

OFFICE OF SPONSORED PROGRAMS

Policy and Procedures

Date: March 11, 2009

OSP-29-05: Management of Export Controlled Sponsored Projects

1. Purpose

To establish procedures to be followed in connection with Sponsored Projects subject to International Traffic in Arms Regulations (ITAR), Export Administration Regulations (EAR), Office of Foreign Assets Control (OFAC) Regulations, Nuclear Regulatory Commission (NRC), and other applicable export and sanctions regulations.

2. Policy

The Office of Sponsored Programs (OSP) shall comply with export control regulations governing applicable Sponsored Projects. The Principal Investigator (PI) of an export- or sanctions- controlled Sponsored Project shall be responsible for complying with applicable export or sanctions regulations, and preparing and implementing a project specific Technology Control Plan (TCP). Each OSP Project Administrator should coordinate with the Principal Investigator and the Office of Export and Secure Research Compliance (OESRC) to determine if a proposed Sponsored Project is subject to export regulation. OESRC and OSP will assist the department, college, or unit ("Unit") and the PI in determining the appropriate export control and /or sanctions regime and, if the Sponsored Project is export control or sanctions- restricted, will assist in determining security measures needed to prevent unlawful export of export controlled items (including software, technology, or technical data) to foreign nationals, or participating in sanctioned transactions without an appropriate license or other government approval.

3. Procedures

- A. The Offices of Sponsored Programs and Export and Secure Research Compliance are responsible for ensuring that Sponsored Project contracts and financial assistance agreements are executed in compliance with applicable export control and trade sanctions laws.
- B. The Assistant Vice President for Sponsored Programs Administration (AVP OSP) and the Director, Export and Secure Research Compliance are responsible for this policy. The Director OESRC is responsible for issuing requests for export licenses, commodity jurisdiction requests, commodity classifications, and other documents required by applicable export control regulations that relate to Sponsored Projects.
- C. The PI and Unit are responsible for preparing and approving a project-specific TCP for any Sponsored Project subject to export controls. The PI and Unit shall comply with the security measures in the TCP, and annually certify to OESRC that they are complying with the TCP for each export controlled Sponsored Project for which they are responsible.
- D. Each OSP Project Pre-Award Administrator will:
 1. Identify any export control, foreign person/foreign national, or publication restrictions in solicitations and awards and notify OESRC of the restriction.
 2. Identify any proposal or award for or involving a foreign entity and notify OESRC of the pending proposal or award.
 3. Identify any Department of Defense (DoD) or National Aeronautic and Space Administration (NASA) funded awards (including flow-downs) and provide OESRC with a copy of the pending award.
 4. Assist the PI, Unit, and OESRC in determining the applicable export control commodity jurisdiction of any Sponsored Project.
 5. Remove, whenever possible, publication and access and dissemination restrictions on research results to allow the Sponsored Project to be conducted as fundamental research, not subject to export license restrictions.
 6. Identify export control publication, foreign person/foreign national, or export control restrictions for each Sponsored Project on the Award Acceptance Sheet, as provided by OESRC.
 7. Obtain and include the PI and Unit's signed TCP in an export control restricted award unless this requirement is waived in writing by the Director, OESRC.

E. The Office of Export and Secure Research Compliance will:

1. Assist the Unit, PI, and OSP Pre-Award Administrator in determining if a Sponsored Project will be restricted under export control regulations.
2. Advise the Unit, PI, and OSP Pre-Award Administrator of the need for a TCP for any export control restricted Sponsored Project.
3. Assist in preparation of and review of any TCP required for an export controlled Sponsored Project.
4. Prepare, in coordination with the Unit, PI and if applicable, Sponsor, self-determined export control commodity jurisdiction and classifications for Sponsored Projects. In the event that a self-determined commodity jurisdiction and classification cannot be made for a potentially export control restricted Sponsored Project, prepare in coordination with the Unit and/or PI and submit a commodity jurisdiction/ commodity classification request to appropriate government agency.
5. Conduct training for all personnel in an export controlled Sponsored Project who will have access to export controlled items, software, or technology, unless such training is waived in writing by the Director OESRC.
6. Notify AVP OSP in writing of any potential export or sanctions violation(s) involving Sponsored Projects, and direct freezing affected Sponsored Project funds if required.
7. Maintain a record of all documentation required by export control regulations relating to Sponsored Projects.

F. The OSP Processor will:

1. Place any export control restricted Sponsored Project Award in a Red Folder.
2. Tab the signed TCP for any export control restricted Sponsored Project Award
3. Enter into Banner any attributes for publication restrictions (PUB), foreign person/foreign national restrictions (FOR or FOR A), export control restrictions (ITAR, EAR, OFAC, NRC, IAEA, and/or FRE (Fundamental Research Exclusion)), and NLR (No License Required).
4. Send a copy of the TCP to the responsible PI, Unit, and if applicable, College.

G. The OSP Project Post Award Administrator will:

1. Review all new Sponsored Projects for the following: export control restrictions, publication restrictions, and/or foreign person/foreign national restrictions. Verify that an export controlled project is red-folded, and has a signed Technology Control Plan.
2. Consult with PI and/ or OESRC when changes are proposed to a Sponsored Project (e.g., personnel, or equipment added; venue, or scope of work changed) that may involve export control regulations.
3. When directed by AVP OSP, freeze any accounts identified as a source of a potential export or sanctions violation.
4. Forward all international travel requests to OESRC for review.

4. Definitions

Technology Control Plan: A plan, prepared by PI and approved by the Unit, and reviewed by OESRC, for ensuring that there will be no unlawful export of restricted commodities, defense articles, software, data, technology, or technical data in a Sponsored Project without an appropriate government approval.

5. References

[Nuclear Regulatory Commission 10 CFR §110](#)
[Export Administration Regulations \(EAR\) 15 CFR §§734-774](#)
[International Traffic in Arms Regulations \(ITAR\) 22 CFR §§120-130](#)
[Bureau of Alcohol, Tobacco, and Firearms 27 CFR §444-555](#)
[Office of Foreign Assets Control \(OFAC\) 31 CFR §§500-599](#)
[Office of Patents and Trademarks \(PTO\) 37 CFR §5](#)
[National Security Decision Directive 189](#)
[Virginia Tech Technology Control Plan](#)
[National Industrial Security Program Operating Manual \(NISPOM\)](#)
[DDTC Compliance Program Guidelines](#)
[BIS Export Management System Guidelines](#)

Procedure revised March 11, 2009 and approved by the Assistant Vice President of Administration, Office of Sponsored Programs and the Director of Export and Secure Research Compliance.