



SANCTIONS & EXPORT CONTROLS: IDENTIFYING THE RISKS

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AGENDA

- U.S. Sanctions Regulations
- U.S. Export Control Regulations
- Red Flags
- Contacts & Resources

SANCTIONS OVERVIEW

- U.S. Sanctions Programs
 - Administered by Treasury Dept.'s Office of Foreign Assets Control (OFAC)
 - Two types of Sanctions:
 - Comprehensive: everything is prohibited (with a few narrow exceptions)
 - Limited (or Targeted): transactions with certain "specially designated nationals" (SDNs) prohibited
 - SDNs: entities or individuals
- Sanctions are dynamic
 - Programs and regulations change
- Keep up-to-date
 - OFAC's website:
<https://www.treasury.gov/resource-center/sanctions/Programs/Pages/Programs.aspx>
 - RCT Sanctions website:
<https://research.columbia.edu/content/economic-sanctions>

CURRENT COUNTRY-BASED SANCTIONS PROGRAMS

Comprehensive

- **Cuba**
- **Iran**
- **North Korea**
- **Syria**
- **Crimea Region of the Ukraine**

Limited / Targeted

- Lebanon
- Libya
- Somalia
- Sudan
- South Sudan
- Ukraine / Russia
- Venezuela
- Yemen
- Balkans
- Belarus
- Burundi
- Central African Republic
- Darfur
- Democratic Republic of the Congo
- Iraq
- Zimbabwe

COMPREHENSIVELY SANCTIONED COUNTRIES



WHAT IS PROHIBITED?

- Restrictions vary among sanctions programs, but may include–
 - Participation in/ attendance at academic conferences in comprehensively sanctioned countries (e.g., Iran)
 - Uncompensated, academic interviews with sanctioned parties
 - Entering into contracts, agreements or research collaborations with universities or researchers in comprehensively sanctioned countries or with sanctioned parties
 - Making or receiving payments to comprehensively sanctioned countries or to sanctioned parties
 - Exporting or importing items to or from comprehensively sanctioned countries or sanctioned parties
 - Travel (i.e., Cuba)
 - Tourism to Cuba is not allowed
- Licenses may be available
 - RCT can apply for licenses
 - Licenses take time!
 - No guarantee OFAC will grant license

ARE ANY FOREIGN UNIVERSITIES SANCTIONED?

- Yes! – Some are
- But it's not just OFAC – other federal agencies maintain “Restricted Party Lists”
 - Be aware of “restricted universities”
 - e.g., China, comprehensively sanctioned countries
 - “Restricted Universities” List on RCT Website
 - <https://research.columbia.edu/content/economic-sanctions>

RCT SANCTIONS WEBPAGE

Sanctions and Restricted Party Lists

[Expand all](#)[Collapse all](#)

➤ OFAC Sanctions Programs

▼ [Other U.S. Restricted Party Lists](#)

In addition to OFAC, other U.S. Government Agencies maintain Restricted Party Lists. Entities and individuals who appear on these lists are “restricted parties” and certain transactions with these restricted parties are prohibited. It is important to check these Restricted Party Lists prior to engaging in a transaction. Columbia University and its personnel are prohibited from engaging in certain transactions with restricted parties without prior government authorization to do so.

Engaging in prohibited transactions with parties included on Restricted Party Lists can result in significant civil and criminal penalties, including fines, debarment, and imprisonment.

The Office of Research Compliance and Training has compiled a list of restricted universities, colleges, schools and research institutions. You can use your Columbia credentials to access the list [here](#).

Although RCT updates the list periodically it may not include entities recently added to federal restricted party lists. For access to the complete and most up-to-date lists, please use Visual Compliance (see below) or search the [Commerce Department's Consolidated Screening List](#) [↗](#)

If the entity or individual with whom you intend to deal is a restricted party, contact [Columbia's Research Export Control Officer](#).

RESTRICTED UNIVERSITIES - EXAMPLES

IRAN

- Amir Kabir University
- Baghyatollah Medical Sciences University
- Emam Hoseyn Comprehensive University
- Ferdowsi University of Mashad
- Imam Hossein University
- Iran University of Science & Technology
- Isfahan University of Technology
- Islamic Azad University
- Khajeh Nassir-al-Deentoosi University
- Malek Ashtar University
- Shahid Beheshti University
- Shahid Sattari Air Force University
- Sharif University of Technology
- Shiraz University
- Tarbiat Modares University
- University of Tehran

PAKISTAN

- Quaid-i-Azam University

ISRAEL

- Ben Gurion University

CHINA

- Beijing University of Aeronautics & Astronautics (aka Beihang University)
- National University of Defense Technology
- Northwestern Polytechnical University
- Sichuan University
- University of Electronic Science & Technology of China

NORTH KOREA

- Kanggye Defense College
- Kim Chaek University of Technology
- Kim Il Sung University
- Pyongyang Technical University
- University of Chemical Industry

SYRIA

- Damascus University
- Higher Institute for Applied Science Technology
- University of Aleppo

RESTRICTED UNIVERSITIES

- Case-by-case review of restrictions required
- Restrictions may limit Columbia's ability to engage with faculty/ students affiliated with a "restricted" university, regardless of location
 - Research collaborations
 - Conference attendance/ collaboration
 - Professional trainings/ workshops
 - Visiting scholars/ students
- Risks often are manageable with proper planning

EXPORT CONTROLS OVERVIEW

- Federal laws that regulate the transfer of ***certain* items, software or information** outside the U.S. or to non-U.S. persons ***within the U.S.***
 - International Traffic in Arms Regulations (ITAR): State Dept.
 - Export Administration Regulations (EAR): Commerce Dept.

THE REGULATIONS

- ITAR
 - Covers military and defense-related items, software, information and services
 - U.S. Munitions List (USML)
 - USML Category Number
 - e.g., XII(c) – “Infrared focal plane array detectors...; image intensification and other night sighting equipment or systems...”
- EAR
 - Covers commercial and “dual use” items, software and information
 - Covers “less significant” military items, software and information transferred from USML
 - Commerce Control List (CCL)
 - Listed on CCL – Export Control Classification Numbers (ECCNs)
 - e.g., 6A003.b.4– “Imaging cameras incorporating ‘focal plant arrays’ having any of the following...”

EXPORT CONTROLS & COLUMBIA

Columbia is a “fundamental research” university

- What does this mean?
 - No classified research
 - No export-controlled research
 - Columbia University Statutes, XLIII, §430
- Why is this important?
 - “Fundamental research” results are not subject to export control regulations
 - International Traffic in Arms Regulations (“ITAR”)
 - Export Administration Regulations (“EAR”)

SANCTIONS & EXPORT CONTROLS: RED FLAGS

Sanctions & export control issues arise on campus!

Important to identify “red flags” early so that we can take appropriate actions and mitigate the risk.



TOP 3 RED FLAGS

#1: Any transaction involving, or travel to, a comprehensively sanctioned country

- Cuba, Iran, North Korea, Syria, Crimea Region
 - Attendance at a conference in Iran and Cuba requires an OFAC license!
 - Iran: Licenses for Iran take time!
 - Cuba: Certain types of travel also require an institutional “travel letter”
 - RCT will prepare travel letters to Cuba
- Risk Mitigation
 - Contact RCT if you are aware of any activities involving **comprehensively** sanctioned countries
 - Escalate international research or service projects involving any sanctioned country or “restricted party” to the International Research Committee (IRC)
 - *International Research & Service Projects: Risk Management Procedures*
 - <http://policylibrary.columbia.edu/international-research-and-service-projects-risk-management-procedures>
 - Contact RCT for projects not going through SPA, IRB, CTV
 - E.g., visiting scholars, internally funded projects

TOP 3 RED FLAGS

#2: International Shipments to *any* foreign country

- Excludes “fundamental research” results, published articles/posters, publicly available information
 - Includes, e.g., prototypes; “loaner” equipment; equipment repairs abroad
- Risk Mitigation
 - Use material transfer agreements (MTAs)
 - CTV (<http://techventures.columbia.edu/forms/material-transfer-agreement-forms>)
 - CTO - for human samples (<https://research.columbia.edu/content/clinical-trials-office>)
 - If MTA is not appropriate, contact RCT
 - E.g., shipping equipment to a field site; traveling with equipment abroad

TOP 3 RED FLAGS

#3: Purchase / use of export-controlled equipment in research

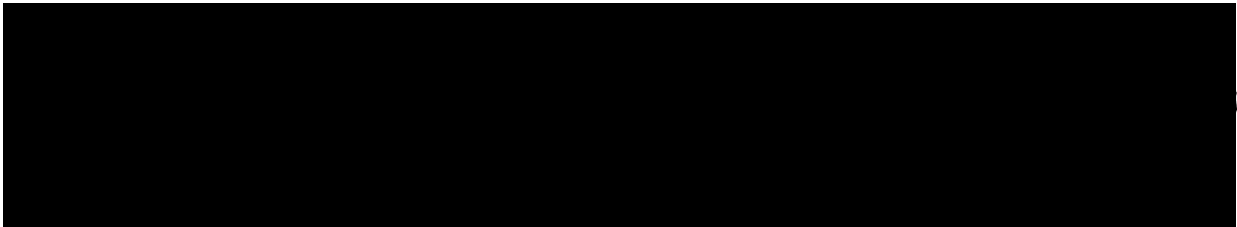
- Equipment / user manuals that are **ITAR-controlled** or that have an **EAR "ECCN"**
 - *E.g.*, "USML Category", "meets military specification", "cannot be shipped internationally", "property of U.S. Army", "subject to U.S. export control regulations", "ECCN #X###", "CONTROLLED", "distribution limited to U.S. persons", "militarily critical technical data", "subject to DD2345", "Controlled Defense Information (CDI)", "Controlled Unclassified Information (CUI)"
- Risk Mitigation
 - Contact RCT
 - Export controls classification – request from sender

Invoice #

U.S. \$

Sold To:

Idx	Box	Ordered	Cancelled	Shipped	Item Number/Description	Back Order	Unit Price US \$	Amount US \$
7	1	5	0	5	478-1175-1-ND CAP CER 100PF 50V 5% NP0 0603 CUST REF #: C1 HTSUS: 8532.24.0020 ECCN: EAR99 LEAD: LEAD FREE ROHS: ROHS COMP REACH: REACH COUNTRY/ORIGIN: TAIWAN CAGE: 04222			
8	1	5	0	5	490-1420-1-ND CAP CER 51PF 50V 5% NP0 0603 HTSUS: 8532.24.0020 ECCN: EAR99 LEAD: LEAD FREE ROHS: ROHS COMP REACH: REACH COUNTRY/ORIGIN: JAPAN CAGE: 3EH09			
9	1	10	0	10	PCC151ACVCT-ND CAP CER 150PF 50V 5% NP0 0603 HTSUS: 8532.24.0020 ECCN: EAR99 LEAD: LEAD FREE ROHS: ROHS COMP COUNTRY/ORIGIN: JAPAN CAGE: 0J4G8			
10	1	4	0	4	478-4775-1-ND CAP TANT 4.7UF 50V 10% 2312 HTSUS: 8532.21.0050 ECCN: EAR99 LEAD: LEAD FREE ROHS: ROHS COMP REACH: REACH COUNTRY/ORIGIN: CZECH REPUBLIC CAGE: 04222			
11	1	1	0	1	1241-1104-ND SBC ATOM E640T 1.0 GHZ 1 GB HTSUS: 8471.60.7000 ECCN: 4A994 LEAD: LEAD FREE ROHS: ROHS COMP COUNTRY/ORIGIN: USA			
					BOX 1 SHIPPED UGT WEIGHT 0 LBS 14 OZS			
					TOTAL INVOICED SHIPPING CHARGES APPLIED ** CHARGES SUBTOTAL ** TOTAL CHARGED TO CREDIT CARD			
					YOUR CREDIT CARD HAS BEEN CHARGED THE ABOVE INDICATED AMOUNT TAX EXEMPT THE ORDER IS COMPLETE			
Ship To:								



Invoice # [Redacted]
U.S. \$

Sold To: [Redacted]

Terms: [Redacted]

Idx	Box	Ordered	Cancelled	Shipped	Item Number/Description	Back Order	Unit Price US \$	Amount US \$
				Ship From:	[Redacted]			
				General -	[Redacted]			
					*NOTE: ONE OR MORE ITEMS ON THIS ORDER ARE CONTROLLED FOR EXPORT.			
					These commodities, technology or software were exported from the United States in accordance with the Export Administration regulations. Diversion contrary to U.S. law prohibited.			
				CERTIFICATE OF COMPLIANCE:	The [Redacted] components included in the above shipment are genuine components and were provided by the applicable manufacturer to [Redacted] test reports (chemical, physical, electrical, etc., together with results of any tests performed by the manufacturer) are on file (either here or in the plant of the manufacturer) and will be made available upon request. These components have been handled in accordance with the requirements of applicable quality standards. This certification is valid only to the original customer and is not transferable. Contact Customer Service at [Redacted] you have any questions.			
					[Redacted]	[Redacted]		

CIVIL & CRIMINAL PENALTIES

- Civil penalties can be high
 - e.g., \$1.4 million per violation (OFAC)
- Criminal Penalties
- Cautionary Tales
 - University of Tennessee – Prof. Reece Roth
 - Convicted of violating the Arms Export Control Act (ITAR)
 - 4 years – federal prison
 - University of Michigan
 - Research Fellow in Neurology shipped MRI coil to Iran without a license
 - He faced criminal charges

QUESTIONS?

- Contact RCT if you have any questions

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Research Compliance and Training (RCT):
<https://research.columbia.edu/content/office-research-compliance-and-training>

RCT Sanctions webpage:
<https://research.columbia.edu/content/economic-sanctions>

RCT International Research webpage:
<https://research.columbia.edu/content/international-research>

RCT Export Controls webpage:
<https://research.columbia.edu/content/export-controls>

Sanctions, Export Controls and More!

WHAT WE DO

Advice and Consultations

We are available to consult and provide advice on many research compliance topics.

Conflict of Interest

A conflict of interest (COI) exists where a researcher's outside interests or activities could improperly affect, or give the appearance of affecting, the researcher's activities at Columbia.

Export Controls

U.S. laws and regulations that restrict the shipment or transfer of certain information, commodities, services, and other items (including software) for reasons of foreign policy and national security, as determined by the U.S. government.

ReaDI Program

A program designed to provide several tools to ensure robust data and research integrity.

Unmanned Aerial Vehicle (Drones)

The FAA regulates the use of unmanned aerial vehicles ("UAVs", a.k.a. drones) within the U.S. This includes UAVs used in Columbia research. Columbia University also restricts the use of UAVs on Columbia campus.

Anti-Boycott

U.S. federal regulations prohibit the University or its personnel from agreeing to participate in any international boycott not supported by the U.S. government.

Data Management and Security

Valuable information regarding research data at Columbia, including management, security, storage and ownership of data.

Fiscal Responsibility

Columbia researchers and administrators are expected to exercise the utmost responsibility in managing research funds provided to the University, including issues related to compensation and effort reporting.

Research Misconduct

University policies and procedures that define misconduct, outline the process for investigating allegations, and explain the consequences of committing misconduct.

Anti-Corruption

Columbia University policy prohibits the unlawful bribery of government officials or private persons in connection with University activities.

Economic Sanctions

Certain entities and individuals, both domestic and foreign, are subject to sanctions or other restrictions under U.S. law that may restrict researchers' ability to engage in a project, collaboration or other transaction.

International Research

To help researchers plan for risks and requirements that may be associated with international projects, the University has established Risk Management Procedures.

Training

The University's comprehensive compliance training programs ensure that those involved in research are aware of what is expected and required of them.



Columbia University Compliance Hotline

866-627-3768

compliance.columbia.edu/hotline

Anonymous Reporting Available

24 hours a day / 7 days a week

Operated by a third-party provider

Jeff Kestler
University Compliance
Officer
jk@gc.columbia.edu

Stephanie Barber
Compliance
Director
sb@gc.columbia.edu