

# Overview of Export and Import Requirements

## ECU Policy

*Policy REG01.15.08 requires that all individuals affiliated with East Carolina University review and understand export and import compliance requirements applicable to the individual's role or study, and not take any action that violates export and import laws, regulations, or ECU SOPs.*

*The Office of Export Controls and Customs exists to promote topic awareness, and to facilitate, establish and maintain export and import-related compliance processes and procedures.*

**Need Help? Email [ECUExportControls@ecu.edu](mailto:ECUExportControls@ecu.edu) or call (252) 744-2395**

## EXPORT ESSENTIALS

### EXAMPLES OF UNIVERSITY ACTIVITIES THAT MAY BE IMPACTED OR PROHIBITED

- Distance education to individuals in some sanctioned countries, esp. CUBA, IRAN, NORTH KOREA, SYRIA
- Research with individuals employed by foreign universities that appear on OFAC's Specially Designated Nationals and Blocked Persons (SDN) list
- Attending conferences in any country where a special session is held for members of sanctioned countries
- Study abroad programs in sanctioned countries and where the program does not cover full-time study schedule
- Accepting donations from individuals who appear on OFAC's SDN list
- Informal collaborations with foreign universities
- Employing foreign individuals or exposing students to export-controlled technology in a research environment
- Fundamental research conducted by a foreign student in an ECU laboratory with export-controlled technology
- Shipping items out of the US for any purpose
- Traveling internationally with laptops or equipment

## IMPORT ESSENTIALS

### EXAMPLES OF UNIVERSITY ACTIVITIES ALWAYS IMPACTED

- Bringing items, including specimens and samples, back into the US after a research expedition
- Receiving research specimens and materials from foreign universities or project sponsors
- Procuring materials or laboratory equipment from foreign vendors

## Primary US Regulations Governing Export and Import Compliance

**Foreign Assets Control Regulations (FACR)** – Administered by US Dept. of Treasury, Office of Foreign Assets Control (OFAC) – Sanctions programs including country-level embargoes that prohibit providing services to or facilitating transactions with individuals and entities in subject country, as well as prohibit interactions with individuals on Specially Designated Nationals and Blocked Persons (SDN) list. Examples: Iranian Transactions Sanctions Regulations; Russia-Ukraine sanctions

**International Traffic in Arms Regulations (ITAR)** – Administered by US Dept. of State, Directorate of Defense Trade Controls – Regulates technology, information, and software for defense and defense services, defense articles; controlled items listed on the US Munitions List (USML)

**Export Administration Regulations (EAR)** – Administered by US Dept. of Commerce – Regulates technology, information, software for sensitive articles, and those articles; controlled items listed on the Commerce Control List (CCL)

**Customs Duties** – Administered by US Customs and Border Protection - Regulates assessments for duties, taxes and fees upon import, and determines admissibility related to Partner Government Agency requirements

**What's Controlled?** See attachments for OFAC sanctions, ITAR's USML, and EAR's CCL.

**What are the Federal Penalties for Not Complying?** Up to \$1 million and 20 years imprisonment...per violation

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## OFAC Sanctions

OFAC publishes sanctions and embargoes information on its website.

<https://www.treasury.gov/resource-center/sanctions/Programs/Pages/Programs.aspx>

While the following list includes active sanctions as of early 2018, you should check OFAC's site for the latest information.

[Balkans-Related Sanctions](#)

[Belarus Sanctions](#)

[Burundi Sanctions](#)

[Countering America's Adversaries Through Sanctions Act of 2017 \(CAATSA\)](#)

[Central African Republic Sanctions](#)

[Counter Narcotics Trafficking Sanctions](#)

[Counter Terrorism Sanctions](#)

[Cuba Sanctions](#)

[Cyber-related Sanctions](#)

[Democratic Republic of the Congo-Related Sanctions](#)

[Global Magnitsky Sanctions](#)

[Iran Sanctions](#)

[Iraq-Related Sanctions](#)

[Lebanon-Related Sanctions](#)

[Libya Sanctions](#)

[Magnitsky Sanctions](#)

[Non-Proliferation Sanctions](#)

[North Korea Sanctions](#)

[Rough Diamond Trade Controls](#)

[Somalia Sanctions](#)

[Sudan and Darfur Sanctions](#)

[South Sudan-related Sanctions](#)

[Syria Sanctions](#)

[Transnational Criminal Organizations](#)

[Ukraine-/Russia-Related Sanctions](#)

[Venezuela-Related Sanctions](#)

[Yemen-Related Sanctions](#)

[Zimbabwe Sanctions](#)

# Overview of Export and Import Requirements

## ITAR's US Munitions List (USML)

### Categories of Items/Technology (Information)/Software Controlled

USML Category	EXAMPLES
<b>CATEGORY I—FIREARMS, CLOSE ASSAULT WEAPONS AND COMBAT SHOTGUNS</b>	Combat shotguns, rifles, revolvers, submachine gun, technical data for some of these
<b>CATEGORY II—GUNS AND ARMAMENT</b>	Flame throwers, tooling and equipment and test models, target acquisition or damage assessment systems
<b>CATEGORY III—AMMUNITION/ORDNANCE</b>	Ammunition handling equipment, technical data and defense services
<b>CATEGORY IV—LAUNCH VEHICLES, GUIDED MISSILES, BALLISTIC MISSILES, ROCKETS, TORPEDOES, BOMBS, AND MINES</b>	Rockets, bombs, torpedoes, hand grenades
<b>CATEGORY V—EXPLOSIVES AND ENERGETIC MATERIALS, PROPELLANTS, INCENDIARY AGENTS, AND THEIR CONSTITUENTS</b>	Explosives, Zirconium (CAS 7440-67-7), magnesium (CAS 7439-95-4), or alloys of these, lead salicylate (CAS 15748-73-9)
<b>CATEGORY VI—SURFACE VESSELS OF WAR AND SPECIAL NAVAL EQUIPMENT</b>	Firing lasers, missiles
<b>CATEGORY VII—GROUND VEHICLES</b>	Software related to defense articles, rotary shock absorbers for vehicles weighing more than 30 tons
<b>CATEGORY VIII—AIRCRAFT AND RELATED ARTICLES</b>	Unmanned aerial vehicles (UAVs), attack helicopters, target drones
<b>CATEGORY IX—MILITARY TRAINING EQUIPMENT AND TRAINING</b>	Training equipment for ground targets, missile launch trainers
<b>CATEGORY X—PERSONAL PROTECTIVE EQUIPMENT</b>	Body armor, parts and components for personal protective equipment
<b>CATEGORY XI—MILITARY ELECTRONICS</b>	Electronic equipment with underwater hardware, equipment with active or passive acoustic array sensing systems or acoustic array equipment capable of real-time processing that survey or detect, and also track, localize, or identify, surface vessels, submarines, other undersea vehicles, having multi-static capability or operating frequency less than 20 kHz, or operating bandwidth greater than 10kHz
<b>CATEGORY XII—FIRE CONTROL, LASER, IMAGING, AND GUIDANCE EQUIPMENT</b>	Developmental lasers funded by the Dept of Defense via contract or other funding authorization, imaging systems

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USML Category	EXAMPLES
<b>CATEGORY XIII— MATERIALS AND MISCELLANEOUS ARTICLES</b>	Military or intelligence cryptographic (including key management) systems, equipment, assemblies, modules, integrated circuits, components, and software (including their cryptographic interfaces) capable of maintaining secrecy or confidentiality of information or information systems, including equipment or software for tracking, telemetry, and control (TT&C) encryption and decryption; Non-transparent ceramic plate or blanks, greater than ¼ inches thick and larger than 8 inches × 8 inches for transparent armor. This includes spinel and aluminum oxynitride (ALON); biological agents, such as Bacillus anthracis, Ebola virus, Variola major virus (Smallpox virus), AB-G-BRU-A Goat anti-Brucella abortus
<b>CATEGORY XV— SPACECRAFT AND RELATED ARTICLES</b>	Spacecraft, including satellites and space vehicles, whether designated developmental, experimental, research, or scientific, or having a commercial, civil, or military end-use, that are specially designed to mitigate effects (e.g., scintillation) of or for detection of a nuclear detonation
<b>CATEGORY XVI—NUCLEAR WEAPONS RELATED ARTICLES</b>	Modeling or simulation tools that model or simulate the environments generated by nuclear detonations or the effects of these environments on systems, subsystems, components, structures, or humans.
<b>CATEGORY XVIII— DIRECTED ENERGY WEAPONS</b>	Directed energy weapons that cause ocular disruption or blindness
<b>CATEGORY XIX—GAS TURBINE ENGINES AND ASSOCIATED EQUIPMENT</b>	Turbofan and Turbojet engines (including those that are technology demonstrators, developmental engines, or variable cycle engines) capable of 15,000 lbf (66.7 kN) of thrust or greater
<b>CATEGORY XX— SUBMERSIBLE VESSELS AND RELATED ARTICLES</b>	Submarines specially designed for military use
<b>CATEGORY XXI—ARTICLES, TECHNICAL DATA, AND DEFENSE SERVICES NOT OTHERWISE ENUMERATED</b>	Any article not enumerated on the US Munitions List (USML)...

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## EAR's Commerce Control List

### Categories of Items/Technology (Information)/Software Controlled

CCL Category	EXAMPLES
<b>CATEGORY 0—NUCLEAR MATERIALS, FACILITIES, AND EQUIPMENT [AND MISCELLANEOUS ITEMS]</b>	“Specially designed” components and parts for ammunition; Shotguns with barrel length 18 inches (45.72 cm) or over; oil and gas exploration equipment, software, and data
<b>CATEGORY 1—SPECIAL MATERIALS AND RELATED EQUIPMENT, CHEMICALS, “MICROORGANISMS,” AND “TOXINS”</b>	Fingerprinting powders, dyes, and inks; pumps capable of circulating solutions of concentrated or dilute potassium amide catalyst in liquid ammonia (KNH <sub>2</sub> /NH <sub>3</sub> ), human and animal pathogens and “toxins, such as Brucella abortus; Cholera toxin
<b>CATEGORY 2—MATERIALS PROCESSING</b>	Portable electric generators and “specially designed” “parts” and “components”; vibration test systems, motion simulators; Biocontainment chambers, isolators, or biological safety cabinets
<b>CATEGORY 3 – ELECTRONICS</b>	Certain analog-to-digital converter microcircuits; frequency changes (converters or inverters); high-power or high-voltage direct current power supplies; mass spectrometers; automated fingerprint retrieval systems; photo-optical step and repeat cameras
<b>CATEGORY 4 - COMPUTERS</b>	Digital computers and software
<b>CATEGORY 5 – TELECOMMUNICATIONS AND INFORMATION SECURITY</b>	Telecommunication systems and equipment designed for being underwater; telecontrol equipment modified for unmanned aerial vehicles (including drones)  Information Security equipment modified to perform cryptanalytic functions (functions designed to defeat cryptographic mechanisms in order to derive confidential variables or sensitive data, including clear text, passwords or cryptographic keys.
<b>CATEGORY 6 – SENSORS AND LASERS</b>	Certain Side Scan Sonar (SSS) or Synthetic Aperture Sonar (SAS) designed for seabed imaging, specially designed transmitting and receiving acoustic arrays, and designed or modified to operate at depths exceeding 500m; and an ‘area coverage rate’ greater than 750 m <sup>2</sup> /s while operating at the maximum range with ‘along track resolution’ less than 15cm; and ‘across track resolution’ less than 15 cm.  Magnetometers, high-speed cameras, imaging devices; carbon dioxide lasers with a CW output power > 10 kW
<b>CATEGORY 7 – NAVIGATION AND AVIONICS</b>	Linear accelerometers; gyros specified to function at acceleration levels less than or equal to 100 g; Galileo Global Navigation Satellite Systems
<b>CATEGORY 8 - MARINE</b>	Underwater camera equipment
<b>CATEGORY 9 – AEROSPACE AND PROPULSION</b>	Marine gas turbine engines; resin impregnated fiber prepregs and metal coated fiber preforms

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## Penalties Overview:

Violating the various export control regulations can trigger severe penalties. While monetary and imprisonment risks may seem the most relevant to the individual, keep in mind that the reputational damage and potential loss of export privileges (among other penalties) can have long term negative consequences for ECU as well as the individual(s) responsible.

U.S. Agency	Monetary	Imprisonment	Citation
<b>Census<sup>1</sup></b>			
<b>Civil</b>	Up to \$10,000	Up to 5 years per violation	15 CFR 30.71(b)
<b>Criminal</b>	Up to \$10,000	Up to 5 years per violation	15 CFR 30.71(a)
<b>BIS<sup>2</sup></b>			
<b>Civil</b>	Up to \$250,000	Up to 20 years per violation	50 USC 1705(b)
<b>Criminal</b>	Up to \$1,000,000	Up to 20 years per violation	50 USC 1705(c)
<b>OFAC<sup>3</sup></b>			
<b>Civil</b>	Up to \$250,000	Up to 20 years per violation	50 USC 1705(b)
<b>Criminal</b>	Up to \$1,000,000	Up to 20 years per violation	50 USC 1705(c)
<b>DDTC<sup>4</sup></b>			
<b>Civil</b>	Up to \$500,000	Up to 20 years per violation	22 USC 2278(e)
<b>Criminal</b>	Up to \$1,000,000	Up to 20 years per violation	22 USC 2278(c)

1. Census Bureau penalties are related to filing violations (i.e. AES). If ECU fails to report, or falsely reports, export data to Census, then a violation has occurred. An example of falsely reported information would be the undervaluing of merchandise being shipped.
2. Bureau of Industry & Security (BIS) penalties are enforced for violating the Export Administration Regulations (EAR). An example of an EAR violation would be exporting items or technology that require an export license without first securing the necessary license.
3. The Office of Foreign Assets Control (OFAC) penalties are enforced for violations of the Trading with the Enemy Act (TWEA) or International Emergency Economic Powers Act (IEEPA). An example of this violation would include providing unauthorized distance education or dissertation assistance to certain students or institutions in sanctioned countries.
4. The Directorate of Defense Trade Controls (DDTC), an agency of the Department of State, enforces violations related to the International Traffic in Arms Regulations (ITAR) which controls products and technology related to defense articles or services.