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.
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.


   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.

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**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

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UM Export Control Office News Brief — The Eye of the Hurricane – October 2021
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

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!**

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

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](https://www.research.miami.edu/about/admin-areas-raa/export-control-compliance/index.html)