

1 **Export Controls**

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4 Contact: [Office for Responsible Research \(ORR\)](#)

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18 **Introduction**

19 Export Administration Regulations (EAR) and International Traffic in Arms Regulations (ITAR) prohibit the export of
20 specified technology and related technical information to certain foreign nations and their citizens. Office of Foreign Asset
21 Control (OFAC) regulations prohibit economic activities with certain listed countries, entities and individuals. Federal law
22 allows the imposition of both civil and criminal sanctions for violations.

23 The EAR and ITAR each list certain articles, materials, supplies, software and other items, together with technical
24 information about those items, as restricted for export control purposes ("Export-Controlled Items"). What constitutes
25 Export-Controlled Items is constantly changing as items are added to and dropped from the lists. As indicated below,
26 certain offices on campus are designated to make determinations regarding whether export controls apply.

27 The law controls the transfer of Export-Controlled Items outside of the United States. It also covers the transfer of
28 technical information for Export-Controlled Items to foreign persons within the United States (a "Deemed Export"). For
29 this reason, the determination in advance whether research, equipment or software is subject to export controls is vitally
30 important to the university.

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

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35 **Policy Statement**

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

37 **Scope**

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

43 **Research**

44 Fulfilling the university's mission of the advancement of knowledge requires, to the fullest extent possible, that research
45 conducted in the university must be openly disseminated (see Resources below for Sponsored Funding of Projects policy).
46 In addition, EAR and ITAR recognize a fundamental research exclusion from export controls for the results of research
47 (basic and applied) that are ordinarily published.

48 Therefore, solicitations, proposals and agreements which include publication restrictions or other notice of restriction on
49 dissemination of the results (such as explicit notice that the research will be covered by export control law) should be
50 disclosed to the Office of Sponsored Programs Administration (OSPA) as early as possible. OSPA will determine whether
51 to negotiate different provisions regarding publication, or forward the project for approval as required by Faculty Handbook
52 Section 8.3.1, Sponsored Funding of Projects, which strongly discourages classified research and research subject to
53 publication restrictions and requires approval of the Vice President for Research for such research. Reasonable delays of
54 publication to assure protection of intellectual property and accuracy in accordance with the policy will not result in loss of
55 the fundamental research exclusion.

56 Upon a determination that export controls apply, the principal investigator (PI), in conjunction with the Office for
57 Responsible Research (ORR), will create a management plan (see Resources below for link to the template). The plan shall
58 include provisions for restriction on access to research information and if necessary physical security. The plan will assure
59 that faculty and staff working on the project understand that the information may not be carried or transmitted to a restricted
60 foreign country, or to a restricted foreign person, without the appropriate export license. The plan must be approved by the
61 department chair or center/institute director and ORR.

62 If the project requires employment of foreign persons of countries subject to restriction, or otherwise requires export of
63 Export-Controlled Items, the department, with the assistance of the Office of University Counsel, shall be responsible for
64 securing the appropriate export license.

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66 **Acquisition of Export Controlled Items**

67 When items are being acquired, Purchasing agents shall review agreements for evidence that the items are subject to export
68 controls restrictions or whether contractors are in boycotted countries or on any banned persons lists.

69 When an item is subject to export control restrictions, the Purchasing department will notify Financial Accounting and
70 Reporting for inclusion in the inventory control database, as well as the chair or center/institute director of the acquiring
71 department and ORR to inform them of the restriction. The chair, center/institute director or other person in control of the
72 equipment will work with ORR to create a management plan to assure no violation of export rules will occur.

73 **Collaborations and Contracting with Boycotted Countries and Individuals**

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

- 78 • OSPA will be responsible for screening sponsored project activities;
- 79 • The Purchasing department will screen purchases;
- 80 • ISU Surplus will screen disposition of items;
- 81 • The Office of University Counsel will review cooperative educational and research agreements with entities
- 82 outside the United States and university-sponsored travel to conferences if not already reviewed by OSPA or
- 83 Purchasing.

84 Engaging in activities with countries subject to economic sanctions, such as travel to conferences in or outreach programs
85 with such countries, requires securing the appropriate license. The Office of University Counsel will be responsible for
86 filing and securing such licenses.

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88 **Shipping Export-Controlled Items**

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

91 **International Travel**

92 It is the responsibility of university employees traveling on university business to follow travel guidelines to assure no
93 illegal export of Export-Controlled Items occurs during the travel activity.

94 **Disposition of Export Controlled Items**

95 ISU Surplus will check university inventory for notations of export control restrictions before selling or otherwise disposing
96 of items. If an export control notation exists, ISU Surplus shall check with the Purchasing department or the ORR to
97 determine whether export restrictions still apply. If so, the property shall be sold or disposed of in a manner which assures
98 no violation of export control laws.

99 **Resources**

100 **Iowa State University**

101 [Financial Accounting and Reporting, Equipment Inventory](#)
102 [Export Controls Compliance](#)
103 [Export Controlled Technology Management Plan \[DOCX\]](#)
104 [International Travel Checklist \[PDF\]](#)
105 [ISU Surplus](#)
106 [Office for Responsible Research \(ORR\)](#)
107 [Sponsored Funding of Projects, Faculty Handbook 8.3.1](#)

108 **External**

109 [Bureau of Industry and Security \(BIS\), U.S. Department of Commerce](#)
110 [Export Administration Regulations, BIS](#)
111 [Recently Published Export Administration Regulations \(EAR\)](#)
112 [Lists to Check for Restricted Persons/Entities, BIS](#)
113 [U.S. Department of State, Directorate of Defense Trade Controls \(DDTC\)](#)
114 [International Traffic in Arms Regulations \(ITAR\)](#)
115 [Office of Foreign Asset Control \(OFAC\)](#)
116 [Consolidated Screening List](#)