

# IOWA STATE UNIVERSITY OF SCIENCE AND TECHNOLOGY

## Export Control Management Plan

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## Introduction

Export Controls are laws and regulations imposed by the United States federal government on the dissemination of “controlled” items and technology to destinations and persons outside of the U.S. (known as an “export”) as well as the disclosure of “controlled” technology to Foreign Nationals, within the U.S. (known as a “deemed export”). “Controlled” technology may include export controlled physical items, electronic information, technical data, training, consulting, technical services and even in some cases the prohibited transfer of funds. The export control regulations are intended to protect U.S. foreign policy interests, protect national security, prevent terrorism and the proliferation of weapons of mass destruction, and preserve U.S. economic competitiveness.

This Iowa State University Export Control Management Plan (“Plan”) describes Iowa State University’s (“University” or “ISU”) Export Control Program (“ECP”). The Plan is intended to be a resource for faculty, staff and students whose work on campus involves responsibility for export controlled technology. This Plan is intended to be used to assist in identifying and managing export control issues and to ensure compliance with export control laws.

The Plan is intended to provide information and guidance to University Personnel on how to lawfully promote the transfer of technology and sharing of information inside and outside the United States with faculty, students, staff, researchers, visitors, including Foreign Nationals, all while complying with export control laws and regulations. The Plan contains the ISU policy statement on export controls in research, information about the laws and regulations concerning export controls, explanations of how and when export control issues can arise, guidance on how export control issues should be identified and addressed, and when the Fundamental Research Exclusion (FRE) applies. At the end of the Plan is a list of definitions, commonly used terms, and a roles and responsibilities matrix.

The Plan is not intended as, and should not be considered, formal legal advice. Specific questions about export control compliance should be directed to the ISU ECP. Additional information about the ISU ECP, including a copy of this Plan and contact information for ISU’s ECP, can be found on the Export Controls section of the [Office of Research Integrity](#) website.

## Section One: Export Controls in Research Policy Statement

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ISU complies with U.S. export control laws and regulations. ISU requires all University Personnel to comply with all U.S. export control laws and regulations while engaged in activities at or on behalf of the University. The ISU Vice President for Research has affirmed this policy statement and has also issued a [memorandum](#) on guidelines for export controls compliance in research.

ISU is also committed to its longstanding tradition of open academic exchange and its policy of openness in education and research, including the participation of international faculty, students, and staff in research and educational activities. To balance the concerns of openness in research and education with its compliance obligations under the U.S. export control laws, ISU utilizes the exclusions and exceptions in the export control regulations to the fullest extent legally available.

One such exclusion is the Fundamental Research Exclusion (FRE), which states that federally sponsored University research should be unimpeded by export controls unless there are legitimate national security concerns at stake. ISU positions itself so that much of its research is “fundamental” as defined by National Security Decision Directive (NSDD) 189. ISU reviews any project potentially involving export controls to determine whether the project can proceed without any export control restrictions.

The results of research performed as fundamental research are not subject to export control laws and regulations. To qualify as “fundamental research,” research must be conducted free of any publication restrictions or controls on access and dissemination. While a sponsor requirement to pre-review a publication for up to 120 days does not constitute a restriction, if the sponsor will not allow publication, must approve publication, or does not allow publication for an extended period of time, that is a restriction that invalidates the FRE. To safeguard the FRE, ISU will ensure throughout a fundamental research project that all research results are widely and openly published and made available to the academic community. Any sponsored research project that could potentially involve export controls should be marked on the [GoldSheet](#) so the project will be reviewed by the ECP. In order to manage export controlled projects, a [Technology Control Plan](#) (TCP) may need to be put in place or an export license may need to be applied for by the Export Control Officer.

Even when the FRE applies to a research project, if a University activity involves an export or deemed export, the University must document that an export control review and analysis was performed before the export or release of information takes place. It is also important to note that although the results of “fundamental research” are exempt from export controls, the actual item, technology, or software under study is not automatically exempt and may still require an export license and/or a Technology Control Plan.

All University Personnel should be aware of export controls compliance but especially those whose work involves, but is not limited to, the following activities:

- Activities or research in controlled areas (e.g., encryption technology, nuclear technology, chemical/biological weapons, select agents and toxins, aerospace, and military technologies).
- Activities involving international shipping of or traveling with equipment, technology, or software.
- Activities involving teaching and research collaborations with foreign colleagues or the participation or training of Foreign Nationals here or abroad.
- Activities involving travel or work outside the U.S.
- Conducting tours with Foreign Nationals through research areas if such tours involve viewing technical data.
- Conducting research sponsored by any entity that restricts public dissemination or participation by Foreign Nationals.
- Activities involving the receipt and/or use of export-controlled information or technologies from other parties.

Violations of export control laws and regulations must be reported promptly. Violations may result in severe criminal and civil penalties for both University Personnel who willingly or knowingly violate the export control regulations and the University itself. ISU requires all University Personnel who suspect any violation of a Technology Control Plan, a license, a license exception, or the export control laws and regulations in general to contact the ISU Export Control Officer immediately.

## Section Two: Overview of United States Export Control Laws and Regulations

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U.S. Export Control laws and regulations control the conditions under which certain items can be transmitted or shipped internationally to anyone (including U.S. citizens) or disclosed, released, or transferred to a Foreign National on U.S. soil (“Deemed Export”). Under U.S. export control laws and regulations, exports are broadly defined as:

- Shipment of any controlled goods or items.
- The electronic or digital transmission of any controlled goods, items or technology or services related to controlled goods.
- Any release or disclosure, including oral disclosures or visual inspections, of any controlled technology, software or technical data to certain foreign nationals; or
- Actual use or application of controlled technology on behalf of, or for the benefit of, any Foreign National regardless of where they are located.

Failure to comply with export control requirements may result in severe penalties to the University, as well as criminal sanctions to individuals. Individuals working in the following areas, which are most likely to be subject to export controls, should become familiar with those laws and regulations and the procedures described below: engineering; physical and computer sciences (especially when involved in defense-related research); the biological sciences (including work with select agents and infectious materials); or anyone conducting research or academic collaborations with colleagues in countries that have been designated by the U.S. government as sanctioned or as supporting terrorism.

The three primary sources of export control regulation are:

- The U.S. Department of Commerce - Bureau of Industry and Security (BIS), through the Export Administration Regulations (EAR), controls proliferation of some non-military technologies and commercial items that have potential military applications, otherwise known as “Dual-Use” technology.
- The U.S. Department of State - Directorate of Defense Trade Controls (DDTC), through International Traffic in Arms Regulations (ITAR), controls proliferation of certain military technologies such as weapons, chemical and biological agents, vehicles, missiles, and equipment.

- The U.S. Department of Treasury - Office of Foreign Assets Control (OFAC), prohibits transactions with countries subject to boycotts, trade sanctions, and embargoes. OFAC may prohibit travel and other activities with embargoed countries and individuals even when ITAR and EAR do not apply.

## **I. Export Administration Regulations (EAR):**

The U.S. Department of Commerce, Bureau of Industry and Security (BIS) issues the Export Administration Regulations (EAR), 15 CFR Parts 730 through 774, to implement the Export Administration Act (EAA) and other statutory requirements. Amendments to the EAR are published in the Federal Register. Items subject to the EAR include purely civilian items, "Dual-Use" items with both civil and military, terrorism or potential WMD-related applications, and items that are exclusively used for military applications but that do not warrant control under the ITAR (22 CFR parts 120 *et seq.*).

BIS is charged with the development, implementation, and interpretation of U.S. export control policy for items subject to the EAR and maintains the Commerce Control List (CCL), a list of items under the export control jurisdiction of the U.S. Department of Commerce and their Export Control Classification Numbers (ECCNs). The CCL does not include items exclusively controlled for export by another department or agency of the U.S. Government, though in instances where other agencies administer controls over related items, entries in the CCL may contain a reference to such controls.

The BIS is also responsible for the development, implementation, and interpretation of the antiboycott provisions of the EAR, 15 CFR Part 760. The antiboycott provisions discourage, and in some cases prohibit, U.S. persons from participating in foreign boycotts that the United States does not sanction, including complying with certain requests for information designed to verify compliance with the boycott. U.S. persons are also required to report receipt of boycott-related requests. The antiboycott provisions have the effect of preventing U.S. firms from being used to implement foreign policies of other nations that run counter to U.S. policy.

### **EAR Penalties**

Criminal Sanctions for "Willful Violations" of the EAR

- Institution - A fine of up to the greater of \$1,000,000 or five times the value of the exports for each violation.
- Individual - A fine of up to \$250,000 or imprisonment for up to ten years, or both, for each violation.

Criminal Sanctions for "Knowing Violations" of the EAR

- Institution - A fine of up to the greater of \$50,000 or five times the value of the exports for each violation.
- Individual - A fine of up to the greater of \$50,000 or five times the value of the exports or imprisonment for up to five years, or both, for each violation.

Civil (Administrative) Sanctions for violations of the EAR: The imposition of a fine of up to \$12,000 for each violation, except that the fine for violations involving items controlled for national security reasons is up to \$120,000 for each violation. Additionally, for each violation of the EAR any or all of the following may be imposed:

- The denial of export privileges; and/or
- The exclusion from practice of your profession before the BIS; and/or
- Seizure/Forfeiture of goods.

## **II. International Traffic in Arms Regulations (ITAR)**

The U.S. Department of State, Directorate of Defense Trade Controls (DDTC), issues the International Traffic in Arms Regulations (ITAR), [22 CFR Parts 120-130](#), to implement the Arms Export Control Act (AECA). Amendments to the ITAR are published in the Federal Register. The AECA confers on the U.S. President the authority to control the export of defense articles and defense services. The President's authority has been delegated to the Secretary of State by executive order, and the DDTC is charged with implementing this authority.

The State Department maintains the United States Munitions List (USML), and the DDTC is charged with controlling exports and (temporary) imports of defense articles and defense services on the USML. The State Department also provides guidance on policy, designation of articles and services on the USML, and issuance of export licenses. Any manufacturer or exporter of articles or services found on the USML is required to register with the DDTC, which helps to validate entities engaged in the defense trade. ISU is registered with the DDTC as an exporter, allowing ISU to hold ITAR licenses.

### **ITAR Penalties**

Criminal Sanctions:

- Institution - A fine of up to \$1,000,000 for each violation.
- Individual - A fine of up to \$1,000,000 or up to ten years in prison, or both, for each violation.

Civil Sanctions:

- Institution - A fine of up to \$500,000 for each violation.
- Individual - A fine of up to \$500,000 for each violation.

Additionally, for any violation of the ITAR either or both of the following may be imposed:

- The denial of export privileges; and/or
- Seizure/Forfeiture of goods.

## **III. Office of Foreign Assets Control (OFAC) Regulations**

The US Department of Treasury, Office of Foreign Assets Control (OFAC) administers and enforces economic and trade sanctions based on US foreign policy and national security goals against targeted foreign countries and regimes, terrorists, international narcotics traffickers, those engaged in activities related to the proliferation of weapons of mass destruction, and other threats to the

national security, foreign policy or economy of the United States, as set forth in 31 C.F.R. §§ 500-599. OFAC enforces trade, anti-terrorism, narcotics, human rights, and other national security- and foreign policy-based sanctions prohibiting the provision of anything of value, either tangible or intangible, to sanctioned countries, organizations, or individuals. The pertinent regulations provide OFAC with broad authority to block or interdict vaguely defined "prohibited transactions" involving restricted destinations or parties. Full descriptions of all countries currently subject to boycott programs are available [here](#).

### **OFAC Penalties**

Criminal Sanctions:

- Institution - A fine of up to \$1,000,000 for each violation.
- Individual - A fine of up to \$1,000,000 or up to twenty years in prison, or both, for each violation.

Civil Sanctions:

- Institution - A fine of up to \$55,000 for each violation.
- Individual - A fine of up to \$55,000 for each violation.

Additionally, for any violation of the OFAC regulations, seizure and forfeiture of goods may result.

## **IV. Miscellaneous Regulations**

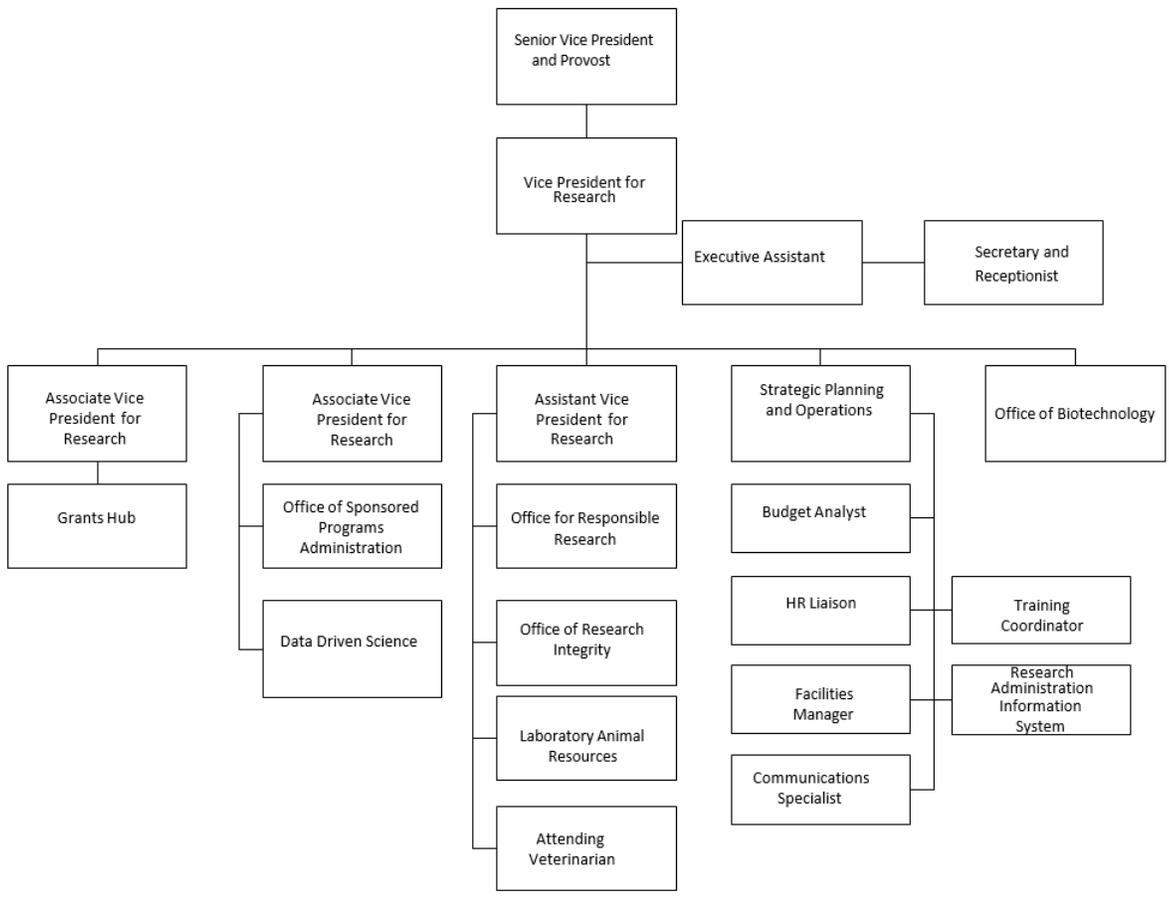
There are many other Export Control Regulations applicable to the University. The Nuclear Regulatory Commission has regulations for nuclear materials and reactors. The Department of Energy has regulations for assistance to foreign nuclear activities. The Department of Defense has regulations to safeguard controlled unclassified information. When an export control issue arises, as described below, the ISU's ECP will analyze all of the regulations to come up with an individual management plan for a given situation.

## **Section Three: ISU Export Control Program**

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### **I. Organizational Chart**

The ISU ECP assists University Personnel with the identification and management of research projects subject to US export control laws. ISU's ECP is part of the [Office of Research Integrity](#) (ORI) who reports to the Assistant Vice President for Research. (See Figure 1.).



**Figure 1.** Organization chart of ISU Office of the Vice President for Research.

The Export Control Officer (ECO) assists University Personnel to assess their export control obligations and facilitates the procurement of required export licenses. Because violation of US export control regulations can result in fines and sanctions against both individual researchers and ISU, ISU policy requires all University Personnel to be aware of and comply with export control regulations and applicable University policies and procedures. With regard to specific research projects, ISU policy places primary compliance responsibility on researchers. All researchers are expected to notify appropriate administrative staff when they suspect that export control laws apply to their research and to ask the ECP for assistance in making a determination, when necessary.

## **II. Research Involving the Export of Items Outside of the U.S.**

The ECP will, upon notice or request, determine the licensing requirements for the export of any item (e.g., software, technology, or information) from the University to destinations outside the U.S. to make this determination, the researcher must provide the following information to the ECP:

- What is the item? This includes a detailed description of the item (including software, technology, or information), technical specifications, and the origin of the item.
- Are there any contractual non-disclosure or use restrictions with respect to the item or results of research involving the item?
- Has the item been assigned an ECCN classification or UMSL category, e.g., by the sponsor or provider of the item?
- Where is the item going?
- To whom is the item going?
- What is the intended end-use?
- Is the item published, patented, or in some other manner in the public domain?

Determining the licensing requirements of an item can be a complicated process, requiring the proper classification of the item and verification and clearance of the target destination, end use, and end users. The final determination of whether an item requires a License, qualifies for a License Exemption, or can be exported as “No License Required” will be made by the ECP in consultation with the researcher(s). If a License is required, the ECO will coordinate the License application process. Obtaining a License can take two to six months (or longer), and there is no guarantee that a License will be issued. No export (or deemed export as discussed further below) may take place until any required License or License Exemption is obtained, or until the ECP has reached a “No License Required” determination.

### **III. Research Involving “Deemed Exports” to Foreign Persons Inside the U.S.**

The release or transmission of information or technology subject to Export Control regulations to any Foreign National within the U.S. is a “Deemed Export” and is considered to be an export to that person’s home country. Examples of “releases” to Foreign Nationals can include providing access to controlled software, technology, or equipment, providing access to technical specifications, and oral or written exchanges of information. In some instances, a License may be required before the information can be released. It is the responsibility of the ECP in consultation with the researcher to determine the licensing requirements involving deemed exports. To make this determination the researcher needs to provide the following information to the ECP:

- Information to be released – This includes a detailed description of the information, item, software, or technology, technical specifications, origin of the item and/or any contractual non-disclosure or use restrictions that may exist.
- A list of the home country and citizenship of all persons that will be given access to the information, item, software, or technology.
- Origin of the information or item, software, or technology, including whether it resulted from Fundamental Research.
- Whether the item, software, or technology is published, patented, or in some other manner in the public domain.

The final determination whether a “deemed export” requires a License and whether ISU will pursue a License will be made by the ECO in consultation with the researcher(s). If a License is required, the ECO will coordinate the License application process. Obtaining a License from the various

Departments of the U.S. Government can take two to six months (or more), and there is no guarantee that a License will be issued. A "deemed export" of information or items to foreign nationals within the U.S. may not occur until the required License is obtained, and researchers should consider this U.S. Governmental timeframe in determining when to initiate their consultations with the ECO.

#### **IV. Research Involving Export-Controlled Technology**

Export controlled items used in ISU research may be received from external parties or may be generated at ISU by ISU Personnel. Before accepting any export controlled item from an external party, such as the federal government or industry, University Personnel should contact the ECP for help in determining potential compliance requirements. Depending on the export classification of an item, Foreign Nationals may or may not be able to have access to an item used in a research project. If a research project involves the receipt or use of externally obtained export controlled items, such as information, technology, or software, the researcher must work with the ECP to obtain the classification of the item from the external party. The researcher, with help from University Human Resources, must also determine the current citizenship status of those University Personnel who would have access to the export controlled item. Unless a license is obtained for a Foreign National to have access to an export controlled item, the researcher must ensure that appropriate safeguards to prevent access by foreign nationals are implemented. The ECO and the researcher may also work together to put a Technology Control Plan in place on the project to manage export controlled technology.

#### **V. Technology Control Plan**

If export control regulations apply to a research project, it may be possible to put a Technology Control Plan (TCP) in place instead of applying for an export License. A TCP may also be required if a contract or other agreement contains language restricting the use of Foreign Nationals or delaying the dissemination of research results beyond 120 days and/or for reasons other than the review of patent or proprietary sponsor information. The [ISU TCP template](#) is available on the ISU ECP website.

A TCP is a formal document that outlines the procedures that the researcher will implement to prevent export controlled technology (e.g., physical items, electronic information, software, or hardware) from being accessed by unlicensed non-U.S. persons. TCPs are developed through the joint efforts of the ECP and researchers, and describe the controlled items, the project the items will be used in and the export controls that apply, as well as the physical and information security measures that will be used to manage those items to ensure compliance with the export control regulations.

The TCP must also list the names and citizenship of all University Personnel who will have access to the controlled technology. Each individual listed on the TCP will be screened against restricted party lists in eCustoms Visual Compliance by the ECP. Each individual listed on the TCP must, at a minimum, complete the basic export control training modules through the Collaborative Institute Training Initiative (CITI) or receive in-person training from ORI.

TCPs are reviewed and approved by the ECO and then routed for signatures of the PI, Department Chair, and all other individuals listed on the TCP. The PI must review the TCP with all project personnel before they begin work on the project. If applicable, the TCP may include a signed certification by the PI and all participating personnel acknowledging that the dissemination restrictions on this project may adversely affect their ability to publish or complete a thesis/dissertation. The TCP must be amended when, for example, a new researcher is added to the research team or the scope of work changes. The University will conduct periodic audits of compliance with the TCP.

If it is not possible to manage an export controlled technology through a TCP, then a License or Technical Assistance Agreement (TAA) may be required. A TAA is a written agreement (e.g., contract) amongst companies and organizations governing how and what technical information will be discussed, presented and/or conveyed to foreign nationals in the course of a project controlled under the International Traffic in Arms Regulations (ITAR), such as joint design work, training, or provision of other assistance.

It is important to note that it is not always possible to obtain a License or to develop an appropriate TCP, so there may be some proposed activities that cannot be conducted at ISU. The Empowered Official will make the final decision in such cases.

## **VI. Export Classifications**

Determining whether equipment, materials, products, software or information are export controlled and fall within the scope of the export control regulations is called export classification. Export classifications may need to be done for many different reasons, including to determine whether an export controlled item may be shipped internationally to a specific country or to determine whether a researcher is working with export controlled technology that needs to be protected. If an item has been purchased from a vendor or manufacturer, then the best source of the export classification for the item is to check with the vendor or manufacturer of the item. If the classification cannot be obtained from the vendor or manufacturer, then it will be necessary to consult the ECP. Determining the correct classification can be challenging, requiring technical knowledge about the item as well as understanding of the export control regulations. Determining whether an item is subject to ITAR or EAR is critical, and determining the correct ECCN for EAR items is very important. Mistakes here can have serious consequences to ISU. The ECP will work with University Personnel to conduct export classifications and document them appropriately.

## **VII. Travel Outside the U.S.**

Traveling outside the United States with certain items (e.g., personal laptop computers running encryption software, multi-factor authentication, wireless network hardware/software, some GPS systems) may require a License or License Exception depending on the travel destination. In general, problematic destinations are those countries currently under U.S. embargo, sanction, or other trade restriction. Specific examples include the Crimea region of Ukraine, Iran, Cuba, Sudan, Syria, and North Korea. U.S. sanction programs may change over time. The U.S. Department of Treasury maintains the current list of [Sanctioned Countries](#).

The application of personal knowledge or technical experience to situations in other countries (e.g., during teaching or consulting activities) may also invoke export licensing requirements. University Personnel should obtain assistance from the ECP in determining whether a License is required before engaging in such activities.

While most foreign travel does not require an export license, travel to certain foreign locations may be governed by export control laws. For example, the [U.S. Department of the Treasury](#) regulations restrict certain financial transactions with specific embargoed countries. Also traveling abroad with certain controlled tangible items, software, technology or information may also require an export license. Individuals traveling to restricted, sanctioned, or embargoed countries are responsible for notifying the ECP, who will work with the individual to determine whether approval or licenses are necessary.

Once outside the US or upon return to the US, individuals' laptops may be subject to search or may be seized without probable cause, suspicion or warrant. It is important that ISU travelers safeguard personal, sensitive, export controlled, and proprietary data appropriately. Please review ISU's [International Travel and Information Technology document](#). When preparing for International travel, additional guidance can be found at [www.travel.state.gov](http://www.travel.state.gov).

### **VIII. Restricted Party Screening**

The Federal government prohibits US individuals, companies or organizations from conducting business with "restricted parties" (i.e., persons, entities, or countries subject to US trade sanctions, embargoes, or other restrictions). Lists of restricted parties are issued by many U.S. Government agencies, including the Department of Commerce, Department of State, Department of Treasury, the Federal Bureau of Investigation, and the Department of Homeland Security. The Office of Foreign Asset Controls (OFAC) is the central repository for many of these lists. Each list includes both U.S. and foreign individuals and organizations.

Restricted Party Screening (RPS) involves searching these lists for names of individuals, entities, and countries. Because the Federal government can impose both civil and criminal penalties for transferring export-controlled items to or transacting with a restricted party, the ISU's ECP conducts restricted party screening of the names of research sponsors, subcontractors, vendors, and other parties from foreign countries before entering into contractual agreements with them. ISU holds a license to Visual Compliance, a software program that checks all of the federal lists simultaneously. Because restricted party screening may be complicated, ISU requires that you contact the Export Controls Program to request screening, as opposed to reviewing the multiple lists yourself.

The University requires all University Personnel to contact the ISU ECP before transacting with restricted parties or shipping export controlled items. The ECP will ensure that all persons known to be involved in a potential transaction have been properly screened.

## **IX. International Financial Transactions**

Certain financial transactions with restricted individuals or entities from sanctioned or embargoed countries may be prohibited (e.g., fellowship payments made to a researcher in an embargoed country). Before agreeing to provide funding to any Foreign National, University Personnel should ask the ECP for assistance in identifying potential restrictions on the transaction.

## **X. Foreign Nationals Visiting or Working in ISU Facilities**

The University has established procedures to monitor visits by or assignments of Foreign Nationals to its facilities to ensure that the disclosure of, and access to, export-controlled articles and related information are limited to those that are approved by an export authorization.

### Visiting Scholars

Departments, programs and other academic units of the ISU may invite faculty researchers from other universities as visiting scholars. Visiting Scholar status is reserved for scholars who are invited to pursue a program of research during a limited term of residence. Visiting Scholars may have access to certain limited ISU services and resources. The ECP must review all foreign nationals before those individuals can be granted Visiting Scholar status.

### Non-Immigrant Visa Applicants

In accordance with part 6 of the I-129 Petition for a Nonimmigrant Worker, the University must certify whether or not an H-1B/H-1B1/L-1/O-1A applicant requires an export license. The ECP reviews these petitions in coordination with the International Students and Scholars Office. The ECP also reviews J-1 visa petitions.

### Facility or Lab Tours

Researchers who invite Foreign Nationals to ISU to tour their facilities and/or labs must contact the ECP in advance of the visit to ensure proper screening and export control compliance.

## **XI. Recordkeeping and Retention Requirements**

The University is required to maintain a complete record of all export control documentation, including but not limited to Technology Control Plans, Technical Assistance Agreements, the University's export classifications and analysis of license requirements, any issued licenses, shipping documents, and any correspondence related to each export-controlled transaction. Records must be retained for five years from the date of export, re-export, or transfer.

The ECO is responsible for maintaining a central repository of export control records. Researchers and other University Personnel are responsible for forwarding all relevant export control documentation to the ECO for archiving.

## Section Four: Intersection with other University Units

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### I. Environmental Health and Safety (EH&S)

Export control regulations include provisions for the control of specified biological materials (i.e., pathogens and toxins) chemicals, chemical agent precursors, propellants, explosives, and energetic materials. The controls for these materials differ depending on which regulations control the item. [Environmental Health and Safety](#) (EH&S) provides services to the University community that encompass environmental stewardship (hazardous waste management) and occupational health and safety, which include areas such as laboratory/chemical safety, radiation safety, and biological safety. EH&S also provides training in these areas to researchers and their staff, students, and other personnel as appropriate.

The ECP will work with EH&S (and any relevant research safety committees) when potential export control issues are identified through EH&S's review of hazardous material shipments.

### II. Institutional Review Boards

Iowa State University operates its [Institutional Review Boards](#) (IRBs) under a Federal Wide Assurance (FWA) with the Department of Health and Human Services. The ISU IRBs that review human research projects alert the ECP when they identify potential issues with proposed international research, including issues related to export controls. Sponsored research agreements that involve export controls are flagged on the GoldSheet and triaged to the ECP for review.

### III. Office of Sponsored Programs Administration (OSPA)

The [Office of Sponsored Programs Administration](#) (OSPA) is responsible for the oversight of ISU's externally sponsored projects. OSPA plays a role throughout the lifecycle of a grant or contract, which includes proposal review and submission, the negotiation of an award, and post-award administration. OSPA works closely with the ECP when they identify a grant or contract with potential export control considerations such as restrictions on participation of foreign nationals, publication restrictions, or assignment of research results to a Sponsor – as any of these may nullify the Fundamental Research Exemption.

### IV. Office of Intellectual Property and Technology Transfer (OIPTT)

The [Office of Intellectual Property and Technology Transfer](#) (OIPTT) handles technology transfer, new venture creation, and facilitating interactions between industry and ISU faculty. OIPTT is responsible for the protection, marketing, and licensing of Intellectual Property (IP) developed by ISU personnel. OIPTT reviews all outgoing Non-Disclosure Agreements (NDA), and Material Transfer Agreements (MTA), License and Option Agreements and other miscellaneous intellectual property agreements. If any export control issues arise from OIPTT's review of such agreements, the ECO is consulted and appropriate management plans are put in place as needed.

## **V. Procurement Services**

Procurement agents review purchase and service agreements for evidence that the equipment to be purchased is subject to export control restrictions or whether contractors are in boycotted countries or on any restricted entity/persons lists. [Procurement Services](#) will notify the ECP when equipment is determined to be export controlled or when other export-related issues are present. The ECP works with the investigator and relevant Chair, Dean or Unit Director, as applicable, to ensure that no violation of the U.S. Export rules will occur if the item is purchased and used at ISU, or if the desired contractor provides services to the University. Procurement Services has access to the eCustoms Visual Compliance database system to screen vendors in an effort to perform export control due diligence.

## **VI. International Students and Scholars Office**

The [International Students and Scholars Office](#) employs International Student Advisors with experience in the U.S. and abroad who provide courteous and timely service and informative programming for international students, visiting scholars and their families. The International Students and Scholars Office also processes various immigration forms, including the U.S. Citizenship and Immigration Services' (USCIS) Form I-129, which is mandated for H-1B, H-1B1, L-1, or O-1A workers, DS-2019 for J-1 visitors. If the visa applicant plans to conduct research that does not qualify under the Fundamental Research Exclusion, the ECP conducts a review and it may be necessary to request a license from the Departments of State or Commerce before the foreign national can participate in an Export-Controlled project. The licensing process takes time and may involve a fee, and the request can be denied. Only the Export Control Officer can request a license.

## **VII. Information Technology (IT)**

[Information Technology](#) works with the campus community to provide a safe computing environment that supports core missions of ISU. IT is primarily responsible for protecting ISU systems and networks to ensure the confidentiality, integrity, and availability of institutional, academic, and research data. All persons affiliated with ISU share with IT the responsibility to protect sensitive university data to which they have authorized access. This shared responsibility is especially significant with respect to export controlled research that includes information that is regulated for reasons of national security, foreign policy, anti-terrorism, or non-proliferation. As custodians of such data, faculty and principal investigators are also responsible to comply with all ISU information security and institutional data management policies and procedures as well as applicable laws, statutes, and regulations. These policies apply to University-owned and -managed computers, as well as to sponsor-provided or funded devices used to access export controlled data, software, and equipment.

## **VIII. Office of University Counsel (OUC)**

The [Office of University Counsel](#) (OUC) provides legal advice and services to ISU and The Ames Laboratory. The OUC helps the ISU ECP complete its work in accord with the many complex legal and policy requirements applicable to public research universities.

## IX. Office of Internal Audit

The [Office of Internal Audit](#) supports the University with objective assurance and consulting activity designed to add value and improve ISU's operations. Internal Audit works as a resource to identify and manage risks and improve processes. Internal Audit may also perform internal audits of various compliance areas, including the Export Controls Program, and work with the audited programs to follow-up on and resolve outstanding issues. Internal Audit reports to the Board of Regents and the University President.

## X. Postal and Parcel Services

[Postal and Parcel Services](#) (PPS) provides central shipping services for the University community. PPS works with the ECP to ensure that appropriate approvals have been received for international shipments, with special attention paid to shipments to sanctioned countries.

## XI. University Terminology and List of Responsibilities

Position or Office	List of Responsibilities
<b>Faculty/Researcher/Principal Investigator</b>	<ul style="list-style-type: none"><li>• Identifying research activities in which export control issues might exist</li><li>• Notifying the ECP of identified export control issues</li><li>• Working with the ECP to put TCPs in place and accurately classify items for licenses</li><li>• Informing project personnel of any applicable export control requirements, including TCPs pertaining to the project</li><li>• Ensuring the appropriate protection and management of all export controlled technology in his or her possession</li><li>• Providing all export documentation to the ECO for archiving</li></ul>
<b>Research Administrators (or any other person preparing research proposals or sponsored research grants or agreements)</b>	<ul style="list-style-type: none"><li>• Answering the export control questions on the GoldSheet and providing relevant information to enable a review by the ECP</li><li>• Identifying language in proposals or requests for proposals (RFPs) that attempts to place restrictions on the university's ability to publish the research or to place restrictions on the participation or access by foreign nationals</li><li>• Notifying the ECP in the event that such restrictions are identified</li></ul>

Position or Office	List of Responsibilities
<b>Department/College/Unit Director/Dean</b>	<ul style="list-style-type: none"> <li>• Signing TCPs on behalf of their faculty members</li> <li>• Administering and monitoring existing TCPs of their faculty members</li> <li>• Notifying the ECO of any issues that arise regarding the implementation of, or compliance with, any TCP or this Plan</li> </ul>
<b>Export Control Officer (ECO)</b>	<ul style="list-style-type: none"> <li>• Managing the ISU ECP</li> <li>• Working with researchers to draft TCPs</li> <li>• Assisting researchers in determining export license requirements (in collaboration with the appropriate regulatory bodies)</li> <li>• Raising issues of concern</li> </ul>
<b>Empowered Official</b>	<ul style="list-style-type: none"> <li>• Decides when proposed activity cannot be conducted at ISU</li> <li>• Signs license applications on behalf of ISU</li> <li>• Accepts liability in connection with ITAR violations</li> </ul>

## Acronyms

AECA	Arms Export Control Act
BIS	Bureau of Industry & Security (Dept. of Commerce)
DDTC	Directorate of Defense Trade Controls (Dept. of State)
EAR	Export Administration Regulations
ECCN	Export Control Classification Number
ECO	Export Control Officer
ECP	Export Control Program
EH&S	Environmental Health & Safety
EO	Empowered Official
FRE	Fundamental Research Exclusion/Exemption
IRB	Institutional Review Board
ISU	Iowa State University
IT	Information Technology
ITAR	International Traffic in Arms Regulations
OFAC	Office of Foreign Assets Control
OIPTT	Office of Intellectual Property and Technology Transfer
ORI	Office of Research Integrity
OSPA	Office of Sponsored Programs Administration
OUC	Office of University Counsel
RPS	Restricted Party Screening
TAA	Technical Assistance Agreement
TCP	Technology Control Plan
USML	United States Munitions List

## Terms and Definitions

Term	Definition
<b>Commerce Control List (CCL)</b>	A list of items under the export control jurisdiction of the U.S. Department of Commerce. The CCL is divided into ten categories: (0) Nuclear Category Materials, Facilities and Equipment, and Miscellaneous; (1) Materials, Chemicals, "Microorganisms," and Toxins; (2) Materials Processing; (3) Electronics Design, Development and Production; (4) Computers; (5) Telecommunications; (6) Sensors; (7) Navigation and Avionics; (8) Marine; (9) Propulsion Systems, Space Vehicles, and Related Equipment.
<b>Deemed Export</b>	Release or transmission of certain items (e.g., information or technology) subject to export control to a foreign national in the U.S., including graduate students and visiting scholars. Such a release of information is considered to be an export to the foreign national's home country.
<b>Defense Article</b>	Any item designated in the United States Munitions List (USML). Examples include specified chemical agents, cameras designated for military purposes, specified lasers, and GPS equipment. It also means any technical data recorded or stored in any physical form, models, mock-ups, or other items that reveal technical data directly relating to the particular item or "defense article" listed in the USML.
<b>Defense Service</b>	The furnishing of assistance (including training) anywhere (whether inside the United States or abroad) to foreign nationals in connection with the design, development, engineering, manufacture, production, assembly, testing, repair, maintenance, modification, operation, demilitarization, destruction, processing, or use of defense articles, as well as the furnishing of any controlled "technical data" (see definition below) to foreign nationals anywhere.
<b>Dual-Use</b>	Tangible items, software, and/or technology that have both a civilian and military use (e.g. GPS, materials processing equipment, etc.).
<b>Educational Information</b>	Phrase used by the Department of Commerce in §734.9 of the EAR to denote information that is not subject to the EAR if it is released by instruction in catalog courses and associated teaching laboratories of academic institutions. Certain types of information related to encryption software cannot, however, be considered "educational information" and is subject to the EAR even if released "by instruction in catalog courses and associated teaching laboratories of academic institutions."

<b>Empowered Official (EO)</b>	Individual authorized by a business enterprise to sign and process license applications on behalf of the company and who must therefore understand the provisions of ITAR (22 C.F.R. Section 120.25), among others. This individual has authority to inquire into any aspect of a proposed export and to verify the legality and accuracy of the information submitted for a transaction, as well as the authority to refuse to sign “any” license application without retribution from his/her company. This is important because the EO is held liable for any violations of ITAR. The EO is also responsible for internal audit of export control compliance.
<b>Encryption</b>	The process of encoding a message so that only the sender and the intended recipient can read it.
<b>Encryption Software</b>	Software whose main task is encryption and decryption of data, usually in the form of files on hard drives and removable media, or email messages sent over computer networks or the Internet.
<b>End-Use</b>	A detailed description of how the ultimate recipient intends to use the commodities being exported.
<b>End-User</b>	The person who receives and ultimately uses the exported or re-exported items. The end-user is not a forwarding agent or intermediary, but may be the purchaser or ultimate recipient.
<b>Export</b>	Sending an item (e.g., commodity, software, technology, equipment, or information) from the U.S. to a foreign destination, including the actual shipment of physical goods and documents as well as the transfer of information via email, fax, and internet. Export also includes sharing of information through conversations in person or on the phone, providing technical or training assistance, or making conference presentations.
<b>Export Administration Regulations (EAR)</b>	A set of federal regulations that regulates the export and re-export of most commercial items.
<b>Export Control Classification Number (ECCN)</b>	A five-character alpha number classification used in the CCL to identify items for export control purposes. ECCNs are found in 15 C.F.R. §774, Supplement 1, and in the Commerce Control List (CCL).
<b>Export Controlled Item</b>	Items subject to export control regulations include, but are not limited to, goods, commodities, materials, defense articles, substances, software, technology, equipment, technical data, information, and funds.
<b>Export Controlled Activity</b>	Activities subject to export control regulations include, but are not limited to, provision of services, technical assistance, training, software downloads, conference presentations, tours of facilities, travel, collaboration in teaching, or research.

<b>Export Controls</b>	Federal regulations that restrict the release of certain items (e.g., commodities, software, technology, equipment, or information) and the provision of certain services (e.g., technical assistance, training) to foreign destinations or to foreign nationals in the United States and abroad for reasons of national security, foreign policy, anti-terrorism, or non-proliferation. Federal export control regulations include the Export Administration Regulations (EAR) and the International Traffic in Arms Regulations (ITAR) as well as regulations administered by the Office of Foreign Assets Control (OFAC).
<b>Foreign National</b>	A person who is not a U.S. citizen or lawful permanent resident of the U.S., or who does not have refugee or asylum status in the U.S. Foreign National also includes a foreign corporation, business association, partnership, trust, society, or any other foreign entity or group, as well as international organizations and foreign governments.
<b>Fundamental Research</b>	“Fundamental research” is defined by the Department of Commerce as basic and applied research in science and engineering where the resulting information is ordinarily published and shared broadly within the scientific community. The State Department has a similar definition, although it can be interpreted more narrowly. Under the narrower interpretation, “fundamental research” can describe only information and technology that already is in existence and in the public domain.
<b>Fundamental Research Exclusion (FRE)</b>	Excludes research defined as “fundamental research” from export control regulations. The Fundamental Research Exclusion applies only to the dissemination of research data and information, not to the transmission of material goods. The Fundamental Research Exclusion is destroyed if: the university accepts any contract clause that forbids the participation of foreign persons; gives the sponsor a right to approve publications resulting from the research; or otherwise operates to restrict participation in research and/or access to and disclosure of research results.
<b>International Traffic in Arms Regulations (ITAR)</b>	A set of federal regulations used primarily to control the import and export of defense articles and defense services.
<b>License</b>	A written authorization provided by the appropriate governing regulatory authority detailing the specific terms and conditions under which export or re-export of export-controlled items is allowed.
<b>License Exception (EAR)</b>	An authorization that allows the export or re-export, under very specific conditions, of items that would normally require a license under the EAR. Export License Exceptions are detailed in <a href="#">EAR §740</a>
<b>License Exemption (ITAR)</b>	An authorization that allows the export of unclassified defense articles without approval from the Office of Defense Trade Controls. Export License Exemptions are detailed in <a href="#">ITAR § 123.16</a>

<b>Open Meeting</b>	Term used to describe a conference, seminar, or other gathering where all technically qualified members of the public are eligible to attend and attendees are permitted to take notes or otherwise make a personal record of the proceedings and presentations.
<b>Patent Information</b>	Information contained in a patent application, or an amendment, modification, supplement or division of an application. Such information is not subject to the EAR pursuant to §734.10 and §734.7(a) 3.
<b>Published Information and Software</b>	Term used to describe information that has become generally accessible to the interested public in any form. Pursuant to EAR §734.7, this type of information is not subject to the EAR. Examples of published information and software include the following: Information published in print or electronic media available for general distribution, information readily available at public or university libraries, and/or Information released at an open conference, meeting, or seminar.
<b>Re-export</b>	An actual shipment or transmission of controlled tangible items, software, or information from one foreign country to another foreign country. The export or re-export of controlled, tangible items, software, or information that will transit through a country or countries, or will be unloaded in a country or countries for reloading and shipment to a new country, or are intended for re-export to the new country, are deemed to be exports to the new country.
<b>Technical Assistance</b>	Instruction, skills training, working knowledge, and consulting services, as well as the transfer of technical data.
<b>Technical Assistance Agreement</b>	A written agreement (e.g., contract) for the performance of a defense service(s) or the disclosure of technical data, as opposed to an agreement granting a right or license to manufacture defense articles.
<b>Technical Data</b>	Term used by the State Department to describe information required for the design, development, production, manufacture, assembly, operation, repair, testing, maintenance, or modification of defense articles. Technical data includes information in the form of blueprints, drawings, photographs, plans, instructions, and documentation, as well as information covered by an invention secrecy order or certain kinds of classified information. The term “technical data” can include software directly related to defense articles, but does not include information concerning general scientific, mathematical, or engineering principles commonly taught in schools, colleges and universities. It also does not include information in the public domain or basic marketing information on function or purpose or general system descriptions.
<b>Technology</b>	Any specific information and know-how (whether in tangible form – such as models, prototypes, drawings, sketches, diagrams, blueprints, manuals, or software – or in intangible form, such as training or technical services) that is required for the development, production, or use of a good, but not the good itself.

<b>United States Munitions List (USML)</b>	List of articles, services, and related technical data designated as defense articles and defense services. The State Department has stated that the USML is illustrative only, meaning that the absence of an item on the USML does not conclusively rule out the possibility of its being a defense article or defense service.
<b>University Personnel</b>	Faculty, staff, visiting scholars, postdoctoral fellows, students, and all other persons retained by or working for the University. All University Personnel shall comply with all U.S. export control laws and regulations while engaged in activities at or on behalf of the University.
<b>U.S. Person</b>	<i>Under ITAR, 22 CFR 120.15, any person who is a lawful permanent resident as defined by <a href="#">8 U.S.C. 1101(a)(20)</a> or who is a protected individual as defined by <a href="#">8 U.S.C. 1324b(a)(3)</a>. Also, any corporation, business association, partnership, society, trust, or any other entity, organization or group that is incorporated to do business in the United States. Also, any governmental (federal, state or local) entity. Under EAR, 15 CFR 760.1(b), any person who is a United States resident or national, including individuals, domestic concerns, and "controlled in fact" foreign subsidiaries, affiliates, or other permanent foreign establishments of domestic concerns.</i>

## Associated ISU policies

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- [Export Control](#)
- [IT Security](#)
- [Data Classification Standards and Guidance:](#)
- [Acceptable Use of IT Resources](#)
- [Restrictions on Reporting Research Results](#)

## Websites

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[The Iowa State University Export Control website](#)

[National Security Decision Directive \(NSDD\) 189](#)

## **Commerce Department**

[U.S. Bureau of Industry and Security \(BIS\)](#)

[Export Administration Regulations Database](#)

[Commerce Control List](#)

[Denied Persons List](#)

[Denied Entity List](#)

[Unverified List](#)

## **State Department**

[U.S. State Department – International Traffic in Arms Regulations \(ITAR\)](#)

[The United States Munitions List](#)

[Debarred Parties List](#)

## **Treasury Department**

[Office of Foreign Assets Control](#)

[Specially Designated Nationals and Blocked Persons List](#)

[OFAC Countries Sanctions Programs](#)

## **Contact**

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[Iowa State University Compliance and Ethics Hotline](#)

Email: [export@iastate.edu](mailto:export@iastate.edu)

U.S. Mail Address:     Office of Research Integrity  
                              Iowa State University  
                              2420 Lincoln Way, Suite 202  
                              Ames, Iowa 50014

Campus Mail Address: 202 Kingland

Matt House

Export Control Administrator

Office of Research Integrity

Phone: 515-294-0269

Email: [housmat@iastate.edu](mailto:housmat@iastate.edu)

Brooke Langlitz, JD

Export Control Officer and

Director, Office of Research Integrity

Phone: 515-294-7793

Email: [langlitz@iastate.edu](mailto:langlitz@iastate.edu)

## **Acknowledgements**

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ISU acknowledges and appreciates the University of Michigan for granting ISU permission to alter selected portions of its 'Export Control Compliance Manual' for use in this Export Control Management Plan.

## Iowa State University Export Control Worksheet

This form is required for H-1B Temporary Workers, J-1 Exchange Visitors, and for all other international visitors to determine whether or not a license is required with respect to the technology or technical data to which the prospective employee/visitor will have access. If a license is required, the employee or visitor cannot have access to controlled technology or technical data until the necessary license is obtained.

This form applies to all university activities except for activities funded through Ames Lab. Ames Lab has separate policies and procedures for export control compliance and 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 Lab and those who are individually funded through Ames Lab will be governed by Ames Lab policies and procedures.

### **Instructions:**

Please answer the questions in Parts I and II, collect the required signatures in Part III, and email the completed worksheet to the Office of Research Integrity (ORI) at [export@iastate.edu](mailto:export@iastate.edu). If you are unable to email the worksheet, you may send it via Campus Mail to 202 Kingland.

**Do not upload this form to CyStart;** ORI will upload the worksheet once it is approved. **Applicants MAY NOT fill out this worksheet—it MUST be filled in by the supervising party. Be sure to answer each question as worksheets with missing information will be delayed until the information is obtained.**

If you do not understand a question, please contact Matt House at 4-0269 or Brooke Langlitz at 4-7793.

### **Part I:**

**Answer ALL questions below (REQUIRED):**

Visa Type:  H-1B  J-1  OPT  Other/ISU not sponsoring Visa (please explain)

Application Type:  New Application  Extension

(For new J-1 visas only), Applicant status:

Post-Doc  New ISU/Exchange Student  Visiting Scholar  Other (please explain)

Applicant Legal Name:

Applicant Country of Citizenship:

Applicant Country of legal Permanent Residence (if different than Citizenship):

(For J-1 visas only), Applicant's Home Institution:

Applicant's UID or TEMP #:

Applicant's Date of Birth (mm/dd/year):

ISU College and Department/Center:

Applicant Supervisor: Name & Email:

Department/Center Administrative Contact: Name & Email:

Office/Labs that Applicant will have access to (building name & room numbers):

### **Part II:**

1. Provide a technical description of the research or work the applicant will conduct. Please provide enough information to perform an export control review:
2. Is any project on which the applicant will work or any portion of the applicant's salary funded directly or indirectly by a military department, branch, or office (domestic or foreign) or the Department of Energy?

Yes  No

If you answered *Yes* to question #2, answer the following questions:

- a. What is the name of the project title, as indicated on the project agreement?
  - b. What is the Goldsheet or account number associated with the project?
3. Will the applicant be working with military-related technologies or weapons?  
Yes No
4. Will the applicant be working with technologies relating to spacecraft, satellites, or space-qualified systems?  
Yes No
5. Will the applicant be working with encryption software or source code?  
Yes No
6. Will the applicant be working with any viruses, rickettsiae, bacteria, toxins or fungi?  
Yes No

If you answered *Yes* to question #6, answer the following questions:

- a. What is the name of the item(s) with which the applicant will be working? ***Please indicate whether the item(s) is pathogenic.***
  - b. Will the applicant be developing or producing the item?  
Yes No
- If you answered *Yes* to question b, answer the following questions:
- i. Is information about the methodology the applicant will use to develop or produce the item publicly available?  
Yes No
  - ii. Does the applicant intend to publish information regarding the methodology used to develop or produce the item?  
Yes No
7. Will the applicant receive or have access to information that is necessary to develop or produce any equipment or software other than standard office equipment and software?  
Yes No

If you answered *Yes* to question #7, answer the following questions:

- a. What is the name of the equipment or software for which the applicant will have such information?
  - b. Is the information **free of charge** or available at cost and **publicly available**?  
Yes No
  - c. Does the applicant intend to publish the information?  
Yes No
8. Will the applicant receive or have access to information that is necessary to perform ALL of the following on any equipment or software other than standard office equipment and software: operate, install, maintain, repair, overhaul and refurbish?  
Yes No

If you answered *Yes* to question #8, answer the following questions:

- a. What is the name of the equipment or software for which the applicant will have such information?
- b. Is the information **free of charge** or available at cost and **publicly available**?

- Yes  No  
c. Is it anticipated that the applicant will publish the information?  
 Yes  No

9. Is any project on which the applicant will work or any portion of the applicant's salary funded directly or indirectly through a grant or contract that contains a restriction on publication (other than delay to remove confidential information or protect intellectual property) or on the involvement of foreign citizens?  
 Yes  No

10. Will the applicant be provided access to any unpublished, proprietary, or otherwise confidential information, materials, or software provided by a Sponsor?  
 Yes  No

If you answered Yes to question #10, answer the following questions:

- a. Name and describe the proprietary materials for which the applicant will have such information.
- b. Provide the sponsor's name and Goldsheet/Account/NDA/MTA numbers as applicable.

### Part III:

If the circumstances of the employment or visit change such that a Yes answer would be required for any of the foregoing questions, I agree to notify the Office of Research Integrity immediately.

**Applicant Supervisor** \_\_\_\_\_ **Date:** \_\_\_\_\_  
Signature

**Name:** \_\_\_\_\_ **Title:** \_\_\_\_\_

**Department Chair/** \_\_\_\_\_ **Date:** \_\_\_\_\_  
**Director** Signature

**Name:** \_\_\_\_\_ **Title:** \_\_\_\_\_

ORI Office Use Only:

With respect to the technology or technical data the petitioner will release or otherwise provide access to the beneficiary, the petitioner certifies that it has reviewed the Export Administration Regulations (EAR) and the International Traffic in Arms Regulations (ITAR) and has determined that:

1. A license is not required from either the U.S. Department of Commerce or the U.S. Department of State to release such technology or technical data to the foreign Person; or
2. A license is required from the U.S. Department of Commerce and/or the U.S. Department of State to release such technology or technical data to the beneficiary, and the petitioner will prevent access to the control technology or technical data by the beneficiary until and unless the petitioner has received the required license or other authorization to release it to the beneficiary.

Reviewed by: \_\_\_\_\_ Date: \_\_\_\_\_

ORI

# Export Controlled Technology Control Plan Iowa State University

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**CONFIDENTIAL: This Record is Exempt from Public Records Disclosure pursuant to Iowa Code §22.7(50) and §22.8, as well as ISU's policy on Security-Related Information.**

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**Date of plan:**

**Proposed Period of work:** -

**Management Plan expiration:**

**Title of sponsored project/activity:**

**Contract or grant number:**

**RESPONSIBLE INDIVIDUAL for implementing & monitoring plan:**

**RESPONSIBLE INDIVIDUAL work address:**

**RESPONSIBLE INDIVIDUAL phone:**

**RESPONSIBLE INDIVIDUAL email:**

**List and describe each export controlled technology:**

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**PART 1:**

## **PLAN ELEMENTS**

1. **Physical Security:** Export controlled technology and sensitive project data—collectively referred to as “EC Materials”—must be physically controlled to avoid unauthorized access.
  - a. **Location:** Appropriate measures must be taken to secure controlled electronic information, including controls on access to information and transmission of information.
  - b. **Item Marking:** EC Materials must be clearly identified and marked as such.
  - c. **Physical Security Measures:** Provide a detailed description of your physical security plan designed to protect EC Materials from unauthorized access, ie., secure doors, limited access, security badges, CCTV, etc.
  - d. **Shipping or Transfer:** Prior to shipping or transfer—whether domestic or international—of any physical items which are export controlled (including electronic media), the Office of Research Integrity must make a determination of whether the recipient is permitted to receive the items. Transfers to persons approved under this Management Plan are excluded from this requirement. Additional controls, if any, include:
2. **Information Security:** Appropriate measures must be taken to secure controlled electronic information, including controls on access to information and transmission of information. Storage of export controlled technical information on cloud servers and email is prohibited.
  - a. **IT Security Plan:** Describe the information technology (IT) security for data and other export-controlled information.
  - b. **Transmission Protocols:** Describe whether export-controlled information will be transmitted electronically or physically and the protocols for secure transmission.

- c. **Conversation Security:** Describe protections from employee transfer to unauthorized persons by conversation with unauthorized persons, such as confidentiality agreements, disclosure forms, exit procedures when persons leave the project, agreements with external collaborators, etc.

**PROJECT PERSONNEL:** Clearly identify each individual, together with citizenship or immigration status of persons who are to have authorized access to EC Materials:

**Name and Citizenship/Immigration Status:**

**Name and Citizenship/Immigration Status:**

**Name and Citizenship/Immigration Status:**

**Training:** Appropriate measures will be taken to ensure that all project personnel have completed appropriate training in export control compliance. Personnel will require a refresher course every four years.

**Name and Training Date:**

**Name and Training Date:**

**Name and Training Date:**

**Record Keeping Requirements:** EAR and ITAR have specific record keeping requirements that must be met. Generally speaking, any documentation or record related to an EAR or ITAR controlled project, shipment, agreement, license or license exception/exemption must be maintained for 5 years after the project, shipment, agreement, license or license exception/exemption has been finalized. Specific record keeping requirements can be found in the following regulations:

ITAR:

22 CFR 123.22—Filing, Retention and Return of Export Licenses and Filing of Export Information

22 CFR 123.26—Recordkeeping Requirements for Exemptions

22 CFR 124.4—Deposit of Signed Agreements with DDTC

22 CFR 124.5—Proposed Agreements that are not Concluded

22 CFR 124.6—Termination of Manufacturing License Agreements and Technical Assistance Agreements

EAR:

15 CFR 762.1 – Records to be retained

**Additional Comments:**

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## **PART 2:**

### **Determination of Export Controlled Status**

**Person making determination:**

**Phone number:**

**Reason for determination:**

**ECCN or ITAR USML:**

### **Confirmation of Personnel Screening Procedures**

**Confirmation of Denied Persons Screening:** Project personnel, subcontractors, and subcontractor personnel must be checked to assure such persons or entities are not banned from participation.

**Date of screening:**  
**Method of screening:**  
**Person conducting screening:**

**Determination of Need for Export License for Persons/Entities with Access:** If any personnel are not US Citizens, permanent residents, or otherwise in a permitted standing under export control regulations, a determination must be made through ORI whether export licenses are required. If required, the Office of University Counsel will apply for the appropriate licenses.

**Date of determination:**  
**Person conducting screening:**  
**Names of persons for whom export licenses are required:**

**Special Sponsor Requirements:** If Sponsor has more stringent requirements than required by Export Control Regulations, indicate the restriction here.

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X

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RESPONSIBLE INDIVIDUAL/PROJECT PERSON...

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X

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PROJECT PERSONNEL

X

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PROJECT PERSONNEL

X

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Department/Unit Head

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X

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Brooke Langlitz  
Director, Office of Research Integrity