

Export Controls

Effective: [date]

Contact: Office of Sponsored Programs Administration

Introduction

The university implements the following federal export control laws through this policy. Export Administration Regulations (EAR) and International Traffic in Arms Regulations (ITAR) prohibit the export of specified technology and related technical information to certain foreign nations and their citizens. Office of Foreign Asset Control (OFAC) regulations prohibit economic activities with certain countries, entities and individuals. Federal law allows the imposition of both civil and criminal sanctions for violations.

Federal law and regulations list certain technologies and materials, together with technical information about those technologies and materials, as restricted for export control purposes (“Export Controlled Technologies”). What constitutes Export Controlled Technologies is constantly changing as items are added to and dropped from the list. As indicated below, certain offices on campus are designated to make determinations regarding whether export controls apply.

The law controls the shipment of Export Controlled Technologies to certain foreign countries and their citizens, and also covers such activities as transfer of controlled equipment or technical information to foreign nationals within the United States (a “Deemed Export”), and transfer of technical information by the internet to a person in another country. For this reason, the determination in advance whether research, equipment or software is subject to export controls is vitally important to the university.

Federal law (OFAC regulations) also controls economic activities both with certain listed countries, entities and individuals. This policy also addresses compliance with these regulations.

As an institution with many foreign visitors and with international collaborations both here and abroad, compliance with export controls must be a priority. Because of the nature of our activities and the broad application of the law, compliance with regulations is a broadly shared responsibility on the campus.

Policy Statement

It is the policy of Iowa State University to comply with applicable export control laws.

Scope of Policy

This policy applies to all university activities except for Ames Laboratory funded activities. Ames Laboratory has developed its own policies and procedures to comply with Export Control requirements as well as additional Department of Energy requirements for foreign nationals, sensitive subjects, international shipments and foreign travel. Joint projects among faculty and staff conducting work funded through Ames Laboratory and those who are individually funded through Ames Laboratory will be governed by Ames Laboratory policies and procedures.

Research

Fulfilling the university's mission of the advancement of knowledge requires, to the fullest extent possible, that research conducted in the university must be openly disseminated. See *Faculty Handbook* Section -----: Policy on Sponsored Funding of Research and Service Projects. EAR and ITAR recognize a general exemption from export controls when conducting fundamental research—the kind of research (basic and applied) whose results are ordinarily published.

Therefore, solicitations, proposals and agreements which include publication restrictions or other notice of restriction on dissemination of the results (such as explicit notice that the research will be covered by export control law) should be disclosed to the Office of Sponsored Research Programs Administration (OSPA) as early as possible. OSPA will determine whether to negotiate different provisions regarding publication, or forward the project for approval as required by Faculty Handbook Section ----: Policy on Sponsored Funding of Research and Service Projects, which strongly discourages classified research and requires approval of the Vice President for Research for such research. Reasonable delays of publication to assure protection of intellectual property and accuracy in accordance with the policy will not result in loss of the fundamental research exemption.

Upon a determination that export controls apply, the PI will create a security plan (see Resources below for link to the template). The plan shall include provisions for restriction on access to research information and if necessary physical security. The plan will assure that faculty and staff working on the project understand that the information may not be carried or transmitted to a restricted foreign country, or to a restricted foreign national without the appropriate export license. The plan must be approved by the Department Chair or Center/Institute Director and sent to the director of OSPA for review and approval.

If the project requires employment of nationals of countries subject to restriction, or otherwise requires export of equipment or technical information, the department, with the assistance of the Office of University Counsel, shall be responsible for securing the appropriate export license.

Acquisition of Export Controlled Technologies

When equipment is being acquired, Purchasing agents shall review agreements for evidence that equipment is subject to export controls restrictions and determine whether export controls apply, or whether contractors are in boycotted countries or on any banned persons lists.

When equipment is subject to export control restrictions, Purchasing will notify Inventory Control for inclusion in the inventory control database, and the Chair or Center/Institute Director of the acquiring department to inform them of the restriction. The Chair, Center/Institute Director or other person in control of the equipment will work with the Office of University Counsel to create a plan to assure no violation of deemed export rules will occur.

Collaborations and Contracting with Boycotted Countries and Individuals

Because OFAC regulations do not include a fundamental research exemption, all collaborative and contracting activities requiring interactions with entities or individuals in nations subject to boycott, or with entities or individuals subject to boycott, must be reviewed to determine whether permits and licenses are required. The following offices are responsible for screening transactions as follows:

- OSPA will be responsible for screening sponsored project activities;
- Purchasing will screen purchases of equipment;
- Surplus Property will screen disposition of equipment and supplies;
- The Office of University Counsel will review cooperative educational and research agreements with entities outside the United States, and university-sponsored travel to conferences in OFAC-controlled countries.
- The Controller will screen for payments to restricted persons.

Travel to conferences or outreach programs with countries subject to economic sanctions require securing the appropriate license. The Office of University Counsel will be responsible for filing and securing such licenses.

Shipping Technology or Technical Information

It is the responsibility of university employees to comply with university shipping procedures and the requirements of parcel companies. This is especially important for Export Controlled Technologies.

International Travel

It is the responsibility of university employees traveling on university business to follow travel guidelines to assure no illegal export of equipment, technology, material, chemicals or pathogens occurs during the travel activity.

Disposition of Export Controlled Equipment

Surplus Property will check University Inventory for notations of export control restrictions before selling or otherwise disposing of equipment and software. If an export control notation exists, Surplus Property shall check with Purchasing to determine whether export restrictions still apply. If so, the property shall be sold or disposed of in a manner which assures no violation of export control laws.

Resources

Export controls general information [TBD]

International travel procedures [TBD]

International shipping procedures [TBD]

Model Export Control Management Plan [TBD]

Ames Laboratory:

Export Control Policy and Shipping guidelines [<http://www.internal.ameslab.gov/oipp/export.htm>]

Foreign Visits and Assignments [<http://www.internal.ameslab.gov/oipp/forvisit.htm>]