

Compliance with Export Controls and Technology Control Plans

SAO

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Export Compliance Officer

New Employee Overview

Compliance with Export Controls (EC)

- ▶ The U.S. Government, along with Many other Nations, Regulates the Export of Hardware, Software and Technology to Safeguard Our National Security and Prevent the Advance of Military Technology of Its Adversaries.
- ▶ Export Controls Are Complex
 - There are military and commercial **technology restrictions** that impact SAO's activities: IR detectors, adaptive optics, satellites, star trackers, etc.
 - There are **countries** under sanctions (Cuba, Iran, North Korea, S. Sudan and Syria, partial restrictions on China, Russia, Venezuela and others)

Fundamental Research is Exempt

§120.11 of International Traffic in Arms Regulations
§734.8 of the Export Administration Regulations

- ▶ Determine what is **fundamental research**: basic and applied research that is ordinarily published and shared within the scientific community. For example, observing activities are not controlled.
- ▶ **Public domain** – available in libraries, academic classes, newsstands, and through unlimited distribution at a conference, meeting, seminar, trade show
- ▶ NOTE: Information or technology **related to an item on the control lists is controlled and is not fundamental research**

Consult the Export Compliance (EC) Webpage

- ▶ www.cfa.harvard.edu/spp/ec

SD 611: Export Controls over Research, Exports and Museum Activities

New Training videos on the training page!

- ▶ What if there is a violation?
 - 5-year statute of limitations
 - Contact the ECO
 - Natascha Finnerty
 - nfinnerty@cfa.harvard.edu or
 - export@cfa.harvard.edu
- ▶ 617-496-7557

Export Compliance

Secure | <https://www.cfa.harvard.edu/spp/ec/ectraining.html>

Apps Govt sites Imported From Firefox Vendors

 Smithsonian Astrophysical Observatory

About Research Education & Outreach Facilities

Export Compliance Home

Export Compliance Overview

Directive To Comply

Controlled Items & Information

Government Links

Training

Policies and Procedures

Forms and Manuals

FAQ

SPP Home Page

Administrative Service Groups

Export Compliance: Training Opportunities

SI and SAO Training Materials

- Export Compliance Terminology - common abbreviations
- "What do I need to know about Export Controls?" SI
- New Employee Awareness: Compliance with Export
- Export Compliance and Technology Control Plan Tra
- New ITAR Spacecraft and Sattelite Rules PDF (Novem
- Preparing Documents for International Federal Expr
- Screening the Export Control Denial List (Moodle co
- *Interactive Slideshows (Prezi):*
 - Export Compliance Overview
 - International Shipping - Import/Export
 - Deemed Exports: Smithsonian Interactions with

Training Materials from Non-SI and Non-SAO Sources

- Export Control Reform Implementation, May 31, 201
- Massachusetts Export Center - PDF
- Bureau of Census presentation: Classifying Your Pro
- NASA Export Control Awareness Training Video (from

Bureau of Industry and Security Webinars

In furtherance of SAO's significant statutory and regulat

recommends that project personnel who have, or foresee

the many short seminars offered under the auspices of

Certain Projects have EC Elements

- ▶ AGWS, AirSPEC, ARCUS, Chandra, Event Horizon Telescope, Giant Magellan Telescope, James Webb Space Telescope, PIMS, SWEAP, TEMPO and X-Ray Surveyor
- ▶ PIs – Chance, Reid, Szentgyorgyi, McLeod, Cohen, Kraft, Kenter, Randall Smith, Golub, and DeLuca,
- ▶ Central Engineering – Cheimets, Shaw
- ▶ PMs - Schwartz, McMuldloch, Norton, Jordan
- ▶ There is a 5-year statute of limitations of export violations so we are liable for errors of previous years.

What processes do we have in place at SAO to comply?

- Export Compliance Website with export control lists
- Procedures for Identifying export-controlled activities at proposal and award phase:
 - Space qualified optics, deformable mirrors, detectors, space and satellite technology, remote sensing in the IR and Near IR, and NASA data and software marked with foreign national restrictions.
 - Thrusters, cryogenic equipment, advanced computing boards and MMICS
- Procedures for determining when we need an export license
- Description of our **Technology Control Plan** – i.e., **you may be asked to *not go into the lab or be excluded from networks.***

What You Need to Remember?

- ▶ *No issue is too small*
- ▶ *Ask me about*
 - Hiring non US-persons or collaborating with organizations for scientific research
 - Restricting data networks and lab access where there is activities related to design, construction or exports of instruments/data for space, satellites, adaptive optics, infrared, lasers, digital processing, and coatings
 - Any program or person related to China, Cuba, Iran, North Korea, S. Sudan, Syria, Russia and Venezuela
 - Programs with the Middle East
 - Any import/exports of hardware or intangible exports of technology
 - Contact the travel department about country advisories, reimbursement rules, State Dept. STEP program and International SOS before international travel. Tr@cfa.harvard.edu.

Foreign Travel Reminders



- ▶ Units may have special approval requirements for foreign travel. Please check with your administrative officer as soon as foreign travel is anticipated.

- ▶ Check for travel conditions - sign up for STEP with State Dept. and International SOS.
 - Smithsonian Global Assistance (SOS) <https://www.internationalsos.com/MasterPortal/default.aspx?membnum=11BCPS000166>
 - Smart Traveler Enrollment Program (STEP) <https://step.state.gov/step/>

- ▶ A foreign destination may require a visa or an up-to-date vaccination record. For assistance, contact Gerri Thompson at Gerri.Thompson@cibt.com or by phone 202-337-2442, extension 35266. *Please contact SAO Travel with any questions.* tr@cfa.harvard.edu or 617-495-7220

- ▶ Most countries require that a visiting traveler have a passport with an expiration date valid for at least 6 months after the end of the trip. A traveler not meeting this requirement may be denied boarding at the departure airport. If you are carrying equipment or technology, check with the Export Compliance Officer.

- ▶ Travel to and from the US to a foreign destination will usually require the use of a US Flag carrier. Rare exceptions must be discussed with travel and documented on an OCON 700 form. Check Travel Handbook before traveling for Reimbursement Rules or SAO Guide <https://www.cfa.harvard.edu/tr/guide/>