



**Idaho State  
University**

# **EXPORT CONTROL MANUAL**

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## 1.0 - Overview

Export controls are laws and regulations that restrict the release of certain materials, information, and services to foreign persons abroad and within the United States (U.S.). The U.S. imposes export controls to protect national security interests and to promote foreign policy objectives.

University activities involving foreign entities (persons, organizations, or countries) may be regulated by export controls. Activities that may be regulated, depending on the specific situation, include the following.

- Sharing information with a foreign person
- Shipping material to a foreign country
- Performing a service for a foreign entity
- Collaborating with a foreign person
- Traveling internationally with ISU material or information
- Arranging for a foreign person to work within the U.S.
- Entering into a business agreement with a foreign entity

Regulations governing export control are complex and penalties for non-compliance can be significant.

Idaho State University (ISU) has established an Export Control Office to assist faculty and staff with export control related issues. The Export Control Office may be contacted at (208) 282-2618 or [orexptr@isu.edu](mailto:orexptr@isu.edu).

Faculty and Staff are strongly encouraged to collaborate with the Export Control Office early in the planning stage of any activities involving foreign entities to ensure compliance with U.S. export controls and ISU export control policy.

## 2.0 - Export Control Regulation Summary

Exports are controlled primarily by the following three regulations.

Export Administration Regulations (EAR) – Enforced by the Department of Commerce Bureau of Industry and Security, the EAR regulations include a system for assigning an export control classification number (ECCN) to tangible materials and information. The ECCN is used to determine if an export control license is required to export the material or information to a specific country. The EAR regulations may be found at 15 CFR parts 730-744.

International Traffic in Arms Regulations (ITAR) – The State Department Directorate of Defense Trade Controls enforces export controls for materials and information that have a potential military application. Materials and information controlled by ITAR may be found on the U.S. Munitions List (USML). Research involving ITAR controlled materials and information will often restrict publication of the research and/or prohibit foreign persons from participating in the research. The ITAR regulations may be found at 22 CFR parts 120-130.

Office for Foreign Assets Control (OFAC) trade controls – The Treasury Department restricts exports to foreign entities through OFAC imposed sanctions. The list of sanctioned foreign entities changes frequently as the situation throughout the world changes. Due diligence to ensure compliance with OFAC sanctions typically involves conducting restricted party screening to avoid interactions with sanctioned foreign entities. The OFAC trade controls may be found at 31 CFR parts 500-599.

In addition to the laws and regulations identified above, other government agencies have export regulations specific to the type of material or information the agency regulates. Examples of other government agencies that regulate exports include the Drug Enforcement Administration, Food and Drug Administration, Fish and Wildlife Service, and Nuclear Regulatory Commission.

## **3.0 - Roles & Responsibilities**

**3.1 - Vice President for Research (VPR)** - The VPR has the final authority regarding export control compliance at ISU. VPR export control responsibilities include the following.

- Determine if ISU will conduct research where a sponsor restricts publication of results or foreign person participation.
- Address instances of export control non-compliance.
- Appoint the ISU Export Control Officer
- Support the Export Control Officer's outreach efforts as needed.

**3.2 - Export Control Officer (ECO)** – The ECO has overall responsibility to ensure ISU has an effective export control compliance program. ECO responsibilities include the following.

- Develop and maintain an effective export control compliance program.
- Conduct outreach activities to support export control compliance.
- Assist faculty, staff, and students with the export control compliance process.
- Investigate potential instances of non-compliance with export controls.
- Serve as the primary point of contact with export control regulators.

**3.3 - Key Cooperating Offices and Individuals** – Various ISU Offices and individuals provide critical support to the ISU export control compliance program as follows.

- Office for Sponsored Programs informs the ECO when research is proposed that will involve foreign interaction.
- Controller's Office, Purchasing and Inventory Control ensures a system is in place for the ECO to be aware of restricted material purchases and disposition of restricted materials.
- Office of General Council ensures a system is in place for the ECO to be aware of proposed international agreements and provides legal assistance as needed.
- International Programs Office collaborates with ECO when foreign persons apply to work at ISU to prevent unauthorized access to restricted information and restricted material.

- Principal Investigators (PI) collaborate with the ECO regarding their international activities to determine applicable export controls and compliance implementation strategies.

**3.4 - Faculty, Staff, and Students** – All ISU community members including faculty, staff and students are responsible for being aware of export control requirements, complying with export control requirements related to their work and travel, and ensuring no exports are made contrary to ISU policy and export control regulations.

## **4.0 Export Control Procedures**

### **4.1 - Export of Controlled Material to Foreign Countries**

Shipping material to a foreign country may be subject to export controls depending on the material, country where the material will be shipped, final destination, and person receiving the material. Material with potential military application, highly advanced technology, and material shipped to an OFAC sanctioned country are usually strictly regulated and may require an export license if the material is allowed to be exported.

Contact the Export Control Office for assistance at (208) 282-2618 or [orexpcctr@isu.edu](mailto:orexpcctr@isu.edu) if you wish to export material to a foreign country. Provide a detailed description of the material to be shipped, the name of the country where the materials will be shipped, the final destination country, the name of the person receiving the material, and the commercial availability of the material.

Note that U.S. export controls and customs clearance at international borders are not the same. Requirements to clear customs are country specific and can vary greatly. Customs clearance requirements can be extremely involved. The assistance of a service provider known as a "Customs Broker" is frequently needed to clear customs.

### **4.2 - Sharing Export Controlled Information**

Most research conducted at a university is "fundamental research" which is generally excluded from export control regulation. Fundamental research may be published without restrictions and allows foreign persons to participate in the research without restriction.

Information is typically subject to export controls when the information has potential military application, the information is highly advanced technology, or the recipient's country has been sanctioned by OFAC trade controls that specifically restrict sharing of information. Export controlled information may require an export license if it is allowed.

Sharing information with a foreign person in the U.S. is considered a "deemed" export. This means export controls apply to information sharing

whether the foreign person is located within the U.S. or abroad. Be aware that information sharing may occur at in-person meetings, phone meetings, in-person conferences, teleconferences, and email exchanges.

Contact the Export Control Office for assistance at (208) 282-2618 or [orexpctr@isu.edu](mailto:orexpctr@isu.edu) if you have questions concerning the export of information.

#### **4.3 - Providing an Export Controlled Service to a Foreign Entity**

Services provided to a foreign entity may be export controlled under certain circumstances. OFAC trade controls may restrict or prohibit providing a service to a sanctioned foreign entity. Services related to material with highly advanced technology or potential military applications may be restricted or prohibited by the EAR or ITAR regulations. A service that is export controlled may require a license if it is allowed.

Contact the Export Control Office for assistance at (208) 282-2618 or [orexpctr@isu.edu](mailto:orexpctr@isu.edu) if you have questions concerning providing services to a foreign entity.

#### **4.4 - Collaborations and Business Agreements with a Foreign Entity**

Collaborations and business agreements with a foreign entity may be restricted or prohibited if the interaction involves material, information, or a service that is export controlled.

Multiple government agencies publish lists that place mandatory controls on interactions between U.S. persons and restricted foreign entities. The OFAC trade controls placed on sanctioned foreign entities are an example.

The Export Control Office subscribes to a service that performs Restricted Party Screenings (RPS) to determine if a foreign entity has been restricted or sanctioned by the U.S. Government. The RPS service is frequently updated to ensure results are current.

Contact the Export Control Office for assistance at (208) 282-2618 or [orexpctr@isu.edu](mailto:orexpctr@isu.edu) if you wish to have a RPS conducted of a foreign entity

you plan to interact with or if you have questions concerning collaborations and business agreements with a foreign entity.

#### **4.5 - International Travel**

Faculty, staff, and students traveling internationally while representing ISU or conducting business on behalf of ISU may be subject to export control regulations under some circumstances.

- Information shared with foreign persons while traveling internationally is considered an export and is subject to the same export controls that apply when the traveler is within the U.S..
- Material hand carried outside the U.S. is considered an export and is subject to the same export controls that apply when shipping material outside the U.S..
- OFAC may restrict or prohibit travel to sanctioned countries.
- OFAC may restrict or prohibit interactions with sanctioned foreign persons and organizations.

A frequent export control issue for ISU international travelers is when ISU equipment, such as a laptop computer, is hand carried to a foreign country. Export control license exception "TMP" generally applies as long as the equipment remains under the effective control of the traveler and is returned to the U.S. within a year.

In order to ensure compliance, the ECO reviews pre-approval reports for international travel and requests the traveler complete an ISU International Travel form. The ECO then verifies travel to the intended destination is allowed, confirms that persons and organizations identified on the form pass restricted party screening, and ensures hand carried equipment qualifies for the export control license TMP exception.

Contact the Export Control Office for assistance at (208) 282-2618 or [orexpcctr@isu.edu](mailto:orexpcctr@isu.edu) if you have questions concerning export controls related to international travel.

## **4.6 Foreign Persons Working at ISU**

Export controls apply to foreign persons working at ISU. The primary concern is the foreign person's potential access to exported controlled material and information while at ISU.

The ISU International Programs Office assists foreign persons intending to work at ISU with the completion of documentation required by the U.S. Citizenship and Immigration Service. Form I-129(E) asks questions specifically addressing the foreign worker's potential access to export controlled material and information. When the I-129(E) form is completed, the International Programs Office forwards the form to the ECO.

The ECO reviews the I-129(E) for export control concerns. Restricted party screening of the foreign worker is conducted. The material and information potentially available to the foreign person is evaluated to determine if an export control violation could reasonably occur. If an export control violation is possible, the ECO will work with the sponsoring department to develop a written Technology Control Plan (TCP) to detail how the foreign worker will be prevented from accessing material and information that is export controlled.

Contact the Export Control Office for assistance at (208) 282-2618 or [orexpcctr@isu.edu](mailto:orexpcctr@isu.edu) if you have questions concerning export controls related to foreign persons working at ISU.

## **4.7 - Licenses**

The ECO will assist faculty, staff, and students with the determination of whether an export control license is required. If a license is needed, the ECO will work directly with the relevant regulatory agency. Only the ECO is authorized to apply for an export control license on behalf of ISU.

## **4.8 - Recordkeeping**

Export control documents will be retained by the ECO. Relevant documents include export licenses, Technology Control Plans, I-129(E) forms, ECCN determinations, and restricted party screening reports.

## **Appendix A – Acronyms**

CFR – Code of Federal Regulations

EAR – Export Administration Regulations

ECO – Export Control Officer

ITAR – International Traffic in Arms Regulations

OFAC – Office of Foreign Assets Control

PI – Principal Investigator

RPS – Restricted Party Screening

VPR – Vice President for Research

## Appendix B - Technology Control Plan Template

<Insert Link>

## **APPENDIX C - Form I-129(E) Technology Access Assessment**

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