



Export Control, Sanctions, and Research Security Compliance Policy

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Affected Parties:
Undergraduate
Graduate
Faculty
Staff
Other

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1.0 Purpose

Innovation, research, and development of critical technologies are central to the technological superiority of the United States and to the protection of significant economic interests of the country. Virginia Tech continues to expand its technological research and other collaborative efforts with foreign countries, their entities (e.g., universities, companies, or agencies) and their citizens. At the same time, Virginia Tech is also growing its research collaborations with industry and the federal government that are subject to export or security restrictions.

Academic research typically qualifies as fundamental research which normally may be conducted with international collaborators without export control licensing or security restrictions. However, there are certain conditions under which the export of critical technologies and items is prohibited by law or require an export license or other government approval. The presence of these activities at university facilities, both in the United States and abroad, increases the risk of violating federal laws and regulations governing exports and international transactions. Violations of these laws are punishable by severe civil and criminal penalties and fines, including imprisonment.

This policy has been enacted to establish, document, and implement procedures needed to ensure that the university, and its employees and students, remain in full compliance with International Traffic in Arms Regulations (ITAR), Export Administration Regulations (EAR), Export and Import of Nuclear Equipment and Materials Regulations (EINEMR), Assistance to Foreign Atomic Energy Activities Regulations (AFAEAR), Foreign Assets Control Regulations (FACR), National Industrial Security Program Operating Manual (NISPOM) and/or other applicable export control, sanction, or security related laws, regulations, or orders.

2.0 Policy

It is the policy of Virginia Tech to comply with applicable export, sanctions, and security regulations in all university activities defined herein.

2.1 Applicability of Policy

This policy, its amendments and additions, apply to all university activities that may result in an export or sanctioned transaction, protection and management of United States Government classified information under the National Industrial Security Program, and safeguarding of Controlled Unclassified Information.



2.2 Activities Covered

Regulated exports, sanctions, and security transactions subject to this policy include but are not limited to:

EAR exports

- Shipment or transmission of commodities, software, or technology listed on the Commerce Control List outside of the United States.
- Release or transfer of technology or source code to a foreign person in the United States.
- Transferring of regulation, control, or ownership of a spacecraft subject to the EAR.
- Transactions that violate the General Prohibitions of the EAR.

ITAR exports and Imports

- Shipment or transmission of a defense article outside of the United States, or temporarily importing a defense article.
- Release or transfer of technical data to a foreign person in the United States.
- Transferring registration, control or ownership of an aircraft, vessel, or satellite subject to the ITAR.
- Performing a defense service on behalf of, or for the benefit of, a foreign person.

Importation of Arms, Ammunition and Implements of War

Permanently importing a defense article subject to the U.S. Munitions Import List.

EINEMR and AFAEAR Exports and Imports

Physically transferring nuclear equipment or material to a person or an international organization in a foreign country; or from a person or organization in a foreign country to the United States.

Participating in activities or training, directly or indirectly, involving production of Special Nuclear Materials (SNM), sensitive nuclear technology, or involving production reactors, accelerator-driven subcritical assembly systems, enrichment, reprocessing, fabrication of nuclear fuel containing plutonium, production of heavy water, or research reactors, or test reactors.

FACR Transactions

Conducting international collaborations or academic exchanges (e.g., financial transactions and exportation and importation of goods and services of value) with sanctioned countries, entities, and individuals.

National Security Related Research

National security related transactions involving the facility clearance, personnel clearances, and access to classified materials and equipment subject to the National Industrial Security Program Operating Manual (NISPOM), other applicable national security issuances, and Executive Orders for the protection of classified information. These regulations and orders comprise the National Industrial Security Program.



Controlled Unclassified Information in Research

Research information subject to the Controlled Unclassified Information (CUI) program (Executive Order 13556 and 32 CFR 2002) requires safeguarding from unauthorized release of said information. Examples of CUI subject to this policy include, but are not limited to, Critical Infrastructure, Defense, Export Control, Intelligence, North Atlantic Treaty Organization (NATO), Nuclear, and Transportation. Protection of some types of CUI may be subject to other university policies.

2.3 Export Control and Sanctions Management and Compliance Program

This Policy, the Virginia Tech [Technology Control Plan](#), and subordinate procedures serve as Virginia Tech's Export Control and Sanctions Management and Compliance Program.

2.4 Industrial Security Compliance Program

This Policy, the Virginia Tech Technology Control Plan, and subordinate procedures serve as Virginia Tech's compliance with the National Industrial Security Program.

3.0 Responsibilities

3.1 Office of Export and Secure Research Compliance

The functional administrative unit at Virginia Tech that is charged with the responsibility for oversight of compliance for all activities covered by Section 2.2 of this policy is the Office of Export and Secure Research Compliance (OESRC). OESRC is under the supervision of the Senior Vice President for Research and Innovation. The Director of OESRC serves as Virginia Tech's Empowered Official for compliance with the ITAR. Additional Empowered Officials may be designed by the President. OESRC manages the Virginia Tech facility clearance and accreditation of facilities necessary to conduct national security related academic and research activities. The Director of OESRC serves as Virginia Tech's Facility Security Officer and Insider Threat Program Senior Officer as required by the NISPOM.

3.2 Faculty, Staff, and Students

Virginia Tech's faculty, staff, and students are responsible for ensuring that their educational, research, and other business activities involving international collaborations and foreign exchanges are conducted properly and in compliance with U.S. export, sanctions, or security regulations and any procedures identified herein or in the Technology Control Plan. If faculty, staff, or students are involved in classified research, controlled unclassified research, international collaborations, or foreign exchanges with risk of export control, sanction, or security regulation violation, they will comply with the provisions of any license, government approval, policy, or OESRC-directed certification, technology control plan, or other procedure.

4.0 Procedures

4.1 Conducting Export Control, Sanctions and Research Security Assessments

When requested or required by procedure, OESRC will assist Virginia Tech units, departments, and centers in export control, sanctions and research security assessments to determine if activities are covered by Section 2.2 of this policy. Typical assessments include (i) whether or not an activity is restricted research or fundamental research, (ii) a commodity jurisdiction determination (under what law an export is regulated), a commodity



classification determination (under what entry on the CCL the export is regulated and what nations/foreign nationals are restricted for export), (iii) a determination of whether an international collaboration or foreign exchange involves transactions subject to trade sanctions (including nationality and restricted party screening), and/or (iv) whether the activity involves national security or controlled unclassified information requirements.

If an assessment concludes that an activity is subject to export control, sanctions, or security regulations, OESRC will assist the affected party in seeking necessary licenses or other government approvals, and/or recommend security measures (e.g., a transaction specific technology control plan) or other protocols (e.g., certifications) needed to ensure compliance.

4.2 Communicating with and Obtaining Licenses or Other Government Approvals from Federal Agencies

Virginia Tech cooperates with cognizant governmental and security agencies with licensing and law enforcement responsibilities. The Director of OESRC serves as the university's point of contact with those agencies. OESRC will assist any Virginia Tech unit, department, or center, in filing for any license or other government approval necessary to conduct a university approved activity.

4.3 Export Control and Sanctions Guidance for International Travel and International Visitors

OESRC reviews Virginia Tech personnel international business travel and proposed business visits by international visitors. Additionally, International Affairs and OESRC have established procedures that require OESRC review of all foreign nationals who are not degree-seeking students enrolled at Virginia Tech. The OESRC provides export and sanctions related guidance to internationally traveling personnel and sponsors of international visitors and employees.

4.4 Providing Awareness Training

The OESRC will consult with appropriate university administrative and academic units to assure provision of instructional resources considered necessary to the understanding of export, sanctions, and security regulations and implementation of policy. These resources include written and web-based material, formal and informal course offerings, and individualized consultation.

OESRC offers in-person, with remote capability, export and sanctions compliance training upon request for faculty, staff, and students. Export and sanctions compliance training is also available online from the Collaborative Institutions Training Initiative (CITI). OESRC provides in-person, with remote capability, classroom training for all faculty, staff, and students involved in conducting restricted research, and periodic awareness training tailored to specific college, department, center, and administrative unit needs. Individuals enrolled in the National Industrial Security Program are subject to security trainings as required by the applicable procedures.

4.5 Conducting Institutional Self-Assessments

The OESRC will conduct periodic self-assessment of activities that are covered by Section 2.2 of this policy and report its findings to the Senior Vice President for Research and Innovation, and the Vice Presidents for International Affairs or Finance, as appropriate.



5.0 Definitions

Commerce Control List - A list of “dual use” items, materials, software, and technology, subject to export regulation, maintained by the Department of Commerce that can be used both in military and other strategic uses (e.g., nuclear) and commercial applications. In general, the term “dual use” serves to distinguish Export Administration Regulation -controlled items that can be used both in military and other strategic uses and in civil applications from those that are weapons and military related use or design and subject to the controls of the Department of State or subject to the nuclear related controls of the Department of Energy or the Nuclear Regulatory Commission.

Controlled Unclassified Information (CUI) – Unclassified information designated by the U.S. Government executive branch that requires safeguarding or dissemination controls, pursuant to and consistent with applicable U.S. laws, statutes, regulations, Executive Orders, and U.S. Government-wide policies.

Controlled Technical Information (CTI) –Controlled Technical Information means *technical information with military or space application that is subject to controls on the access, use, reproduction, modification, performance, display, release, disclosure, or dissemination. Controlled technical information is to be marked with one of the distribution statements B through F, in accordance with Department of Defense Instruction 5230.24, "Distribution Statements of Technical Documents."*

Deemed Export – Release of Export Administration Regulation regulated source code or controlled technology to a foreign national in the United States or abroad is “deemed” to be as if it were released to that foreign national’s country of origin.

Defense Article - Any item or technical data (these include military and commercial, navigational, research satellite and space related items, equipment, vehicles, instrumentation, software, and materials), designated by the Department of State in the International Traffic in Arms Regulations. This term includes technical data recorded or stored in any electronic or physical form, models, mockups or other items that reveal technical data directly relating to items on the United States Munitions List. It does not include basic marketing information on function or purpose or general system descriptions.

Defense Service- Furnishing technical data or assistance (including training) to foreign persons (i.e., foreign nationals), whether in the United States or abroad in the design, development, engineering, manufacture, production, assembly, testing, repair, maintenance, modification, operation, demilitarization, destruction, processing or use of defense articles; or, military training of foreign units and forces.

EAR – Export Administration Regulations are issued by the United States Department of Commerce, Bureau of Industry and Security (BIS) under laws relating to the control of certain exports, re-exports, and activities related to dual use items on the Commerce Control List.

Empowered Official – A U.S. person who is legally empowered in writing by the university to sign ITAR export license applications or other requests for approval on behalf of the Virginia Tech; who 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 Arms Export Control Act and the International Traffic in Arms Regulations.



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The Empowered Official has the independent authority to: (i) Enquire into any aspect of a proposed export or temporary import by the applicant, (ii) Verify the legality of the transaction and the accuracy of the information to be submitted; and (iii) Refuse to sign any license application or other request for approval without prejudice or other adverse recourse.

FACTR - Foreign Assets Control Regulations are issued by the US Department of the Treasury's Office of Foreign Assets Control, which administers and enforces economic and trade sanctions based on US foreign policy and national security goals against targeted foreign countries, terrorists, international narcotics traffickers, and those engaged in activities related to the proliferation of weapons of mass destruction.

Foreign National- Persons who are not U.S. citizens, aliens who are not "Lawful Permanent Residents" (Green Card), (8 USC § 1101(a)(20)) or other "Protected Individuals" under the Immigration and Naturalization Act (8 USC § 1324b(a)(3)) designated an asylee, refugee, or a temporary resident under amnesty provisions. A foreign national also means any foreign corporation, business association, partnership or any other entity or group that is not incorporated to do business in the US. Under ITAR, the term "**foreign person**" is used, but has the same definition as "foreign national" herein. However, for ITAR license determinations, foreign person citizenship is evaluated on the basis of country of birth, under the EAR, country of current (most recent) affiliation.

Fundamental Research – "Basic and applied research in science and engineering, the results of which ordinarily are published and shared broadly...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 concerns."-National Security Decision Directive 189

ITAR –International Traffic in Arms Regulations are issued by the Department of State, which has responsibility for the control of the permanent and temporary export and temporary import of defense articles and services.

National Industrial Security Program (NISP) – *The National Industrial Security Program (NISP) is a partnership between the federal government and private industry to safeguard classified information.*

National Industrial Security Program (NISPOM) – *The National Industrial Security Program Operating Manual (NISPOM) establishes the standard procedures and requirements for all government contractors, with regards to classified information. It covers the entire field of government-industrial security related matters. The NISPOM comes in the form of DoD 5220.22-M "National Industry Security Program Operating Manual (NISPOM)".*

Publication or Dissemination Restrictions –Acceptance in research and development of any prohibition or approval authority over publication or any other dissemination of research results, excepting, sponsor or collaborator.

Restricted Parties - Individuals and entities with whom the university and its employees may be prohibited by law, or who require a license or other government approval, to export to or engage in controlled transactions. These includes but is not limited to the Department of Commerce Denied Persons List, Entity List, and Unverified List; the Department of State Debarred Parties List and Designated Terrorist List; and the Department of Treasury Specially Designated Nationals and Blocked Persons List.

Restricted Research - University research, development, or testing subject to export controls, sanctions, controlled unclassified restrictions, and/or security controls. Research becomes restricted when the University accepts (i) publication restrictions, (ii) federally funded agreements with access and dissemination controls on the results, (iii) federally funded research agreements with contract specific national security restrictions; (iv) third party controlled



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items or information, or (v) access to, or defense services on, a defense article. Restricted research may be subject to EAR and ITAR regulations where a license or other government approval may be required for foreign national participation.

Sanctioned Countries – Countries designated under the Foreign Access Control Regulations or through Executive Orders as having limited or comprehensive trade sanctions imposed by the United States for reasons of anti-terrorism, non-proliferation, narcotics trafficking, or other reasons.

[United States Munitions List](#) - Articles, services and related technical data designated by the Department of State as defense articles and defense services pursuant to the Arms Export Control Act.

6.0 References

Arms Export Control Act	22 U.S.C. Ch. 39
Assistance to Foreign Atomic Energy Activities Regulations (AFAEAR)	10 CFR §810
Controlled Unclassified Information	32 CFR §2002
Controller's Office Procedure 20335a Travel Overview	
Critical Energy Infrastructure Information (CEII)	18 CFR §388.112-113
Critical Infrastructure Information (CII)	6 U.S.C. 131-134
CUI Registry	
DDTC Compliance Program Guidelines	
DoD Policy Memorandum Contracted Fundamental Research (May 24, 2010)	
Executive Order 13526 Classified National Security Information	
Executive Order 13556 Controlled Unclassified Information	
Export Administration Regulations (EAR)	15 CFR §§730-774
Export Control Reform Act of 2018	
Export and Import of Nuclear Equipment and Material Regulations (EINEMR)	10 CFR §110
Foreign Assets Control Regulations (FACR)	31 CFR §§500-599
Importation of Arms, Ammunition and Implements of War	27 CFR §447
International Emergency Economic Powers Act (IEEPA)	50 U.S.C Ch. 35 §1701 - §1708
International Traffic in Arms Regulations (ITAR)	22 CFR §§120-130
National Industrial Security Program Operating Manual	
National Security Decision Directive 189	
OSP Policy 29-05 Management of Restricted Research Agreements	
Protected Critical Infrastructure Information (PCII)	6 CFR §29
Protection of Sensitive Security Information (SII)	49 CFR §1520
Secrecy of Certain Inventions and Licenses to Export (PTO)	37 CFR §5
Unclassified Nuclear Controlled Information (UNCI)	42 U.S.C. 2168
Virginia Tech Policy 12115 Accepting and Reporting Gifts-in-Kind	
Virginia Tech Technology Control Plan	

7.0 Approval and Revisions

Approved August 24, 2011 by Vice President for Research, Robert W. Walters.



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- Revision 1

Revised to reflect current practice:

- Includes a reference to compliance with Importation of Arms, Ammunition and Implements of War in section 1.0
- Added a paragraph on National Security Related Research in Section 2.2
- Added detail about the facilities clearance and accreditation of facilities in Section 3.1.
- Added Section 4.3: Providing Export and Sanctions Guidance for International Travel and International Visitors

Approved January 21, 2015 by Vice President for Research, Robert W. Walters.

- Revision 2

- Revised for regulatory updates, including research security regulations.
- Technical updates to titles

Approved August 24, 2020 by Executive Vice Provost, G. Don Taylor.