

Exceptional service in the national interest



INTERNATIONAL
**EXPORT
& TRADE**
COMPLIANCE

(505) 845-7000



Overview of International Export and Trade Compliance

International Export & Trade Compliance Organization
11012



International Export and Trade Compliance Organization (11012)

- Anytime Sandia information or items are
 - distributed or received
 - to or from another country or foreign national,
- an export or import occurs, and
- There are extensive laws and regulations that apply and individuals, as well as Sandia as a corporation, are liable for complying.
- International Export and Trade Compliance (IETC) is here to help.

What are international export and trade compliance regulations?

- A series of regulations enforced by different agencies of the Federal Government that regulate the distribution of certain exports to foreign nationals and foreign countries in order to protect the United States:
 - Protect National Security!
 - Prevent terrorism and other illicit activities.
 - Restrict export of technologies/goods that could contribute to military potential of U.S. adversaries.
 - Fulfill international agreements obligations.
 - Advance U.S. foreign policy and economic goals.

**U.S. Department of State –
Directorate of Defense
Trade Controls (DDTC)
International Traffic in Arms
Regulations (ITAR)
Military Items**

22 CFR 120-130
Regulate and license the export of
defense articles and services
(munitions).

**U.S. Department of
Energy/National
Nuclear Security
Administration**

AEA/NAP-23
Regulate Nuclear Weapon
articles and services.

**U.S. Department of
Commerce – Bureau of
Industry and Security (BIS)
Export Administration
Regulations (EAR)
Dual Use Items**

15 CFR 730-774
Regulate and license the export of
dual use sensitive goods and
technologies.

**U.S. Nuclear Regulatory
Commission (NRC)
Nuclear Equipment and
Materials**

10 CFR 110
Regulate and license nuclear
material and equipment.

**U.S. Department of
Energy/National Nuclear
Security Administration
Special Nuclear Material
Production and Access**

10 CFR 810
Regulate and license nuclear power
technology and Special Nuclear
Materials.

**U.S. Department of
Treasury – Office of
Foreign Assets Control
(OFAC)
Economic & Political
Sanctions Programs**

31 CFR 500
Administers and enforces
economic and trade sanctions
against targeted foreign
countries, terrorism sponsoring
organizations, and international
narcotics traffickers.

**U.S. Department of
Homeland Security/
Customs and Border
Protection**

**U.S. Department of
Justice – Alcohol,
Tobacco Products and
Firearms (ATF)**

19 CFR 1-299 and 27 CFR 447
(ATF)
Regulates and enforces
importation of trade, drug,
immigration, arms,
ammunition and implements
of war.

Government Regulators

What is an Export?

A transfer of *items, software or technology* to a foreign person, foreign entity or foreign destination.

Exports include tangible items, technology, information and software going to:

- Foreign governments and agencies
- Foreign persons (corporations and individuals)
- Foreign subsidiaries in the U.S that are not registered as a U.S. business
- Non-U.S. persons in the U.S.
- U.S. persons representing foreign interests
- U.S. military at a foreign location
- U.S. persons at foreign locations

What is Export Controlled Information?

- Export Controlled Information (ECI) is information that is scientific or technical in nature (STI)
- ECI may be found in...
 - Statements of Work
 - Conference Papers
 - Conference Presentations
 - Journal Articles
 - Abstracts
 - Drawings
 - Fact Sheets
 - Reports
 - Memos
 - Manuals
 - Data Sets
 - Dissertations
 - Instructions
 - Blueprints
 - Specifications
 - Test Data
 - Engineering
 - Analysis
 - Software / Scripts
 - Intangible Files
 - Patent Applications
 - Proposals
 - Photographs
- Broadly defined and intended to capture a wide variety of STI

The Definition of Technology

- Technology includes information that can be used or adopted for the development, production or use of a good. Information can take the form of technical data or technical assistance.
- Examples include but are not limited to: blue prints, sketches, models, drawings, software, manuals, training and technical services

Deemed Export

- A “deemed export” is an export of technology or source code subject to the Export Control regulations to a foreign person in the U.S.
- Does not apply to U.S. Citizens, permanent residents (green card) and those with U.S. asylum protection.

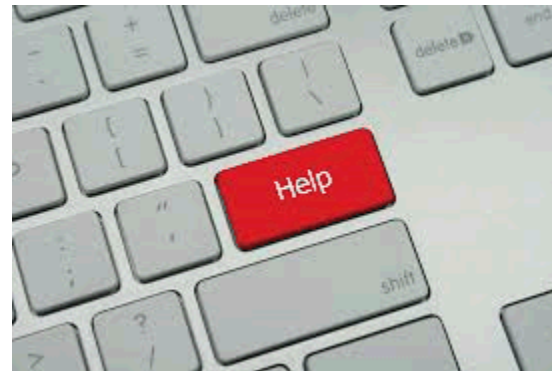
Ooops! It is easy to Export without even Sandia National Laboratories Knowing it!

- Shipping or mailing tangible items, software, or technical information
- Face-to-face conversations
- Phone conversations
- Faxes and emails
- Access to equipment
- Technical documents
- Presentations
- Text messages
- Internal computer networks
- External computer networks



Technical Assistance Matters Too!

- Technical Assistance (defense service) means the furnishing of assistance (including training) to Foreign Persons...in the United States (deemed export) ... or abroad (technology transfer) in design, development, engineering, manufacture, production, assembly, testing, repair, maintenance, modification, operation, demilitarization, destruction, processing or use of defense articles—whether EAR, ITAR or NAP-23 controlled.



Fundamental Research Exclusion

- Basic and applied research in science and engineering, the results of which ordinarily are published and shared broadly within the scientific community, as distinguished from proprietary research and from industrial development, design, production, and product utilization, the results of which ordinarily are restricted for proprietary or national security reasons.
- Research is not considered “fundamental research” if:
 - You accept restrictions on the publication of the results of the project
 - Non-disclosure agreement
 - The agreement requires sponsor approval (as opposed to review) prior to publication

Most Common Regulations Governing Sandia's Work

- International Traffic in Arms Regulations (ITAR)
- Export Administration Regulations (EAR)
- Atomic Energy Act (AEA) NAP-23
- Office of Financial Assets Control (OFAC)

International Traffic in Arms Regulations (ITAR)

- International Traffic in Arms Regulations (ITAR)
 - Commodities and technologies that have a predominant military use or space application including:
 - Technical data related to defense articles and services
 - Defense Article: Any item (or technical data) on the U.S. Munitions List.
 - Defense Services: The furnishing of assistance (including training or technical data) to a foreign person related to a defense article.
 - Classified information relating to defense articles and services
 - Information covered by an invention secrecy order
 - Software related to defense articles
 - Items and related services on the U.S. Munitions list
 - Purpose of regulations is to ensure national security

Export Administration Regulations (EAR)

- Covers dual use items - found on Commerce Control List (CCL)
- Regulates items designed for commercial purposes but also have military applications (computers, pathogens, civilian aircraft, etc.)
- Covers goods, test equipment, materials and the software and technological data
- Each item has an export controls classification number (ECCN)
- Trying to balance foreign availability, commercial and research objectives with national security.

What is NAP-23?

- Beginning July 1, 2014—The International Traffic in Arms Regulations (ITAR) no longer regulated the export of DOE nuclear weapon items and information. That authority transferred to the Atomic Energy Act (AEA).
- NNSA Administrative Procedure (NAP)-23 established NNSA policy/procedures for nuclear-related import/export activities under the AEA.
- Benefit - allows us to identify and control those nuclear weapon related items that are sensitive and allows us to identify and have flexibility handling those that are not sensitive.

Office of Financial Assets Control (OFAC)

- Focus on the end-user or country rather than the technology
- Blanket prohibitions on trade with OFAC embargoes countries
- Limitations on trade in certain areas of countries with certain actors
- These lists are subject to change regularly
- It is difficult to do anything with these countries

Educational Campaign and Customer Service

- Currently export control requirements can be overlooked, overwhelming, or viewed as an impediment to accomplishing work.
- The IETC Organization exists to provide quality customer service while helping Sandia maintain compliance with the applicable laws and regulations. We would like to help you by:
 - Increasing awareness and understanding
 - Conduct educational sessions
 - IETC Helpline for more efficient and effective service (**845-7000**)
 - Develop and/or upgrade systems and technologies to help ease of use for line users and provide consistency for Sandia
 - Upgrade to the International Handcarry interface and process flow
 - Upgrade the FNR application
 - Refreshed, user-friendly IETC website
 - EC100 course revamp
 - Open to your suggestions as customers

International Export and Trade Compliance Staff (Org. 11012)

Rachel Richmond, Manager



If you have any questions or require any export or import assistance, please call our helpline **845-7000** or email us at eico@sandia.gov

Also please feel free to contact me anytime for assistance; [Rachel Richmond](mailto:rcrich@sandia.gov), rcrich@sandia.gov