

# Export Controls

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## Introduction

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 listed countries, entities and individuals. Federal law allows the imposition of both civil and criminal sanctions for violations.

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

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

As an institution with many foreign visitors and with international collaborations both here and abroad, Iowa State University's 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.

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## Policy Statement

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

## Scope

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 Resources below for Sponsored Funding of Projects policy). In addition, EAR and ITAR recognize a fundamental research exclusion from export controls for the results of research (basic and applied) that 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 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 8.3.1, Sponsored Funding of Projects, which strongly discourages classified research and research subject to publication restrictions 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 exclusion.

Upon a determination that export controls apply, the principal investigator (PI), in conjunction with the Office of Research Ethics (ORE), will create a management 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 person, without the appropriate export license. The plan must be approved by the department chair or center/institute director and ORE.

If the project requires employment of foreign persons of countries subject to restriction, or otherwise requires export of Export-Controlled Items, the department shall contact ORE, which will be responsible for securing the appropriate export license. The department and/or ORE will consult with General Counsel as needed throughout the licensing process.

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## **Acquisition of Export Controlled Items**

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

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

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

Because OFAC regulations do not include a fundamental research exclusion, 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, in coordination with ORE, for screening transactions as follows:

- OSPA will be responsible for screening sponsored project activities;
- Procurement Services will screen purchases;
- ISU Surplus will screen disposition of items;
- The Office of General Counsel will review cooperative educational and research agreements with entities outside the United States and university-sponsored travel to conferences if not already reviewed by OSPA or Procurement Services.

Engaging in activities with countries subject to economic sanctions, such as travel to conferences in or outreach programs with such countries, requires securing the appropriate license. ORE will be responsible for filing and securing such licenses. ORE will consult with General Counsel as needed throughout the licensing process.

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## **Shipping Export-Controlled Items**

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 Items.

## **International Travel**

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

## **Disposition of Export Controlled Items**

ISU Surplus will check university inventory for notations of export control restrictions before selling or otherwise disposing of items. If an export control notation exists, ISU Surplus shall check with Procurement Services or the ORE 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**

### **Iowa State University**

[Financial Accounting and Reporting, Equipment Inventory](#)  
[Export Controls Compliance](#)  
[ISU Surplus](#)  
[Sponsored Funding of Projects, Faculty Handbook 8.3.1](#)

### **External**

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

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