



Idaho State University

POLICIES AND PROCEDURES

ISU Export Controls and Working with Foreign Nationals Policy

ISUPP 7040

POLICY INFORMATION

Policy Section: *Research*

Policy Title: *ISU Export Controls and Working with Foreign Nationals Policy*

Responsible Executive (RE): *Vice President for Research*

Sponsoring Organization (SO): *Office of Research*

Dates: Effective Date: *January 28, 2013 (7-21-14)*

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I. INTRODUCTION

“Export Control” is a term associated with a wide range of regulations and guidance concerning interactions with foreign persons or entities:

- The transfer, or “Export” of specified items or information to people or entities outside the United States;
- The disclosure of certain information to certain Foreign Nationals inside the United States (often called a “Deemed Export”);
- The training or offering of services involving controlled equipment or information to Foreign Nationals; and
- Transactions with, or providing services to, certain foreign countries or individuals who are on the denied entities/persons lists.

II. POLICY STATEMENT

All ISU faculty and staff involved with foreign persons or entities in any capacity must follow Export control regulations. The primary laws and regulations with which this policy is concerned are the

EAR regulations (dual use items) administered through the Department of Commerce, the (ITAR) administered by the U.S. Department of State, and the Office of Foreign Assets Control (OFAC), a part of the U.S. Department of Treasury. There are additional regulations originating in other agencies, which potentially may apply, including, U.S. Department of Agriculture, U.S. Department of Energy and the Nuclear Regulatory Commission. All ISU Export control procedures can be found at the Office for Research Outreach and Compliance (ROC) website.

III. AUTHORITY AND RESPONSIBILITIES

The Vice President for Research (VPR) has ultimate authority for the implementation of this policy. The Assistant Vice President for Research, through Research Outreach and Compliance, has been designated as the responsible office for execution of this policy. The Assistant VPR is designated ISU's Export Control Officer.

Faculty, staff and employed students involved in research are responsible to be familiar with this policy and the related material posted on the ROC website.

IV. DEFINITIONS

- A. **Controlled Technology:** Information, technical data, or source code that is necessary to make, use, or develop an item on the CCL or U.S. Munitions List. Controlled Technology and Software is "released" for Export through visual inspection by Foreign Nationals, by oral exchanges of information in the U.S. or abroad, or by applying personal knowledge or technical expertise to situations abroad.
- B. **Deemed Export:** The release of any Controlled Technology or Software to a Foreign National. Thus, Controlled Technology or Software may be deemed to be Exported even if it never physically leaves the U.S.A.
- C. **Export:**
 - 1. sending, taking, or shipping an item or Defense Article outside the U.S.;
 - 2. furnishing any technical data to foreign persons or performing a defense service on behalf of or for the benefit of a person, whether this happens in the U.S. or abroad;
 - 3. release to a Foreign National, within the U.S. or abroad, of technology or software by visual inspection of U.S.-origin equipment/facilities and/or oral exchanges of information; and/or
 - 4. the release of technical data or software controlled by Export regulations, by means including demonstrations, meetings and/or training of Foreign Nationals.

For the purposes of this Policy, Export also includes the “re-Export” of the above, i.e., shipment or transmission of items 1-4 above from one foreign country to another.

See also *Deemed Export*

- D. **Foreign National:** A person who is not a U.S. citizen, is not lawfully admitted for permanent residence in the U.S., or is not a protected individual under the Immigration and Naturalization Act (8 U.S.C. 1324b(a)(3)). The term includes individuals with study and work visas.
- E. **Fundamental Research:** In the context of U.S. Export regulations, Fundamental Research refers only to research where the resulting information has no publishing restrictions or restrictions on the nationality of persons who may work on the research.

V. PROCEDURES

Any faculty or staff who are planning to work with foreign entities (universities, businesses, individuals) in any capacity must contact the Export Control Office. “Planning to work” includes plans to establish agreements and collaborations, exchanges of personnel, equipment and data, any purchases. Additional information and procedures related to such arrangements can be found at the website for Research Outreach and Compliance.