Rensselaer Polytechnic Institute

Export Control Management & Compliance Plan

Office of the General Counsel

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# Table of Contents

**Part 1** INTRODUCTION .................................................. 1

**Part 2** PURPOSES .......................................................... 2
  2.1 Plan Elements ....................................................... 2
  2.2 Plan Structure ..................................................... 3
  2.3 Plan Evolution ..................................................... 3

**Part 3** BACKGROUND ..................................................... 4

**Part 4** POLICY ............................................................... 7

**Part 5** RESPONSIBILITIES ................................................. 8
  5.1 Export Control Office ............................................. 8
  5.2 Empowered Official ............................................... 8
  5.3 Compliance Officer .............................................. 9
  5.4 Principal Investigators and Research Staff ...................... 9
  5.5 Deans, Chairs, and Center Directors ......................... 10
  5.6 Other Rensselaer Personnel .................................... 10

**Part 6** PROCEDURES: GENERAL REQUIREMENTS ..................... 11

**Part 7** PROCEDURES: EXPORT CONTROL ADMINISTRATION .......... 12
  7.1 Oversight and Management ...................................... 12
  7.2 Training ............................................................ 12
  7.3 Export Licensing ................................................ 13
  7.4 Record Keeping and Retention ................................ 14
  7.5 Audit ............................................................... 15
  7.6 Violations .......................................................... 15

**Part 8** PROCEDURES: INSTITUTE PORTFOLIOS .......................... 16
  *Note: This list may be revised as procedures are developed*

  8.1 Research Proposals and Awards ................................ 16
  8.2 Technology Control Plans ....................................... 19
  8.3 Human Resources ................................................ 20
  8.4 International Students, Scholars, and Visitors .............. 21
  8.5 Student Research and Thesis Supervision .................... 23
  8.6 Information Technology and Software ......................... 24
  8.7 Intellectual Property and Technology Transfer ............ 26
  8.8 Purchasing and Receiving ...................................... 27
  8.9 Shipping outside the U.S. ..................................... 29
  8.10 International Travel ............................................ 30
  8.11 International Research Collaborations, Conferences, and Scientific/Technical Exchanges .................. 32
Part 8  PROCEDURES: INSTITUTE PORTFOLIOS (continued)

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>8.12</td>
<td>Hosting International Visitors at Rensselaer</td>
<td>34</td>
</tr>
<tr>
<td>8.13</td>
<td>International Performers and Artists</td>
<td>35</td>
</tr>
<tr>
<td>8.14</td>
<td>Environmental Health and Safety</td>
<td>36</td>
</tr>
<tr>
<td>8.15</td>
<td>Finance and Accounting</td>
<td>36</td>
</tr>
<tr>
<td>8.16</td>
<td>Financial and Business Management</td>
<td>37</td>
</tr>
</tbody>
</table>

APPENDIX

<table>
<thead>
<tr>
<th>Appendix</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Glossary of Definitions: Export Control Terms</td>
<td>A-1</td>
</tr>
<tr>
<td>C</td>
<td>Export Control Solicitation, Proposal, and Award Checklist</td>
<td>A-6</td>
</tr>
<tr>
<td>D</td>
<td>Restricted Parties and Sanctioned Countries Lists</td>
<td>A-8</td>
</tr>
<tr>
<td>E</td>
<td>PI Memo (Distributed at award)</td>
<td>A-10</td>
</tr>
<tr>
<td>F</td>
<td>Technology Control Plan (TCP) Template</td>
<td>A-11</td>
</tr>
<tr>
<td>G</td>
<td>TCP Certification</td>
<td>A-17</td>
</tr>
<tr>
<td>H</td>
<td>Decision Trees</td>
<td>A-18</td>
</tr>
<tr>
<td>I</td>
<td>Initial Questionnaire: Export Control Assessment</td>
<td>A-21</td>
</tr>
<tr>
<td>J</td>
<td>Export Control Links</td>
<td>A-22</td>
</tr>
<tr>
<td>K</td>
<td>Attribution</td>
<td>A-23</td>
</tr>
</tbody>
</table>
1. Introduction

The collection of export control laws and regulations apply to and affect the full range of Rensselaer activities including: research and scholarly activity; software development; hiring, the selection and education of international students, scholars, and graduate advisors; laboratory security; technology transfer; purchasing; receiving and shipping; international travel; scientific exchanges of educational, research, and technical information; and responsibility for the activities of visitors to campus. For additional information, updates, and guidance in managing exports, the Rensselaer community is invited to access our export control Web site at http://www.rpi.edu/exportcontrol .

Given this widespread obligation and impact, the Institute, through its Office of the General Counsel, has established this Export Control Management & Compliance Plan to provide accurate and consistent guidance to Rensselaer personnel as they manage decisions and transactions that might intersect with provisions of these laws.

This document addresses obligations every individual has with respect to actual and deemed export of what several agencies of the United States Government categorize as strategically important items. The controlled materials include: information, software, data, and technology as well as technical assistance rendered to foreign countries, entities, or individuals. Compliance with these laws and regulations is assigned by the statutes to each individual whose work is affected by the applicable provisions. Historical penalties imposed by the government for noncompliance are harsh and are often assessed against individuals as well as their host campus.

I would like to thank Dr. Paul E. Fredette and Prof. David Haviland for their expertise and dedication in making this Plan the helpful tool that it is intended to be. As the General Counsel has been designated by Rensselaer to act as its “Empowered Official” under the statutes, any member of our community who has any questions should direct their inquiries to my Office. Faculty should also note that, to protect our students, Rensselaer will, whenever possible, engage only in projects that qualify for the exclusions based on Fundamental Research and/or Educational Information which are available within this body of law.

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2. Purposes

2.1 Plan Elements

Rensselaer’s Export Control Management and Compliance Plan is established according to guidelines established by the U.S. Department of Commerce Bureau of Industry and Security (BIS).\(^1\) BIS establishes the following core elements of an Export Control Management and Compliance Plan (EMCP):

- Management commitment to export management and compliance.
- Continuous risk assessment of the export program.
- Formal written export management and compliance program.
- Ongoing compliance training and awareness.
- Cradle-to-grave export compliance security.
- Adherence to recordkeeping regulatory requirements.
- Internal and external compliance monitoring and periodic audits.
- Internal program for handling compliance problems, including reporting export violations.
- Completing appropriate corrective actions in response to export violations.

Following BIS guidelines, Rensselaer’s EMCP is intended to:

- Reinforce senior management commitment to comply with U.S. export laws and regulations to all parties within the Institute.
- Provide management structure and organization for the processing of export and deemed export transactions.
- Provide written instructions for Rensselaer personnel to blend into their daily responsibilities to "screen" export transactions against general prohibitions on Exports, Deemed Exports, Reexports, Deemed Reexports, and selected transfers to certain end-uses and end-users.
- Identify transactions that could normally be exported without an Export License, but because of the end-use or end-user, require a license.
- Enhance accountability for export control tasks by identifying who is responsible for performing each part of the process and who is responsible for overall effectiveness of the EMCP.
- Provide compliance safeguards across Rensselaer’s portfolios to produce consistent export decisions.
- Serve as a vehicle to communicate Red Flag indicators that raise questions about the legitimacy of a user or transaction.
- Provide personnel with tools to help them ensure they are performing their export control functions accurately and consistently.
- Streamline the process and reduce time spent on compliance activities when employees have written instructions, tools and on-going training.
- Protect employees through training and awareness programs from inadvertently violating export control regulations.

2.2 Plan Structure

The remaining parts of the Rensselaer Export Control Management and Compliance Plan are as follows:

- Part 3 provides an overview of export controls to serve as BACKGROUND for Plan users. Specific requirements from the export control regulations are cited in support of the procedures outlined in Parts 6, 7, and 8.


- Part 5 identifies RESPONSIBILITIES for assuring compliance with export control laws and regulations within the Institute. Specific responsibilities are enumerated as part of the procedures outlined in Parts 6, 7, and 8.

- Part 6 presents GENERAL REQUIREMENTS that are an integral part of each PROCEDURE in Parts 7 and 8 of the Plan.

- Part 7 outlines PROGRAM PROCEDURES that implement Institute EXPORT CONTROL ADMINISTRATION activities. These procedures are led and managed by the Export Control Office but necessarily involve all Rensselaer personnel.

- Part 8 describes the PROCEDURES to be followed to assure export control compliance across INSTITUTE PORTFOLIOS where export controls apply.

- The APPENDIX includes tools and resources required to implement Plan requirements.

Export control regulations define and use specific terms, and this terminology varies somewhat from regulation to regulation. To assure consistency in this EMCP, the Plan employs the set of terms and expressions in Appendix A, DEFINITIONS OF EXPORT CONTROL TERMS. Generally these terms and expressions are presented with initial capital letters (e.g., “Deemed Export”) in the PROCEDURES outlined in Parts 6, 7, and 8.

2.3 Plan Evolution

Export control requirements are changing constantly. Government agencies in the U.S., United Nations, and foreign governments are evaluating their regulations and protocols as a result of new laws and directives, as well as administrative and judicial experience. While this Plan will be reviewed and revised on a regular basis, it is essential that all Rensselaer personnel keep current with information and training provided by the Export Control Office.

Rensselaer’s export management and compliance program is also evolving. The PROCEDURES outlined in this EMCP are being developed by the Export Control Office in partnership with the appropriate administrative offices at the Institute. The procedures included in this Plan will be revised and refined as the Institute builds its export control program.
3. Background

Export controls are U.S. government laws and regulations that advance national security, foreign policy, treaty compliance, and strategic technology leadership and economic objectives by controlling the transfer of strategically important items, materials, information, software, data, technology, and technical assistance to foreign individuals, entities, and governments—both within the U.S. and abroad. Any proposed export, deemed export, reexport, or deemed reexport must be checked against all pertinent laws and regulations before the transfer occurs.

Export controls are intended to advance U.S. economic interests at home and abroad, prevent the proliferation of weapons of mass destruction, aid regional stability, implement anti-terrorism and crime controls, and protect human rights. In addition, the United States maintains economic embargoes against a number of countries whose governments consistently violate human rights or act in support of global terrorism. Export controls have been on the books since the 1940s and have grown in scope and complexity over the years, and especially since September 11, 2001. Export regulations are lengthy, difficult to interpret, and subject to frequent change.

Agencies, regulations, and technologies Several Federal departments and agencies have promulgated export control regulations in response to specific statutes, executive orders, and presidential declarations. In addition, the U.S. maintains cooperative agreements with its International partners to harmonize export control regulations (e.g., Wassenaar Arrangement and the Australia Group.)

Given the nature of research and education at Rensselaer, this EMCP is driven principally by the requirements of three Federal agencies and their regulations:

- Export Administration Regulations (EAR). Administered by the U.S. Department of Commerce Bureau of Industry and Security (BIS), EAR [15 CFR 700-774] implements the Export Administration Act of 1979, as amended, and the International Emergency Economic Powers Act, as amended. EAR controls the export of commercial items, including “dual-use” items (both commercial and military or proliferation applications) as well as items without an obvious military use.

- International Trafficking in Arms Regulations (ITAR). Administered by the U.S. Department of State Directorate of Defense Trade Controls (DDTC), ITAR [22 CFR 120-130] implements the Arms Export Control Act and Executive Order 11958, as amended. ITAR controls the export of items with predominant military use or space application.

- Office of Foreign Assets Control (OFAC). An office within the U.S. Department of the Treasury, OFAC acts under Presidential wartime and national emergency powers, as well as authority granted by specific statutes establishing economic and trade sanctions. OFAC regulations [31 CFR 500-590] control dealings, including exports of civilian and military items, with targeted foreign countries, terrorists, narcotics traffickers, and those involved in proliferation of weapons of mass destruction.

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2 The Code of Federal Regulations (CFR) is the codification of the general and permanent rules and regulations published in the Federal Register by the executive departments and agencies of the U.S. Government.
While EAR, ITAR, and OFAC are prominent, many other Federal departments, agencies, and commissions have export control regulations in place. While specifics vary with agency and regulation, export controls generally include items, commodities, and software, as well as the information, technical assistance and services, and know-how required to develop, produce, and use them.

**Antiboycott provisions** In addition to the export controls above, the Export Administration Regulations include antiboycott provisions that discourage and, in some cases, prohibit transactions that support the boycott of Israel by the Arab League and certain other countries. Administered by the Office of Antiboycott Compliance at the U.S. Department of Commerce, these provisions [15 CFR 760] apply to “U.S. persons” (defined to include individuals and companies located in the United States and their foreign affiliates) who sell, purchase, or transfer goods, information, or services within the U.S. or between the U.S. and certain foreign countries. Antiboycott provisions regulate U.S. exports and imports, financing, forwarding and shipping, and certain other transactions that may take place wholly offshore.

**Exports and reexports** Under export controls, an export occurs, or is deemed to occur, when an item, information, or service is transferred (“released”) by visual inspection, oral disclosure, electronic transmission, or physical shipment to a foreign individual, entity (e.g., university, business, technical society, or other organization), or government. A reexport occurs, or is deemed to occur, when an export-controlled item, information, or software is transferred from one foreign country to another foreign country.

**Restricted parties and sanctioned countries** Export controls regulate exports and reexports to foreign individuals, entities, and governments identified on one of several Federal agency lists as denied, debarred, or otherwise sanctioned for export purposes. These restricted parties include Foreign Nationals and Foreign Persons in the U.S. as students, scholars, technical experts, and business people as well as abroad.

**Export licenses and exceptions** Prior to an export or deemed export, or to a reexport or deemed reexport, the Institute must (1) apply to the relevant Federal agency for an export license, or (2) apply for a determination that an exception or exclusion to the law applies, or (3) make its own determination of exception or exclusion (self classification). Applications and determinations are made only by Rensselaer’s Export Control Office. They must be in writing and follow agency procedures for submission, documentation, record keeping, and record retention.

**Export controls in practice** Regulations such as the EAR, ITAR, and OFAC are independent and interrelated. The nature of the export, destination, end-use, and intended end-user all interact to determine if an export license or license exception is required. The decision to apply for an export license or a license exception involves many factors and, sometimes, detailed analysis. Licenses are granted by the cognizant Federal agency and the application process may take several months. Consequently, the procedures in this EMCP emphasize forward planning, as well as early and continuous involvement of the Export Control Office.

**Exclusions** University activities, including research and scholarly work, are not subject to export controls when they are carried out under carefully defined “exclusions,” including the following:

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3 EAR refers to “Foreign Nationals” and ITAR to “Foreign Persons”; see Appendix A for definitions.
• *Publicly-available information:* The information is published and already in the public domain through unlimited and unrestricted distribution [15 CFR 734.7].

• *Educational information:* The information is released by instruction as listed in catalog courses and associated teaching laboratories in U.S. accredited academic institutions [15 CFR 734.9].

• *Fundamental research:* The item, information, or service results from basic and applied science performed by accredited universities in the U.S. where the research results are published and shared broadly within the scientific community [15 CFR 734.8].

These exclusions allow the Institute to go about most of its everyday business without applying for export licenses or documenting export control exceptions.

**Fundamental Research Exclusion (FRE)** It is important that Rensselaer and its researchers operate within the FRE granted by the export control regulations and the National Policy on the Transfer of Scientific Technical and Engineering Information in National Security Decision Directive 189. NSDD 189 is included as Appendix B.

The FRE is lost if the Institute accepts a contract, grant, or award that restricts the free, open, and broad sharing of the research results within the scientific community [15 CFR 734]. This includes accepting terms and conditions that forbid or require pre-approval for the participation of foreign nationals or foreign persons, give the sponsor the right to approve publications, or otherwise operate to forbid participation and/or access to and disclosure of research results. Similarly, the FRE is lost if a researcher enters into confidential discussions or accepts “side bar” agreements that restrict sharing research results within the scientific community.

**Responsibilities and penalties** Export control laws and regulations are applicable to individuals, and the responsibility for compliance lies with individuals. Criminal and civil penalties for noncompliance are severe (up to $1 million per violation, and imprisonment of up to 20 years, depending on the violation) and may be imposed against individual investigators as well as their institutions. Violators may also be subject to denial of their export privileges (prohibiting them from participating in any way in any transaction subject to the EAR or ITAR), and debarred from any government-funded support.

Additionally, Rensselaer may be assessed with the loss of export privileges, loss of Federal funding (debarment from government contracts), and loss of its Fundamental Research Exclusion. Any of these penalties would place significant burdens on the faculty, staff, and administration of the Institute.
4. Policy

It is Rensselaer’s policy to comply fully and completely with export control laws and regulations. No export-controlled item, information, or service may be exported without first determining if an export license is required. If a license is required, it must be obtained before the export occurs.

It is Rensselaer’s policy to protect its Fundamental Research Exclusion. This begins by negotiating the elimination of contractual clauses that restrict Rensselaer’s publication rights or limits access to or participation of foreign persons/nationals in its research activities. In cases where this is counterproductive or the underlying research must possess such control, the requirements and processes set forth in this Export Control Management & Compliance Plan prevail.

All Rensselaer and Rensselaer-related personnel are responsible for compliance. All personnel retained by, working at, consulting to, or volunteering for the Institute must comply with the requirements outlined in Rensselaer’s Export Control Management & Compliance Plan while teaching, conducting research, or providing service activities at or on behalf of the university. This policy applies to:

- All faculty, including tenure and tenure-track faculty, professors of practice, lecturers, and other faculty groups.
- Faculty emeriti engaged as active researchers on university projects.
- Researchers, including appointed research staff, post-doctoral fellows, research associates, and research assistants.
- Graduate students, undergraduate students, and interns employed in research programs; for export controls purposes, graduate students working as research assistants on research projects are considered to be students and not considered to be employees.
- Staff in departments, centers, and administrative offices charged with responsibilities under this Plan.
- Consultants and volunteers associated with research and scholarly activities as well as in departments and offices charged with responsibilities under this Plan.

Under the law, responsibility for export controls compliance rests both with individuals and with the Institute. If an export control violation is determined by an investigating agency, an individual may be subject to civil and criminal penalties, and Rensselaer may be subject to, among other penalties, debarment from government contracts—a penalty that impacts the entire Rensselaer research community. All Rensselaer and Rensselaer-related personnel must be diligent with respect to compliance.
5. Responsibilities

5.1 Export Control Office

Rensselaer’s Export Control Office is:

Office of the General Counsel
Troy Building
Rensselaer Polytechnic Institute
110 8th Street
Troy, New York 12180
518-276-3777
Email: gcounsel@rpi.edu
Home page: http://www.rpi.edu/exportcontrol

The Office of the General Counsel is responsible for the overall management of Rensselaer’s export control program, including implementation of this Export Control Management and Compliance Plan.

The General Counsel is a member of Rensselaer’s senior management, an Institute officer reporting directly to the President of Rensselaer, and a member of the President’s Cabinet.

5.2 Empowered Official (EO)

The General Counsel is Rensselaer’s Empowered Official (EO) for export control matters under the U.S. Arms Export Control Act [22 U.S.C. 2778] and its regulations, and in this capacity has the authority to:

(a) Oversee all Rensselaer export licensing or approval activities, including signing license applications or other documentation relating to such licensing or to exporting approval.
(b) Approve any and all written exceptions to export control requirements.
(c) Represent Rensselaer before export control regulators in matters related to registration, licensing, commodity jurisdiction and classification requests, and voluntary disclosures.
(d) Bind the university in any proceeding before any government agency with export control responsibilities.

Under the applicable regulations [22 CFR 120.25] the EO is a U.S. person who is directly employed by the Institute or a subsidiary; is legally empowered in writing to sign license applications or other requests for export approval; understands the provisions and requirements of the various export control statutes and regulations, and the criminal liability, civil liability, and administrative penalties for violating the regulations; and has the independent authority to:

(e) Inquire into any aspect of a proposed export, temporary import, or any other transaction within the scope of export control regulations.
(f) Verify the legality of the transaction and the accuracy of any information to be submitted to a licensing or approval authority.
(g) Refuse to sign any license application or other request for approval without prejudice or other adverse recourse being taken by the Institute.

As implied by 22 CFR 120.25, the EO is free of any encumbrances and operates under the full support of the Rensselaer’s administration to pursue without interference for any and all forms of investigation
required to comply with all export control laws and regulations as well as Rensselaer’s Export Control and Management Plan.

5.3 **Compliance Officer (CO)**

The General Counsel may delegate specific responsibilities under this Plan to one or more Compliance Officers. The Compliance Officer (CO) reports to the General Counsel, and undertakes responsibilities such as the following:

(a) Monitors export control developments (legislation, regulations, cases, penalties, etc.) and develops procedures to ensure the university remains in compliance with all export control regulations (not limited to the EAR, ITAR and OFAC).

(b) Identifies Rensselaer activities that are or may be impacted by export control regulations and develops strategies and procedures to manage the risks.

(c) Recommends procedures to the senior Rensselaer administration to maintain Rensselaer's compliance.

(d) Educates faculty, researchers, graduate students, academic units, research centers, and administrative offices charged with implementation of export control procedures under this EMCP.

(e) Works with all campus personnel to facilitate understanding and compliance with export controls.

(f) Assists investigators, researchers, and offices within Rensselaer when research or research results are export-controlled.

(g) Assists researchers with respect to their research activities, data, software, and technology transfer, so they may be in compliance with export control regulations.

(h) Develops a Technology Control Plan (TCP) for each export-controlled project consistent with this EMCP to aid the principal investigator in meeting his or her export control responsibilities.

(i) Applies for export licenses, Commodity Jurisdictions, Export Control Classification Numbers, Technical Assistance Agreements, and other export approvals.

(j) Advises and approves, with regard to export control issue, all foreign persons/nationals visiting Rensselaer under visa sponsorship.

(k) Investigates and documents voluntary disclosures of any violations of the export control laws and regulations.

A Compliance Officer many also be designated, by the General Counsel in writing, as an Empowered Official (EO), with the additional authority in Section 5.2 above.

While certain oversight functions may be delegated, only an Empowered Official has the power to sign paperwork and bind the university in any proceeding before DDTC, BIS, OFAC, or other government agency with export control responsibilities [22 CFR 120.25].

5.4 **Principal Investigators and Research Staff**

Rensselaer researchers are central to export control management and compliance. They work with strategically important technologies, engage foreign persons/nationals in their laboratories, and advise them on their studies. They participate in international research collaborations, conferences, and scientific and technical exchanges in the U.S. and abroad; host campus visitors; and engage in other activities that may be subject to export control.
While the PROCEDURES outlined in this Plan will assign specific responsibilities, it is essential that all researchers and staff, and especially Principal Investigators:

(a) Become familiar with export controls and export control compliance, using communications and training provided by the Institute and Export Control Office. It is not necessary to become experts, but researchers are expected to develop a basic understanding so as to know when to raise questions and alert Rensselaer to possible export control issues. Refer to Part 4 for potential ramifications for researchers and Rensselaer.

(b) Refrain from entering into any agreement applicable to their research or Rensselaer employment that defeats the Institute’s Fundamental Research Exclusion. This includes language restricting participation of foreign persons/nationals, sponsor approval of publications, non-disclosure agreements, confidentiality agreements, and ‘side bar’ agreements related to Rensselaer research.

(c) Evaluate research opportunities at the earliest stage to identify possible export control issues (especially the use or development of strategic technologies, and involvements of foreign persons/nationals as students, staff, and collaborators), flag these issues, and discuss them prior to making a proposal or any other commitment to do the work.

(d) Once the project has begun, reevaluate export control decisions as a result of changes in project scope, staffing, use of export-controlled items provided by third parties, and any other changes in project circumstances.

(e) Consult with the Export Control Office in a timely fashion to permit the time needed to evaluate the research in question and obtain any necessary licenses or authorizations.

(f) Refrain from bringing any item (commodity, technical data, or technology) or a proprietary software package obtained as part of an outside consulting assignment onto the campus or into a Rensselaer research project that is not already part of campus research or educational activities, and that may subject research or educational activity to export controls.

(g) Contact the Export Control Office if the investigator knows or becomes aware there is a high probability that an item will be used directly or indirectly in activities related to satellites, missiles, chemical/biological weapons, or sensitive nuclear activities.

(h) Coordinate with the recipient of all materials to make sure that he or she has obtained the proper importation permits.

(i) Ensure that all items sent to foreign persons/nationals, foreign entities, or foreign countries are packaged according to applicable U.S. Customs and export regulations.

5.5 Deans, Chairs, and Center Directors

Academic deans, department chairs, and research center directors are responsible to:

(a) Become and remain familiar with export control management and compliance requirements, including those presented in this EMCP.

(b) Monitor any Technology Control Plans established within their units.

(c) Notify the Export Control Office of any issues that arise with the implementation of, or compliance with, Technology Control Plans in their units.

5.6 Other Rensselaer Personnel

While this Export Control Management and Compliance Plan assigns specific responsibilities to Rensselaer personnel in several Institute portfolios, it is important to remember that, as described in Part 4, all Rensselaer and Rensselaer-related personnel are responsible for compliance with export control laws and regulations.
6. Procedures: General Requirements

The following requirements are integral to all PROCEDURES in Parts 7 and 8 of this Plan:

1. Except where labeled as “advisory,” the procedures in this Plan are required to manage exports and maintain export control compliance. Deviations may be made only with the explicit written approval of the Empowered Official in the Export Control Office.

2. Plan requirements apply to all Rensselaer and Rensselaer-related personnel as described in Part 4 of this Plan. Under the law, responsibility for export control compliance rests with individuals as well as with the Institute. Violators may be subject to criminal and administrative penalties.

3. Export control requirements are in constant flux, and the Export Control Office will issue updates and advisories to assist in implementation. Rensselaer personnel are responsible for keeping up to date with communications from the Export Control Office.

4. Procedures addresses export control issues as they are commonly encountered at Rensselaer and other technological research universities; they cannot anticipate every circumstance. Rensselaer personnel are to be vigilant for situations that, though not specifically covered in this Plan, may involve export controls.

5. Some decisions and transactions require export control approvals. As described in EMCP Sections 5.3 and 5.4, only the Empowered Official (EO) in the Export Control Office, or a Compliance Officer (CO) designated by Empowered Officer, may make application to a U.S. government agency for a Commodity Jurisdiction, a Commodity Classification (ECCN), or an Export License; issue a License Exception; or determine that the law does not apply in a given situation (License Exclusion).

6. U.S. government agency approvals can take several months. Rensselaer personnel are advised to review relevant procedures and plan well in advance of their needs. The procedures in this Plan emphasize early and continuing involvement of the Export Control Office to help researchers and other Rensselaer personnel to meet their goals, follow Institute policy and procedures, and comply with export laws and regulations.

7. Any Rensselaer community member who has reason to believe that an export control violation has occurred must notify the Export Control Office. This office will provide the appropriate Federal agency notification. Honest errors do occur and, when they do, timely reporting is essential. Such Voluntary Self Disclosure [15 CFR 764.5] does not preclude being prosecuted or fined; it may minimize severity. Failing to do so, however, will have serious repercussions for both individuals and the Institute (see Part 4).

8. Rensselaer’s Export Control Office is always available for consultation. Any Rensselaer employee, student, consultant, or volunteer is encouraged to contact the Export Control Office for guidance and assistance.
7. Procedures: Export Control Administration

7.1 Oversight and Management

A. The Export Control Office is responsible for oversight and management of Rensselaer’s export control program, including implementation of this Export Control Management and Compliance Plan (EMCP). The Export Control Office will:

1. Monitor export control developments (from the regulatory bodies) and best practices (in peer research universities) and incorporate these into Rensselaer’s export control program.
2. Provide legal advice to Rensselaer on export control requirements and compliance.
3. Review and update Rensselaer’s Export Control Management and Compliance Plan on a timely basis consistent with regulatory changes.
5. Accomplish the specific activities and responsibilities assigned to the Export Control Office by the EXPORT CONTROL ADMINISTRATION PROCEDURES in this Part of this EMCP.
6. Accomplish the specific activities and responsibilities assigned to the Export Control Office by the PORTFOLIO PROCEDURES in Part 8 of this EMCP.
7. Appoint the Empowered Official (EO) who meets the regulatory requirements [22 CFR 120.25] and is authorized and supported to accomplish the responsibilities outlined in Section 5.2 and in the specific PROCEDURES in Parts 7 and 8 of this EMCP.
8. Appoint Compliance Officers (CO) who are authorized and supported to accomplish the responsibilities outlined in Section 5.3 of this EMCP.
9. Respond to inquiries and provide assistance to the Rensselaer community in all export-related matters.

B. The Export Control Office is to have the resources to accomplish these activities. EO and COs are to be given sufficient resources and training to attain a significant degree of expertise in applicable export control regulations and processes to fulfill their training, licensing, record keeping, audit, agency notifications, and other responsibilities in this EMCP. Their training is to include, at a minimum, courses offered by the U.S. Commerce, State, and Treasury Departments related to the EAR, ITAR, and OFAC export control requirements.

C. The GENERAL REQUIREMENTS in EMCP Part 6 are incorporated into this Procedure.

7.2 Training

A. The Export Control Office is responsible for providing export management and compliance training for all Rensselaer personnel. The Export Control Office will:

1. Develop and maintain a collection of current source documents, including regulations and interpretations; lists of export-controlled items; lists of restricted entities and sanctioned countries; and relevant information, guidance, and export control decision processes.
2. Design, implement, and maintain a program of communication to the Rensselaer community, including an export control Web site (www.rpi.edu/exportcontrol).
3. Conduct at least one workshop each academic year for:
   a. Senior administration and policy makers
   b. Faculty and researchers
c. Personnel in offices charged with implementation of the EMCP

d. Other groups at their request or as identified by the Export Control Office

e. Audit follow ups

(4) Include in these workshops, at minimum, an overview of export control regulations, examples of activities that may trigger export controls, explanations of exceptions and exclusions, and updates since the last training session.

(5) Provide consultation by phone, email, or group presentations as requested.

B. Empowered Official and Compliance Officers are to have the resources and training to accomplish these activities. Their training is to include, at a minimum, courses offered by the U.S. Commerce, State, and Treasury Departments related to the EAR, ITAR, and OFAC export control requirements.

C. The GENERAL REQUIREMENTS in EMCP Part 6 are incorporated into this Procedure.

7.3 Export Licensing

Rensselaer’s Export Control Office is responsible for submitting Commodity Jurisdiction (CJ) applications, Commodity Classification (ECCN) requests, and Export License applications, as well as documenting License Exceptions and License Exclusions on behalf of Rensselaer.

A. By law, only the Empowered Official or designated Compliance Officer may submit a CJ, ECCN, or Export License application to the U.S. Department of State, U.S. Department of Commerce, U.S. Department of the Treasury or other agency as may be required for the following situations:

   (1) Export License for sharing Export-controlled or confidential information with a Foreign National or a Foreign Person. This includes the sharing of Export-controlled items, information, or services within a Rensselaer laboratory. When required, an Export License or exception determination must be issued prior to the sharing of the information with the foreign national or person.

   (2) Export License for shipping covered hardware and software outside the U.S. (EAR, ITAR, and OFAC).

   (3) Export License for Technical Assistance Agreements (TAAs) where U.S. citizens or permanent residents are providing technical service or training to Foreign Nationals or Foreign Persons where an Export-controlled Item is involved.

B. Only the Empowered Official and a Compliance Officer are authorized to issue a License Exception or License Exclusion. License Exceptions and License Exclusions must be in writing and approved by Rensselaer’s Empowered Official.

C. An appropriate time must be allowed to obtain a license prior to initiating an export. It normally takes from three to six months to secure an Export License from the BIS at the Department of Commerce. If a Commodity Jurisdiction is required, the licensing process may take an additional two months for DDTC review.

E. The GENERAL REQUIREMENTS in EMCP Part VI are incorporated into this Procedure.
7.4 Record Keeping and Retention

Export control regulations impose specific record keeping requirements on individuals involved in export transactions. The EAR specifies the transactions subject to BIS regulation [15 CFR 762.1], the documents to be retained [15 CFR 762.2], and the necessary records retention period, which is five years from the date of the export [15 CFR 762.6]. During the retention period, Rensselaer personnel may be asked to produce records and make them available for inspection by BIS or any other agency of the U.S. Government [15 CFR 762.7]. ITAR has similar requirements [22 CFR 122.5].

In response to these requirements, and for overall program management consistency, Rensselaer establishes the following procedures in order to document its commitment to, and compliance with, export control regulations; and to be prepared for any export control audit by a responsible U.S. Government agency:

A. The Export Control Office is responsible for developing and maintaining a centralized record keeping system, and communicating detailed requirements to Rensselaer personnel involved in export management activities.

B. Principal investigators, schools, departments, centers, and administrative offices charged with export management responsibilities in this Plan will:
   (1) Maintain, in their files, soft or hard copies of all export documentation for a period of five years from the date of the Export, Deemed Export, Reexport, or Deemed Reexport. Documentation is to include, at minimum [15 CFR 762.2]:
      • Export control documents as defined by EAR at 15 CFR 772
      • Memoranda, notes, and correspondence
      • Contracts
      • Invitations to bid
      • Books of account
      • Financial records
      • Documents and reports on restrictive trade practice or boycotts
      • Other records pertaining to transactions involving exports from the U.S. of export-controlled items, information, or services and any known re-exports, trans-shipment, or diversion of items exported from the U.S.
   (2) Provide to the Export Control Office original copies of records relating to export control transactions in paragraph B(1) of this section as well as decisions within Rensselaer as established in the Procedures in Part 8 of this Plan. The Export Control Office will retain these records for at least five years and comply with audit requirements (Section 7.5).

C. The Export Control Office will maintain a record of applications for Export Licenses, License Exceptions (including temporary license exceptions), License Exclusions, Technology Control Plans, TCP Certifications, and other documents conveying Export Office approvals for a period of at least five years. This record is intended to comply with the audit requirements (Section 7.5). Additional record keeping requirements are included in each Procedure in Part 8 of this Plan.

D. The GENERAL REQUIREMENTS in EMCP Part 6 are incorporated into this Procedure.
7.5 Audit

A. Internal Audits: In order to maintain Rensselaer’s export compliance program and ensure consistent adherence to U.S. export laws and regulations, the Export Control Office may conduct internal reviews of export-related transactions and documents, e.g., research agreements, non-disclosure and other confidentiality agreements, inter-institutional agreements (IIA), intellectual property disclosures, compliance with conditions detailed in Technology Control Plans (TCP), and documents associated with personnel appointments and arrangements, purchasing, shipping, travel, etc. The purpose of the reviews is to identify possible violations as well as deficiencies in training, procedures, etc., that can be rectified.

(1) Should an infraction of the law exist, the Export Control Office will notify the appropriate agency to comply with “full disclosure” per regulations. Working with all involved, the Export Control Office will develop an appropriate course of action to bring the effort into compliance. Though errors do occur and could have serious consequences, gross negligence and willful intent are punishable. Violations are civil and criminal, punishable by fines and jail time.

(2) Any deficiencies noted in internal audits will be incorporated into updating the compliance program.

B. External Audits: The Export Control Office will coordinate Institute participation in, and response to, audits or audit inquiries by agencies with export control responsibilities.

C. Any Rensselaer personnel receiving an audit inquiry or notice from an agency with export control responsibilities are to contact the Export Control Office, who will coordinate Institute response and participation as outlined in paragraph 7.5B above.

D. The GENERAL REQUIREMENTS in EMCP Part 6 are incorporated into this Procedure.

7.6 Violations

A. All Rensselaer personnel are to report any violations of export control regulations to the Export Control Office as soon as they are discovered. Refer to Part 4 for possible ramifications to the researcher and Rensselaer.

B. The Empowered Official in the Export Control Office will provide appropriate notifications to the BIS, DDTC, OFAC, or other cognizant export control agency.

C. The GENERAL REQUIREMENTS in EMCP Part 6 are incorporated into this Procedure.
8. Procedures: Institute Portfolios

8.1 Research Proposals and Awards

Export control decisions are made at every stage of research projects, beginning with review of solicitations, proposals, and awards; continuing through conduct of the work; and concluding with project close-out, record keeping, and record retention.

Scope and Applicability

A. All research and scholarly activity at Rensselaer is subject to export laws and regulations and, thus, subject to the requirements of this Export Control Management & Compliance Plan. This includes, but is not limited to:
   (1) Sponsored research (through Research Administration & Finance).
   (2) Gift-based research (through the Development Office).
   (3) Research undertaken as part of an Engineering Research Center (ERC), Center for Advanced Technology (CAT), cooperative university-industry programs, consortium arrangements, consulting agreements, and “master agreements” covering multiple projects.
   (4) Research undertaken pursuant to Memoranda of Understanding (MOU), Technology Transfer Agreement (TTA), CDA, MTA, IIA, and similar types of agreements (e.g., ATP, SBIR, STTR).
   (5) Research involvements with foreign countries.
   (6) Research undertaken without a written agreement between Rensselaer and a sponsor.

B. While all Rensselaer personnel are responsible for export control compliance, research investigators assume the responsibilities in Section 5.4 of this Plan as well as the specific responsibilities assigned by the PROCEDURES in Part 8 of this Plan.

Solicitations, Proposals, and Awards

C. Research solicitations, proposals, and awards will be reviewed for compliance with export control regulations:
   (1) Solicitations: Where proposals are contemplated in response to a Request for Proposal (RFP), Request for Quotation (RFQ), Broad Agency Announcement (BAA), or other form of solicitation, the principal investigator (PI) works with Research Administration & Finance (RA&F) to review these documents to help identify apparent and potential export control issues.
   (2) Proposals: As part of the Institute’s proposal processing and approval process, the PI works with RA&F to assess proposals for apparent and potential export control issues.
   (3) Awards and agreements: As part of the Institute’s research award processing and approval process, RA&F reviews proposed research contracts, awards, grants, and sub-agreements, independent of the source, for apparent and potential export control requirements

These reviews are intended to assist researchers in assessing the impact of export controls on project scope, staffing, work plan, equipment usage, schedule, and budget should the investigator and the Institute choose to respond to a solicitation, submit a proposal, or accept an award.

Of particular import are factors such as:
- Restrictions on publication and dissemination of research results.
- Restrictions on the participation of Foreign Nationals or Foreign Persons in the research, including their access to facilities and information.
- Third-party provision of confidential, proprietary, or restricted information.
- Involvement of foreign sponsors or collaborators; communications and transactions with U.S. sanctioned and embargoed countries; and travel, shipping, or work to be performed outside the U.S.
- The potential for using or creating Export-controlled items, materials, information, software, data, technology, and technical assistance as part of the research; the consequent need to apply for Export Licenses or License Exceptions, Commodity Jurisdictions, Commodity Classification (ECCN) determinations, or other U.S. government approvals; and the implications of these activities for project schedule and budget.
- Military and space applications of project results.
- Funding from the Department of Defense, NASA, or other agency with military and space missions and programs.
- References to export laws and regulations (beyond a simple statement to comply with the law).

D. The Export Control Solicitation, Proposal, and Award Checklist (Appendix C) is used to guide each of these reviews, document apparent and potential export control requirements, and record Institute approvals. Because research requirements and plans may change, a new Checklist is completed at each step of the solicitation, proposal, and award review process. The Export Control Office is available for assistance throughout.

E. Generally RA&F will delete proposal or contract award language that acts to restrict publication and dissemination of research results so as not to endanger Rensselaer’s Fundamental Research Exclusion (FRE) as well as other export control requirements that are not material to the success of the research. Similarly, RA&F will attempt to negotiate such language and requirements out of research awards and agreements. Any remaining export control requirements in proposals and agreements must be approved, in writing, by the Export Control Office.

F. The Export Control Office will screen the Restricted Parties and Sanctioned Countries Lists (Appendix D) for all project personnel, subcontractors, vendors, and other entities named in research proposals and agreements. Any individual or entity identified in this screen is discussed with the PI and, if possible, negotiated out of the project. Any identified party or entity remaining in a proposal or in an agreement must be approved, in writing, by the Export Control Office.

G. If the sponsor is providing confidential, restricted, or proprietary information and/or Export-controlled items, Rensselaer will ask the sponsor to describe these items in detail, including their nature, Commodity Jurisdiction (CJ), and Commodity Classification (ECCN). If an Export License is required, the sponsor will be requested, as part of its responsibility for transferring the information, to apply for the appropriate license for affected members of Rensselaer’s research team.

H. Together with RA&F, the Export Control Office works with both the PI and the project sponsor to explore reasonable avenues for ameliorating or eliminating export control requirements. It may be possible to reframe the project to fit the requirements for Fundamental Research; avoid Export-controlled items, information, and services; redefine exchanges of technical information within the project team; etc. Sponsor negotiations may involve both program and compliance personnel at the sponsor; for government contracts, the latter will prevail in agency decision-making. The Export Control Office will keep the PI informed of the status of negotiations with the sponsor as well as potential changes on the project.
I. Where necessary, the Export Control Office will apply to the appropriate U.S. government agency for a Commodity Jurisdiction (CJ), Commodity Classification (ECCN), and/or Export License; issue a License Exception; or make a determination that export control regulations do not apply (License Exclusion). The PI should keep in mind that U.S. government applications and approvals may take several months.

J. Where active control of exports is required, the PI is required to assist with the development of a Technology Control Plan (TCP) (Appendix F) and execute a TCP Certification (Appendix G) as outlined in Section 8.2 of this Plan. These documents must be approved by the Export Control Office before Rensselaer can accept a sponsored research agreement.

K. When a research award is accepted, and regardless of the outcome of the reviews above, the principal investigator will receive a PI memo (Appendix E) describing export controls.

L. Any changes or amendments to the project agreement, project scope of work, or project staffing are to be evaluated for export control requirements following the procedures, approvals, and documentation requirements above.

Project Administration

M. Where a Technology Control Plan is required, Researchers are to conduct export-related project activities in accord with the approved TCP (Section 8.2) and be able to demonstrate compliance in accord with the TCP when an internal or outside audit (Section 7.5) is conducted.

N. As the research project or scholarly activity progresses, the PI and other Rensselaer personnel engaged in the work are to screen their daily activities for export control requirements not foreseen and addressed at the start of the project, including:
   (1) Changes in the project team, including employees, visiting scientists, fellows, students, and outside collaborators (EMCP Sections 8.3 and 8.4).
   (2) Student research and thesis supervision associated with project activities (Section 8.5).
   (3) Information technology and software development (Section 8.6).
   (4) Intellectual property and technology transfer (Section 8.7).
   (5) Purchasing and receiving (Section 8.8).
   (6) Shipping (Section 8.9).
   (7) Travel outside the U.S., including taking materials, specimens, laptops, and other electronic devices abroad. As outlined in Section 8.10, this includes submitting a travel itinerary and CBP Form 4457 to the Export Control Office.
   (8) International collaborations, conferences, and scientific/technical exchanges (Section 8.11).
   (9) Hosting international visitors (Section 8.12) or performers and artists (Section 8.13).
   (10) Any other activities that raise export control Red Flags.

O. Prior to transferring/sharing Export-controlled Items, materials, information, software, Technical Data, Technical Assistance, or Technology with Foreign National or Foreign Persons, the PI must establish that:
   (1) The Item, information, or service is excluded from export control regulations because it is in the Public Domain (Publicly Available Information), is Educational Information, and/or is the result of Fundamental Research, or
(2) The recipient is eligible to receive the item, information, or service under the export control regulations AND an Export License has been received from the appropriate U.S. government agency, or that a License Exception or License Exclusion has been granted by the Export Control Office.

The Decision Trees (Appendix H) can be used for guidance in determining if an Export License is required. The Export Control Office is available for assistance on any project management issue relating to apparent or potential export controls.

P. To comply with export control regulations (see Section 7.4), all documentation developed as part of proposal review and submission; award review, negotiation, and acceptance; contract changes and amendments, and export control transactions and decisions during the project must be retained for a period of five years following the close-out of the project. Principal investigators must provide the Export Control Office with original copies of records, including hard and soft copies of memoranda, notes, and e-mail messages. The Export Control Office will retain these records for at least five years.

Q. The GENERAL REQUIREMENTS in EMCP Part 6 are incorporated into this Procedure.

8.2 Technology Control Plans

Where active control of exports or re-exports (deemed or otherwise) is required, a Technology Control Plan details the methodology as to how the Export-controlled items, information, and services will be restricted from any means of transfer to an unlicensed Foreign National or Foreign Person.

A. When Research Administration & Finance and the Export Control Office determine that export controls apply to a project, the Export Control Office works with the principal investigator to develop and implement a Technology Control Plan (TCP).

B. A Technology Control Plan provides a commitment to export controls compliance and includes:
   1. Identification of the relevant Export-controlled Items, including commodities, software, Technical Data, Technical Assistance, Defense Articles, Defense Services, and Technology as defined in the export control regulations.
   2. Identification of the project, sponsor(s), principal investigator, co-PIs, and each individual participating in the project.
   3. Identifications of the location(s) of the Export-controlled items.
   4. Identification of personnel authorized to use the Export-controlled items.
   5. Plans for item security, including measures to identify and mark Export-controlled items.
   6. Plans for personnel security, including measures to identify authorized personnel and track their access to designated areas.
   7. Plans for physical security, including measures to secure facilities, shield equipment and manuals from view, schedule facilities to avoid unauthorized access, etc.
   8. Plans for information security, including measures to secure controlled electronic information.
   9. Plans for conversation security, including measures to limit discussions to authorized personnel and only in areas where unauthorized personnel are not present.
   10. Export control training for all individuals associated with the project, e.g., PI, research staff, graduate students, and building maintenance is required. Certification of training received is required.
   11. Security measures for and following project termination.
Appendix F provides a Technology Control Plan template, including some examples of physical, information, item, and personnel security.

C. The Technology Control Plan must be signed by the principal investigator and any co-PIs, the department chair or center director, and Rensselaer’s Empowered Official in the Export Control Office.

D. The principal investigators and any co-PIs must sign and submit a TCP Certification (Appendix G) to the Export Control Office. This TCP Certification must be approved by the Export Control Office before Rensselaer will accept a research award/agreement requiring a Technology Control Plan, or if after the award, before an unauthorized Foreign National or Foreign Person can gain access to the information or area.

E. Before any other individual may observe or access Export-controlled items, information, or services, that individual must:
   (1) Be briefed on export control requirements under the applicable regulations;
   (2) Be briefed on the procedures authorized under the TCP;
   (3) Certify his or her agreement to comply with all security measures outlined in the TCP by completing and signing a TCP Certification (Appendix G); and
   (4) Receive approval of the Empowered Official or the Compliance Officer in the Export Control Office.

F. To comply with export control regulations (see Section 7.4), copies of approved Technology Control Plans and TCP Certifications, together with supporting documentation, are to be retained in the PI, RA&F and Export Control Office project files for five years following project close-out. Records are required to be available for internal or outside third party audit.

G. The GENERAL REQUIREMENTS in EMCP Part 6 are incorporated into this Procedure.

8.3 Human Resources

The Division of Human Resources (HR) is responsible for the hiring of all regular, temporary, and fixed-term exempt and nonexempt employees, including faculty, researchers, and staff. HR helps Rensselaer comply with federal regulations pertaining to employment of foreign nationals/persons in certain visa classifications. The HR Policy Guide, Rensselaer Employee Handbook, and Rensselaer Faculty Handbook outline Rensselaer’s personnel policies and practices for all employees, including foreign Nationals and Foreign Persons.

A. As part of the hiring process, HR identifies each potential hire either as a U.S. Person or as a Foreign National (or Foreign Person).

B. As part of the hiring process, the Export Control Office will review project assignment or area of proposed technical responsibility; assess export control compliance requirements related to Commerce Control List (CCL) and U.S. Munitions List (USML) categorization and associated country restriction and licensing requirements; and screen the prospective Foreign National or Foreign Person against Restricted Parties and Sanctioned Countries Lists (Appendix D). The Compliance Officer (CO) in the Export Control Office discusses any individuals identified in this screen with the hiring supervisor (and the HR manager as appropriate) to review export control management
responsibilities. If an Export License is required from BIS, DDTC, OFAC, and/or other agency, the Export Control Office applies for it, a process that may take several months. A Foreign National or Foreign Person may not work on, participate in, or observe any discussion relating to any project involving export control until an Export License is received, or a License Exception or License Exclusion is granted by the Export Control Office.

C. If a potential hire is a nonimmigrant coming to the United States temporarily to perform services or labor or to receive training, HR is responsible for filing Form I-129, Petition for Non-immigrant Worker, and certify whether an Export License is required. The PI or hiring manager must complete the Initial Questionnaire: Export Control Assessment (Appendix I) that provides the information needed to assist the Export Control Office in its assessment of the Foreign National or Foreign Person with respect to all compliance requirements under export control regulations. This assessment also provides the Empowered Official in the Export Control Office with the information needed to approve or disapprove executing Part 6 of the I-129.

D. To comply with export control regulations (see Section 7.4), HR must retain all records associated with the appointment and approval of employees who are Foreign Nationals or Foreign Persons, including the Restricted Parties and Sanctioned Countries Lists screen, U.S. government agency transactions, and communications with the Export Control Office, for a period of five years. Records are required to be available for internal or outside third-party audit.

E. The GENERAL REQUIREMENTS in EMCP Part 6 are incorporated into this Procedure.

8.4 International Students, Scholars, and Visitors

Among its responsibilities, the Office of International Services for Students and Scholars (ISSS) helps Rensselaer comply with Federal regulations, including export controls, pertaining to international students, scholars, and visitors. Rensselaer may be required to apply for an Export License before admitting the student or inviting the scholar or visitor. In some cases, Rensselaer may be compelled to deny admission or invitation based on export control laws and regulations.

A. This procedure applies to all international students (F visas) and international scholars (J visas) sponsored by Rensselaer. See Section 8.12 for international visitors (B visas or without visas) coming to Rensselaer, self-invited or Institute-invited, for business conferences, seminars, lab visits, inspection tours, corporate and foundation partnership discussions, multicultural presentations, or other purposes. See Section 8.13 for international performers and artists invited to Rensselaer by the Experimental Music and Performing Arts Center (EMPAC).

B. As part of the admission process for international graduate students, the Export Control Office will:
   (1) Review proposed project assignments or areas of technical responsibility for export control responsibilities related to the Commerce Control List (CCL) and the U.S. Munitions List (USML) as well as associated restrictions and licensing requirements related to country of birth/citizenship.
   (2) Screen the applicant against the Restricted Parties and Sanctioned Countries Lists (Appendix D). Any individual identified in this screen is discussed with the requesting department and the PI to review the applicant’s export control responsibilities.
   (3) Terminate the application if the student presents an uncontrolled risk to the PI or Rensselaer.
   (4) Apply for an Export License or License Exception, if required. Depending on the U.S. government agency involved, this process may take several months.
C. ISSS will not issue the necessary student visa documentation (I-20) without Export Control Office approval.

D. This process is repeated when international graduate students join research projects and/or begin their independent research (see Section 8.5).

E. Departments and centers request international scholars through a process managed by ISSS. As part of this process, the department or center completes an application for DS-2019 as well as an Initial Questionnaire: Export Control Assessment (Appendix I), which ISSS then submits to the Export Control Office. These forms provide essential information about the scholar, start date, and the scholar’s duties at Rensselaer, including:

1. Description of research project or scholarly activity.
2. Expected outcomes and prospects for commercialization.
3. Confidentiality aspects.
4. Facilities and equipment to be used in the work, including those in other researchers’ laboratories.
5. Existence of Technology Control Plans (TCPs) in the laboratories or department.
6. Any other export control Red Flags.

F. As part of the international scholar process, the Export Control Office will:

1. Review proposed project assignments or areas of technical responsibility for export control responsibilities related to the CCL and USML as well as associated restrictions and licensing requirements related to country of birth/citizenship.
2. Screen the international scholar applicant against the Restricted Parties and Sanctioned Countries Lists (Appendix D). Any individual identified in this screen is discussed with the requesting department and the PI to review the applicant’s export control responsibilities.
3. Review the DS-2019 application and supporting documentation to assure that all export control requirements will be met if the international scholar is appointed.
4. Terminate the application if the scholar presents an uncontrolled risk to the PI or Rensselaer.
5. Apply for an Export License or License Exception, if required. Depending on the U.S. government agency involved, this process may take several months.

G. ISSS will not issue the necessary visiting scholar visa documentation (DS-2019) without Export Control Office approval.

H. Once at Rensselaer, the international student or scholar may not observe, discuss, or participate in any activities relating to any research involving export controls until an Export License is received by Rensselaer, or a License Exception or License Exclusion is granted by the Export Control Office.

I. It is the department or center’s responsibility to assure that export controls, including the requirements of a Technology Control Plan (TCP), are met during the stay of an international student or scholar. The department or center must notify ISSS and the Export Control Office of any changes in the information provided on the DS-2019, the Initial Questionnaire: Export Control Assessment (Appendix I), or other information initially provided to the Export Control Office.

J. To comply with export control regulations (see Section 7.4), ISSS must retain all records associated with the appointment of international students, scholars, and visitors, including invitation and sponsor letters, visa information, DS-2019 applications, and transactions and communications with
the Export Control Office, for a period of five years. Records are required to be available for internal or outside third party audit.

K. The GENERAL REQUIREMENTS in EMCP Part 6 are incorporated into this Procedure.

8.5 Student Research and Thesis Supervision

While at Rensselaer, an international student (admitted with an F visa) may become involved with a research project or piece of scholarly activity through opportunities such as the following: student employment through a department or research center; registration in an independent study or readings course; participation in the Undergraduate Research Program or other research program through a school, department, or the Office of Undergraduate Education; or assignment to a faculty member for graduate study or doctoral research under the aegis of the Office of Graduate Education.

A. It is the responsibility of the faculty supervisor to assess whether there is any research or scholarly work in the laboratory or project area where the international student will work that involves Export-controlled items, information, or software that fall under the EAR or ITAR regulations. If this is the case, the faculty supervisor must notify the Export Control Office. The Export Control Office will:

(1) Review proposed project assignments or areas of technical responsibility for export control responsibilities related to the Commerce Control List (CCL) and the U.S. Munitions List (USML) as well as associated restrictions and licensing requirements related to country of birth/citizenship.

(2) Screen the applicant against the Restricted Parties and Sanctioned Countries Lists (Appendix D). Any individual identified in this screen is discussed with the requesting department and the PI to review the applicant’s export control responsibilities.

(3) Apply for an Export License or License Exception, if required. Depending on the U.S. government agency involved, this process may take several months.

B. An international student may not observe, participate in discussions (department seminars, department research review, interchange between students, etc.), or work on any project involving export control until an Export License is received or the Export Control Office determines that a License Exception or License Exclusion is applicable.

C. An international student, once authorized under paragraph 8.5B, may not observe, participate in discussions, or work in a laboratory or facility for which a Technology Control Plan (TCP) is in place without training and until a TCP Certification (Appendix G) has been executed and approved by the Export Control Office.

D. It is the responsibility of the faculty supervisor to screen the international student’s continuing activities for any changes in the work that may involve an Export, Deemed Export, Reexport, or Deemed Reexport as a result of changes in project circumstances, including those such as the following:

(1) Information technology and software development (Section 8.6).

(2) Intellectual property and technology transfer (Section 8.7).

(3) Purchasing and receiving (Section 8.8).

(4) Shipping (Section 8.9).

(5) Travel outside the U.S., including bringing materials, specimens, laptops, and other electronic devices (Section 8.10).

(6) International collaborations, conferences, and scientific/technical exchanges (Section 8.11).
(7) Hosting international visitors (Section 8.12) or performers and artists (Section 8.13).
(8) Any other activities that raise export control Red Flags.

E. To comply with export control regulations (see Section 7.4), the faculty supervisor must retain all records associated with the assignment of international students to research activities, including transactions with the Export Control Office, for a period of five years. Records are required to be available for internal or outside third party audit.

F. The GENERAL REQUIREMENTS in EMCP Part 6 are incorporated into this Procedure.

8.6 Information Technology and Software

Software developed by Rensselaer personnel may be subject to export controls under the International Traffic in Arms Regulations (ITAR) and the Export Administration Regulations (EAR):

- The sharing, shipping, transmission, or transfer of software or encryption software in either source code or object code that is specifically designed or developed for a military, intelligence, or space application is subject to ITAR.

- The sharing, shipping, transmission, or transfer of almost all Dual-Use software or encryption software, in either source code or object code, is subject to the EAR. Some commercial software (as well as hardware items) may be encrypted and therefore require an Export License before the source code or object code can be transmitted, transferred, or posted.

Encryption software and hardware present a special export challenge. Encryption can be used to maintain the secrecy of information, and thus may be used by persons abroad to harm U.S. national security, foreign policy, and law enforcement interests. The United States has a critical interest in ensuring that important and sensitive information of the public and private sector is protected. Consistent with its international obligations as a member of the Wassenaar Arrangement, the United States has a responsibility to maintain control over the Export and Reexport of encryption items. Exports and Reexports of software and hardware are controlled because of this functional capacity to encrypt information, and not because of any informational or theoretical value that such software may reflect, contain, or represent—or that its Export or Reexport may convey to others abroad. In addition, some countries will not allow the importation of encrypted software or hardware containing embedded encrypted functions prior to granting approval.

A. Export control requirements and procedures apply to all Rensselaer personnel developing software and encryption software, including:
   (1) Researchers, as part of sponsored research projects.
   (2) Researchers using software with accessible encryption source code.
   (3) Faculty, students, and staff as part of their scholarly activities.
   (4) Software developers in departments, centers, and administrative offices.
   (5) Developers, installers, and managers in the Division of the Chief Information Officer with responsibilities for encrypted software and hardware with encrypted software.

B. Software relating, directly or indirectly, to proliferation of nuclear explosive devices, missiles, and chemical or biological weapons is Export-controlled [15 CFR 734.5], and the researcher or developer must contact the Export Control Office, who will apply for an Export License. There is no assurance that a license will be granted.
C. Under EAR, it may not be possible to Export or Reexport commercial and Dual-Use software involving encrypted source code or object code, as well as hardware and components that employ encrypted software, without an Export License or License Exception. The criteria for identifying types and levels of encryption are very detailed and very complex. EAR controls also apply to foreign-made software or commodities incorporated into Rensselaer-developed software and hardware. EAR may also control where and to whom encryption software and hardware may be exported. Given these complexities:

(1) Rensselaer personnel planning to share encryption software or hardware must contact the Export Control Office before releasing these items to any Foreign National or foreign entity, including posting to a publicly-available Web site.

(2) The Export Control office will work with the researcher or developer to establish if and how the EAR regulations, and possibly other export controls, apply.

(3) If necessary, the Export Control Office will apply for an Export License or the applicable License Exception. Rensselaer may need to apply to BIS at the U.S. Department of Commerce for an encryption classification under License Exception ENC. BIS, in conjunction with other agencies, reviews applications on a case-by-case basis to determine whether the Export or Reexport is consistent with U.S. national security and foreign policy interests.

(4) EAR-controlled encryption software may not be posted, uploaded onto a publicly-available Web site, or otherwise shared with a Foreign National until Rensselaer has received the necessary agency approvals or the Export Control Office has determined that export control regulations do not apply.

D. Commercial and Dual Use software developed at Rensselaer, which does not require an Export License or License Exception under Section 8.6C above, is excluded from EAR export control as Publicly Available Software and Technology [15 CFR 734.3(b)(3)] if the software is already published (Publicly Available Information), is the product of Fundamental Research (Fundamental Research Exclusion), or is used in Institute courses (Educational Information).

To maintain Rensselaer’s Fundamental Research Exclusion, researchers and software developers must upload Rensselaer-generated code onto a publicly-available Web site as soon as possible. The code must be freely downloadable by all interested members of the scientific community and without Rensselaer’s knowledge of where or by whom the code is being downloaded; that is, access to the code must not include login requirements or other password or authentication procedures.

E. Under ITAR, software included on the U.S. Munitions List [22 CFR 121.1(a)] cannot be shared with a Foreign Person unless the code is already published or otherwise in the Public Domain. Researchers and software developers follow the public posting process described in Section 8.6D.

F. Personnel in the Division of the Chief Information Officer, as well as in any department or center planning new hardware or software installations for campus access, must contact the Export Control Office, particularly where access to encrypted source codes is possible. An Export License or License Exception may be required before providing access or assistance to Foreign Nations or Foreign Persons.

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4 See http://www.bis.doc.gov/encryption/
G. To comply with export control regulations (see Section 7.4), all communications and transactions regarding Export-controlled software and hardware, including applications, e-mail messages, URLs, Export Licenses, and License Exceptions, must be retained for five years. Records are required to be available for internal or outside third party audit.

H. The GENERAL REQUIREMENTS in EMCP Part 6 are incorporated into this Procedure.

8.7 Intellectual Property and Technology Transfer

Invention disclosures and patent applications (both provisional and non-provisional) contain confidential technical data and, possibly, information that enables design, development, production, and use of the invention. Given the confidential restriction on dissemination of a potentially patentable idea, invention disclosures and patent applications fall under export control regulations of the BIS, DDTC, and the U.S. Patent and Trademark Office (PTO). They may not be shared, transferred, transmitted, or otherwise disclosed to a Foreign National or Foreign Person without an Export License or License Exception until the information has been published by the United States PTO, which is usually 18 months following the PTO’s Priority Date.

U.S. PTO regulations provide for the export to a foreign country of unclassified technology in the form of a patent application or an amendment, modification, or supplement [37 CFR 5]; and under the Export Administration Act, the U.S. Department of Commerce Bureau of Industry and Standards has delegated authority to approve such Exports and Reexports to the United States PTO. Exports and reexports of such technology not approved under PTO regulations must comply with the EAR.

Technology may be licensed to a foreign-owned or foreign-controlled company or other entity if such a license enables the United States to realize economic, environmental, and societal benefits of the technology.

A. Upon receipt of an invention disclosure, Rensselaer’s Office of Technology Commercialization (OTC) (or, by administrative oversight, the Office of Intellectual Property, Technology Transfer and New Ventures) is responsible for evaluating the disclosure for applicability under export control regulations. This evaluation must be done by U.S. Persons; no Foreign National or Foreign Person may be involved in the assessment. If it is necessary to apply for a Commodity Jurisdiction (CJ) or Commodity Classification (ECCN) in order to make the determination, OTC will work with the Export Control Office, who will make the necessary applications to the appropriate U.S. government agencies.

B. A patent (provisional or non-provisional) application that contains Export-controlled items, information, software, or technology may not be filed with a foreign patent office without first having obtained an Export License or first filing with the U.S. PTO.

C. A Non-Disclosure Agreement (NDA) for sharing disclosure and pre-publication of a patent application information, as well as developing an NDA for “shopping” an unpublished invention to potential developers or investors, may create an export control violation. OTC will work with the Export Control Office to determine the appropriate compliance steps required prior to dissemination of the information subject to the NDA to a potential client.

D. OTC will work with the Export Control Office on any proposed technology licensing to a foreign-owned or foreign-controlled entity to assure that export control requirements are met. Foreign
entities are to be screened by the Export Control Office against the Restricted Parties and Sanctioned Countries Lists (Appendix D) prior to initiating a detail transfer of confidential and export control information.

E. If OTC and the Export Control Office determine that export controls apply to an invention disclosure, patent application, NDA, or technology licensing activity, the Export Control Office works with OTC to:
   (1) Apply for any necessary Export License or License Exception.
   (2) Undertake a Restricted Parties and Sanctioned Countries Lists screen (Appendix D).
   (3) Develop a Technology Control Plan (TCP) to secure the controlled technology from access by unlicensed Foreign Nationals or Foreign Persons, and require TCP Certifications, as outlined in Section 8.2.

F. If the Office of Technology Commercialization employs or engages a Foreign National or Foreign Person to be involved in a disclosure assessment, a TCP and TCP Certification will be executed. All incoming disclosures will be assessed with respect to export control compliance, and if required, the Export Control Office will apply for an Export License. This license must be received before any Rensselaer personnel (including PI, researchers, and OTC staff) or the inventor shares any aspect of the invention disclosure or patentable idea, item, technology, data, software, etc. with the OTC Foreign National or Foreign Person.

G. To comply with export control regulations (see Section 7.4), all communications and transactions related to invention disclosures, patent applications, NDA agreements, and technology licensing involving foreign individuals and entities must be retained for five years. Records are required to be available for internal or outside third party audit.

H. The GENERAL REQUIREMENTS in EMCP Part 6 are incorporated into this Procedure.

8.8 Purchasing and Receiving

Rensselaer personnel procure and receive goods, software, information, and services in the course of their everyday work.

A. Export control regulations apply to all Rensselaer personnel, including researchers; school, department, and research center staff; as well as to the purchase of equipment, software, and services by the Division of Chief Information Officer and other administrative offices.

B. A requisition for the purchase of goods and services is to:
   (1) Describe the item or service at a level sufficient for Procurement Services to determine whether it is controlled by EAR, ITAR, or other export regulation.
   (2) Include an EAR Commodity Classification number (ECCN), if known to the requestor.
   (3) Identify the proposed vendor(s) at a level sufficient for Procurement Services to conduct a Restricted Parties and Sanctioned Countries Lists screen (Appendix D).
   (4) Identify how the purchased item or service will be used and where it will be used.
   (5) Identify who will use the purchased item or service, and if there are multiple users, the various aspects of each Foreign National or Foreign Person “use” as required by EAR [15 CFR 772.1].
   (6) Reference any applicable sponsored research agreement.

C. Procurement Services will review the purchase requisition for export control compliance by:
(1) Screening the requested item or service against the EAR (Commerce Control List), ITAR (United States Munitions List), and other relevant regulating agency lists.
(2) Conducting a Restricted Parties and Sanctioned Countries Lists screen (Appendix D) on vendors and users for foreign-acquired equipment and "de minimis U.S. content" [15 CFR 734.4].
(3) Requesting that vendors supply the Commodity Classification (ECCN) of all items quoted, whether the assigned ECCN was “self classified,” and export controls, if any, placed on their goods and services.

If problematic issues or other Red Flags arise in these processes, Procurement Services will notify the Export Control Office.

D. Prior to placing a purchase order or committing to services, the Export Control Office must provide approval if:
(1) The requested vendor is a foreign individual, entity (university, business, society, etc.), or government.
(2) The requested item or service will be imported from a foreign country.
(3) The requested item or service imported from a foreign country contains U.S. technology and “de minimis” U.S. content.
(4) The requested item will require active export control once in use at Rensselaer, e.g., application for a Commodity Jurisdiction (CJ) or Commodity Classification (ECCN), application for Export License or License Exception, and/or a Technology Control Plan and TCP Certifications.
(5) The requested item or service is already Export-controlled and, thus, will require export control once in use at Rensselaer.

E. Items, software, information, and services are sometimes received from sponsors, vendors, research collaborators, or other third parties without being purchased by Rensselaer. In these cases, it is the receiver’s responsibility to assure that these items are not already Export-controlled or that, once in use at Rensselaer, they will be subject to export controls. The Decision Trees (Appendix H) will help in this assessment, and the Export Control Office is available for assistance.

F. Before Rensselaer will agree to accept delivery of an Export-controlled item or service:
(1) A Technology Control Plan (TCP), as outlined in Section 8.2, must be in place to secure the item or service from access by unlicensed Foreign Nationals or Foreign Persons.
(2) The requestor must agree to comply with all security measures outlined in the TCP by completing and signing a TCP Certification, as outlined in Section 8.2.
(3) Any chemical, bio-controlled, radiological, or other hazardous materials or select agent must also meet Rensselaer requirements for receiving, inventory, and use.

G. In anticipation of expected stricter interpretations of EAR and ITAR regulations, the Administration Division will:
(1) Review all Procurement Services policies and practices to assure compliance with export control regulations.
(2) Explore the development of a system to identify how an Export-controlled item will be added to the Rensselaer property administration system and assigned to the Rensselaer space inventory, as well as best methods for notifying employees, researchers, faculty, and students.

H. To comply with export control regulations (see Section 7.4), all communications and transactions regarding purchase requisitions, purchase orders, receiving reports, Export Licenses, License
Exceptions, Technology Control Plans, TCP Certifications, and related transactions must be retained for five years. Records are required to be available for internal or outside third party audit.

I. The GENERAL REQUIREMENTS in EMCP Part 6 are incorporated into this Procedure.

8.9 Shipping outside the U.S.

The U.S. Customs and Border Protection agency of the Department of Homeland Security has export and import jurisdiction over all items, software, and information, unless some other agency has expressly been given such authority. The shipment of tangible Items, transmission of software code, and transfer of technical information outside United States borders may constitute an Export, Deemed Export, Reexport, or Deemed Reexport under the Export Administration Regulations or other agency export control regulations.

A. To determine whether it is necessary to obtain an Export License or a Commodity Classification (ECCN) from the Department of Commerce Bureau of Industry and Security, or other relevant federal agency, to send Export-controlled items, software, or information outside the U.S., researchers or other personnel preparing the shipment, transfer, or transmittal:

1. The shipper must determine if the item, software, or information is excluded from export control regulations because it is the result of Fundamental Research and the results are to be published; is Educational Information; is Publicly Available Information (is in the Public Domain); or is Publicly Available Technology and Software.

2. If the shipment is not covered by one of these exclusions, provide the Export Control Office with a description of the Item, software, or information; technical characteristics and specifications; destination; end user; and intended end use.

3. Exports must not only comply with U.S. export regulations but also comply with import regulations and customs of the country to which the shipment is being made. It is recommended that, prior to exporting, the exporter obtain an End Use Certificate and file an export declaration. The Export Control Office can assist the exporter with complying with export clearance requirements of the Bureau of Census Foreign Trade Statistics Regulations (FTSR) [15 CFR 30] and the U.S. Customs Service recognition that officials of BIS, the Office of Export Enforcement, the U.S. Customs Service and postmasters, including post office officials, are authorized and directed to take appropriate action to assure compliance with the EAR [15 CFR 758.7].

The Decision Trees in Appendix H will help determine whether an Export License is required. If an Export License is required or indicated, the researcher must contact the Export Control Office before initiating the shipment, transfer, or transmittal. The Export Control Office will evaluate the shipment and make a determination as outlined in Section 8.9C.

B. Departments, centers, and administrative offices with Federal Express, UPS, DHL, or other shipping accounts must contact the Export Control Office before shipping to international destinations. Departments must provide a full description of the item(s) to be shipped, Commerce Clearing List ECCN designation, the name of the shipper, the name of the person or company to receive the shipment, and the destination country. The Export Control Office may request additional information. The Export Control Office will evaluate the shipment and make a determination as outlined in Section 8.9C. It is important to remember that the PI, researcher, student, or other Rensselaer person shipping internationally is considered the Principal Party in Interest (PPI) with respect to shipping documents [15 CFR 758.3(a)].
C. The Export Control Office will evaluate potential shipments, transfers, and transmittals outside the U.S. for export control compliance. Using information provided by the exporter, this office will:

1. Conduct a Restricted Parties and Sanctioned Countries Lists screen (Appendix D) on the intended recipient(s).
2. If appropriate, provide a written determination that a License Exception or a License Exclusion applies, and the appropriate document markings are furnished.
3. If required, apply for a Commodity Jurisdiction (CJ), Commodity Classification (ECCN), or an Export License to the appropriate U.S. Government agency, a process that may take several months.

D. If an Export License or other U.S. Government agency action is required, the shipment, transfer, or transmittal may not be initiated until these have been received by Rensselaer, and the Export Control Office has given its approval.

E. Exporting requires reasonable care in checking the safety and purpose of the items being exported. Exports must not only comply with U.S. export regulations but also comply with import regulations and customs of the country to which the shipment is being made as noted in Section 8.9A.

F. Rensselaer personnel must consult other requirements in this EMCP if:

1. The transmittal includes encryption software (Section 8.6).
2. They are planning to carry items, information, or software outside the United States, including laptop computers, PDAs, smart phone, and other electronic devices and media (Section 8.10).
3. They are planning to share items, information, or software with a Foreign National or a Foreign Person as part of an international research collaboration, at an international conference outside the U.S., at a hosted visit to a Rensselaer laboratory or research facility, or as part of a scientific/technical exchange (Section 8.11).

G. To comply with export control regulations (see Section 7.4), individuals and administrative offices must retain all communications and records regarding shipping, transfers, and transmittals for five years. Records are required to be available for internal or outside third party audit.

H. The GENERAL REQUIREMENTS in EMCP Part 6 are incorporated into this Procedure.

8.10 International Travel

Rensselaer personnel travelling outside the U.S. with Rensselaer-owned goods, materials, samples, specimens, software, data sets, drawings, and technical information are exporting these items. A traveler carrying a laptop computer or other electronic device (e.g., disc, hard drive, memory stick, digital camera, media player, global positioning system (GPS) device, smart phone, PDA, etc.) is exporting not only the information and software on the device but also the device itself—which may incorporate Export-controlled technology and encrypted software in its design.

In export control regulations, there are several meanings of the word "export", which can include any of the following:

- The actual shipment of any goods or items covered under the regulations.
- The electronic or digital transmission of any goods, items, or related goods covered under the regulations.
• A release or disclosure, including verbal disclosures or visual inspections, or any technology, software, or technical data to any Foreign National or Foreign Person.
• The actual use or application of covered technology on behalf of or for the benefit of any foreign individual or entity anywhere.

A. Researchers and other Rensselaer personnel travelling outside the U.S. must check to ensure that:
   (1) Travel is not to a sanctioned, embargoed, or boycotted country.
   (2) The traveler is not planning to carry Export-controlled items, software, or information.
   (3) Rensselaer-owned computers and other electronic devices are free of any Export-controlled information, encryption software, and encryption hardware,

B. Export-controlled items, information, and software must either remain in the U.S. or not leave the U.S. until Rensselaer has received an Export License or has established and documented a License Exception.

C. The Export Control Office is prepared to provide a limited number of Rensselaer-owned laptop computers that are free of Export-controlled encrypted software, hardware, and data (i.e., a “clean laptop”).

D. It is strongly advised that researchers review international travel plans with the Export Control Office well before the date of the planned trip. To help the Export Control Office assess export control requirements, travelers are advised to submit an itinerary and a U.S. Customs and Border Protection (CBP) Form 4457 as part of this process. If necessary, the Export Control Office will apply for an Export License, a process that may take several months.

E. Researchers who take Rensselaer-owned laptops and other electronic devices out of the country for use in an Institute project that qualifies as Fundamental Research may be able to do so under the License Exception for temporary export (TMP). The Export Control Office makes this determination and issues the License Exception in accord with EAR regulations [15 CFR 740.9]. Generally, License Exceptions are not given for travel to countries subject to U.S. sanctions, embargoes, or boycotts.

To qualify for a TMP License Exception, electronic devices must meet the requirement for “tools of trade” and remain “under the effective control” of the traveler while out of the country. Deviations from these requirements may constitute export control violations:

   (1) “Tools of trade” are usual and reasonable kinds and quantities of commodities, software, and technology for use in a lawful enterprise or undertaking of the exporter, providing the transaction meet the requirements of 15 CFR 740.9. The “tools of trade” category is broad and dependent on the needs and activities associated with the reason for the travel.[15 CFR 771.2; other pertinent regulations include 15 CFR 30.37 (Foreign Trade Regulations), 15 CFR Part 740 (License Exceptions), 15 CFR 770 (interpretation) and 15 CFR 774 (Commerce Clearing List).]

   (2) “Under the effective control” of the traveler means that such items are kept in one’s physical possession at all times or secured in an environment such as a hotel safe, bonded warehouse, or a locked or guarded exhibition facility [15 CFR 772.1]. Leaving items in a hotel room does not constitute safe and secure control.

F. Rensselaer travelers are advised that, when they travel outside the U.S. with items, software, and information (including that on laptops and other electronic devices), these items and devices:

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5 This form is available at available at [http://forms.cbp.gov/pdf/CBP_Form_4457.pdf](http://forms.cbp.gov/pdf/CBP_Form_4457.pdf)
(1) May be inspected or retained by U.S. Customs on leaving or re-entering the United States. Customs officials are authorized to search or retain electronic devices, even without probable cause in order to look for export control violations as well as other immigration and customs regulations.

(2) Are subject to the import and export regulations of the destination country. Each destination country has its own rules, and many are stricter than those of the U.S.

G. It is recommended that faculty and other Rensselaer employees meet with the Export Control Office Compliance Officer (CO) for a briefing, both prior to and upon returning from international travel. These pre- and post-trip briefings are recommended when one or more of the following is true:

1. The employee has a security clearance and is working on a classified contract.
2. The employee is working with unclassified but sensitive material which is deemed Export-controlled under federal regulations.
3. The employee is traveling to any embargoed country (currently Cuba, Iran, North Korea, Sudan, and Syria).

If lecturing at a conference, the presenter will review, with the CO, the intended presentation beforehand to ensure that the material does not include classified or Export-controlled information in any format (text, photographs, graphs, or other visuals).

Upon returning from a trip, employees subject to these requirements should meet with the CO to report anything out of the ordinary, such as suspicious contacts, requests for information, unsolicited emails, airport detention, and surveillance detection; loss, theft, or compromise of laptop or cell phone; or if they are a victim of a crime.

H. To comply with export control regulations (see Section 7.4), travelers must keep records of their itineraries, interactions with the Export Control Office, and copies of Export Licenses and temporary license exceptions for five years after competing travel. Records are required to be available for internal or outside third party audit.

I. The GENERAL REQUIREMENTS in EMCP Part 6 are incorporated into this Procedure.

8.11 International Research Collaborations, Conferences, and Scientific/Technical Exchanges

Rensselaer researchers and other professional staff (e.g., in the Division of the Chief Information Officer) routinely participate in the exchange of scientific and technical information with Foreign Nationals or Foreign Persons as part of:

- Research collaborations.
- Participation in research and technical conferences.
- Organized meetings between Rensselaer and researchers from academia or industry.
- Related forms of scientific and technical exchange.

When participating in such exchanges, Rensselaer personnel must take care not to violate export control laws and regulations. All should keep in mind that the exchange or “release” of Export-controlled information may take place through oral exchanges in person or by telephone; exchange of documents; electronic exchanges, including fax transmission or e-mail; laboratory tours; or training or technical assistance activities.
In addition, researchers must be aware of U.S. sanctions, embargoes, and boycotts. Administered by the U.S. Department of the Treasury Office of Foreign Assets Control (OFAC), these sanctions are imposed and changed frequently.\textsuperscript{6} Some sanctions are very specific and detailed, due to foreign-policy changes; others are long-standing and broad, and are focused on specific regimes. Sanctions can hamper international collaborations conducted at U.S. universities, thus increasing the risk of violating U.S. law.

A. Most scientific and technical exchanges between Rensselaer personnel and Foreign Nationals or Foreign Persons can take place without an Export License as long as the exchange presents and discusses research findings that:
   (1) Are published and generally accessible to the scientific community (Publicly Available Information, or in the Public Domain), or
   (2) Have been released by instruction in catalog courses and associated teaching laboratories at academic institutions (Educational Information), or
   (3) Result from Fundamental Research conducted at Rensselaer or another accredited institution of higher learning located in the U.S. (Fundamental Research Exclusion) and are intended for publication (that is, not subject to sponsor restrictions on publication or other confidentiality requirements).

As outlined in Sections 8.11B-D, there are circumstances where an Export License may be required.

B. ITAR regulates the release of “detailed” information on Defense Articles on the U.S. Munitions List, including the provision of such information as part of providing Defense Services. While ITAR does not control the release of overview information (i.e., general systems description, basic marketing information on function or purpose, or information in the Public Domain), ITAR likely requires an Export License before sharing the following information with a Foreign Person or entity: unpublished, detailed information about “how-to” design, manufacture, and test; design, manufacture, test methodology, or philosophy; technical trade-off methodology or detailed alternatives; detailed test data or test procedures; detailed description of integration and test plans; or detailed schematic diagrams or interface information, as well as manufacturing or assembly processes and analytical methods of procedures. Researchers are advised to contact the Export Control Office before engaging in scientific and technical exchanges related to Defense Articles and Defense Services.

C. Before processing a payment to a foreign individual or entity, the department, center, consortium business administrator must check to ensure that the goods or services were not, or would not be, provided to a country on the current U.S. list of sanctioned, embargoed, or boycotted countries. This applies to conference and meeting expenses as well as goods and services purchased abroad.

D. Rensselaer personnel should consult other requirements in this EMCP if the scientific/technical exchange involves:
   (1) Transfer or transmittal of encryption software (Section 8.6).
   (2) Receiving items, information, or software from outside the U.S. (Section 8.8).
   (3) Shipping items, information, or software outside the U.S. (Section 8.9).
   (4) Travel outside the U.S. (Section 8.10).
   (5) Hosting international visitors (Section 8.12) or international performers and artists (Section 8.13) at Rensselaer.

\textsuperscript{6} OFAC publishes sanctions programs and country information at \url{http://www.treasury.gov/resource-center/sanctions/Programs/Pages/Programs.aspx}
E. To comply with export control regulations (see Section 7.4), all communications and transactions regarding these activities must be retained for five years. Records are required to be available for internal or outside third party audit.

F. The GENERAL REQUIREMENTS in EMCP Part 6 are incorporated into this Procedure.

8.12 Hosting International Visitors at Rensselaer

Rensselaer hosts foreign individuals and entities (Rensselaer-invited or self-invited) for one-on-one meetings, conferences, seminars, lab visits, inspection tours, corporate and foundation partnership discussions, multicultural presentations, and other strategically important purposes. Rensselaer hosts must keep in mind that the exchange or “release” of Export-controlled information may take place during such visits in the form of “visual inspection” of laboratories and research facilities, oral exchanges, and exchanges of documents. Moreover, depending on the country of origin of the international visitors, visits to Rensselaer may fall under the terms of U.S. sanctions, embargoes, and boycotts.

A. This procedure applies to all Rensselaer personnel hosting international visitors, including, as examples, faculty and research investigators; academic and research administrators; student life officials (e.g., for leadership development events, career fairs, or multicultural presentations); and development, alumni relations, and media relations officers. Section 8.13 addresses international performers and artists invited to Rensselaer by EMPAC.

B. Before hosting a visit of Foreign Nationals, Foreign Persons, or foreign entities (e.g., universities, professional and trade associations, businesses, government officials), the Rensselaer host must provide to the Office of International Services for Students and Scholars (ISSS) as well as to the Export Control Office:
   (1) Names of all Foreign Nationals or Foreign Persons in the visiting party.
   (2) Names of Rensselaer individuals with whom the visitors are planning to meet.
   (3) Locations of Rensselaer laboratories and other facilities the visitors are planning to visit.
   (4) Dates and times of the proposed visit.
   (5) A copy of the invitation letter.

C. ISSS will provide any immigration assistance required (e.g., with B visas).

D. The Export Control Office will:
   (1) Undertake a Restricted Parties and Sanctioned Countries List screen (Appendix D); any individual identified in this screen is discussed with the requesting department or PI to review the host’s export control responsibilities.
   (2) Ascertain if a Technology Control Plan (see Section 8.2) is in place at the site of the visit and, if so, inform the host of the requirements of that TCP, including the possibility that TCP Certifications (Appendix G) will be required for visitors
   (3) Issue a License Exception or License Exclusion, or if required, apply to the appropriate U.S. government agency for an Export License, a process that may take several months.

E. No visit may occur until both ISSS and the Export Control Office have given written approval, and if necessary, TCP Certifications are approved.
F. The host must notify ISSS and the Export Control Office of any changes in visit plans, including any changes in the information provided in Section 8.12B above. Changes may require new ISSS or Export Control Office actions and approvals.

G. It is the Rensselaer host’s responsibility to assure that export controls, including the requirements of a Technology Control Plan (TCP), are met during the visit.

H. To comply with export control regulations (see Section 7.4), all communications and transactions regarding these activities must be retained for five years. Records are required to be available for internal or outside third party audit.

I. The GENERAL REQUIREMENTS in EMCP Part 6 are incorporated into this Procedure.

8.13 International Performers and Artists

Experimental Media and Performing Arts Center (EMPAC) projects and performances may involve Foreign Nationals or Foreign Persons as Rensselaer students, visitors, artists, or performers. Visitors may include international professionals seeking to participate in one-on-one discussions, research collaborations, lectures, seminars, trainings, exhibitions, screenings, and performances. The administration of EMPAC helps Rensselaer comply with export control laws and regulations as part of its management of the Visa process for international performers and artists.

A. This procedure applies to invitations to international performers and artists by EMPAC. Other academic, research, and administrative units seeking to invite international performers and artists to Rensselaer contact the Office of International Services for Students and Scholars and the Export Control Office as outlined in Section 8.12 of this Plan.

B. Before inviting an international artist or performer to the campus, EMPAC completes an application for VISA as well as an Initial Questionnaire: Export Control Assessment (Appendix I), and submits this information to the Export Control Office along with any supporting material. The application and questionnaire provide essential information about the performer or artist, e.g., area of expertise; activity for which EMPAC is soliciting the appearance or performance; citizenship and country of birth; work or performance experience; and start and end date of the Rensselaer engagement.

C. The Export Control Office will:
   (1) Screen prospective international performers/artists against the Restricted Parties and Sanctioned Countries Lists (Appendix D). Any individual identified in this screen is discussed with the EMPAC host administrator to review its responsibility in handling export control requirements.
   (2) Ascertain if a Technology Control Plan (Section 8.2) is in place at the site of the visit and, if so, inform the EMPAC host of the requirements of the TCP, including the possibility that TCP certifications (Appendix G) will be required for visitors.
   (3) Terminate the Visa application if the visitor presents an uncontrolled risk to the EMPAC host or Rensselaer.
   (4) Issue a License Exception or License Exclusion, or if required, apply to the appropriate U.S. government agency for an Export License, a process that may take several months.

D. To complete the Visa application, the Director of EMPAC will execute the Visa application on Rensselaer Polytechnic Institute’s behalf as the authorized signatory for the EMPAC program.
E. An international performer or artist may not start at Rensselaer until the Export Control Office has issued its approval.

F. Once approved, it is EMPAC’s responsibility to assure that export controls, including the requirements of a Technology Control Plan (TCP), are met during the stay of the international performer or artist. EMPAC must notify the Export Control Office of any changes in the information provided on the Visa application.

G. To comply with export control regulations (see Section 7.4), EMPAC must retain all records associated with the appointment of international scholars, international students or visitors, including invitation and sponsor letters, visa information and applications, sanctioned countries and restricted parties checks, transactions, and communications with the Export Control Office, for a period of five years. Records are required to be available for internal or outside third party audit.

H. The GENERAL REQUIREMENTS in EMCP Part 6 are incorporated into this Procedure.

8.14 Environmental Health and Safety

A. Hazardous Materials Tracking and Select Agent Exporting Procedures: Rensselaer currently maintains an inventory of all hazardous chemicals and radiological materials. A biological tracking system is being developed to manage infectious and bio controlled materials at Rensselaer. The EAR Commerce Control List (CCL) and the ITAR U.S. Munitions List (USML) name many select agents. Consequently, control of select agent possession and use is a matter of export control management:

(1) Rensselaer personnel working with EAR/ITAR-listed hazardous materials must maintain an inventory of those items. A Technology Control Plan (Section 8.2) may need to be developed depending on the materials, contract/award terms, and Foreign National or Foreign Person involvement in the project or within the laboratory area. Contact the Compliance Officer in the Export Control Office for help with the assessment and development of a TCP and determination of export licensing needs.

(2) The export of any regulated select agent requires the prior approval of the Empowered Official in the Export Control Office.

B. To comply with export control regulations (see Section 7.4), all communications and transactions regarding these activities must be retained for five years. Records are required to be available for internal or outside third party audit.

C. The GENERAL REQUIREMENTS in EMCP Part 6 are incorporated into this Procedure.

8.15 Finance and Accounting

A. Before processing a payment to a foreign individual or entity, the department, center, consortium business administrator must check to ensure that the goods or services were not, or would not be, provided to a country on the current U.S. list of sanctioned, embargoed, or boycotted countries. This applies to conference and meeting expenses as well as goods and services purchased abroad.

B. To comply with export control regulations (see Section 7.4), all communications and transactions regarding these activities must be retained for five years. Records are required to be available for internal or outside third party audit.
C. The GENERAL REQUIREMENTS in EMCP Part 6 are incorporated into this Procedure.

8.16 Financial and Business Management

A. Before processing a payment to a foreign individual or entity, the department, center, consortium business administrator must check to ensure that the goods or services were not, or would not be, provided to a country on the current U.S. list of sanctioned, embargoed, or boycotted countries. This applies to conference and meeting expenses as well as goods and services purchased abroad.

B. To comply with export control regulations (see Section 7.4), all communications and transactions regarding these activities must be retained for five years. Records are required to be available for internal or outside third party audit.

C. The GENERAL REQUIREMENTS in EMCP Part 6 are incorporated into this Procedure.
Appendix A: Definitions - Export Control Terms


**Commerce Control List (CCL)** – A list of Items under the export control jurisdiction of the BIS [15 CFR 772.1]. The CCL is at 15 CFR 774, Supplement 1.

**Commodity Jurisdiction (CJ)** – A determination of whether a particular Defense Article or Defense Service is covered by the U.S. Munitions List (USML). The determination entails applying to the DDTC as to whether an article or service is currently covered by the USML. [22 CFR 120.4; 15 CFR 734.6]

**Commodity Classification** – A classification of Items on the Commerce Control List that are subject to the export licensing authority of the Bureau of Industry and Security [15 CFR 738.2]. The classification is represented by an Export Control Classification Number (ECCN).

**Deemed Export** – The release of any Item (information, data, Technology, or source code) or service subject to export controls to any Foreign National in the United States, including graduate students and training fellows. Deemed exports may occur through such means as a demonstration, oral exchanges, or visual inspection of U.S. located equipment and facilities (including a lab visit), as well as the electronic transmission of non-public data that will be received abroad. This exchange is “deemed” to be an export to the country of the Foreign National. [15 CFR 734.2]

**Deemed Reexport** – The release of any Item (information, data, Technology, or source code) or service subject to export controls by a Foreign National who has been licensed to receive it to the national of another foreign country who has not been licensed to receive it. [15 CFR 734.2(b)]

**Defense Article** – Any Item or Technical Data designated in the United States Munitions List (USML). Includes Technical Data recorded or stored in any physical form, models, and mock-ups, or other Items that reveal Technical Data directly relating to the Defense Article listed in the USML; does not include basic marketing information on function, purpose, or general system description [22 CFR 120.6]. In addition, USML Category XXI includes “any article not specifically enumerated in the other categories of the U.S. Munitions List which has substantial military applicability and which has been specifically designed or modified for military purposes” [22 CFR 121.1].

**Defense Service** – Means the furnishing of assistance (including training), whether in the United States or abroad, to a Foreign Person in connection with the design, development, engineering, manufacture, production, assembly, testing, repair, maintenance, modification, operation, demilitarization, destruction, processing, or use of Defense Articles; or to the furnishing of any controlled Technical Data to a Foreign National anywhere. [22 CFR 120.9]
**Directorate of Defense Trade Controls (DDTC)** – The directorate at the Department of State responsible for the administration and enforcement of the International Traffic in Arms Regulations (ITAR). [22 CFR 120-130]

**Dual Use Item** – A term used for EAR-controlled Items that can be used both in commercial applications and in military and other strategic uses. [15 CFR 772.1]

**Employment Exclusion** – No license is required to export an Export-controlled Item to a Foreign National who is a full-time Rensselaer employee; has a permanent address in the U.S. while employed; is not a national of a sanctioned country; and agrees in writing not to share the export-controlled item with any foreign national. For export control purposes, graduate students working as research assistants on research projects are considered to be students and not employees.


**Export Control Classification Number (ECCN)** – A five-character alphanumeric classification [15 CFR 738.2(d)] used to identify Items on the Commerce Control List that are subject to the export licensing authority of the Bureau of Industry and Security. [15 CFR 738.2]

**Educational Information** – Information released by instruction in catalog courses and associated with teaching laboratories of academic institutions; this educational information is not subject to export controls. [15 CFR 734.9]

**Export** – Any release of Export-controlled Items, information, or services outside the U.S. to anyone (including a U.S. citizen). “Release” includes shipment as well as oral, written, electronic (fax, e-mail, Internet, etc.), or visual disclosure [15 CFR 734.2(b)(1-3); 22 CFR 120.17] as well as the export of encryption source code or object code software [15 CFR 734.2(b)(9)]. Any release of Export-controlled Items, information, or services to a Foreign National or Foreign Person in the U.S. is a Deemed Export.

**Export-controlled** – Any Item, information, assistance, Technology, Technical Data, or service which can be considered an Export or Reexport under the export control regulations such as EAR, ITAR, and OFAC.

**Export License** – A written authorization provided by the appropriate governing regulatory authority (such as BIS or DDTC) detailing the specific terms and conditions under which the import or an Export, Deemed Export, Reexport, or Deemed Reexport of Export-controlled Items, information, Technology, services, or other regulated activities is allowed. [15 CFR 772.1; 22 CFR 120.20 and 123]

**Foreign National** – Any person who is not a U.S. citizen (native or national); an alien who is a “lawful permanent resident” (Green Card) as defined by 8 U.S.C. 1101(a)(20); or a “protected individual” as defined by 8 U.S.C. 1324b(a)(3) designated as an asylee, refugee, or a temporary resident under amnesty provisions. Any foreign corporation, business association, partnership, trust, society, or any other foreign entity or group, as well as any international organization or foreign government, is considered to be a Foreign National under the EAR. [15 CFR 772.1]

**Foreign Person** – Any natural person who is not a lawful permanent resident as defined by 8 U.S.C. 1101(a)(20) or who is not a protected individual as defined by 8 U.S.C. 1324b(a)(3). [22 CFR 120.16]
**Fundamental Research** – Basic or applied research in science and engineering conducted at an accredited institution of higher learning located in the U.S. where resulting data, technology, or other information is made available publicly with minimal or no access costs (e.g. essentially free information) within the scientific community [15 CFR 734.8; 22 CFR 120.11(8)]. Information that results from fundamental research is not subject to export control.

**Fundamental Research Exclusion (FRE)** – No license is required to disclose information to a Foreign National or Foreign Person if it is published and is generally accessible to the public and provided the Fundamental Research is basic and applied in science and engineering, and conducted at an accredited institution of higher education located in the United States. [15 CFR 734.8; 22 CFR 120.11(8)]


**Item** – A commodity, software or Technology. [15 CFR 772.1]

**License Exception** – An authorization, described at 15 CFR 740, that allows Rensselaer exporters (facility, researchers, administrators, students, etc.) to Export or Reexport, under stated conditions, items subject to the EAR that otherwise would require a license. Unless otherwise indicated, these License Exceptions are not applicable to exports under the licensing jurisdiction of agencies other than the Department of Commerce. [15 CFR 772.1]

**License Exclusion** – An Export License is not required if one of these exclusions applies: Fundamental Research (ITAR, EAR); Education Information (ITAR, EAR); Employment Exclusion (ITAR only); Publicly Available Information (EAR), or information in the Public Domain (ITAR).

**Office of Foreign Assets Control (OFAC)** – The office at the Department of the Treasury responsible for blocking assets of foreign countries subject to economic sanctions; controlling participation by U.S. Persons, including foreign subsidiaries, in transactions with specific countries or nationals of such countries; and administering embargoes on certain countries or areas of countries. [31 CFR 500 -590]

**Public Domain** – ITAR defines Public Domain as information which is published and which is generally accessible or available to the public. [22 CFR 120.11(a)(1-8)]

**Publicly Available Information** – Information that is generally accessible to the interested public in any form and, therefore, not subject to the EAR. [15 CFR 772.1; 15 CFR 734.7(a)]

**Publicly Available Technology and Software** – Technology and software that are already published or will be published, that arise during or result from Fundamental Research, are educational, or are included in certain patent applications. [15 CFR 734.3(b)(3); 15 CFR 734.7]

**Red Flags** – Possible indicators of an unlawful diversion or an abnormal or suspicious circumstance. [15 CFR 732 Supplement 3]

**Reexport** – A shipment or transmission of Export-controlled items, information, and services from one foreign country to another foreign country. ITAR [22 CFR 120.19] and EAR [15 CFR 772.1] impose restrictions on shipment or transfer to a third country of goods or technology originally exported from the United States without proper authorization.
Technical Assistance Agreement (TAA) – An agreement for the performance of Defense Service(s) or the disclosure of Technical Data as opposed to an agreement granting a right or license to manufacture Defense Articles. [22 CFR 120.22]

Technical Assistance – May take forms such as instruction, skills training, working knowledge, or consulting services. Technical Assistance may involve transfer of Technical Data. [15 CFR 772.1]

Technical Data – For purpose of ITAR control, this means information regarded as 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, or documentation [22 CFR 120.10(a)]. The EAR further identifies Technical Data which may take the forms such as blueprints, plans, diagrams, models, formulae, tables, engineering designs and specifications, manuals and instructions written or recorded on other media or devices such as disk, tape, or read-only memories [15 CFR 772.1].

Technology – Specific information necessary for the “development”, “production”, or “use” of a product. The information takes the form of “technical data” or “technical assistance”. Controlled “technology” is defined in the General Technology Note and in the Commerce Control List (Supplement No. 1 to part 774 of the EAR). The definitions of “required,” “development,” “production,” and “use” are found in 15 CFR 772.1.

Tools of Trade – Usual and reasonable kinds and quantities of tools of trade (commodities, software, and Technology) for use in a lawful enterprise or undertaking of the exporter. For the exporter or reexporter of commodities or software, the transaction meet the requirements of 15 CFR 740.9 paragraph (a)(2)(i)(A) or (a)(2)(i)(B). For export or reexport by U.S. persons of authorized Technology, the transaction must meet the requirements of 15 CFR 740.9 paragraph (a)(2)(i)(A).

U.S. Person – Any individual who is a citizen of the United States, an individual who is a lawful permanent resident as defined by 8 U.S.C. 1101(a)(2), or an individual who is a protected individual as defined by 8 U.S.C. 1324b(a)(3). Further definition is provided at 15 CFR 740.9 and 740.14; 15 CFR 744.6 and 744.10-744.14; 15 CFR 746; and 15 CFR 760. [15 CFR 772.1]

United States Munitions List (USML) – A list of articles, services, and related Technical Data designated as Defense Articles and Defense Services pursuant to sections 38 and 47(7) of the Arms Export Control Act, 22 U.S.C. 2778 and 2794(7). [22 CFR 121.1(a)]

Additional EAR and ITAR definitions are available at 15 CFR 772.1 and 22 CFR 120, respectively.
Appendix B: National Security Decision Directive 189

http://www.fas.org/irp/offdocs/nsdd/nsdd-189.htm

NATIONAL POLICY ON THE TRANSFER OF
SCIENTIFIC, TECHNICAL AND ENGINEERING INFORMATION

September 21, 1985 (re-affirmed May 24, 2010) [stamped:] UNCLASSIFIED

I. PURPOSE

This directive establishes national policy for controlling the flow of science, technology, and engineering information produced in federally-funded fundamental research at colleges, universities, and laboratories. Fundamental research is defined as follows:

"Fundamental research' means basic and applied research in science and engineering, the results of which ordinarily are published and shared broadly within the scientific community, as distinguished from proprietary research and from industrial development, design, production, and product utilization, the results of which ordinarily are restricted for proprietary or national security reasons."

II. BACKGROUND

The acquisition of advanced technology from the United States by Eastern Bloc nations for the purpose of enhancing their military capabilities poses a significant threat to our national security. Intelligence studies indicate a small but significant target of the Eastern Bloc intelligence gathering effort is science and engineering research performed at universities and federal laboratories. At the same time, our leadership position in science and technology is an essential element in our economic and physical security. The strength of American science requires a research environment conducive to creativity, an environment in which the free exchange of ideas is a vital component.

In 1982, the Department of Defense and National Science Foundation sponsored a National Academy of Sciences study of the need for controls on scientific information. This study was chaired by Dr. Dale Corson, President Emeritus of Cornell University. It concluded that, while there has been a significant transfer of U.S. technology to the Soviet Union, the transfer has occurred through many routes with universities and open scientific communication of fundamental research being a minor contributor. Yet as the emerging government-university-industry partnership in research activities continues to grow, a more significant problem may well develop.

III. POLICY

It is the policy of this Administration that, to the maximum extent possible, the products of fundamental research remain unrestricted. It is also the policy of this Administration that, where the national security requires control, the mechanism for control of information generated during federally-funded fundamental research in science, technology and engineering at colleges, universities and laboratories is classification. Each federal government agency is responsible for: a) determining whether classification is appropriate prior to the award of a research grant, contract, or cooperative agreement and, if so, controlling the research results through standard classification procedures; b) periodically reviewing all research grants, contracts, or cooperative agreements for potential classification. No restrictions may be placed upon the conduct or reporting of federally-funded fundamental research that has not received national security classification, except as provided in applicable U.S. Statutes.

[stamped:] UNCLASSIFIED

Ashton B. Carter, Under Secretary of Defense for Acquisition, 5/24/10 Directive: No restrictions on DOD Contracted Fundamental Research
## Appendix C: Export Control Checklist for Research Solicitations, Proposals, and Awards

**Project:** __________________________________________

This checklist must be completed and approved as part of proposal and award processing, and for any changes in the project agreement. It may be used to evaluate the research solicitation or for other project purposes.

**Purpose:**
- [ ] Solicitation Review
- [ ] Proposal Review
- [ ] Award/Agreement Review
- [ ] Agreement Change
- [ ] Other: ____________________________________________

**Date:** ___________________ **Reviewer:** ______________________________

<table>
<thead>
<tr>
<th>1. <strong>Export control language</strong>: Does the solicitation, proposal, or award refer to U.S. export control laws and regulations or security restrictions (beyond a mere statement to comply with the law)? If this research is being done in partnership with another institution or entity, or under a master agreement, does that agreement have flow-down export control requirements that affect Rensselaer?</th>
<th>[ ] Yes  [ ] No</th>
</tr>
</thead>
<tbody>
<tr>
<td>2. <strong>Research restrictions</strong>: Does the solicitation, proposal, or award contain any language, including a Federal Acquisition Regulation clause, that:</td>
<td>[ ] Yes  [ ] No</td>
</tr>
<tr>
<td>A. Gives the sponsor the right to approve/disapprove publication (excluding reasonable reviews for possible patents and/or sponsor proprietary information)?</td>
<td></td>
</tr>
<tr>
<td>B. Prohibits the involvement of foreign nationals/persons or requires prior approval from the sponsor?</td>
<td></td>
</tr>
<tr>
<td>C. Prohibits access to project materials/data/information by foreign nationals/persons?</td>
<td></td>
</tr>
<tr>
<td>D. Restricts the dissemination of research results?</td>
<td></td>
</tr>
<tr>
<td>E. Allows the sponsor to claim resulting information as proprietary or trade secret?</td>
<td></td>
</tr>
<tr>
<td>3. <strong>Export-controlled items, information, or services</strong>: Does the research involve studying, developing, producing, or using:</td>
<td>[ ] Yes  [ ] No  [ ] Unknown</td>
</tr>
<tr>
<td>A. Nuclear explosive devices, chemical or biological weapons, or missiles?</td>
<td></td>
</tr>
<tr>
<td>B. Military or space items controlled by the International Trafficking in Arms Regulations (ITAR)?</td>
<td></td>
</tr>
<tr>
<td>C. Commercial or Dual-use items controlled by the Export Administration Regulations (EAR)?</td>
<td></td>
</tr>
<tr>
<td>D. Encryption software developed at Rensselaer?</td>
<td></td>
</tr>
<tr>
<td>E. Items, information, or services export-controlled by other U.S. government agencies?</td>
<td></td>
</tr>
<tr>
<td>4. <strong>Third-party items</strong>: Does the research involve any of the following items, information, or services provided by a third party (including a vendor or the sponsor):</td>
<td>[ ] Yes  [ ] No  [ ] Unknown</td>
</tr>
<tr>
<td>A. Items that are already export-controlled?</td>
<td></td>
</tr>
<tr>
<td>B. Proprietary or restricted items to be used in the research?</td>
<td></td>
</tr>
<tr>
<td>C. Items provided under confidentiality or Non-Disclosure Agreements (NDA)?</td>
<td></td>
</tr>
</tbody>
</table>
5. **Foreign individuals and entities participating in the research:** Does the project involve the release or transfer of an export-controlled item, information, or service to foreign nationals/persons, entities (e.g., universities, businesses, associations), or governments:
   - A. On the Rensselaer research team, including faculty, staff, students, scholars, post-doctoral fellows, and other Rensselaer personnel?
   - B. As subcontractors, vendors, consultants, or as part of sub-agreements?
   - C. As research collaborators, advisors, or participants in international conferences or scientific/technical exchanges?
   - D. As visitors to Rensselaer laboratories and facilities where the research is being undertaken?
   - E. Does the project have a foreign sponsor?
   - F. Does the project involve a foreign national who is not a Rensselaer employee?

   [ ] Yes  [ ] No  [ ] Unknown

6. **Exporting technology outside the U.S:** Does the research team expect to ship or take export-controlled items, information, or services outside the U.S.?

   [ ] Yes  [ ] No  [ ] Unknown

7. **Travel outside the U.S:** Does the project involve travel outside the U.S?
   - A. Does the travel require taking laptops or other electronic devices?
   - B. If the destination is Cuba, North Korea, Syria, Iran, or Sudan, contact the Export Control Office immediately.

   [ ] Yes  [ ] No  [ ] Unknown

8. **Other red flags:** Are there any other conditions or circumstances that suggest that other export control issues exist, or may arise, in the course of the research?

   [ ] Yes  [ ] No

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For purposes of this review, “items, information, and services” include goods, commodities, materials, information, software, data, technology, training, and technical assistance.

A “Yes” or “Unknown” response to any question requires explanation at the bottom of the checklist, an export control review, and approval by the Export Control Office before the proposal is approved for submission or the award is accepted by Rensselaer. A “Yes” or “Unknown” response to Questions 5, 6, or 7 requires a Restricted Parties and Sanctioned Countries screen by the Export Control Office before the proposal is approved for submission or the award is accepted by Rensselaer.

*Please note comments on the form and/or attach any correspondence including e-mail messages.*

This form must be completed and retained even if all of the answers are “No.”

**Principal Investigator:**

Signature: ____________________________ Date: ____________________________

**RA&F Representative:**

Signature: ____________________________ Date: ____________________________

**Restricted Parties and Sanctioned Countries Screen Completed** (where required):

Signature: ____________________________ Date: ____________________________

**Export Control Office Approval** (where required):

Signature: ____________________________ Date: ____________________________
Appendix D: Restricted Parties and Sanctioned Countries List

The U.S. Commerce, State, and Treasury Departments maintain various lists of individuals, entities, and countries to which U.S. persons and organizations cannot freely export or reexport export-controlled items, information, and services. An Export License or License Exception may be required; in some cases, the export may be prohibited altogether. To comply with the law, Rensselaer is obligated to do a Restricted Parties and Sanctioned Countries screen before an export occurs.

There are considerable challenges to screening the various lists of sanctioned parties and countries:

1. There are multiple lists promulgated and enforced by multiple government agencies. Each has the force of law and each must be screened before an export is made.

2. Each list is updated constantly, adding and subtracting individuals, entities, governments, and entire countries as violators are discovered (and debarred from receiving exports) and possibly later removed from lists; as violators form new organizations and entities which, when discovered, are added to the lists; and as sanctions and embargoes are imposed and lifted. Updates are generally published in the Federal Register and, later, collated into the various lists.

3. Screening necessarily considers several simultaneous factors including the nature of the export, the agency and regulation controlling the export, and the intended recipient of the export as well as the intended end-user (if not the recipient).

*Given the complexities described, Rensselaer’s Export Control Office will perform Restricted Parties and Sanctioned Countries Checks.* The screen includes agency lists such as those shown on the next page as well as the lists of sanctioned countries and embargoes posted by the Commerce, State, and Treasury Departments.

While this practice relieves individual Rensselaer faculty, researchers, and administrative offices of the screening burden, it does require that they (a) contact the Export Control Office in a timely manner when they are contemplating an export and (b) provide the detailed information necessary to facilitate the screen.
Restricted Parties and Sanctioned Countries: Agency Lists Screened (February 2012)

- Department of Commerce Denied Persons [Bureau of Industry and Security, BIS]
- Department of Commerce Entity List [BIS]
- Department of Commerce “Unverified” List [BIS]
- Department of State Arms Export Control Act Debarred Parties [Directorate of Defense Trade Controls, DDTC]
- Department of State Munitions Export Control Orders [DDTC]
- Department of State Nonproliferation Order
- Department of Treasury Specially Designated Nationals (SDN) List
- WMD Trade Control Designations [Office of Foreign Assets Control, OFAC]
- Department of State Designated Terrorist Organizations
- Department of State Terrorist Exclusion List
- Palestinian Legislative Council List [OFAC]
- Federal Register General Orders
- Specially Designated Nationals and Blocked Persons [OFAC]
- United Nations Consolidated List
- GSA Parties Excluded from Federal Procurement Programs
- GSA Parties Excluded from Federal Nonprocurement Programs
- GSA Parties Excluded from Federal Reciprocal Programs
- Air Force Special Investigations - Top Ten Fugitives
- Alcohol, Tobacco, Firearms and Explosives Most Wanted
- FBI Ten Most Wanted Fugitives
- FBI Most Wanted Terrorists
- FBI Seeking Information
- FBI Wanted Fugitives
- FBI Crime Alert
- Food and Drug Administration – Clinical Investigators
- Food and Drug Administration – Debarment List
- Food and Drug Administration – Disqualified and Restricted
- Homeland Security Most Wanted Fugitive Criminal Aliens
- Homeland Security Most Wanted Human Smugglers
- Naval Criminal Investigative Service – Wanted Fugitives
- Immigration and Customs Most Wanted Fugitives
- U.S. Drug Enforcement – Major International Fugitives
- U.S. Marshals Service – Major Fugitive Cases
- U.S. Marshals Service – Top 15 Most Wanted
- Office of Research Integrity PHS Administrative Actions
- U.S. Postal Inspection Service – Most Wanted
- U.S. Secret Service Most Wanted
- OIG Entities Excluded from Federal Health and Medicare Programs
- CIA Chiefs of State and Cabinet Members of Foreign Governments [Politically Exposed Persons]
- Japan Foreign End-Users of Concern
- Kingdom of Saudi Arabia Wanted Militants
- CPSEP Listed Entities
- Australia Foreign Affairs Consolidated List
- European Union Consolidated List
- Interpol Recently Wanted
- Canadian Border Services Agency Wanted List
- RCMP Wanted Fugitives
- World Bank Listing of Ineligible Firms
- OSFI Consolidated List – Entities
- OSFI Consolidated List – Individuals
- OSFI Warning List
Appendix E: PI Memo

Research Administration and Finance will distribute this notice to each principal investigator and co-PI at the time of award.

The United States is committed to encourage technology exchanges that are consistent with U.S. national security and nuclear nonproliferation objectives. Although most of the research and technology development Rensselaer conducts is exempt from U.S. export control regulations, we must still comply with the regulations.

Under these regulations, an export can occur, or be deemed to occur, by “releasing” any export-controlled items, materials, information, software, technical data, technology, or technical assistance to any non-U.S. citizen, whether here in the U.S. or abroad. The “release” may occur through visual inspection, oral communication, shipping, or written and electronic communication (including e-mail).

If you are doing fundamental research and the results of the research will be in the public domain, you probably will not have export control issues unless you have a foreign national working with or access to export-controlled items in conjunction with your research project. The foreign national may be a staff member, post-doctoral fellow, student, research collaborator, subcontractor, vendor, participant in a scientific/technical exchange, or visitor to your laboratory. If this is the case, the Institute, through the Export Control Office, will have to apply to the U.S. government for an export license or determined that a license is not needed.

If your project involves export-controlled or proprietary technology, or if the sponsor has placed access controls on the technology, you must have a Technology Control Plan (TCP) in place that limits access to only U.S. citizens and foreign nationals with a green card.

If you are traveling with items (including your laptop) or shipping them outside the U.S. in conjunction with your project, there are export control issues to consider and a license could be required.

Federal regulations require that all documentation associated with export control applications, reviews, decisions, and implementation must be filed and retained for five years. It is Rensselaer’s policy to retain this information for five years from the date of project completion or close-out.

Additional information about these and other export control situations and requirements is available at www.rpi.edu/exportcontrol.

Please contact Export Control Office if you have any questions about export controls related to your project. [Include current contact information]
Appendix F: Technology Control Plan Template

General Information Overview for Technology Control Plan (TCP)

The material, equipment, or software (hereinafter “material”) described in the accompanying document may be classified as export-controlled information under one or both of the following: (i) the State Department’s International Traffic in Arms Regulations (ITAR), or (ii) the Department of Commerce’s Export Administration Regulations (EAR).

Depending upon the export-controlled classification, it may be unlawful under the ITAR or EAR to send or take export-controlled information out of the U.S into certain countries without an export license. In addition, depending upon the export-controlled classification, and the nature of the use, it may be unlawful under the ITAR or the EAR to disclose, orally or visually, or to transfer export-controlled information to certain foreign persons inside or outside the U.S. without an export control license. A foreign person is a person who is not a U.S. citizen or permanent resident alien of the U.S. The law makes no exceptions for foreign graduate students.

Therefore, depending on the type of export controlled material and the type of use contemplated, it may be necessary to restrict the use and observation of certain technical information, data, materials, software, or hardware by unlicensed non-U.S. citizens. Security measures, developed with the guidance of the Export Control Office, should be designed to be appropriate to the classification involved. Examples of security measures may include:

Physical Security:
- **Personnel identification**: Individuals participating in the project are required to wear a badge, special card, or other similar device indicating their access to designated project areas.
- **Access logs**: Physical movement into and out of a designated project area is logged.
- **Laboratory compartmentation**: Project operations are limited to secured laboratory areas physically shielded from access or observation by unauthorized individuals. These areas must remain locked at all times.
- **Time blocking**: Project operations are restricted to secure time blocks when unauthorized individuals cannot observe or access.
- **Locked storage**: Tangible items such as equipment, associated operating manuals, and schematic diagrams are stored in rooms with key-controlled access. Soft- and hard-copy data, lab notebooks, reports, and other research materials are stored in locked cabinets.
- **Shielding of material**: Material is physically shielded from observation by unauthorized individuals by using the material in secured spaces, or during secure time blocks when observation by unauthorized persons is prevented.

Information Security:
- **Measures to secure controlled electronic information, e.g.**:
  - User ID, password control, SSL or other approved encryption technology.
  - Database access may be managed via a Virtual Private Network (VPN).
  - Only authorized users can access the site.
  - All transmissions of data over the Internet will be encrypted using 128-bit Secure Sockets Layer (SSL) or other advanced, federally approved encryption technology.
• **Confidential communications**: Discussions about the export-controlled material or projects involving use of the material should be limited to authorized personnel and held only in areas where unauthorized personnel are not present.

• **Communications with third parties**: Discussions with sub-contractors and other third parties are to be avoided and only should be conducted under signed agreements that fully respect the non-U.S. citizen limitations for such disclosures.

**Item Security:**

• **Marking**: Export-controlled information is clearly identified and marked as export-controlled.

**Personnel Security:**

• **Authorized personnel**: U.S. Citizens who are authorized to use the material must be clearly identified.

• **Employee and student responsibilities**: Authorized personnel who interface with foreign nationals must receive a copy of the TCP and a briefing that addresses their export control responsibilities.

• **Supervisory responsibilities**: Supervisors of cleared personnel must ensure that employees and visitors are aware of, and knowledgeable about, their export control responsibilities.

• **Training**: Export control training for all individuals associated with the project, e.g., PI, research staff, graduate students, and building maintenance is required.

• **Training certification**: Certification of training received is required.

• **Personnel additions**: New personnel must review the TCP and sign TCP certifications.

• **Personnel changes**: Measures for collecting keys to project areas, removing access to project facilities, computers, and other electronic storage devices when personnel leave the project, etc.

**Technology Control Plan (TCP) Template**

A template is presented on the following pages.
Technology / Export Control Plan (T/ECP)

In accordance with Export Control Regulations (EAR and ITAR), a Technology / Export Control Plan (T/ECP) is required in order to prevent unauthorized exportation of protected items/products, information, or technology deemed to be sensitive to national security or economic interests. This is a basic template for minimum elements of a T/ECP.

Date:

Title of Sponsored Project/Activity:

Technical Description of Item/Technology/Equipment/Software to be Transferred:

Responsible Individual (Project Manager / Principal Investigator (PI)):

Work Address:

Phone:

E-mail:

1. **Physical Security Plan:** (Project data and/or materials must be physically shielded from observation by unauthorized individuals by operating in secured laboratory spaces, or during secure time blocks when observation by unauthorized persons is prevented. This would pertain to laboratory management of “work-in-progress.”)

   a. **Location:** (Describe the physical location of each sensitive technology/item to include building and room numbers. A schematic of the immediate location is highly recommended.)

   b. **Physical Security:** (Provide a detailed description of your physical security plan designed to protect your item/technology from unauthorized access, i.e., secure doors, limited access, security badges, CCTV, etc.)

   c. **Perimeter Security Provisions:** (Describe perimeter security features of the location of the protected technology/item.)

2. **Information Security Plan:** (Appropriate measures must taken to secure controlled electronic information, including User ID’s, password control, SSL or other approved encryption technology. Database access must be managed via a Virtual Private Network (VPN), allowing only authorized persons to access and transmit data over the internet, using 128-bit Secure Sockets Layer (SSL) or other advanced, federally approved encryption technology.)

   a. **Structure of IT Security:** (Describe the information technology (IT) setup/system at each technology/item location.)

   b. **IT Security Plan:** (Describe in detail your security plan, i.e., password access, firewall protection plans, encryption, etc.)

   c. **Verification of Technology/Item Authorization:** (Describe how you are going to manage security on export controlled materials in the case of terminated employees, individuals working on new projects, etc.)
d. **Conversation Security:** (Discussions about the project or work product are limited to the identified contributing investigators and are held only in areas where unauthorized personnel are not present. Discussions with third party subcontractors are only to be conducted under signed agreements that fully respect the non-U.S. citizen limitations for such disclosures. Describe your plan for protecting export controlled information in conversations.)

e. **Graduate Thesis:** (Any graduate student fulfilling their thesis research requirement with results from projects that are ITAR controlled must be a U.S. Person—or, alternatively, the University must have obtained an export license for his/her participation and access to ITAR controlled technical data. In addition, the thesis advisory committee and the participants to thesis defense must be U.S. Persons and/or an export license must have been granted for their participation and access to ITAR controlled data. Publication of the thesis and research results must be approved by the sponsor and might be delayed to meet the requirements of the research contract. Similar restrictions on access to technology/technical data apply to thesis research involving EAR controlled technology/technical data except that the restricted access by non-U.S. Persons is technology and citizenship specific.)


g. **Departure from the University:** (The procedures outlined above for electronic data disposal will be used when a PI of an EAR/ITAR controlled project is departing from the University.)

3. **Item Security**

   a. **Item Marking:** (Export controlled information must be clearly identified and marked as such.)

   b. **Item Storage:** (Both soft and hard copy data, notebooks, reports, and research materials are stored in locked cabinets; preferably in rooms with key-controlled access. Equipment or internal components and associated operating manuals and schematic diagrams containing “export-controlled” technology are to be physically secured from unauthorized access.)

4. **Project Personnel** (Clearly identify every person, including their national citizenship, who is determined to have authorized access to the controlled technology/item.)

   a. Name:
   b. Name:
   c. Name:

   It is the responsibility of the PI to inform RA&F of any new addition to the project personnel. The TCP will be updated accordingly.
5. **Personnel Screening Procedures**
   
a. **Screen:** (At a minimum, you must review entities and denied parties list found on the Department of Commerce web site at: http://www.bis.doc.gov/ComplianceAndEnforcement/ListsToCheck.htm.)
   
b. **Background Checks:** (Describe types of background checks performed on persons with access to technologies/items, i.e., criminal, drivers license, etc.)
   
c. **Third Party Contractors:** (Describe security screening procedures for temporary employment agencies, contractors, etc.)

6. **Training / Awareness Program**
   
a. **Foreign Nationals:** (Describe schedules and training for informing foreign national employees of technology access limits.)
   
b. **U.S. Employees:** (Describe training for U.S. employees with access to controlled technology areas.)

7. **Self Evaluation Program**
   
a. **Self Evaluation Schedule:** (Describe how often you plan to review/evaluate your T/ECP.)
   
b. **Audit Checklist:** (Provide a checklist for items reviewed during self evaluation audits.)
   
c. **Action Item and Corrective Procedures:** (Describe your process to address findings in your self evaluation audits.)

8. **Special Notes** (This section will include all other requirements specific to the project such as publication restrictions, etc.)
EXPORT CONTROL PLAN CERTIFICATION

Project Director: ____________________________________________________________

Department: ________________________________________________________________

Sponsor Name: ______________________________________________________________

Project Title: ________________________________________________________________

Proposal/Agreement Number: __________________________________________________

It has been determined that a Technology / Export Control Plan (T/ECP) is necessary for this
project/activity. This is to acknowledge I have read and understand the Export-Controlled Information
Overview, and that I agree to comply with the requirements of the T/ECP, which is attached herewith.

_________________________________________ ____________________________
(Signature)  Date  (Signature)  Date

_________________________________________ ____________________________
(Printed Name/Role)  (Printed Name/Role)

_________________________________________ ____________________________
(Signature)  Date  (Signature)  Date

_________________________________________ ____________________________
(Printed Name/Role)  (Printed Name/Role)

_________________________________________ ____________________________
(Signature)  Date  (Signature)  Date

_________________________________________ ____________________________
(Printed Name/Role)  (Printed Name/Role)

Acknowledgement of Department Chair:

_________________________________________ ____________________________
(Signature)  Date

_________________________________________ ____________________________
(Printed Name/Role)
# Appendix G: TCP Certification

## Rensselaer Polytechnic Institute

### Technology Control Plan (TCP) Certification

<table>
<thead>
<tr>
<th>Individual requesting and Responsible for TCP:</th>
<th></th>
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</thead>
<tbody>
<tr>
<td>Telephone Number:</td>
<td></td>
</tr>
<tr>
<td>E-mail address:</td>
<td></td>
</tr>
<tr>
<td>Request date:</td>
<td></td>
</tr>
</tbody>
</table>

**Description of controls (EAR/ITAR category or other agency/regulation):**

<table>
<thead>
<tr>
<th>Location(s) covered by TCP</th>
<th>Building</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Room(s)</td>
</tr>
</tbody>
</table>

**Personnel who will have access to export controlled subject matter (add additional rows if needed):**

<table>
<thead>
<tr>
<th>List Name(s) below:</th>
<th>Citizenship status:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</tbody>
</table>

**Is sponsored research involved?**

- [ ] Yes
- [ ] No

<table>
<thead>
<tr>
<th>Project title/number:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Sponsor:</td>
<td></td>
</tr>
<tr>
<td>Projected end date:</td>
<td></td>
</tr>
</tbody>
</table>

**Is a non-disclosure agreement involved?**

- [ ] Yes
- [ ] No

<table>
<thead>
<tr>
<th>Parties to the agreement:</th>
<th></th>
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</thead>
<tbody>
<tr>
<td>Contact information:</td>
<td></td>
</tr>
</tbody>
</table>

## Attachments:

1. Technology Control Plan
2. Export Briefing and Certification Form(s) for each person subject to this TCP

### Signatures:

<table>
<thead>
<tr>
<th>Principal Investigator:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Export Control Office Empowered Official Approval:</td>
<td></td>
</tr>
</tbody>
</table>

**Dates:**
Appendix H: Decision Trees

Every potential export is unique, and its handling under export control laws and regulations depends on specific facts and circumstances.

The Export Administration Regulations provide flow charts [15 CFR 732, Supplements No. 1 and No. 2] to assist exporters in determining if items, information, and services are subject to the EAR and, if so, whether the exporter needs an Export License or a License Exception. These flow charts are reproduced on the next two pages:

- **Subject to the EAR?** For non-military goods, technologies, and services—those not administered by the Department of State under the International Traffic in Arms Regulations (ITAR)—determining whether the transaction is subject to the EAR is the first step in determining if an export license is required. Answer the key questions proceeding through the first flow chart to help make that determination. If you determine that your transaction will be subject to the EAR, advance to the second flow chart.

- **EAR Export Control Decision Tree.** This decision tree is based on the model given in the Export Administration Regulations (EAR) at 15 CFR 732 and presented in Supplement No. 1 to Part 732. The various parts of the EAR referenced are linked on each respective flow panel.

To help determine whether an Export License is needed for a given shipment, transmission, or transfer, Rensselaer personnel are advised to use Stanford University’s Export Controls Decision Tree at http://export.stanford.edu/tree/.

When using the Stanford Decision Tree, Rensselaer personnel are advised to:

- Read carefully the DISCLAIMER on the opening page.
- Address all of the questions; there may be more than one reason for an Export License.
- Contract Rensselaer’s Export Control Office, not Stanford’s, for advice and resolution of issues that arise in answering the questions.

This material is adapted from the basic design and content of Stanford University’s Export Controls Decision Tree. We appreciate Stanford in granting us permission to adapt its content for Rensselaer Polytechnic Institute’s benefit.
**EAR Flow Chart: Subject to the EAR?**

Based on 15 CFR 732 and Supplement No. 2 to Part 732

1. **Am I involved in an activity described in 734.5, e.g., related to proliferation of chemicals or biological weapons, nuclear explosive devices or "missiles"; technical assistance with respect to encryption activities prohibited by any order issued under the EAR.**
   - See Section 734.5(a)(b)
   - **Yes**

2. **Is the item I am planning to export or re-export subject to the exclusive jurisdiction of another U.S. Government Federal Department or Agency?**
   - See Section 734.3(b)(1)
   - **No**
   - **Yes**

3. **Does my export or re-export consist of prerecorded phonograph records, printed books, pamphlets & miscellaneous publications as described in the EAR?**
   - See Section 734.3(b)(2)
   - **No**
   - **Yes**

4. **Is the technology or software I am planning to export or re-export publicly available (excluding encryption items)?**
   - See Section 734.3(b)(3)
   - **No**
   - **Yes**

5. **Is my item in the United States?**
   - See Section 734.3(a)(1)
   - **No**
   - **Yes**

6. **Is my item outside of the U.S., but of U.S. origin?**
   - See Section 734.3(a)(2)
   - **No**
   - **Yes**

7. **Does my foreign-made item incorporate controlled U.S. origin items that exceed the de minimus limits defined in section 734.4 or Supplement No. 2 to part 734 of the EAR, or is it ineligible for de minimus?**
   - See Section 734.3(a)(3)
   - **No**
   - **Yes**

8. **Is the foreign-made item a direct product of U.S.-origin technology or software, as described in section 736.2(b)(3) of the EAR, and the destination is Cuba, Libya, or a destination in Country Group D?**
   - See Section 734.3(a)(4) and (5)
   - **No**
   - **Yes**
EAR Export Control Decision Tree
Based on 15 CFR 732 and Supplement No. 1 to Part 732
## Appendix I: Initial Questionnaire - Export Control Assessment

<table>
<thead>
<tr>
<th>Name of Foreign National:</th>
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</table>

| Nature of Appointment (select one; provide title if faculty, staff, or other) |
|-------------------------------|-------------------|-------------------|
| Faculty                        | Student (F visa)  |
| Staff                          | Scholar (J visa)  |
| Other                          | Visitor (B visa)  |

| Contact for Visa Processing |
|-----------------------------|------------------|
| Faculty/Staff: HR            | Students/Scholars/Visitors: ISSS |

<table>
<thead>
<tr>
<th>Principal Investigator / Manager</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name, title, contact information</td>
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<table>
<thead>
<tr>
<th>Department and Portfolio</th>
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</table>

<table>
<thead>
<tr>
<th>Department Head /Dean</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dept Head Name</td>
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<tr>
<td>Dean or VP Name</td>
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<table>
<thead>
<tr>
<th>Country of Birth</th>
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<table>
<thead>
<tr>
<th>Country of Citizenship</th>
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</thead>
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<table>
<thead>
<tr>
<th>Schools and Prior Employers</th>
</tr>
</thead>
<tbody>
<tr>
<td>See attached CV</td>
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<table>
<thead>
<tr>
<th>Which labs and/or departments will the employee or student be assigned to?</th>
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<table>
<thead>
<tr>
<th>What projects will the employee or student be working on or near?</th>
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<table>
<thead>
<tr>
<th>Sponsor Award Number</th>
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</table>

<table>
<thead>
<tr>
<th>Name of Sponsor/Funder</th>
</tr>
</thead>
<tbody>
<tr>
<td>For example: NIH, NSF, DoD</td>
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<tr>
<th>Detailed scope of the project(s), including what the expected outcomes might be, how they might be used or commercialized</th>
</tr>
</thead>
</table>

**For Faculty or Staff:** Description of proposed employee's duties related to the project

**For Students, Scholars, or Visitors:** Description of proposed student or visitor's interactions / contributions to the research

<table>
<thead>
<tr>
<th>Is there any confidential work in the general area?</th>
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<table>
<thead>
<tr>
<th>Are there any Technology Control Plans (TCPs) in the lab or in the department?</th>
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</table>

<table>
<thead>
<tr>
<th>Description of equipment the foreign national will be working with and how will those instrument(s) be used by him/her (i.e. operate, maintain, repair, modify, etc.)</th>
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<table>
<thead>
<tr>
<th>Will encrypted software or computer systems be used?</th>
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</table>

<table>
<thead>
<tr>
<th>Will the source code be accessible to the user?</th>
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Prepared by: ___________________________ Date: ________________

Export Control Management & Compliance Plan | October 1, 2012
Appendix J: Export Control Links

All links are active as of September 24, 2012

Rensselaer Polytechnic Institute

Export Control home page: http://www.rpi.edu/exportcontrol

Export Administration Regulations (EAR)
U.S. Department of Commerce, Bureau of Industry and Security (BIS)

BIS home page: http://www.bis.doc.gov/

BIS policies and regulations (EAR home page):
http://www.bis.doc.gov/policiesandregulations/index.htm#ear

Commerce Control List: Alphabetical Index
http://www.bis.doc.gov/policiesandregulations/ear/ccl_index.pdf

EAR encryption: http://www.bis.doc.gov/encryption/

International Trafficking in Arms Regulations (ITAR)
U.S. Department of State, Directorate of Defense Trade Controls (DDTC)

DDTC Home page: http://www.pmddtc.state.gov/index.html

ITAR home page: http://www.pmddtc.state.gov/regulations_laws/itar.html

U.S. Munitions List:
http://www.pmddtc.state.gov/regulations_laws/itar_consolidated.html

Office of Foreign Assets Control (OFAC)
U.S. Department of the Treasury

OFAC home page: http://www.treasury.gov/about/organizational-structure/offices/Pages/Office-of-Foreign-Assets-Control.aspx (The RESOURCES tab links to OFAC Sanctions Programs and Guidance)

Sanctions Programs and Country Information:
http://www.treasury.gov/resource-center/sanctions/Programs/Pages/Programs.aspx

National Aeronautics and Space Administration (NASA)

Export control program home page: http://oiir.hq.nasa.gov/nasaecp/index.html
Appendix K: Attribution

Our gratitude is extended to the following Institutions who have in part assisted in the development of Rensselaer’s Export Management and Compliance Plan through discussions and on line postings: National Council of University Research Administrators (NCURA), Council on Government Relations (COGR), Stanford University, University of Tennessee, Massachusetts Institute of Technology, Virginia Polytechnic Institute and State University, University of California Board of Regents, Michigan State University, University of Texas Austin, University of New Hampshire, Georgia Institute of Technology, University of North Carolina Wilmington, and the United States Departments of Commerce, State and Treasury.