



**Florida Agricultural & Mechanical University
Division of Research**

INTERNAL OPERATING MEMORANDUM

Memorandum No. 16E-02

Subject:	Export Control	
Authority:	Board of Trustees Policy Number: 2014-01	Date: August 9, 2016
Related References	The Arms Export Control Act (AECA), as amended, and enumerated in the International Traffic in Arms Regulations (ITAR) 22 CFR Parts 123 – 130; the Export Administration Act (EAA) of 1979 enumerated in the Export Administration Regulations (EAR) 15 CFR Parts 730 through 774, the Atomic Energy Act of 1954 (AEA); the Nuclear Regulatory Commission (NRC) 10 CFR Part 110; The Department of Energy Regulations, 10 CFR Part 810 (“DEAR”); U.S. Department of Treasury, Office of Foreign Assets Control (OFAC) sanction and embargo regulations; and other applicable federal agency export control regulations.	
Purpose	Provide a process for review of awards contracts for potential applicability of export control regulations, and for the development of control plans and securing of export licenses when needed.	
Signature of Approving Authority		

1. GENERAL INFORMATION

This procedure is to ensure compliance with provisions limiting the export of certain commodities and technical information, including but not limited to the Arms Export Control Act (AECA) and implementing provisions in the International Traffic in Arms Regulations (ITAR), the Export Administration Act of 1969 (EAR) and implementing Export Administration Regulations (EAR), the Department of Treasury Office of Foreign Asset Control and the Department of Energy Acquisition Regulations (DEAR). Additional limitations on exporting or allowing foreign disclosure to certain materials and technologies are imposed by the Nuclear Regulatory Commission, the Food and Drug Administration and the National Aeronautics and Space Administration (NASA). Collectively these laws and regulations are referred to as “export controls.” The Florida Agricultural and Mechanical University (FAMU) is responsible for ensuring that its sponsored research, contracts and activities comply with these provisions.

The FAMU Division of Research’s Export Control Procedure identifies specific actions and reviews that are to occur during the post-award phases of grants and contracts to verify that they are not subject to any of these restrictions; and to ensure that when one or more is applicable that any required licenses or authorizations are secured and that if needed, a Technology Control Plan is developed and implemented. In most circumstances, sponsored research and other university activities will be conducted under the fundamental research exemption (FRE). Fundamental research is a term which applies to basic and applied research which is ordinarily published and broadly shared within the scientific community. Contracts and grants where publication is restricted, foreign participation is limited, or the focus is more advanced technology development in areas with military or dual-use implications are examples where the fundamental research does not apply. FAMU’s continuing growth in sponsored research and industry partnerships will result in an increasing number of projects that will require more detailed reviews and be subject to additional licensing and internal technology control procedures.

Failure to comply with export controls can result in a variety of civil and/or criminal penalties. These penalties may be applicable to the researcher, the university or both; and in addition to damage to the reputation of the university, department and researcher can also include fines and imprisonment, loss of export privileges, debarment, revocation of previously approved licenses, and seizure and forfeiture of goods.

2. DEFINITIONS

- 2.1. **Actual Export** - Technology or information leaving the shores of the United States (U.S.).
- 2.2. **Deemed Export** - An export of technology or source code (except encryption source code) is “deemed” to take place when it is released to a foreign national within the U.S. This release of technology can be orally through conversation or training, or visually by reading training specifications, plans or blueprints.
- 2.3. **Dual-use item** - Items that can be used both in military and other strategic uses and in civil applications.
- 2.4. **Empowered official** - Authorized full-time permanent employees registered with the Department of State in accordance with federal regulation 22 CFR 120.25, who have independent authority to inquire into any aspect of a proposed export or temporary import, to verify legality and compliance with U.S. export control laws and sanctions, and to refuse to authorize or limit the transaction without prejudice or other adverse recourse.
- 2.5. **Export** - Any item that is sent from the United States to a foreign destination is an export. “Items” include commodities, software or technology, such as clothing, building materials, circuit boards, automotive parts, blue prints, design plans, retail software packages and technical information. How an item is transported outside of the U.S. does not matter in determining export license requirements. Regardless of the method used for the transfer, the transaction is considered an export. An item is also considered an export even if it is leaving the U.S. temporarily, if it is leaving the U.S. but is not for sale (e.g., a gift), or if it is going to a wholly-owned U.S. subsidiary in a foreign country. Even a foreign-origin item exported from the U.S., transmitted or transshipped through the U.S., or being returned from the U.S. to its foreign country of origin is considered an export. Finally, release of technology or source code subject to the EAR to a foreign national in the U.S. is “deemed” to be an export to the home country of the foreign national under the EAR. (See <http://www.bis.doc.gov/licensing/exportingbasics.htm>). The official definition of export under the EAR and ITAR should be consulted when determining whether a specific act constitutes an export.
- 2.6. **Export control laws, regulations, and sanctions** - Specifically included are:
- The Arms Export Control Act (AECA), as amended, and enumerated in the International Traffic in Arms Regulations (ITAR) 22 CFR Parts 123 – 130,
 - The Export Administration Act (EAA) of 1979 enumerated in the Export Administration Regulations (EAR) 15 CFR Parts 730 through 774,
 - The Atomic Energy Act of 1954 (AEA) (Public Law 83-703),
 - The Nuclear Regulatory Commission (NRC) 10 CFR Part 110,
 - The Department of Energy Regulations, 10 CFR Part 810 (“DEAR”),
 - U.S. Department of Treasury, Office of Foreign Assets Control (OFAC) sanction and embargo regulations, and
 - Other applicable federal agency export control regulations.
- 2.7. **Foreign National** - Any person who is not a U.S. Citizen or national; U.S. Lawful Permanent Resident; Person granted asylum; Person granted refugee status; or Temporary resident (does not include persons who hold status such as F-1, J-1, H-1, L-1 etc., or those in or outside the U.S. without status). It also means any foreign corporation, business association, partnership, trust, society or any other entity or group that is not incorporated or organized to do business in the U.S., as well as international organizations, foreign governments and any agency or subdivision of foreign governments (e.g., diplomatic missions).
- 2.8. **Fundamental Research** - For purposes of this procedure, fundamental research means, as defined by the EAR, ITAR, and NSDD 189, basic or applied research in science and engineering performed or conducted on campus at an accredited institution of higher learning in the U.S. where the resulting information is ordinarily published or shared broadly in the scientific community. Fundamental research is distinguished from research that results in information that is restricted for proprietary reasons or national security reasons pursuant to specific U.S. government access and dissemination controls. Information or technology that results from fundamental research is not subject to export controls. However, university research is not considered fundamental research if:
- The university accepts any restrictions on publication of the research results, other than limited prepublication reviews by research sponsors to prevent inadvertent disclosure of the sponsor’s proprietary information or to insure that publication will not compromise patent rights of the sponsor;
 - The research is federally funded and specific controls over the access to and or dissemination of the research results have been contractually accepted by the university; or
 - Forbids participation of foreign persons.

- 2.9. Hardware** - Any article (ITAR term), material (EAR term), material, commodity, or supply except technology and software.
- 2.10. License** - A document bearing the word “license” issued by the Directorate of Defense Trade Controls or its authorized designee which permits the export or temporary import of a specific defense article or defense service.
- 2.11. Publicly Available** - Information that falls within any one of the following categories:
- Information or software that is or will be “published”;
 - Information that arises during or results from fundamental research;
 - Educational information; or
 - Information in certain patent applications such as a patent application being sent to a foreign country to obtain the signature of an inventor who is a co-inventor with a person residing in the U.S.
- 2.12. Reexport** - An actual shipment or transmission of items subject to export regulations from one foreign country to another foreign country. For the purposes of the EAR, the export or reexport of items subject to the EAR that will transit through a country or countries to a new country, or are intended for reexport to the new country, are deemed to be exports to the new country.
- 2.13. Software** - A collection on one or more programs or microprograms fixed in any tangible medium of expression.
- 2.14. Technical Data or Technology** - There are some differences in the definitions within the EAR and ITAR provisions:
- **EAR 772.1** – Technology is the specific information necessary for the “development,” “production,” or “use of a product.”
 - **ITAR 120.10** – Technology is information required for design, development, production, manufacture, assembly operation, repair, testing, maintenance, or modification of controlled article.
 - **EAR** - Export Administration Regulations (Department of Commerce), which are available at 15 C.F.R. Parts 730-774.
 - **ITAR** - International Traffic in Arms Regulations, available at 22 C.F.R. Parts 120-130.
 - **OFAC** - U.S. Department of Treasury, Office of Foreign Assets Control Sanctions Program and Country, <http://www.treasury.gov/about/organizational-structure/offices/Pages/Office-of-Foreign-AssetsControl.aspx>.
- 2.15. Unsponsored research** - The performance of work that is not funded by a sponsor and that is not separately budgeted or accounted for. Unsponsored research activities that interface with sponsored research may be subject to export control.

3. RESPONSIBILITIES

- 3.1. The Principal Investigator / Program Director** is directly responsible for ensuring that the sponsored project is consistent with the export control regulations, FAMU export control policy and applicable University procedures. This responsibility includes ensuring that all provisions of a Technology Control Plan adopted for their project are adhered to.
- 3.2. The Director of the Office of Technology Transfer and Export Control** serves as the FAMU Export Control Officer and is responsible for implementation of FAMU Export Control procedures on behalf of the Vice-President for Research. The Export Control Officer is the principal point of contact for all export control and related activities throughout the university responsible for institutional-wide development, implementation, maintenance, management and improvement of Export Controls programs and processes, and ensuring overall university compliance with export control laws and regulations related to international trade and technology transfer. The Export Control Officer is the designated Empowered Official charged to oversee, administer, and coordinate all export compliance Functions in concert with other departments and units as necessary, including:
- Direct the Export Controls operational, administrative, communication, database and record-keeping functions and all export control and related Activities throughout the university.
 - Provide Export Controls support to other FAMU departments and units, including: performing agreement reviews and analysis; conducting export assessments of international shipping, transfers and travel; prepare, review, approve and submit license applications for international exports and deemed - exports, and other requests for government agency export approval; determine the application of licensing exceptions or licensing requirements and exception/exemption certificates as applicable; and research, prepare, approve and submit advisory opinion requests or other government guidance requests.
 - Lead, manage and approve the overall university approach to implementing institutional-wide export control policies and procedures by working directly with university administration, management and technical personnel.

- Develop and maintain an Export Controls Compliance Program Plan to define management practices and provide guidance to affected personnel.
- Develop and maintain the university security approach for controlling technology. Such measures include: Technology Control Plan (TCP), Sensitive But Unclassified plans, and other security protocols that document controls for: the secure handling, use, storage, and transmission of sensitive information; physical security controls for sensitive work and material storage areas; research activities subject to export control and activities with contractual security requirements. Provide institutional oversight of TCP implementation and monitor compliance with such plans.
- Maintain and update institutional registrations with necessary federal agencies.
- Develop and deliver export control education and awareness to the University community. Provide strategic consultation and guidance to faculty, staff and administration on decisions that have import/export regulatory impact. Provide training and guidance to staff in all export control-related matters. Conduct and manage initial and refresher export compliance education and awareness.
- Identify project-specific sensitive material concerns. Collaborate with Principal Investigators and technical research staff to identify sensitive information and equipment. Using information from a variety of internal and external sources, determine commodity jurisdiction and self-classify equipment and technologies pursuant to ECCN or USML classifications and implement and maintain automated self-classification decision tools.

3.3. The Office of Sponsored Programs is responsible for referring all awards, contracts and other instruments to the Export Control Officer for a preliminary review. The preliminary review will ascertain whether elements or provisions (“Red Flags”) are present that indicate the potential for being subject to export control provisions, requiring a Comprehensive Review to be conducted. The Export Control Officer is responsible for providing and updating screening criteria and the format of electronic and hard copy documentation of the review. The Office of Sponsored Programs will assist the Export Control Officer in conducting these reviews and coordinating with the Principle Investigator/Project Director.

3.4. Departments/Divisions/Colleges/Schools (DDCS) are responsible for establishing effective processes and controls to ensure that Principle Investigators / Project Directors are aware of and comply with export controls laws and regulations. DDCS are responsible for ensuring that adequate physical, information and technology security capabilities are in place when required to support implementation of a Technology Control Plan of a project or activity subject to export control provisions. DDCS are to assist the Export Control Officer in training of faculty and staff and compliance with export controls laws and provisions. DDCS are required to voluntarily disclose and report suspected or actual violations of export control laws and regulations, including the failure to adhere to provisions of a Technology Control Plan in the conduct of a project or activity.

4. GENERAL PROCEDURES

4.1. PRELIMINARY ASSESSMENT PROCEDURE

4.1.1. Overview. The purpose of this procedure is to establish a preliminary review for the Export Control Officer to follow in order to determine if a research project may be subject to export regulations. All sponsored research activities and unsponsored research activities that interface with sponsored programs must be evaluated prior to commencement to determine if export controls are applicable. When the review identifies any of the factors that might make the project subject to export control laws or regulations, the project will be subjected to a comprehensive review. This process enables Sponsored Programs to be advised if Export Control Review and Approval by the Export Control Officer is required before award set-up. The Office of Sponsored Programs is responsible for referring all material information to the Export Control Officer for preliminary export control analysis whenever a PI receives an award, or amends the scope of an existing project in accordance with these procedures.

- Awards identified as potentially subject to one or more export control regulations (“red-flagged”) will be subjected to a comprehensive assessment.
- Findings and notification will be issued by the Export Control Officer to the Office of Sponsored Programs and the Principal Investigator(s)
- Technology Control and security compliance requirements that may be required are issued by the Export Control Officer.
- Government Approval applications and protocols are processed by the Export Control Officer.

4.1.2. Preliminary Review. Export Control staff will review awards (listed in Table 1) for preliminary “red flags” using the Preliminary Export Control Assessment Form (see Appendix) and record review findings on the form. All such documentation will be scanned and uploaded into the project electronic file by the Office of Sponsored Programs for recordkeeping purposes. If no “red flags” are identified then no additional export control review is required.

4.1.3. Referral for Comprehensive Review. A preliminary review of an award resulting in any “red flag” factors being identified will require a comprehensive review to be conducted by the Export Control Office prior to award set-up. Upon being advised that a Comprehensive Review is required, Sponsored Programs will forward the available project materials and information to the Export Control Officer such as:

1. Principal Investigator (Full Name)
2. College / Department
3. Research ID (*if assigned*)
4. Project Title
5. Sponsor Name
6. Prime Sponsor
7. Documents
 - a. Guidelines / Request for Proposal
 - b. Draft Agreement / Contract
 - c. Terms & Conditions /Flow-down provisions
 - d. Statement of Work

When the comprehensive review determines that export control measures are required for project performance, then the Export Control Officer will issue written directives and implement security protocols that may need to be completed prior to account set-up. Selected project activities affected by export control requirements may not commence unless specifically directed by the Export Control Officer.

4.1.4. “Red Flag” Indicators. Any of the following post-award “red flag” factors will require the performance of a comprehensive assessment to be performed:

- Foreign sponsor(s), collaborator(s), subcontractor(s) or consultant(s)
- Foreign travel or shipping
- Proprietary information (NDA, CDA, PIA, MTA, etc.)
 - Scope of work is identified as export-controlled
 - IP, publication or dissemination restrictions are anticipated
 - Foreign sponsor or collaborators
 - Foreign performance of location, travel or shipping
- Prime Sponsor is DoD, NASA, DoE, DHS or an intelligence agency
- Funding announcement (Guideline, BAA, RFP, RFQ, etc.) reference to:
 - U.S. Government Security classification or clearance requirement
 - *Specific* reference that research is subject to Export Control Regulations (e.g. statements indicating the research is subject to the International Traffic in Arms Regulations)
 - Access or participation prohibitions based upon citizenship
 - Sponsor *approval* of foreign nationals personnel or prohibition of foreign persons
 - Publication or dissemination restrictions (sponsor approval required to publish or dissemination, or FAMU is prohibited from publishing, disseminating results)
 - Information / data protection requirements (Personally Identifiable Information), IT security standards, or other identifiers.
- Agreement/Contract/Terms & Conditions requirements:
 - U.S. Government Security classification, clearance requirement, or DD 2345 Militarily Critical Technical Data Agreement
 - Specific reference that research is subject to Export Control Regulations (e.g. statements indicating the research is subject to the International Traffic in Arms Regulations)
 - Access or participation prohibitions based upon citizenship
 - Sponsor approval of foreign nationals personnel or prohibition of foreign persons
 - Publication and dissemination restrictions (sponsor approval required to publish or dissemination, or FAMU is prohibited from publishing, disseminating results)
 - Information / data protection requirements
 - Budget Activity is or includes 6.2 (applied) or 6.3 (advanced technology development) or greater
- Prime Sponsor is:
 - DoD, NASA, DoE, DHS or an intelligence agency
 - SBIR/ STTR flow-thru
 - Foreign sponsor, military or government

4.1.5. Principal Investigator Notification. The Office of Sponsored Programs will inform the Principal Investigator when their awards will require comprehensive review by the Export Control Officer. The Export Control Officer will be copied on this formal notification. The notification will include:

- A copy of the completed Preliminary Export Control Assessment form
- A copy of the Information Required for Export Control Review form
- A statement that the award requires comprehensive review by the Export Control Officer and that PI assistance will be required in this review. Project commencement cannot occur until comprehensive compliance review has been conducted and the project authorized by the Export Control Officer based upon findings that either there are no applicable export control regulations and provisions, or that a Technology Control Plan can be developed to enable the project to comply with regulations.
- A statement that the Export Control has been informed and will contact the PI in the near future.

4.2. COMPREHENSIVE ASSESSMENT PROCEDURE

4.2.1. Overview. The purpose of this procedure is to establish review procedures for the Office Technology Transfer and Export Control to determine the applicability of export regulations to specific awards. A Comprehensive Assessment is triggered when it is determined that an award contains one or more of the elements (“red flags”) that indicate that it does not qualify under the fundamental research exemption and that one or more export control regulations are applicable. The Comprehensive Assessment Procedure Export Controls staff will review awards, agreements or other activities and assess whether the activity is impacted by export controls laws or regulations. The Export Control Officer will: (1) examine the activity, (2) examine all relevant documentation pertaining to the activity, (3) conduct legal and regulatory research concerning federal compliance requirements related to the activity, (4) apply the research to the university activity, (5) issue a conclusion, and (6) concisely summarize the conclusion in writing to formally document the compliance effort. If the assessment determines that export control measures are required, the Export Control Officer will issue written directives and implement security measures.

4.2.2. Principal Investigator Assistance. The Export Control Officer will engage the Principal Investigator throughout the Comprehensive Assessment process. The Principal Investigator is responsible for:

1. Providing a list identifying all foreign national participants, including faculty, staff, students, visiting scholars, collaborators, volunteers, etc., prior to proposal submittal (if known) or award,
2. Assisting the Export Control Officer in determining if the technology involved in the research is specified in the ITAR USML or the EAR CCL, when requested,
3. Assisting in the development of a Technology Control Plans and implement research security measures when required,
4. Notifying the Export Control Officer when new staff are added (students, post docs, visiting scholars) or there is a change in scope of the export controlled project,
5. Preventing unauthorized access to export controlled technology or data until the availability of exclusion has been determined, or an export license has been obtained.

4.2.3. Comprehensive Assessment Process. Analysis of applicability Export Control regulations is impacted by multiple sources of regulations and with varying degrees of applicability and exemptions, and must be made on the basis of the totality of the proposed project or activity. The following steps will be taken to perform a Comprehensive Assessment of an award.

1. **Gather Data.** Gather all programmatic data concerning a project: participants / collaborators and their nationality, proposal, Statement of Work / Terms and Conditions / contract, type of technology involved (EAR, ITAR, or neither) and deliverables.
2. **Jurisdictional Analysis.** Agency jurisdiction and proper commodity/technology classification (i.e. military or non-military) should be made when reviewing all data for obvious restrictions or subjects that may be controlled if awarded (i.e. DoD contracted research, pass-thru, proprietary, or restrictions on participation or publication). If it is difficult to determine the commodity/technology classification, an opinion may be requested from the government (commodity jurisdiction).

3. Participant Review.

- Restricted Parties Screen: Screen for restricted parties/entities using Visual Compliance.
- Foreign National Participants: Foreign nationals (students) permitted to work on research projects are only a concern if the research does not qualify for an exclusion.

4. Review program for the following export control indicators:

Guideline, Terms, Contractual Documents, and National Security Restrictions

- Foreign Person Participation or identification of participants by nationality.
- Access to information or facilities.
- Dissemination of the results of information, pre-pub approval, no attribution, no presentation at conferences.
- Other SBIR and STTR award specific requirements.

Input Issues

Sponsor Provided:

- Non-public domain technical data or information, such as:
- For Official Use Only (FOUO), Controlled Unclassified Information (CUI), Sensitive But Unclassified (SBU), Law Enforcement Sensitive (LES).
- Proprietary Information (CDA, PIA, NDA, MTA).
- Hardware, software or technical data subject to other restrictions (e.g. user agreements).
- Procurement of defense articles.

Arms Export Control Act & Security Classification. Will security classification or restriction be imposed on the project, including but not limited to:

- DD Form 2345, Military Critical Technical Data Agreement.
- DD Form 254 DoD Contract Security Classification Specification.
- Personally Identifiable Information.
- Other type of federal security classification or restriction.
- NASA Awards: NASA Assurance for Funding Restrictions with China.

Conduct Issues

Participants:

- Any foreign persons anticipated to participate in this program.
- International collaboration.
- Foreign Travel
- Sanctioned country or entity list involvement.

Research Instruments:

- Does the conduct of the research involve access or operation of any EAR or ITAR research instruments, equipment or software.
- Access, use or operation or transmittal of defense article(s).
- Deemed exports.

Applications:

Commercial Applications

- Designed, developed for commercial use or involves commercial commodities.

Military Application

- Sponsored by or involve: NASA, DoD, DARPA, MDA, Energy, DHS, Intelligence Community, DoD flow-thru, defense contractors or associated research lab (such as the Office of Naval Research or Air Force Office of Scientific Research) including flow-thru awards.
- Indications of that research is not basic (6.1) or applied (6.2):
 - Advanced Technological Development (6.3).
 - Demonstration & Validation (6.4).
 - Engineering & Manufacturing Development (6.5).
 - Management Support (6.6).
 - Operational Systems Development (6.7).
- Specially designed, developed, configured or adapted for a military application

- Activities related to chemical or biological weapons, missiles, encryption, HHS or USDA Select Agents, pathogens, or toxins.
- Access, use or operation or transmittal of defense article(s).

Output Issues

Federal Government Specific Distribution Limitations

- Generation of any technical data or information identified as:
- For Official Use Only (FOUO), Controlled Unclassified Information (CUI), Sensitive But Unclassified (SBU), Law Enforcement Sensitive (LES).
- Limited Distribution Information requiring distribution statements to be placed on unclassified scientific technical documents (e.g. Contract Data Requirements List (CDRL's)) such as:
 - Distribution B: Authorized to U.S. Government Agencies Only.
 - Distribution C: Authorized to U.S. Government Agencies and their Contractors.
 - Distribution D: Authorized to the DoD and U.S. DoD Contractors only.
 - Distribution E: Distribution authorized to DoD components only.
 - Distribution F: Further distribution only as directed.
 - Distribution X: Distribution authorized to U.S. Government agencies.

Fundamental Research (EAR)

All information or software involved published or planned to be published or released and made generally accessible to the public:

- Periodicals, books, print, electronic, or any other general distribution media.
- Subscriptions available without restriction for purchase.
- Websites available to the public free of charge or at a cost not exceed the cost of reproduction.
- Public Libraries.
- Patents and open (published) patent applications.
- Release at an "open" conference, meeting, seminar, trade show in the U.S., accessible by the public for a fee where attendees may take notes and leave with notes.

Information Results (ITAR)

Do the information and software results meet all of the following criteria.

- Results from basic and applied research in science and engineering conducted at an accredited institution of higher education located in the U.S.
- To be ordinarily published and/or shared broadly within the scientific community.

Educational Instruction

Instruction in general science, math and engineering principles commonly taught at schools, colleges and universities, and conveying information through courses listed in course catalogues and in associated teaching laboratories of academic institutions.

Other International Components

- Involves international visiting scholar(s) (including researchers, post docs and visiting scientists).
- Involve training of foreign persons in the "operation" of equipment.
- Have any other type of international component, including but not limited to:
 - MOU between FAMU and a foreign institution
 - Other type of international collaboration
 - Sponsorship by a:
 - Foreign-owned company.
 - Foreign government.
 - Foreign research institutions.
 - Foreign military / Law enforcement.
 - Foreign military affiliated contractor.

OFAC

- Collaboration with foreign scientist(s), researcher(s) or institution(s) outside of the U.S.
- Performance of research in a foreign country.
- Payment to any individual, entity or organization (i.e. subcontractors) in a foreign destination for performance or will any U.S. researchers be paid abroad.

International travel

- Travel to sanctioned or embargoed countries for purposes of teaching or performing research.
- Travel to a destination currently under a State Department Travel Warning.
- Travel out of the U.S. with tangible articles, items samples or technical data associated with a FAMU project including FAMU equipment.
- Transfer or hand-carry of research data or information out of the U.S. (including on a PDA/flash-drive, laptop, or log-in remotely to a FAMU server). **If yes**, is any of the data or information proprietary, or subject to export control?

Shipping

- Shipping of items, samples or technical data to foreign countries (e.g., sample shipments for analysis).
- Will materials be transferred to FAMU from an outside entity or from an outside entity to FAMU.

Importation

- Importation of any items or materials.

Final Export Control Compliance Determinations:

Restricted Research Under:

- EAR
- ITAR
- DEAR
- OFAC

Required Protocols:

- Export Compliance Standard Terms & Conditions
- Technology Control Plan Form
- Custody, Access & Use Agreement Form
- Export Compliance Training
- Other

5. **Applicability of Exclusionary Rules.** Research qualifying for an exclusion is not subject to export controls. **Most research (particularly grants) will qualify for the Fundamental Research Exemption (FRE).** Some sponsored research (usually government contracts) may contain restrictions that nullify the FRE and thereby subject the research to export controls. To qualify for the Fundamental Research Exemption, the agreement cannot contain restrictions often found in proposal request / award clauses. Such clauses must be negotiated out of the agreement in order to qualify. The research must also be conducted within the U.S. at an institution of higher learning. Defense research is regulated under ITAR and is funded from 3 areas of the Defense's budget (e.g. 6.1 Basic Research, 6.2 Applied Research, 6.3 Advanced Technology Department). Defense research may or may not qualify for an exclusion, depending upon contract requirements. The "use" of ITAR articles by foreign nationals (the USML word for "item") requires licensing. International shipments of tangible items do not qualify for FRE.

If the project does not qualify as FRE, the Export Control Officer will review the technologies with the PI to determine if they are controlled under EAR CCL or ITAR USML. If they are not on either control list, the project may be proprietary, but not otherwise subject to export controls.

As the individual most knowledgeable about the technologies, the researcher is responsible for assisting the Export Control Officer in ascertaining whether or not the technology is on the EAR/ITAR list. The Office of Export Controls will rely on this certification to determine whether the research falls within export controlled areas.

- **Export Administration Regulation - Commerce Control List.** The restrictions on "use" of EAR items in research subject to Export Control Regulations are negated if the research qualifies for the fundamental research exemption. The University will seek to qualify the research for FRE (if possible) and to ensure that all items or data are within the EAR. Research not qualifying as FRE or Public Domain may require a "deemed export" license if all of the following criteria of the controlled technology are released. The "deemed export" threshold

requires the presence of all of the following factors: operation, installation (including on-site installation), maintenance (checking), repair, overhaul and refurbishing.

- **International Trade in Arms Regulations – United States Munitions List.** Defense articles do not qualify for FRE. Technical data under the USML may qualify for the FRE if it is already in the public domain or is comprises of general science and mathematics. Defense articles on campus require a Technology Control Plan, which must restrict foreign national access to specifically licensed individuals. Bona Fide Employees can qualify for an ITAR exemption, and may be permitted access to defense articles so long as they are not from an ITAR Proscribed country.
6. **Negotiation of Contracts and Grants Terms and Conditions.** A careful review of the contractual terms must be done in order to determine whether export controls apply and if so, which sets of regulations the project falls under. This determination requires a detailed review of the statement of work and the commodities and technology involved in the research as well as a thorough understanding of the project plan (e.g., project participants, citizenship of all involved, end users, and end use). Problematic clauses should be negotiated out on the basis of institutional policy whenever possible. Defense research can usually be negotiated. Negotiation of the agreement may result in the removal of T&Cs, contractual clauses or change in scope of the SOW that remove the triggers causing export controls to apply. If subject to export controls, the Office of Export Compliance, in consultation with the Sponsored Programs, will take further required action.
7. **Determination of other General Areas of Concern:**
- Physical exports (International Shipments/Deliverables)
 - Deemed exports (if not FRE) Remember, FRE nullifies the deemed export rule
 - Foreign sponsors or collaborations
 - Hosting visiting scientists
 - Foreign Collaborations
 - Foreign travel (to sanctioned countries or with equipment)

4.2.4. Findings and Conclusions. The Export Control Officer will officially document the analysis, findings and conclusions of the Comprehensive Analysis as provided in Section 4.3.

4.3. ASSESSMENT FINDINGS & NOTIFICATIONS

4.3.1. Overview. Comprehensive assessment may involve face-to-face meetings, legal and regulatory research, and contract negotiations and will conclude with an official determination. Personnel will be notified of the results of the findings of a comprehensive assessment by the Export Control Officer. Activities subject to export controls may require implementation of a Technology Control Plan (TCP) or other government approvals. Principal Investigators (“PI”), faculty, staff, and other critical personnel must be informed when sponsored and non-sponsored activities are found not to meet the legal qualifications of “fundamental research” or “educational activities” to ensure that performance is executed in accordance with federal regulatory requirements.

4.3.2. Findings. Export Controls staff will issue a conclusion, summary, and guidance in writing to formally document assessment findings and compliance efforts that will be required by the project. The documentation is a summary of the methods used to:

1. **Identify activities subject to export controls**
 - a. Proposal / Contract identification.
 - b. Hardware, software identification.
 - c. Services identification.
 - d. Other activity type identification (collaboration, travel, etc).
2. **Identify license requirements associated with restricted activities, to include:**
 - a. Deemed export licenses(Commerce).
 - b. Foreign national worker licenses (State).
 - c. Tangible export license requirements for shipping of items.
 - d. Applicability of other U.S. Government Approvals (exemption, exception, exclusions).
 - e. Import requirements.
3. **Plan license requirements, to include:**
 - a. Identifying foreign persons involved in restricted activities.
4. **Plan Security Requirements**
 - a. Notifying all parties of restrictions.

- b. Implementing Technology Control Plans, or other access and use plans.
- c. Indoctrination and training of personnel.

4.2.3. Findings and Notification Process.

- **Notification of Unrestricted Activities.** The PI or other staff shall be notified via email if an activity or award is found to qualify under the Fundamental Research Exemption (“FRE”) or for another exclusionary rule following a comprehensive review. The notification may include guidance to ensure the activities do not exceed the requirements of the exemption. Documentation, correspondence and all other records pertaining to the assessment will be retained in the project file.
- **Commodity Jurisdiction / Commodity Classification / Advisory Opinion Requests**
If an activity cannot be determined to be subject to export control laws and regulations then FAMU will seek guidance from cognizant federal agency:
 - 22 CFR 126.9(a) “Advisory opinion”.
 - 22 CFR 120.4 and 120.4 “Commodity Jurisdiction”.
 - 15 CFR 748.3 “Classifications and Advisory Opinions”.
- **Notification of Restricted Activities**
Sponsored Programs and Export Control Staff will notify a PI and other involved personnel in writing of activities found to be subject to export controls, including instructions pertaining to compliance activities the University will require. Notification may apply to:
 - Proposed research activities.
 - Awarded research activities.
 - Procurement activities.
 - Agreements.
 - Travel.
 - Hosting visiting scholars.

Initial notification will include:

- A summary of the noted restrictions.
- Regulatory jurisdiction (if available) applicable to the activity and the technology control requirements that FAMU will need to implement to be compliant. This will include relevant copies of the USML and CCL as appropriate.
- Statement regarding licensing, in addition to any other instructions deemed necessary by the Export Control Officer.
- Scheduling a verbal inquiry regarding the activity, if necessary.
- A request for a listing of all intended activity participants and/or clarification of any programmatic issues.
- Notification that foreign persons cannot participate in the activity without prior government approval or other broad-ranging regulatory requirements subject to an activity, such as travel restriction requirements.

4.2.4. Technology Control Plan for Restricted Research. In those situations where the University approves an award that is affected by export controls, the Export Compliance Officer will coordinate with the PI and Sponsored Programs on the development and implementation of a Technology Control Plan and/or a Custody, Access and Use plan. This may involve issuing notices, applying for licenses, restricting access and participation, compartmentalizing aspects of the project, or modifying the scope of the research.

4.2.5. Restricted Access In awards not qualifying for an exclusion or with technologies or equipment listed on the ITAR USML, it may be necessary to restrict foreign national involvement (including access to stored data or information on computer networks) until:

- Identification of these research personnel and their country of nationality is verified by the Office of Export Compliance as not subject to controls or until approval by the Government Contracting Officer is received; or
- The foreign nationals are licensed by the appropriate Government agency.

4.2.6. Publication Restriction. In rare instances where certain projects may include technology listed in the EAR/ITAR identified as sensitive material or critical end use, the award document may impose a publication restriction to the extent any proposed publication may require advance approval by the Government even if 1) no foreign nationals are appointed to the project or 2) an Export License is not required.

4.2.7. **Documentation** will be processed to confirm the PI and Co-PI acknowledgement of restrictions.

4.4. TECHNOLOGY CONTROLS

4.4.1. Overview. The Office of Technology Transfer and Export Controls is the single unit within FAMU empowered to implement Technology Control Plans and other security protocols for programs subject to export control regulations. This section establishes the process to create and implement a Technology Control Plan (“TCP”) and other security protocols to ensure that no information, governed by the NISPOM, ITAR, EAR or DEAR is disclosed intentionally or inadvertently (including oral or visual disclosure) to any Foreign person; whether he or she is an employee of FAMU , a visitor, a customer, a vendor, a contractor, or a service representative, unless an export license or other form of government approval has been issues, which authorizes such disclosure. These procedures are applicable to all FAMU faculty, staff, students, volunteers and other individuals who possess or may possess export controlled information, classified or unclassified, as defined in and governed by the National Industrial Security Program Operating Manual (‘NISPOM”), the International Traffic in Arms Regulations (“ITAR”), the Export Administration Regulations (“EAR”), Office of Foreign Assets Control (“OFAC”) Foreign Assets Control Regulations (‘FACR”) or the Department of Energy Acquisition Regulations (“DEAR”), or other regulations as appropriate that require security protocols.

4.4.2. Determining Security Measures. The Export Control Officer is responsible for:

1. Identifying export-controlled input, conduct, and output activities related to research,
2. Identifying contractual security requirements, including Operational Security requirements,
3. Identifying the security resources available within a particular department, and
4. Determining the most appropriate security measures to implement to ensure compliance with export controls.

4.4.3. Appropriate Security Levels. Determining the appropriateness, level, and severity of technology controls is largely subjective; however, the following chart provides a baseline. The Export Control Officer will issue an Export Terms notification to the PI and co-PI’s followed by a TCP that is customized for each laboratory.

Restrictions	Level 1		Level 2		Level 3	
	EAR (Proprietary)	ITAR	EAR (Proprietary)	ITAR	EAR (Proprietary)	ITAR
Input	CAU	CAU	CAU	CAU	CAU	CAU
Conduct	ST&C	ST&C/ TCP	ST&C	ST&C/ TCP	ST&C	ST&C/ TCP
Output	ST&C	TCP	ST&C	TCP	ST&C	TCP
Input, Conduct, Output	TCP	TCP	TCP	TCP	ST&C	TCP
Hardware, Software, Other	CAU	CAU	CAU	CAU	CAU	CAU

Level 1:

- No prior TCP experience.
- Foreign nationals in proximity to Research.
- Co-mingled Lab.

Level 2:

- Prior TCP Experience / Assessed Risk.
- No Foreign persons in proximity to Research.
- Laboratory Compartmentalizable.

Level 3:

- Prior TCP Experience w/o assessed Risk.
- Cleared Staff.
- Laboratory Compartmentalizable.

Certain programs may only require notification and a more simplistic TCP based upon:

- Overall security, security education, training, awareness or other pre-existing security variables in the department.
- The nature of the restricted activity.
- Proximity of foreign persons to restricted activity.
- Export Controlled inputs (whether procured, loaned or provided by a sponsor).

- Export-controlled conduct, including operation of restricted instruments.
- Export-controlled generated outputs resulting from the research.

4.4.4. Technology Control Measures, Processes and Restrictions.

- I. **Standard Export Terms & Conditions (“ST&C”)** Form is FAMU’s official notice to the PI and Co-PI(s) that the indicated project is subject to the federal restriction(s) checked on the form. It is used to confirm PI acceptance of access, dissemination, publication or participation restrictions associated with a research program. The form serves as official acknowledgement that the program is subject to either the EAR or the ITAR, or both, and indicates whether a TCP will be required for the activity.
- II. **Technology Control Plan** is appropriate for multi-faceted programs with several participants and a combination of different restricted inputs, conduct, and outputs. A TCP is required for certain research work involving an ITAR export issue or other restrictions (publication, foreign national restrictions) that remove the work from qualification of the Fundamental Research Exclusion. A TCP identifies the restricted information/item is, who will have access to it, how access will be monitored and controlled, how the information/item will be physically and electronically stored, what information about it can be shared or presented and what will be done with the information/item once the project is complete.
- III. **Custody, Access & Use Agreement** is a standardized security protocol primarily used to manage defense articles, technical data or software that are independent of restricted programs. Custodians of such items must acknowledge their understanding of the controlled nature of the defense articles, technical data, or software (received or generated) and the required safeguards with which they must comply in their acceptance of such articles, technical data or software.

4.4.5. Completing the Selected Security Measure

- I. **Technology Control Plans.** A boilerplate TCP will be sent to the PI as part of the initial notification. The Export Control Officer is responsible to initially evaluate the proposed work and input preliminary information into the TCP for PI review, as follows:
 - Assigned Export Control file number.
 - PI and Co-PI
 - Title
 - Account
 - Sponsor and Government Agency
 - Jurisdiction, USML / CCL Category and Subcategory descriptions
 - Identification of contractual and publication restrictions
 - Identification of publication restrictions
 - Identification of IT system security by coordinating TCP with department IT staff

The Principle Investigator is responsible for providing:

- Initial list of proposed participants, including their nationality.
- Identification of the areas where the research will take place
- A Physical Security plan to control the work area.
- A IT Security plan to control access to IT data
- Proposed international travel
- Proposed method to manage personnel changes

Physical security measures may include:

- **Laboratory Compartmentalization:** Quarantine specified research areas from observation or access by unauthorized persons and ensure that the research team is trained and aware of their responsibilities. Do not distribute keys or provide other access to a lab with export controlled items or data to foreign nationals.
- **Time Blocking:** Project operation may be restricted to secure time blocks when unauthorized individuals cannot observe or access export controlled materials or project data.
- **Marking:** Export controlled information must be clearly identified to ensure it is not inadvertently distributed.
- **Locked Storage:** Tangible items such as equipment, operating manuals, external hard drives, hardcopy data and research journals should be secured in a locked storage container when not in the personal possession of approved project personnel.

- **Electronic Security:** Project computers, networks, and electronic transmissions should be secured and monitored through User ID's, password controls, and encryption. Research data should be saved on encrypted flash drives or external hard drives that can be locked in a storage container.
- **Confidential Communications:** Discussions about the project must be limited to authorized project participants, in areas with no unauthorized individuals present.

Access control measures may include:

- Locking data, hardware, software using the "one-lock" principal
- Escorting foreign visitors within research facilities
- Establishing classified work areas
- Data storing restrictions for Information Systems
- Marking all export-controlled materials
- Sanitizing information systems after use
- Project completion controls (i.e. disposal of hardware)

Information Technology security measures may include:

- Standard computer security (passwords, transmission of data, etc).
- Implementation of computers not on the network, or laptops
- Segregated electronic storage, or limited folder access privileges
- Use of encryption
- Removal of data upon completion of program

Upon completion of the draft TCP, the Export Control Officer will:

- Review the plan for compliance with the contract terms and conditions
- Contact Human Resources to verify the citizenship of proposed participants
- Add the IT server information to the IT Security Officer List for intrusion monitoring
- Coordinate any training appropriate for participants

Once finalized, the TCP will be signed by all listed parties. The original document is required to be returned to the Export Control Officer for inclusion into the export project file.

II. Custody, Access & Use Agreement. A boilerplate CAU Agreement Form will be sent to the PI. This may be part of a sponsored activity, or unrelated to research whereon a PI may be obtaining items, equipment, material or software subject to the ITAR that require a specific custody and access plan to ensure foreign persons do not have access. The Export Control Officer is responsible to initially evaluate the proposed activity and input preliminary information into the CAU for PI review, as follows:

- Jurisdictional analysis and USML identification of the material, equipment or software.
- Verification of personnel list proposed by the PI
- Verification that the proposed location and method of storage is adequate

The "Custodian" is responsible to provide:

- A list of personnel requiring access
- Location and method of storage

Once finalized, the CAU will be signed by all listed parties. The original document is required to be returned to the Export Control Officer for inclusion into the export project file.

4.5. GOVERNMENT APPROVAL

4.5.1. Overview. This process establishes clear government approval procedures for the Office of Export Control to process licenses and other government approvals from the Departments of State and Commerce, including use of certain exemptions and exceptions. Export regulations require that only US persons may be provided with export-controlled items, software code or information without having to obtain an export license. Under certain conditions, an exemption, exception, or exclusion supersedes licensing requirements. Certain exemptions (ITAR) and license exceptions (EAR) available only to higher academic institutions. The determination of applicability of a license exemption, exception, or exclusion can only be performed by the Export Control Officer, including application of the "Fundamental Research Exclusion." All license or applications of exemptions are investigated, research, analyzed and concluded by the Export Control Officer.

4.5.2. Procedures are divided into the following sections:

- **Department of State:**
 1. DSP-5 Foreign Person Employee Licenses
 2. TAA
 3. Exemptions of General Applicability
 4. 125.4(b)(10) Full-time Bona Fide Regular Employee Exemption
 5. Other ITAR Exemptions
 6. Initial Notification of Export
 7. Return to ODTC of Licenses
- **Department of Commerce:**
 8. Tool of Trade” Exception for Business Travel
 9. BIS 748-P

4.5.3. Determination of License. If it is determined that a project or activity requires an export authorization from the cognizant U.S. government agency for international shipments (tangible exports) or foreign national participation (deemed exports) (including faculty, graduate students or foreign entity sponsors) export license applications will be processed as follows. The Export Control Officer will examine the activity and determine if it:

1. Requires a license, including the jurisdictional analysis, and license type:
 - a. State Department License Types:
 - i. **DSP 5** Application for Permanent Export of Unclassified Defense Articles.
 - ii. **DSP 73** Application for Temporary Export of Unclassified Defense Articles.
 - iii. **DSP 61** Application for Temporary Import of Unclassified Defense Articles
 - iv. **DSP 85** Classified Defense Articles/Technical Data
 - v. **DSP 119** License Amendments
 - b. Commerce Department License:
 - i. **BIS 748P**_ General Export License for the Department of Commerce
2. Meets the requirements for an exemption (ITAR) or exception (EAR)

4.5.4. License Process (ITAR). The ITAR controls export of defense articles which are enumerated on the U.S. Munitions List (“USML”). The USML identified technologies that are specially designed for military purposes. Defense articles include items, components, subcomponents, assemblies, models, mock-ups, technical data and technical information that may reveal technical details about the item. Exports of defense articles require licensing or application of an exemption.

All U.S. persons engaged in the manufacturing or exporting of defense articles, technical data or provisioning of defense services are required to register with the Directorate of Defense Trade Controls. Registration is a precondition to approval of any license application, or utilization of exemptions. License applications, including exemption certificates must be signed by a university officer who has been empowered by the intended registrant to approve documents. The empowered official may refuse to sign any export license or other request for approval without prejudice or any other adverse recourse.

An empowered official will review the proposed scope of work of an activity and make the following determinations:

1. If an activity requires a license, the Export Control Officer will furnish the Principal Investigator with a list of required information needed to begin the application process.
2. If the license is for a foreign person employee/student, Visual Compliance will be used to ensure the person is not a denied entity.
3. The Export Control Officer will draft an agreement or license application and review the content material with the Principal Investigator.
4. If necessary, relevant foreign parties will be consulted for additional information and comments.
5. A TCP will be implemented.
6. The Export Control Officer will submit the necessary documentation to the cognizant U.S. government agency
7. License status will be tracked using the U.S. Government Agency system

4.6. VOLUNTARY SELF DISCLOSURE

4.6.1. Overview. Because of the complexity of the ITAR, EAR and FACR, accidental or inadvertent violations of export control regulations are possible. In research, a university may presumably discover that a researcher or collaborator has violated export control regulations. DDTC, BIS, and OFAC all have voluntary disclosure programs and procedures whereby a potential export violation may be self-disclosed. Specifically, Section 127.13 of the ITAR states that the DDTC “Strongly encourages the disclosure of information...by persons, firms or any organization that believes they may have violated any export control provision of the Arms Export Control Act, or any regulations, order, license, or other authorization issued under the authority of the Arms Export Control Act.” The cognizant export administration agency may consider a voluntary disclosure as a mitigating factor in determining whether to impose any penalties (including monetary penalties) or seek other enforcement action. A failure to submit a Voluntary Self-Disclosure (VSD) may be considered as an aggravating factor, likely increasing the penalties levied upon an organization.

4.6.2. Disclosure of Potential Violations. FAMU will report all potential violations of the ITAR, EAR, and FACR immediately upon discovery. A comprehensive report must be provided to the cognizant federal agency within 60 calendar days of the initial notification. A formal request for extension will be lodged with the appropriate agency if 60 days is insufficient.

4.6.3. Detecting, Investigating, Reporting, and Correcting Suspected Export Violations. The investigation of suspected export violations will be expedited. An investigation is a prerequisite to properly evaluate whether to submit a voluntary self-disclosure. All investigations will be carried out by an Empowered Official and reported to upper management. An investigation will examine the full scope of any potential violations, to include:

- Potential violation, causes, important facts, aggravating or mitigating circumstances.
- Parties involved, dates, places, locations, methods, export jurisdictions, means by which the violation was detected, type of export violation (physical, visual, oral, electronic);
- Short term corrective actions / stops implemented upon violation discovery, including parties involved in the corrective actions.

An investigation will consist of three phases:

1. Data preservation

- a. Notify necessary parties of the investigation
- b. Require parties to preserve all materials related to the subject matter
- c. Categorize and review the types of information and documents relevant to the investigation
- d. Demand strict compliance with data preservation
- e. Inform parties of how information should be preserved
- f. Designate a Point of Contact

2. Data collection and review

- a. Document preservation and collection interviews
- b. Collection and review of paper and electronic data

3. Interviews of relevant employees / participants

- a. Following collection, review and organization of data, interviews with all relevant parties will be conducted.
- b. A formal memo and summary of all interviews will be prepared.

Upon conclusion of data collection, interviews and evaluation, a formal report will be prepared. Facts developed during the course of the investigation are important for VSD purposes in addition to university decision-making. Contents of the report will include:

1. Description of the subject and scope of the investigation.
2. Description of each phase of the investigation, including all efforts.
3. A chronology of the facts developed via the investigation.
4. A description of remedial measures undertaken.
5. A description of proposed corrective/preventative actions.

4.6.4. Drafting of Voluntary Self Disclosures. VSD’s will be drafted pursuant to Section 127.12(c)(2) of the ITAR, as a baseline, which include:

- (i) A precise description of the nature and extent of the violation (e.g., an unauthorized shipment, doing business with a party denied U.S. export privileges, etc.);
- (ii) The exact circumstances surrounding the violation (a thorough explanation of why, when, where, and how the

violation occurred);

(iii) The complete identities and addresses of all persons known or suspected to be involved in the activities giving rise to the violation (including mailing, shipping, and e-mail addresses; telephone and fax/facsimile numbers; and any other known identifying information);

(iv) Department of State license numbers, exemption citation, or description of any other authorization, if applicable;

(v) U.S. Munitions List category and subcategory, product description, quantity, and characteristics or technological capability of the hardware, technical data or defense service involved;

(vi) A description of corrective actions already undertaken that clearly identifies the new compliance initiatives implemented to address the causes of the violations set forth in the voluntary disclosure and any internal disciplinary action taken; and how these corrective actions are designed to deter those particular violations from occurring again;

(vii) The name and address of the person making the disclosure and a point of contact, if different, should further information be needed.

Appendix

1: Awards Requiring Preliminary Export Control Review by Sponsored Programs Pre and Post-Award Staff (not an exhaustive list)

Awards Requiring Preliminary Export Control Review		Preliminary Review Required?
1.	Sponsor identified as the Department of Defense (DoD) or related military agency (including, but not limited to the MDA, DARPA, NGIA, DTRA) and other military-related or intelligence agencies or any affiliated research lab (AFOSR, AFRL, ARL, ONR, HEL-JTO, etc.) or other Military, Space, Intelligence related:	
a)	Contracts	Yes
b)	Grant, DURIP or Cooperative Agreement	Yes
c)	BAA with reference to foreign national restriction if invoked by contract clause	Yes
d)	SBIR/STTR Subcontracts see #5	See #5
e)	All other Agreement Types	No
2.	Sponsor Identified as <u>NASA, DHS, NRC, DoE, Sandia, NNSA or NETL, or other federal energy-related labs</u>	
a)	Grant / Cooperative Agreement	Yes
b)	Contracts	Yes
c)	BAA with reference to foreign national restriction if invoked by contract clause	Yes
d)	SBIR/STTR Subcontracts see #5	See #5
e)	All other agreement types	No
3.	Subcontract w/ DoD as Prime	Yes
4.	Subcontract w/ NASA as Prime	Yes
5.	SBIR / STTR Subcontracts	
a)	DoD/NASA/DoE Other National Security Prime (CIA/DHS, MDA, DTRA, NNSA etc.)	Yes
b)	All other Primes	No
6.	Projects requiring access to restricted technical information or defense articles	Yes
7.	Projects with specific assess, dissemination, publication or participation restrictions	Yes
a)	Clauses, Reference to ECCN or USML Category, Section H, other references or statements	Yes
8.	Industry	
a)	If technology is subject to an NDA, PIA, CDA, MTA or similar agreement	Yes
b)	If technology or technical information is proprietary to the sponsor and provided to or generated by FAMU	Yes
9.	International Sponsor	
a)	Sponsor identified as a foreign government, military, space or intelligence agency (including NATO, UN, ADD, IMOD, etc.)	Yes
b)	Projects requiring access to restricted technical information or defense articles	Yes
c)	If technology is subject to an NDA, PIA, CDA, MTA or similar agreement	Yes
d)	Foreign Universities that are not Denied Entities	No
9.	Project involves International Shipments / Hand-carry	Yes
10.	Project is restricted and a thesis or dissertation will be published	Yes

Other Activities Requiring Export Control Review that may involve Sponsored Programs		Export Control Approval Required before Finalization?
11.	I-129 Certifications for Technical Colleges & Departments, including J-1 Visiting Scholars	Yes
a)	Visitors from State Sponsors of Terror: Iran, Sudan, Syria, North Korea, Cuba	Yes
12.	MOU's with international organizations	
a)	Universities	Yes
b)	Military or military-related organizations	Yes
13.	\$25K procurements / sole source General Counsel Requests	Yes
14.	International Travel:	
a)	Any destination on a travel warning: http://travel.state.gov/travel/cis_pa_tw/tw/tw_1764.html	Yes
b)	International travel to non-restricted destination if in conjunction with a sponsored activity identified in 1-10 above	Yes
15.	International collaborations	Yes
16.	International Shipments	Yes
17.	Imports	Yes
18.	Proposals / Awards with a NASA China Assurance requirement	Yes
19.	Export Compliance certification certificates	Yes