

EXPORT CONTROL

Authority

Statutes, regulations, and policies related to export controls include, but are not limited to:

- The Arms Export Control Act, 22 U.S.C. § 2751 (<https://www.govinfo.gov/app/details/USCODE-2018-title22/USCODE-2018-title22-chap39/et seq>).
- The Export Controls Act, 50 U.S.C. § 4801 (<https://www.govinfo.gov/app/details/USCODE-2018-title50/USCODE-2018-title50-chap58/et seq>).
- Assistance to Foreign Atomic Energy Activities, 10 C.F.R. § 810 (<https://www.ecfr.gov/cgi-bin/text-idx/?SID=8d0f469c37e6a5363c34f2fab9c97c26&mc=true&node=pt10.4.810&rgn=djv5>).
- The Export Administration Regulations (EAR), 15 C.F.R. §§ 730-774 (<https://www.ecfr.gov/cgi-bin/text-idx/?SID=8d0f469c37e6a5363c34f2fab9c97c26&mc=true&tpl=/ecfrbrowse/Title15/15CVIIsubchapC.tpl>).
- The International Traffic in Arms Regulations (ITAR), 22 C.F.R. §§ 120-130 (<https://www.ecfr.gov/cgi-bin/text-idx/?SID=8d0f469c37e6a5363c34f2fab9c97c26&mc=true&tpl=/ecfrbrowse/Title22/22CIsubchapM.tpl>).
- The Foreign Assets Control Regulations, 31 C.F.R. §§ 500-599 (<https://www.ecfr.gov/cgi-bin/text-idx/?SID=8d0f469c37e6a5363c34f2fab9c97c26&mc=true&tpl=/ecfrbrowse/Title31/31chapterV.tpl>).
- University of Nebraska Travel Policy TO-01 (<https://nebraska.edu/-/media/unca/docs/offices-and-policies/policies/policies/university-of-nebraska-travel-policy.pdf>).
- UNMC Policy No. 8000, Compliance Program (https://wiki.unmc.edu/index.php/Compliance_Program/).
- UNMC Policy No. 8006, Code of Conduct (https://wiki.unmc.edu/index.php/Code_of_Conduct/).

Definitions

Export

Any item that is taken, transferred, or sent from the United States to a foreign destination is an export, including, but not limited to, commodities, software, technology, instrumentation, chemicals, biological materials, circuit boards, blueprints, design plans, retail software packages and technical information.

The following activities constitute exports:

1. International shipments;
2. Checking items into luggage for international travel;
3. Hand-carrying items for international travel;
4. Transfers by any means of information, data, or software to recipients outside the United States (including transfers to U.S. Persons); and
5. Providing services to Non-U.S. Persons.

Deemed Export

A transfer by any means of information, data, software, or services to a Non-U.S. Person in the United States is deemed an export to all countries of nationality of the Non-U.S. Person.

U.S. Person

A U.S. Person is a natural or legal person in any of the following categories:

1. Citizens of the United States;
2. Lawful permanent residents of the United States;
3. Refugees, asylees, and other individuals protected under 8 U.S.C. 1324b(a)(3) (<https://www.govinfo.gov/content/pkg/USCODE-2018-title8/html/USCODE-2018-title8-chap12-subchapII-partVIII-sec1324b.htm>);
4. The government of the United States or of any state or territory; or
5. Corporations, business associations, and other organizations incorporated or otherwise authorized to do business in the United States.

Non-U.S. Person

A Non-U.S. Person is any natural or legal person who is not a U.S. Person. This includes UNMC Personnel, international organizations, foreign corporations, foreign governments (including diplomatic missions), and foreign universities.

Restricted Parties

Restricted Parties are entities and individuals subject to export sanctions under federal law. U.S. Persons are prohibited from exporting some or all items to Restricted Parties without an export license or other federal approval.

Technology Control Plan

A Technology Control Plan is a security protocol required for UNMC activities that involve export-controlled components. Technology Control Plans are used to manage physical and information security requirements, individual access controls to equipment and data, and project closeout procedures.

UNMC Personnel

UNMC Personnel include, for the purposes of this policy:

1. Faculty;
2. Staff;
3. Students;
4. Volunteers;
5. Visitors; and
6. Any other individuals who participate in any activity on behalf of UNMC, irrespective of appointment, compensation, or the location of the activity.

Scope

This policy applies to all UNMC personnel, irrespective of appointment, compensation, or the location of the activity.

Background

The University of Nebraska Medical Center is committed to leading the world in transforming lives to create a healthy future for all individuals and communities through premier educational programs, innovative research and extraordinary patient care. To fulfill this mission, UNMC encourages partnerships and collaborations with the best and brightest individuals and institutions throughout the world. While the majority of research and global engagement may proceed without restrictions, the United States government imposes controls on certain exports to protect the spread of strategically important technology, services, and information to foreign countries and Non-U.S. Persons. The University recognizes the importance of these regulations and requires compliance with these export controls from every member of the UNMC community.

Statement of Policy

All UNMC Personnel must comply with all applicable United States laws and regulations while teaching, conducting research, providing care, traveling internationally, or participating in other activities at or on behalf of UNMC. As such, UNMC Personnel are required to comply with the laws, regulations, and University of Nebraska policies governing the transfer of items, information, technology, software, and funds to destinations and persons outside of the United States, as well as to Non-U.S. Persons in the United States, including UNMC and/or Nebraska Medicine personnel.

UNMC Personnel will not engage in any export transaction unless all required licenses or other approvals are in place.

There are no exceptions to this policy.

Responsible Parties

Empowered Official for ITAR

Pursuant to 22 C.F.R. 120.25 (<https://www.ecfr.gov/cgi-bin/text-idx/?SID=168a469fd3f577057b746ca37a21ac41&mc=true&node=se22.1.120.125&ign=div8>), the University of Nebraska's Senior Empowered Official may appoint one or more individuals to serve as Empowered Official for ITAR for UNMC. The Empowered Official for ITAR has independent authority to oversee UNMC's compliance with the International Traffic in Arms regulations, including the following authorities and responsibilities:

1. Serving as UNMC's sole signatory authority on applications for export licenses and other requests for approval under the International Traffic in Arms Regulations;
2. Inquiring into any aspect of a proposed export or temporary import;
3. Verifying the legality of all export and temporary import transactions and the accuracy of the information to be submitted to the relevant government agencies;
4. Refusing to sign any license application or other request for approval without prejudice or other adverse recourse;
5. Taking appropriate measures to enforce this policy, including without limitation halting or suspending activities and exports; and
6. Any other authorities and responsibilities enumerated at 22 C.F.R. 120.25 (<https://www.ecfr.gov/cgi-bin/text-idx/?SID=168a469fd3f577057b746ca37a21ac41&mc=true&node=se22.1.120.125&ign=div8>).

Export Control Office

The director, officers, managers, and coordinators of the Export Control Office are responsible for developing, maintaining, and enforcing UNMC's export policies and procedures. Specifically, the responsibilities of the Export Control Office include:

1. Serving as the primary point of contact for UNMC Personnel regarding this policy and export controls generally;
2. Advising UNMC and UNMC Personnel on transactions and other relationships with Restricted Parties;
3. Providing guidance to UNMC Personnel regarding international travel and export transactions;
4. Assisting UNMC Personnel in developing and maintaining compliance protocols for export-controlled activities;
5. Providing training and other educational resources related to export compliance to UNMC Personnel;
6. Working with other UNMC offices as appropriate to support compliance with federal law and University of Nebraska policy, including assisting in reviewing agreements governing international transactions and/or export-controlled activities, reviewing international shipments, and reviewing disclosures of foreign support;
7. Serving as UNMC's sole signatory authority for export license applications related to any activities subject to the Export Administration Regulations, the Foreign Assets Control Regulations, and other regulations governing exports;
8. Supporting the Empowered Official for ITAR;
9. Performing periodic and ad hoc audits of UNMC activities subject to export controls to verify compliance with this policy and federal export laws and regulations; and
10. Investigating reported or suspected violations of this policy or federal export laws or regulations.

UNMC Personnel

All UNMC Personnel are responsible for:

1. Disclosing international research, service, clinical activity, and travel to the Export Control Office;
2. Complying with the terms of awards or service agreements subject to export controls, including, as necessary, developing Technology Control Plans in coordination with the Export Control Office;
3. Monitoring compliance with any Technology Control Plan(s) for themselves and any other UNMC Personnel under their supervision;
4. Reporting any violations, or suspected violations, of this policy or export control laws or regulations to the Export Control Office or anonymously through the UNMC Compliance Hotline (https://wiki.unmc.edu/index.php/Compliance_Hotline/);
5. Completing export compliance training as assigned by the Export Control Office; and
6. Taking any other steps or compliance actions as directed by the Export Control Office.

Violations

Failure to comply with this policy will result in corrective or disciplinary action as provided under UNMC Policy No. 1098, Corrective and Disciplinary Action (https://wiki.unmc.edu/index.php/Corrective/Disciplinary_Action/), including termination, dismissal, or exclusion from participation in federally funded activities. Failure to comply with US

export law may result in significant criminal and civil penalties for both the individual in violation and UNMC.

Additional Information and Resources

- For more information about the applicability of export controls to specific activities (including research, shipping, and international travel), please contact the UNMC Export Control Office (exportcontrol@unmc.edu) (402-559-9328).
- UNMC Compliance Hotline: 1-844-348-9584 or [www.nebraska.ethicspoint.com](https://secure.ethicspoint.com/domain/media/en/gui/52126/) (<https://secure.ethicspoint.com/domain/media/en/gui/52126/>)
- UNMC Export Control Website (<https://www.unmc.edu/academicaffairs/compliance/areas/export-control/>)
- UNMC Transporting and Shipping Internationally website (<https://www.unmc.edu/academicaffairs/compliance/areas/export-control/transporting-shipping/>)
- UNMC Policy No. 1098, Corrective and Disciplinary Action (https://wiki.unmc.edu/index.php/Corrective/Disciplinary_Action/)
- UNMC Policy No. 8014, Disclosing Foreign Support and International Activities (https://wiki.unmc.edu/index.php/Disclosing_Foreign_Support_and_International_Activities/)
- Directorate of Defense Trade Controls website (https://www.pmddtc.state.gov/ddtc_public/)
- Bureau of Industry and Security website (<https://www.bis.doc.gov/>)
- Office of Foreign Assets Controls website (<https://www.treasury.gov/about/organizational-structure/offices/pages/office-of-foreign-assets-control.aspx>)
- National Nuclear Security Administration website (<https://www.energy.gov/nnsa/national-nuclear-security-administration/>)

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