

Policy on Export Control

FRA Export Control Policy

1. Purpose

Fermi Research Alliance, LLC (FRA) is a research facility for which most of the scientific results are shared broadly within the scientific community and are publicly available. However, we must consider and respect that research may incorporate export controlled technology, data, or information that may not be shared with all groups.

This document establishes FRA policy regarding export control.

2. Scope/Applicability

This policy applies to all work, facilities, and personnel sponsored or supported by FRA and the transfer of information, software, or property on or off site.

3. Effective date

This policy goes into effect on December 31, 2016.

4. Policy

FRA is firmly committed to strict adherence to all United States export control laws and regulations and to provide education and training to all FRA employees, users, visitors, and sub-contractors. Under no circumstances must the export of technical data, software, commodities, or intellectual property take place contrary to United States export control laws and regulations. In addition, the Laboratory also follows the United States Department of Energy (DOE) policies, orders, and contract requirements regarding export control laws and regulations. Sponsorship of Laboratory operations by DOE does not mitigate, supersede, or remove FRA's responsibility to adhere to United States export control laws and regulations.

Administrative, civil, and criminal penalties exist for violations of export control laws and may be imposed against FRA and/or individual employees, users, visitors, and sub-contractors. Because of the potential serious consequences associated with failing to comply with United States export control laws and regulations, all employees, users, visitors, and sub-contractors must be aware of their obligations for compliance.

5. General

Research conducted in the United States in collaboration with non-U.S. Citizens can be subject to export controls administered by either the Department of Commerce via the Export Administration Regulations (EAR) or the Department of State via the International Traffic in Arms Regulations (ITAR). Under these regulations, the release of

technology to non-U.S. Citizens is considered a “deemed” export and may be subject to licensing requirements (15 C.F.R. 734.2). An “export” is the actual shipment or transmission of items or information outside of the United States.

All types of information and technology may be covered by the export control laws, including physical items, commodities, software (computer coding), physical or electronic documents, publications, data compilations, presentations, posters, photographs, videos, drawings, specifications, or other types of technical data. An export can be made by means of physical transfer of shipment, mail, telephone, in-person discussions, the internet, electronic mail, facsimile, or any other manner in which people transfer or communicate information or materials.

All FRA employees, users, visitors, and sub-contractors must be aware that providing, purposely or inadvertently, export-controlled items or information to non-U.S. citizens or persons who are not lawful permanent residents of the United States without the appropriate approval, clearances, or licenses may violate export control laws and regulations.

6. Responsibilities

The Directorate has ultimate responsibility for the Laboratory’s export control policy and adherence to the United States export control laws and regulations.

Division/Section Head Responsibilities

- Responsible for their division or section’s compliance with applicable United States export control laws, regulations, and DOE requirements
- Engage the export control review and analysis process when potentially export controlled items or information is proposed to be shared with non-U.S. citizens or persons who are not lawful permanent residents of the United States
- Ensure that clearances are granted or licenses are acquired prior to the release of information or technology that is subject to United States export control laws
- Maintain copies of records of export control reviews and export licenses
- Direct staff on the permissible terms of sharing and use of export controlled information and technology
- Ensure staff has received training on export control requirements and obligations

Other Export Control Responsibilities

- Logistics & Property Control Service
 - Support FRA compliance with all applicable United States export control laws, regulations, and DOE requirements

- Conduct export control analysis and submit documents required for approval, clearance, and licenses
- Document and maintain the Laboratory's official records of export control review, analysis, and licenses
- Provide training and awareness on export control matters to FRA employees, users, visitors, and sub-contractors
- Provide export controlled information (ECI) guidance
- Administer/Manage exporting materials

- Office of Partnerships & Technology Transfer
 - Support FRA compliance with all applicable United States export control laws, regulations, and DOE requirements when engaging in DOE-approved technology transfer activities
 - Assist in coordination of export control reviews for protected technologies
 - Assist in training and awareness of export control matters

- Workforce Development and Resources Section
 - Support FRA compliance with all applicable United States export control laws, regulations, and DOE requirements
 - Follow export control process for all non-U.S. Citizens and persons who are not lawful permanent residents accessing the Laboratory and its resources
 - Document and maintain export control processes within each functional area
 - Visa Office
 - Users Office

- Office of General Counsel
 - Support FRA compliance with United States export control laws, regulations, and DOE requirements
 - Provide training and awareness on export control matters to FRA employees and users

- Procurement
 - Interface with sub-contractors or suppliers to FRA regarding potentially export controlled technology and information

- Office of Communications
 - Provide guidance on tours, photography, and videography at the Laboratory

Employee Responsibilities

- Support FRA compliance with all applicable United States export control laws, regulations, and DOE requirements

- Participate in training and education activities regarding United States export control laws, regulations, and requirements
- Act in compliance with the requirements of this policy and guidance or instructions provided on export control issues

7. Owner

Responsibility for reviewing, updating and communicating changes to this policy rests with the Governance Management System Owner.

8. Review cycle

This policy is to be reviewed at least every two years.

9. References

This policy implements requirements established by the following basis documents:

- United States DOE contract DE-AC02-07CH11359 at Clause I.101C
- DEAR 970.5225-1 Compliance with Export Control Laws and Regulations
- 15 C.F.R. 734.2 Export Administration Regulations, release of technology to foreign nationals
- 15 C.F.R. 734.8 Export Administration Regulations, fundamental research
- 15 C.F.R. 734.3 (b)(1)(i) defense articles and defense services regulated by Department of State
- 15 C.F.R. 734.3 (b)(1)(ii) Treasury Department, embargoes
- 15 C.F.R. 734.3 (b)(1)(iv) Department of Energy and Nuclear Regulatory Commission, nuclear reactor vessels and special nuclear materials
- 15 C.F.R. 734.3 (b)(1)(v) Patent and Trademark Office applications and modifications
- 22 CFR parts 120-130 United States International Traffic in Arms Regulations
- DOE O 142.3A Unclassified Foreign Visits and Assignments
- DOE O 205.1B Department of Energy Cyber Security Management Program
- DOE O 241.1B, Scientific and Technical Information Management
- DOE O 470.4B Safeguards and Security Program
- DOE O 471.1B Identification and Protection of Unclassified Controlled Nuclear Information
- DOE O 471.3 Change 1, Identifying and Protecting Official Use Only Information
- DOE O 481.1C Admin Chg 1 Strategic Partnership Projects (formerly known as Work for Others (Non-Department of Energy Funded Work))
- DOE O 482.1 DOE Facilities Technology Partnering Programs (User Facilities)

- DOE O 483.1 DOE Cooperative Research and Development Agreements
- DOE O 483.1-1 DOE Cooperative Research and Development Agreement Manual
- DOE O 484.1 Admin Chg 1, Reimbursable Work for Department of Homeland Security
- DOE O 551.1C Official Foreign Travel
- DOE O 580.1A Department of Energy Personal Property Management Program