: (865) 974-4048

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As a part of its compliance efforts, the University has designated the Vice President for Research, Dr. Stacey Patterson as the "Empowered Official." Under the applicable regulations, the Empowered Official shall be a United States citizen, corporation or lawful permanent resident. The ECOs are hereby designated and empowered by the University to oversee any of the University's export licensing or approval activities and to sign license applications or other documentation relating to such licensing or to export approval.

Responsible Officials - Office of Research, Innovation and Economic Development (ORIED)

Vice Chancellor for Research

Deborah Crawford, PhD

711E Andy Holt Tower

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Knoxville, TN 37996

Phone: (865) 974-8701

E-mail: dcrawf19@utk.edu

Assistant Vice Chancellor for the Responsible Conduct of Research, Institutional Research Integrity Officer

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Director of Research Integrity

Jane Burns, MPA
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Export Control Officers

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Knoxville, TN 37996-1529
Phone: (865) 974-0232
E-mail: jgodfre8@utk.edu

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The Export Control Officers (ECOs) have been charged with the responsibility to monitor and direct compliance with Export Control regulations, review and approval of proposals for sponsored research, and development of Technology Control Plans with PIs. ECOs utilize the Visual Compliance Export Control web service, which screens many U.S. government lists that can be found in [Appendix II](#).

Principal Investigator Responsibilities

The University expects individuals identified as Principal Investigators (PIs) to read and comply with PI responsibilities found in the following University Policies: [University's Research Misconduct Policy and Procedures](#) and [the University's Sponsored Projects policy](#). When a proposal is submitted within Cayuse, the PI should identify projects with potential Export Control concerns. Once a proposal is identified, the Export Control Office is notified and reviews the proposal. Any PIs on *non-sponsored* projects that could involve Export Control should contact the ECOs. If needed, the Export Control officer will work with the PI to establish a Technology Control Plan (TCP). PIs should maintain a copy of the project-specific TCP, ensure the research team complies with TCP, and notify the ECOs if there are any changes in project scope, location, or team.

Office of Sponsored Programs Responsibilities

The Office of Sponsored Programs (OSP) is responsible for obtaining ECO determination before entering agreements and awarding projects with potential Export Control concerns.

Recordkeeping

The University is subject to several regulatory recordkeeping requirements related to its export activities. The ITAR and the EAR require that records be kept reflecting the export and temporary import of defense articles, defense services, dual-use commodities and related technologies. This procedure outlines requirements for complying with the recordkeeping regulations. Types of records to be maintained will depend on the University's activities and how items are controlled for export.

Transactions Subject to Recordkeeping Requirements

The following types of transactions are subject to recordkeeping requirements:

- Exports of controlled commodities, software or technical data from the United States or by U.S. persons;
- Re-exports or transshipments of controlled products or technical data originally exported from the United States or by U.S. persons;
- Any other transaction subject to Export Control, whether the export or reexport actually occurs;
- Negotiations in connection with an export; and
- Exports, where it appears that a person in another foreign country has an interest in the transaction or that the commodity or technical data will be exported, transshipped, or diverted.

Records Required to be Retained

All documents related to export-controlled activities and determinations should be retained, including the following:

- University Export Control Management System (**ECMS**) (this document);
- Export Control **Risk Assessments**;
- **Audits**/Program Reviews;
- Paperwork detailing internal Export Control **assessments** or **determinations**;
- **Classification** decisions issued by the appropriate government agency;
- Export Control **license applications** and supporting documents;
- Export Control **licenses**;
- Any **other document issued by the U.S. Government** that demonstrate an export occurred (related to University activity);
- Department of State's Directorate of Defense Trade Controls (DDTC) annual **registration**;
- Technology Control Plans (**TCPs**);
- **End-user certificates**;
- Required **inventory records** for export-controlled materials;
- **Shipping paperwork** for exported items requiring licenses or documentation of controls, including verification of receipt and Shipper's Export Declarations (**SEDs**);

- **Trainings** records;
- **Communication** records with the Export Control Officers; and
- **Non-compliance** reports and actions.

Period of Retention

Export documents must be retained for the respective time periods:

1. Export records under the EAR (*See* §762.6) must be retained for five (5) years from the *latest* of the following times:
 - The date the export from the U.S. occurs;
 - The date of any known re-export, transshipment, or diversion of such item;
 - The date of any termination of the transaction, whether contractual, legal, formally in writing or by any other means, or;
 - In the case of records of or pertaining to transactions involving restrictive trade practices or boycotts, the date the regulated person receives the boycott-related request.
2. Records relating to exports under the ITAR must be maintained for five (5) years from:
 - The expiration of the license or other approval to which the documentation relates;
 - The date the license or other authorization is exhausted or used completely; or
 - The date the license or other authorization is suspended, revoked, or no longer valid.
3. Additionally, The University of Tennessee FIO120 – Records Management Policy states the following types of documents must be retained:
 - Committee Minutes and Internal Investigations - **permanently**;
 - External Audit – **12 years**;
 - Internal Audits – **10 years**;
 - Policies and Procedures – **until superseded**.

Identifying Responsible Recordkeeping Functions

The University will maintain Export Control records, either originals or back-ups, through ORIED and the Offices of Sponsored Programs.

Accessibility

Records must be kept in a manner which facilitates the ability to retrieve the records for any purpose and to review the records during internal or U.S. Government audits.

University Personnel may not, under any circumstances, interfere with or impede any federal law enforcement officer performing his/her official duties.

A request for documents under the Tennessee Sunshine Law needs to be in writing on the letterhead of the requesting entity.

[HR Policy HR0580 \(Code of Conduct\)](#), currently provides, in paragraph 13d, that faculty and staff are prohibited from "Violation of federal government security regulations as outlined in contracts". That language has been in the HR0580 since 2/1/1996, although the Knoxville campus had virtually identical language in its procedure since 4/1/1977.

Training Opportunities for Faculty/Staff

It is critical that appropriate faculty and staff are made aware of Export Control rules and issues. Violations of Export Control laws carry severe penalties, including huge monetary fines and possible prison time. One of the many components of compliance with federal Export Control laws is the establishment of an effective and ongoing education and awareness program.

The University has partnered with [CITI Program](#) to provide relevant Export Control E-learning opportunities for faculty, staff, and students engaged in research.

Individuals listed on an active TCP should take the CITI Export Controls Course once every 5 years. This course should be completed prior to work on export-controlled projects. In addition, CITI also offers an Undue Foreign Influence: Risks and Mitigations Course.

Additionally, the ORIED staff developed live and online awareness training in other critical subjects to ensure researchers understand compliance. These include case studies, a review of current issues, and a question-and-answer session. These workshops and additional training are available upon request. Examples of topics include:

- General Office overview (discusses available service & assistance)
- Shipping Export Controlled equipment & materials
- Purchasing Export Controlled equipment & materials
- Safeguarding Export Controlled equipment & materials

Internal Assessments

The University is committed to ensuring that its efforts to comply with United States export laws and regulations are successful and effective throughout the University. Every compliance program must include an internal assessment function designed to objectively and independently review all aspects of the program. The University will conduct internal assessments as required.

Types of Assessments

Policies and Procedures Assessment

A review of policies and procedures will be conducted to assess whether the University effectively maintains export policies and procedures. This review is designed to identify whether applicable legal obligations are addressed throughout the University.

Self-Audit/Internal Audit

Regular internal audits should be conducted to ensure that the University's Export Control Compliance Program is operating effectively. Reviews should include best practices, such as:

- Research Team Awareness Education Program
- Export Control Determinations

The goal is to ensure that the guidelines of the Export Control Management System are being followed, that the processes are changed as needed and new processes are added when required.

Compliance Assessment

A review of select contracts, activities, practices and procedures will be conducted to assess whether the University is successfully implementing the policies and procedures of the compliance program.

Responsibilities for Internal Assessments

- Sarah Pruett, PhD
- Jane Burns, MPA
- Mary Jourdan, PhD
- Chris Godfrey, MPA
- Export Control Management Advisory Group

Frequency of Internal Assessments

Policies and procedures assessments and compliance assessments will be conducted annually and will consist of a scheduled review.

Crisis Management Plan

Notification

Effective implementation and administration of the University's export compliance guidelines requires ongoing and consistent cooperation between the University and its personnel to ensure compliance with all requirements relating to United States Export Control regulations and laws. Certain events require University personnel to notify the Office of the General Counsel **immediately**.

If *any* of the following events occur, you must **immediately** contact Office of General Counsel, Director of Research Integrity, Export Control Officers, Assistant Vice Chancellor for the Responsible Conduct of Research, and the Empowered Official:

- Any non-routine contact, by phone, letter or in person, by a United States Government official or agency concerning exports or imports, including any request to review or discuss a previously issued export license or past export shipment.
- A shipment from or to the University is detained or seized by U.S. Customs.
- Receipt of a subpoena or other criminal procedure notification related to U.S. export or import laws.
- A suspected violation of Export Control laws or the University guidelines regarding exports.
- Any reporting requirements under the anti-boycott and restricted trade practices regulations.
- Any requirement for United States Government export approvals.

Notification shall occur as soon as possible after any of the foregoing events.

Crisis Communications Plan

Procedures and Alerting Responsibilities

In the event of an out-of-the-ordinary regulatory violation, the following University personnel will be contacted immediately:

- Chris Godfrey, Export Control Officer
- Mary Jourdan, Export Control Officer
- Ryan Stinnett, General Counsel
- Deborah Crawford, Vice Chancellor for Research
- Sarah Pruet, Assistant Vice Chancellor for Research
- Stacey Patterson, Vice President for Research, Outreach and Economic Development
- Tisha Benton, Vice Chancellor for Communications
- Jean Mercer, Associate Vice Chancellor for Research Administration
- Bob Hillhouse, Associate Chief Information Officer

Export Control Management Advisory Group

The Export Control Management Advisory Group meets quarterly, or as needed. The Group exists to provide insight regarding Export Control issues, including review of Export Control of policies, procedures, and training requirements. Additionally, group members will be vigorous advocates for the critical importance of regulatory compliance and policies in research throughout the campus.

Membership will be comprised of representatives from the following communities:

- Office of General Counsel – *ex officio*
- Office of Information Technology
- University of Tennessee Institute of Agriculture
- University of Tennessee Space Institute
- College of Arts and Sciences
- Haslam College of Business
- Tickle College of Engineering
- University System-Wide Administration - *ad hoc*

Investigating Suspected Violations

The failure of the University to comply with applicable United States export laws and regulations could result in [substantial penalties](#), including suspension of the University's export privileges, fines, and imprisonment for personnel found to be in violation of these laws. University personnel shall not willfully ignore information that comes to them in the normal course of University activities to avoid potential compliance issues. Knowledge possessed by University personnel can be imputed to the University and render the University liable for violations. Therefore, any questionable, unauthorized, or illegal activities, whenever discovered by any employee, must immediately be reported to the Office of the General Counsel for review and evaluation. Sufficient information must be provided to allow the University to pursue an appropriate course of action in the event of an actual or potential violation. Accordingly, University personnel are encouraged to provide as much detail as available when reporting possible violations.

Once a violation has been reported, and the Office of the General Counsel has determined that further review is necessary, the Office of the General Counsel will arrange to investigate the matter. Initial fact finding and legal assessments may occur within the affected departments. All information obtained during such investigations shall be forwarded promptly to the Office of the General Counsel or its designated representative. Employees that were determined to have violated Export Control laws will be referred to the Office of General Counsel and the Export Control Management Advisory Committee, and Human Resources. Appropriate actions will be determined following investigation.

Voluntary Disclosures

Department of State

The Department of State strongly encourages the disclosure of information to the Office of Defense Trade Controls ("**ODTC**") by persons, firms, or any organization that believes they may have violated any export provision of the Arms Export Control Act ("**AECA**"). Voluntary self-disclosure may be considered a mitigating factor in determining the administrative penalties, if any, that can be imposed by the Department of State. Failure to report such violation(s) may result in circumstances detrimental to United States national security and foreign policy interests.

Violations of the ITAR may result in criminal or civil prosecutions. Any license or other approval can be suspended, revoked, denied or amended without prior notice. Enforcement actions can include detention and seizure of suspect shipments. An entity or individual indicted for, or convicted of, violating the ITAR or other Export Control laws can lose security clearances, be suspended from participating in the export of defense articles, services and/or technical data, and may be subject to criminal fines and imprisonment. Under the ITAR, it is unlawful:

- To export or attempt to export from the United States any defense article or technical data or to furnish any defense service for which a license or written approval is required by the ITAR without first obtaining the required license or written approval from the ODTC;
- To import or attempt to import any defense article whenever a license is required by the ITAR without first obtaining the required license or written approval from

- the ODTC;
- To conspire to export, import, re-export or cause to be exported, imported or re-exported, any defense article or to furnish any defense service for which a license or written approval is required by the ITAR without first obtaining the required license or written approval from the ODTC;
- To violate any of the terms or conditions of licenses or approvals granted pursuant to the ITAR;
- To willfully cause, or aid, abet, counsel, demand, induce, procure or permit the commission of any act prohibited by The Arms Export Control Act or any regulation, license or approval issued;
- To use false or misleading statements or omit a material fact on any export or import control document.

Department of Commerce

The Department of Commerce encourages the disclosure of any violation of the EAR. Voluntary disclosure procedures can be found in Section 764.5 of the EAR. Self disclosure to the Office of Export Enforcement ("**OEE**") prior to the time that OEE, or any other agency of the U.S. Government, has learned the same, or substantially similar information, is considered a mitigating factor in determining what administrative sanctions, if any, will be sought by the OEE. A voluntary disclosure, however, does not absolve a company from wrongdoing.

Violations of the EAR may result in criminal or civil prosecutions, imposition of fines, forfeiture of property (or any interest therein) or denial of export privileges.

The following actions violate the EAR:

- Aiding, abetting, counseling, commanding, inducing, procuring or permitting the doing of any act prohibited, or the omission of any act required by the EAR or any license or authorization issued;
- An attempt or conspiracy to violate or willfully evade compliance with the EAR or the EAR;
- Possession of goods or technology with the intent to violate export restrictions or with the knowledge or reason to believe the goods will be exported illegally;
- Misrepresenting or concealing facts to BIS or Customs;
- Failure to report a violation or comply with recordkeeping requirements.

Appendix I

Key Terms & Definitions

Code of Federal Regulations (CFR) — The United States **Code of Federal Regulations (CFR)** is the codification of the general and permanent rules and regulations published in the Federal Register by the executive departments and agencies of the Federal Government.

Commerce Control List (CCL) -A list of items under the export control jurisdiction of the Bureau of Industry and Security, U.S. Department of Commerce. The CCL is found in Supplement 1 to part 774 of the EAR.

Commerce Control List (CCL) Category -The CCL is divided into ten categories: (0) Nuclear Materials, Facilities and Equipment, and Miscellaneous; (1) Materials, Chemicals, "Microorganisms," and Toxins; (2) Materials Processing; (3) Electronics Design, Development and Production; (4) Computers; (5) Telecommunications; (6) Sensors; (7) Navigation and Avionics; (8) Marine; (9) Propulsion Systems, Space Vehicles, and Related Equipment.

Commerce Control List (CCL) Group -The CCL is divided into 10 categories. Each category is subdivided into five groups, designated by the letters A through E: (A) Equipment, assemblies, and components; (B) Test, inspection and production equipment; (C) Materials; (D) Software; and (E) Technology.

Controlled country -A list of countries designated controlled for national security purposes found in Country Group D:1, including: Armenia, Azerbaijan, Belarus, Cambodia, the People's Republic of China, Georgia, Iraq, Kyrgyzstan, Laos, Libya, Macau, Moldova, Mongolia, North Korea, Russia, Tajikistan, Turkmenistan, Ukraine, Uzbekistan, and Vietnam. Cuba is a controlled country, but is listed in Country Group E:2 (unilateral embargoes) rather than Country Group D:1.

Deemed Export -The disclosure or transfer of export-controlled software, technologies or technical data to a foreign entity or individual *inside* the US is "deemed" to be an export to the home country of the foreign entity or individual

Defense Article -(ITAR 120.6) means any item designated in the USML. Examples include specified chemical agents, cameras designated for military purposes, specified lasers, and GPS equipment as noted above. It also means any technical data recorded or stored in any physical form, models, mock-ups, or other items that reveal technical data directly relating to the particular item or "defense article" listed in the USML.

Defense Service -(ITAR 120. 9) means the furnishing of assistance (including training) anywhere (inside the United States or abroad) to foreign nationals 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” (see definition below) to foreign nationals anywhere.

Denied Persons List -A list, referenced in Supplement No. 2 to part 764 of the EAR, of specific persons that have been denied export privileges, in whole or in part. The full text of each order denying export privileges is published in the *Federal Register*.

Dual-use -Items that have both commercial and military or proliferation applications. While this term is used informally to describe items that are subject to the EAR, purely commercial items are also subject to the EAR (see §734.2(a) of the EAR).

Empowered Official -a U.S. person who:

- Is directly employed by the applicant or a subsidiary in a position having authority for policy or management within the applicant organization; and
- Is legally empowered in writing by the applicant to sign license applications or other requests for approval on behalf of the applicant; and
- Understands the provisions and requirements of the various export control statutes and regulations, and the criminal liability, civil liability and administrative penalties for violating the Arms Export Control Act and the International Traffic in Arms Regulations; and
- Has the independent authority to:
 - (i) Enquire into any aspect of a proposed export or temporary import by the applicant, and
 - (ii) Verify the legality of the transaction and the accuracy of the information to be submitted; and
 - (iii) Refuse to sign any license application or other request for approval without prejudice or other adverse recourse. (22 C.F.R. § 120.25)

End-use -A detailed description of how the ultimate consignee intends to use the commodities being exported.

End-user -The person abroad that receives and ultimately uses the exported or reexported items. The end-user is not a forwarding agent or intermediary, but maybe the purchaser or ultimate consignee.

Export - In export control regulations, there are several meanings which include any of the following: 1) actual shipment of any covered goods or items; 2) the electronic or digital transmission of any covered goods, items or related goods or items; 3) any release or disclosure, including verbal disclosures or visual inspections, or any technology, software or technical data to any foreign national; or 4) actual use or application of covered technology on behalf of or for the benefit of any foreign entity or person anywhere.

Export Administration Regulations -The Export Administration Regulations (EAR), Title 15, sections 730-774 of the Code of Federal Regulations (CFR), means the regulations promulgated and implemented by the Department of Commerce that regulate the export of goods and related technology identified on the Commodity Control List (CCL), Title 15 CFR 774, Supp. 1. Goods and technology on the CCL are *not* inherently military in nature; they are primarily and inherently commercial or potentially commercial in nature.

Export control - The set of laws, policies, and regulations that govern the export of sensitive items for a country or company.

Export Control Classification Number (ECCN) -Identifies items on the Commerce Control List that are subject to the export licensing authority of the Bureau of Industry and Security.

Exporter -The person who has authority of a principal party in interest to determine and control the sending of items out of the country.

Export license -The approval documentation issued by an export agency authority authorizing the recipient to proceed with the export, reexport, or other regulated activity as specified on the application.

Foreign National / Foreign Person- Persons who are not U.S. citizens, “Lawful Permanent Residents” (Green Card), (8 USC § 1101(a)(20)) or other “Protected Individuals” under the Immigration and Naturalization Act (8 USC §1324b(a)(3)) designated an asylee, refugee, or a temporary resident under amnesty provisions. A foreign national also means any foreign corporation, business association, partnership or any other entity or group that is not incorporated to do business in the US. Under ITAR, the term “foreign person” is used, but has the same definition as “foreign national” herein.

Fundamental Research -(EAR and ITAR) means basic or applied research in science and engineering performed or conducted at an accredited institution of higher learning in the United States where the resulting information is ordinarily published and shared broadly in the scientific community. Fundamental research is distinguished from research that results in information that is restricted for proprietary reasons or national security reasons (EAR) or pursuant to specific U.S. government access and dissemination controls (ITAR).

Fundamental Research Exclusions -The EAR provides that university research normally will be considered as fundamental research unless the university, or its researchers accept sponsor restrictions on publication of scientific and technical information resulting from the project or activity. The EAR specifically permits limited prepublication reviews by research sponsors to prevent inadvertent divulging of proprietary information provided to the researcher by the sponsor or to ensure that publication will not compromise patent rights of the sponsor.

The citation for the official definition of fundamental research under the EAR is 15 CFR § 734.8.

The ITAR states that university research will not be deemed to qualify as fundamental research if: (1) the university or its researchers accept any restrictions on publication of scientific and technical information resulting from the project or activity; or (2) the research is federally funded and specific access and dissemination controls protecting information resulting from the research have been accepted by the university or the researcher. The ITAR citation is 22 CFR § 120.11(8).

International Trafficking in Arms Regulations (ITAR) – The International Traffic in Arms Regulations (ITAR), 22 CFR §§ 120-130, means the regulations promulgated and implemented by the Department of State that control the export of articles, services, and related technical data that are inherently military in nature, as determined by the State Department. These “defense articles,” “defense services,” and related “technical data” are listed on the Munitions List (USML), 22 CFR § 121. Even some articles and technologies that are not readily identifiable as inherently military in nature—for example, research satellites— are included on the USML.

Munitions List -articles, services and related technical data designated as defense articles and defense services pursuant to the Arms Export Control Act.

Public Domain -(ITAR; 22 CFR § 120.11) means information that is published and that is generally accessible or available to the public: (1) through sales at newsstands and bookstores; (2) through subscriptions which are available without restriction to any individual who desires to obtain or purchase the published information; (3) through second class mailing privileges granted by the U.S. government; (4) at libraries open to the public or from which the public can obtain documents; (5) through patents available at any patent office; (6) through unlimited distribution at a conference, meeting, seminar, trade show, or exhibition, generally accessible to the public, in the United States; (7) through public release (i.e., unlimited distribution) in any form (e.g., not necessarily in published form) after approval by the cognizant U.S. government department or agency; and (8) through fundamental research 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.

Reexport -"Reexport" means an actual shipment or transmission of items subject to export regulations from one foreign country to another foreign country. For the purposes of the U.S. EAR, the export or reexport of items subject to the EAR that will transit through a country or countries to a new country, or are intended for reexport to the new country, are deemed to be exports to the new country.

Specially Designated National (SDN) -Any person who is determined by the U.S. Secretary of the Treasury to be a specially designated national for any reason under regulations issued by the Office of Foreign Assets Control.

Technical assistance -Technical assistance may take forms such as instruction, skills training, working knowledge, consulting services, and may also involve the transfer of technical data.

Technical data -means information required for the design, development, production, manufacture, assembly, operation, repair, testing, maintenance, or modification of controlled articles. This includes information in the form of blueprints, drawings, plans, instructions, diagrams, photographs, etc. May take forms such as blueprints, plans, diagrams, models, formulae, tables, engineering designs and specifications, manuals and instructions written or recorded on other media or devices such as disk, tape, or read-only memories. The ITAR definition does not include information concerning general scientific, mathematical, or engineering principles commonly taught in schools, colleges, and universities, or information in the public domain (ITAR 120.10(5)).

Technology -Any specific information and know-how (whether in tangible form, such as models, prototypes, drawings, sketches, diagrams, blueprints, manuals, software, or in intangible form, such as training or technical services) that is required for the development, production, or use of a good, but not the good itself.

Technology Control Plan (TCP)- A document designed to ensure that controlled materials will not be accessed by unauthorized persons. It includes plans for storing / housing the items and procedures for guarding against unauthorized access to the restricted items or information.

U.S. person -an individual who is a citizen of the United States or a foreign national with a visa status of Legal Permanent Resident (LPR). An LPR is also known as a Permanent Resident Alien (PRA).

Appendix II

Screening Lists

- Department of Commerce Denied Persons [BIS]
- Department of Commerce Entity List [BIS]
- Department of Commerce "Unverified" List [BIS]
- Department of State Arms Export Control Act Debarred Parties [DDTC]
- Department of State Cuba Restricted List
- Department of State Nonproliferation Orders
 - Executive Order 13382
 - Iran and Syria Nonproliferation Act
 - Executive Order 12938, as amended
 - Missile Sanctions Laws
 - Chemical and Biological Weapons Sanctions Laws
 - Sanctions for the Transfer of Lethal Military Equipment
 - Iran, North Korea, and Syria Nonproliferation Act Sanctions (INKSNA)
 - Iran Sanctions Act (ISA) and the Iran Threat Reduction and Syria Human Rights Act (TRA)
 - CAATSA Section 231(d) Defense and Intelligence Sectors of the Government of the Russian Federation
- Department of State Munitions Export Control Orders [DDTC]
- Weapons of Mass Destruction Trade Control Designations [OFAC]
- Department of State Designated Terrorist Organizations
- Department of State Terrorist Exclusion List
- U.S. Treasury Department Palestinian Legislative Council List [OFAC]
- U.S. Federal Register General Orders
- Department of Defense Military List
- Department of State Presumption of Denial
- Non-SDN Chinese Military-Industrial Complex Companies List [OFAC]
- Military End User (MEU) List [BIS]
- Military-Intelligence End User (MIEU) List [BIS]

Optionally, U.S. federal procurement program exclusion and medical program exclusion lists can be scanned by **Visual Compliance** software simultaneously.

- U.S. General Services Administration List of Parties Excluded from Federal Procurement Programs [SAM/EPLS]
- U.S. General Services Administration List of Parties Excluded from Federal

Nonprocurement Programs [SAM/EPLS]

- U.S. General Services Administration List of Parties Excluded from Federal Reciprocal Programs [SAM/EPLS]

Additional **Visual Compliance** Screening List Options for Search:

- Air Force Office of Special Investigations - Top Ten Fugitives
 - Focuses on four priorities: to exploit counterintelligence activities for force protection, to resolve violent crime impacting the Air Force, to combat threats to Air Force information systems and technologies, and to defeat and deter acquisition fraud.
- Bureau of Alcohol, Tobacco, Firearms and Explosives Most Wanted
 - Enforces U.S. federal laws and regulations relating to alcohol, tobacco products, firearms, explosives, and arson.
- FBI Ten Most Wanted Fugitives
 - Investigative functions fall into the categories of applicant matters, civil rights, counterterrorism, foreign counterintelligence, organized crime/drugs, violent crimes and major offenders, and financial crime.
- FBI Most Wanted Terrorists
 - Lists alleged terrorists that have been indicted by sitting Federal Grand Juries in various jurisdictions in the United States for the crimes reflected on their wanted posters.
- FBI Wanted Fugitives
- FBI Kidnappings and Missing Persons
- FBI Seeking Information
- Food and Drug Administration – Clinical Investigators
- Food and Drug Administration – Disqualified and Restricted
- Food and Drug Administration – Debarment List
 - Individuals that have had various restrictions placed against them by the Food and Drug Administration (FDA) for scientific misconduct.
- Department of Homeland Security Investigations Most Wanted
 - Terrorism, Drug Smuggling, Money Laundering, Human Trafficking/Smuggling, Import/Export Violations, Child Pornography/Exploitation, Document and Benefit Fraud, Gang-related Crimes, Intellectual Property Rights Violations, Worksite Enforcement.
- Naval Criminal Investigative Service - Wanted Fugitives
 - Conducts felony criminal investigations and counterintelligence for the Department of the Navy, and managing Navy security programs.
- U.S. Immigration and Customs Enforcement and Removal Operations Most Wanted
 - U.S. Immigration and Customs Enforcement (ICE) enforces federal laws governing border control, customs, trade and immigration to promote homeland security and public safety.
- U.S. Drug Enforcement Administration - Major International Fugitives
 - Enforces controlled substances laws and regulations of the United States and brings to the criminal and civil justice system of the United States those entities and individuals involved in the growing, manufacture, or distribution of controlled substances appearing in or destined for illicit traffic in the United States.
- U.S. Marshals Service - Top 15 Most Wanted
- U.S. Marshals Service - Major Fugitive Cases
 - Involved in most every federal law enforcement initiative. U.S. Marshals major cases and top 15 most wanted consist of individuals with a history of violent

- crimes who may be considered armed and dangerous.
- Office of Research Integrity Administrative Actions
 - The names of individuals that have had administrative actions imposed against them by the Office of Research Integrity (ORI), maintained by the Public Health Service (PHS). The Assistant Secretary for Health (ASH) makes the final PHS decision on findings of research misconduct and the imposition of administration actions after reviewing the recommendations made by ORI.
- U.S. Postal Inspection Service - Most Wanted
 - Important areas of jurisdictions include: assaults, bombs, controlled substances, electronic crimes, mail fraud, and money laundering.
- U.S. Secret Service Most Wanted
- Chiefs of State and Cabinet Members of Foreign Governments [Central Intelligence Agency]
- Senior Political Figures and Oligarchs in the Russian Federation ['Putin List']
- Office of Inspector General List of Individuals/Entities Excluded from Federal Health and Medicare Programs
- European Union Consolidated List
 - The European Union Consolidated List, plus European Union persons and entities subject to restrictive measures under European Union Council Regulations.
- Europol Most Wanted Fugitives
- Interpol Recently Wanted
 - Lists persons that are wanted by national jurisdictions.
- Japan Foreign End-Users of Concern
- Kingdom of Saudi Arabia Wanted Militants
- Canada Public Safety and Emergency Preparedness Listed Entities
- Australia Foreign Affairs Consolidated List
- HM Treasury Consolidated List [England]
 - HM Treasury Consolidated List, plus HM Treasury persons and entities subject to restrictive measures under European Union Council Regulations.
- Canadian Border Services Agency Wanted List
 - Violations of human or international rights under the Crimes Against Humanity and War Crimes Act or under international law.
- Canadian Economic Sanctions
 - The sanctions encompass a variety of measures, including limitations on official and diplomatic contacts or travel, the imposition of legal measures to restrict or prohibit trade or other economic activity between Canada and the target state, or the seizure or freezing of property situated in Canada.
- RCMP Wanted Fugitives
 - Enforces laws made by, or under, the authority of the Parliament of Canada.
- FinCEN (USA PATRIOT Act) Section 311 - Special Measures
- World Bank Listing of Ineligible Firms
 - Lists names of firms and individuals that are ineligible to be awarded a World Bank-financed contract for the periods indicated because they were found to have violated the fraud and corruption provisions of the Procurement Guidelines or the Consultants Guidelines.
- OSFI Consolidated List - Entities
- OSFI Consolidated List - Individuals
 - Office of the Superintendent of Financial Institutions (OSFI) issues names subject to the regulations establishing a list of entities made under the Canada Criminal Code or the United Nations suppression of terrorism regulations. OSFI is the sole regulator of banks, and the primary regulator of insurance

- companies, trust companies, loan companies and pension plans in Canada.
- OSFI Warning List
 - Issues entity names that may be of concern to the business community and the public.

Additional **Visual Compliance** Restricted Party Screening Lists:

- ADB Anticorruption and Integrity: Sanctions
- African Development Bank Group Debarred Entities
- Alabama Medicaid Agency List of Suspended Providers
- Alaska Labor Standards Debarment
- Alaska Medicaid Exclusions
- Arizona Suspended and Debarred Firms
- Arkansas Dept of Human Service Excluded
- ARRT Disciplinary Sanctioned List
- Australia - ASPI, China Defense Universities Tracker
- Australia Independent Commission Against Corruption Current Investigations
- Australia Indigenous Corporations Disqualified Officers
- Australia Securities Banned and Disqualified Organisations
- Australian National Security Listed Terrorist Organisations
- Australian Prudential Regulatory Authority Disqualification Register
- BaFin (Germany) Forbidden Foreign Extremist Organizations (without Islamism)
- BaFin (Germany) Forbidden Islamist Organizations
- BaFin (Germany) Forbidden Right-Wing Extremist Organizations
- BaFin (Germany) List of Companies Subject to Enforcement
- BaFin (Germany) Measures and Sanctions by Securities Supervision Directorate
- Blacklisted Firms by Central Medical Service Society of India
- Brazil Register of Inertial and Suspended Companies (CEIS)
- California Dept of Corp Censures, Suspensions, Debarments
- California Dept of Corporations Enforcement Actions
- California Desist and Refrain Orders - Subdivision Activities
- California Desist and Refrain Orders - Unlicensed Activity
- California Desist and Refrain Orders - Unlicensed Ppd Rental
- California Labor Standards Enforcement (DLSE) Debarments
- California Medicaid Exclusions
- Canadian Criminal Code
- Canadian Securities Administrators (CSA) Cease Trade Orders
- Canadian Securities Administrators (CSA) Disciplined List
- China - Insurance Regulatory Commission (CIRC)
- China Securities (CSRC) Administrative Sanctions
- Commodity Futures Trading Commission: Administrative Sanctions
- Commodity Futures Trading Commission: Reparations in Effect
- Companies that Boycott Israel Pursuant to Chapter 808 of the Texas Government Code
- Connecticut Dept of Labor Debarments
- Connecticut Quality Assurance Administrative Actions
- Convict or Child Labor - Withhold Release Orders
- Defense Council of Ukraine Special Restrictive Measures
- DPRK Supply Chain Advisory 07-23-2018
- Dubai Financial Services Authority - Regulatory Actions
- Dutch National Terrorism List
- Entities Prohibited from Contracting with Public Entities in California per the Iranian

- Contracting Act, 2010
- Environmental Protection Agency Fugitives
- European Bank for Reconstruction and Development Ineligible Entities
- European Union List of Banned Air Carriers
- Exclusion or Financial Penalty by European Commission
- FDA Food Importation Debarment List
- FDIC Enforcement Decisions
- FHFA Suspended Counterparty Program
- FinCEN Enforcement Actions
- Fintrac - Public Notice of Administrative Monetary Penalties
- Firms Excluded by India Ministry of Defense
- FIU (India) Compliance Orders
- Florida Consolidated Debarments
- Florida OIG Medicaid
- Foreign Agents Registration Act (FARA): Active Short Form Registrants
- Foreign Agents Registration Act (FARA): Foreign Principals
- Foreign Agents Registration Act (FARA): Primary Registrants
- Freezing Funds: List of Terrorists and Terrorist Groups (E.U.)
- FTC Banned Debt Collectors
- Georgia State Debarments
- Georgia State OIG
- German Wanted Persons
- Hawaii Medicaid Exclusions
- Hawaii Notice of Suspension
- Hong Kong Independent Commission Against Corruption (ICAC) Wanted List
- Hong Kong Monetary Authority
- Hong Kong Securities & Futures Commission – Enforcement Actions
- HUD Limited Denial of Participation (LDP)
- Illegal Textile Transshipment List (592 List)
- Illinois Dept of Labor
- Illinois Health Services
- Illinois/Chicago Debarred Firms
- India Home Affairs Banned Terrorist Organizations
- Indiana State Debarments
- Inter-American Development Bank Sanctioned Firms and Individuals
- Interpol Wanted Persons
- Iowa State Medicaid List
- Israeli Counter Terrorism, Money Laundering, and Terrorist Financing Prohibition
FKA Israeli Ministry of Justice Money Laundering Prohibition
- Israeli Ministry of Defense Declarations on Unauthorized Associations and Terrorists
Organization
- Kentucky Medicaid Terminated List
- List of people indicted in the International Criminal Tribunal for Rwanda
- Liste Nationale - France
- Malaysia Strategic Trade Act 2010
- Maryland Consolidated Debarments
- Massachusetts Consolidated Debarments
- Massachusetts Stop Work List
- MassHealth Providers - Suspended or Excluded
- Measures under Executive Order 13808
- Medicare Enrollment Opt Out
- Medicare Provider List

- Medicek (Precluded Providers)
- Michigan Debarred Vendor List
- Ministry of Foreign Affairs Norway - Restrictive Measures in respect of Ukraine
- Ministry of Social Justice and Empowerment (India)
- Minnesota Excluded Providers
- Minnesota State Debarments
- Missouri Vendors Under Suspension
- Monetary Authority of Singapore
- Montana Debarred Vendors
- National Financial Sanctions by Federal Public Service Finance of Belgium
- National Investigation Agency (India) Most Wanted
- National Treasury (South Africa) Restricted Suppliers
- Netherlands National Police Most Wanted
- New Brunswick Securities Commission Caution List
- New Jersey Consolidated Debarments
- New Mexico Debarment Notices
- New York Dept of Labor Debarments
- New York Medical OIG
- New York State Iran Divestment Act
- New York State School Authority
- New Zealand Designated Terrorist Entities
- North Carolina Consolidated Debarments
- North Carolina Iran Divestment Act
- North Carolina OSBM Suspension of Funding Memos
- North Dakota Debarred Vendors
- Nova Scotia Securities Commission – Enforcement Proceedings
- OCC Unauthorized Banks List
- Ohio Debarred Contractors
- Ohio Disabilities Abuser Registry
- Ohio Findings for Recovery Database
- Ohio Medicaid Excluded Vendors
- Oregon Consolidated Debarments
- Pennsylvania Consolidated Debarments
- Philippines National Bureau of Investigation Most Wanted
- Port Trucking Companies with Outstanding Judgments
- Public Works and Government Services Canada
- Register of Enterprises Ineligible for Public Contracts (RENA) - Quebec
- Rhode Island Debarment List
- Russia Federal United List of Terrorist Organizations
- Russia Public Register of Bribers
- SEC Enforcement Actions: FCPA Cases
- Securities & Exchange Board of India (SEBI) Debarred Entities
- Serious Fraud Office (UK) Press Releases
- Singapore Terrorist Entities
- South African Police Service (SAPS) Wanted Persons
- South Carolina Suspensions
- State Secretariat for Economic Affairs (SECO)
- Swiss FDFA Measures Against Certain Persons from Arab Republic of Egypt
- Swiss FDFA Measures Against Certain Persons from Tunisia
- Swiss FDFA Measures Against Certain Persons from Ukraine
- Targeted Ship Management List - Safety
- Tennessee Iran Divestment Act

- Tennessee State Debarments
- Texas Board of Nursing
- Texas OIG Medicaid
- Texas Scrutinized Companies under Chapter 2270 (Iran and Sudan)
- Texas State Debarments
- Turkish Interior Ministry Wanted Terrorists
- U.K. Financial Conduct Authority
- U.K. Investment Ban
- U.K. Proscribed Terrorist Groups
- U.S. DEA Office of Diversion Control Cases Against Doctors
- U.S. Delinquent Federal Debt
- U.S. Department of Justice Currently Disciplined Practitioners
- U.S. Department of State Narcotics Rewards Program Target Information
- U.S. Department of State Rewards for Justice Most Wanted
- U.S. Office of Inspector General Most Wanted Fugitives
- UK Crimestoppers Most Wanted
- UK Sanctions List
- UNDP Entries to the UN Ineligibility List
- UNOPS Vendor Sanctions
- US - Non-Exhaustive List of Vessels Transporting Oil and Petroleum to and from Syria 2016-2019 [OFAC]
- US - State Medicaid, Colorado
- US - State Medicaid, District of Columbia
- US - State Medicaid, New Hampshire
- Utah Debarred Vendors
- Vermont State Debarments
- Vessels Prohibited from Entering the Navigable Waters of the U.S. (CAATSA)
- Virginia Consolidated Debarments
- Washington Consolidated Debarments
- West Virginia Debarments
- Wisconsin Ineligible Vendor List
- World Bank Non-Responsible Vendors

Risk Country Alerts reported by **Visual Compliance:**

- Department of Commerce, Countries that may require participation in, or cooperation with, an international boycott [Section 999(b)(3) of the Internal Revenue Code of 1986].
- Department of Commerce, EAR Part 736, General Prohibition Eight (In transit shipments and items to be unladen from vessels or aircraft).
- Department of Commerce, EAR Part 736, General Prohibition Three (Foreign-produced direct product re-exports) for ECCN 0A919 and 9X515 or "600 series" items in the Commerce Control List.
- Department of Commerce, EAR Part 736, General Prohibition Three (Foreign-produced direct product re-exports).
- Department of Commerce, EAR Part 740, Country Group E:1, Terrorist Supporting Countries.
- Department of Commerce, EAR Part 744, Military end-user and/or end-use based control policy for specified ECCN dual-use items under EAR Part 744 or related policy, or policy of denial for CCL items that contribute to military capabilities.
- Department of Commerce, EAR Part 746, Embargoes and Other Special Controls, or EAR Part 740 Country Group E:2, Unilateral Embargo.

- Department of Commerce, EAR Part 746, Sanctions or special controls on specified items under EAR Part 746, Embargoes and Other Special Controls (and requirements under General Prohibition Six, Part 736).
- Department of State, Countries Not Cooperating Fully with United States Antiterrorism Efforts.
- Department of State, Directorate of Defense Trade Control restrictions, limitations, denial policy, case-by-case basis, or delays on license applications for the export of U.S. Munitions List (USML) items.
- Department of State, prohibited as an export destination for defense articles and defense services under the ITAR (126.1) including denial policy and U.S. Arms Embargo countries.
- Department of State, Restricted as an export destination under Department of State U.S. Arms Embargoes.
- Department of State, State Sponsors of Terrorism.
- Department of Treasury, Office of Foreign Assets Control (OFAC) Sanctions, or to Specially Designated Nationals under OFAC Sanctions. General Licenses may apply.
- Department of Treasury, Office of Foreign Assets Control (OFAC) sanctions blocking property of persons who threaten international stabilization efforts in the Western Balkans, incorporated into SDN with the program designation [BALKANS].
- European Union Arms Embargoes or E.U. restrictive measures related to the export of arms based on political commitment.
- Exports and reexports to Afghanistan restrictions.
- Government of Canada Economic Sanctions.
- Government of Canada Area Control List country.
- United Nations sanctions, arms embargoes, or travel ban. Non-country specific U.N. sanctions apply to Al-Qaida and the Taliban.
- Conflict Minerals policing (blocking the financing of conflict in the Democratic Republic of the Congo).
- Iran policy: On January 16, 2016, the United States lifted nuclear-related sanctions on Iran with a new Executive Order from the President revoking Executive Orders 13574, 13590, 13622, and 13645 with respect to Iran, amending Executive Order 13628 with respect to Iran, and providing implementation authorities for aspects of certain statutory sanctions outside the scope of U.S. commitments under the Joint Comprehensive Plan of Action of July 14, 2015, along with guidance papers, new General Licenses, and statements of licensing policy.

Other **Visual Compliance** International Screening lists:

- Japan Foreign End-Users of Concern
- Canada Public Safety and Emergency Preparedness Listed Entities
- Politically Exposed Persons in Money Laundering Risk Countries (CIA)
- Australia Department of Foreign Affairs and Trade Consolidated List
- European Union (EU) Council Regulation on Restrictive Measures to Combat Terrorism [Designated Persons, Groups, and Entities]
- Interpol Recently Wanted
- United Nations (UN) Consolidated List
- Bank of England Consolidated List of Financial Sanctions Targets in the U.K.
- World Bank Listing of Ineligible Firms
- OSFI Consolidated List – Entities
- OSFI Consolidated List – Individuals
- OSFI Warning List
- OCC List of Unauthorized Banks

- Royal Canadian Mounted Police (RCMP) – Wanted

Visual Compliance Restricted Party Screening software also includes Risk Country alerts for any problem countries named in the search, including foreign-produced, direct product re-exports and transshipment country prohibitions, among others.

EAR Part 736 General Prohibition Eight (In transit shipments and items to be unladen from vessels or aircraft)

- EAR Part 746, Embargoes and Other Special Controls
- U.S. Department of Commerce EAR Country Group E:1, Terrorist Supporting Countries ("T-7 Countries")
- Office of Foreign Assets Control (OFAC) Sanctions
- United Nations (UN) Sanctions
- U.S. Department of State, List of State Sponsors of Terrorism
- Department of State U.S. Arms Embargoes
- Export destination for defense articles and defense services prohibited under the ITAR (126.1)
- BIS India and Pakistan Export Restrictions, including Atomic Energy blocked entities
- Exports and Reexports to Afghanistan Restrictions
- Countries that may require participation in, or cooperation with, an international boycott [Section 999(b)(3) of the Internal Revenue Code of 1986]