

Office of Research Integrity and Assurance (ORIA)



*Moving Research
Forward*

Export Procedure Manual

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EXPORT REVIEW GUIDE

For

Offices of Research Integrity Assurance (ORIA)

Foreword:

This document sets forth the general procedures followed by The Office of Research Integrity and Assurance (ORIA) when an export control review is, or may be, required at Arizona State University (ASU).

I. INTRODUCTION

Federal law restricts the export of goods and technology. Thus, when research or educational activities involve providing information or services to foreign nationals, it is important to know whether the goods, services, data, or technology are covered by the export control laws and regulations. Generally, export controls cover all fields of science and engineering. An export occurs when there is a transfer of items/information or the provision of specific services to a foreign national (except for green card holders). The export can occur even if the foreign national is in the United States, *i.e.*, “deemed export.” It is also important not to export without having determined what the proper next steps to take with any possible export.

II. EXPORT REVIEW AND LICENSE DETERMINATION THROUGH ORIA

All exports from Arizona State University require prior review and approval from ORIA.

ORIA has an Export Control Wizard that assists PI’s in determining if their work is export controlled or not. There are a series of questions for them to answer, and it will automatically tell the PI if the research is fundamental in nature or if they need to consult with ORIA for further information on how to proceed with their project. The Export Control Wizard is located at the following link:

<https://researchintegrity.asu.edu/security/question-0>.

The first step in the export review process is to determine which regulations apply to the situation. Projects involving exports to foreign nationals, whether for sponsored research or hiring, will be reviewed by ORIA. The review process is initiated in several ways such as the request from a PI, RA or notification from ORSPA. If a sponsored project is involved, the export review process is initiated by the ORSPA Grants and Contracts Officer (GCO). The Principal Investigator is in the best position to explain the technology involved in the export review. The statement of work and other relevant information will be forwarded to the ORIA. ORIA will review and determine if the project is subject to export controls and determine the next steps on how to proceed. ORIA will rely on the Principal Investigator’s information in making the determination as to whether the research falls within export controlled areas. Arizona State University deals with the following regulations when dealing with export controls:

[Export Administration Regulations \(EAR\)](#)

[Office of Foreign Assets Control \(OFAC\)](#)

[International Traffic in Arms Regulations \(ITAR\)](#)

A. EXPORT ADMINISTRATION REGULATIONS (EAR)

The Export Administration Regulations (EAR) are administered by the U.S. Department of Commerce Bureau of Industry and Security (BIS). They cover dual use (civilian or military) technology. The following are how ORIA determines licensing requirements for these regulations:

1. Screen entities and individuals against the most recent denied party lists using Visual Compliance Software to ensure that the individuals or entities to receive the technology or items to be exported are not on any of these lists.
2. Review the EAR for embargo information or other restrictions to the particular country of destination.
3. Determine whether the commodity or activity is subject to the [EAR, Part 734](#) . If not subject to the EAR the commodity will be classified as EAR 99 and it may be exported “NLR” – No License Required as long as there is compliance with General Prohibitions 1-10 EAR, Part 736 and the recipient is not on the EAR entities list ([Supplement 4 to Part 744](#)).

If the commodity is subject to the EAR, ORIA will review the Commerce Control List using the Visual Compliance Software. Alternatively, all commodities, technology or software subject to the licensing authority of BIS are included in the Commerce Control List (CCL) which is found in [Supplement 1 to Part 774](#) of the Export Administration Regulations. On the CCL, individual items are identified by an Export Control Classification Number (ECCN).

i. Deemed Exports

Following 9/11, the Bureau of Industry and Security (BIS) indicated that it would focus renewed attention on “deemed export”. The rule applies to U.S. employers hiring foreign nationals (usually on H-1B visas) to work in the United States on export controlled technologies. The following link provides more information: [§734.2\(b\)\(2\) of the EAR](#) .

It is important for ORIA to determine if there is an export issue with research proposals/projects in which a foreign national will be assisting or in situations where a software license agreement contains language indicating that the software is controlled to certain countries. The issue is not always clear. For example, in some cases, the supervised use of a controlled computer by a foreign national may not amount to a deemed export if the foreign national works under supervision and does not access the operating system.

As with other exports, technology that is publicly available is not subject to the deemed export rule, nor would the rule apply to fundamental research within an appropriate structure where any export controlled information or technology would not be released to foreign nationals on the project.

ii. Procedures followed When Making a Commodity Jurisdiction Request

When it is difficult to make a determination regarding whether the particular product or service is civil, military or dual-use, an opinion may be requested from either the Department of Commerce or the Department of State. BIS is the primary licensing agency for dual use exports. Commodity Jurisdiction requests are processed by the Office of Defense Trade Controls. (See [22 CFR 120.3 and 120.4](#)).

A Commodity Jurisdiction Request (CJ) is submitted to the Department of State, Directorate of Defense Trade Controls (DDTC), in the form of a letter with supporting documents. Once received, a CJ request is

assigned a case number. Copies of the request are staffed to appropriate U.S. Government agencies for review.

On the subject line, ORIA will identify the letter as a “*Commodity Jurisdiction Request for [state item].*” Be as specific as possible, including manufacturer, model and/or part numbers and name of item. If the request is for reconsideration, cite the previous case number. Include your Department of State export registration Applicant Code below the subject line. A CJ case will normally take 40-60 days to complete.

iii. China Rule

Check for military end use activities (include related terms such as *use, development, production, operation, installation, maintenance, and deployment*). End User screening (distinguish between private company and government owned), obtain information on how the end-user will use the item, at what location, and for what specific purpose or contract.

Controlled Items – reference [EAR Section 744.21](#).

B. THE INTERNATIONAL TRAFFIC IN ARMS REGULATIONS (ITAR)

The International Traffic in Arms Regulations (ITAR) are administered by the U.S. Department of State (DoS) and controls export of defense articles that are enumerated on the U.S. Munitions List. Designation as a defense article is principally based on whether the article is inherently military in character. Defense articles include the actual item as well as models and technical information, which may reveal technical details about the item.

All U.S. persons engaged in the manufacturing or exporting of defense articles, technical defense information, or defense services are required to register with the Office of Defense Trade Controls (ODTC). Registration is a precondition to approval of any license application, and the registration number must be included on all correspondence and application forms. ASU is registered with this office.

The following three contacts in ORIA can assist with applications and official correspondence relating to exports under ITAR:

Debra Murphy, Director (Empowered Official)
Debra.Murphy@asu.edu, 480-727-2179

Susan Metosky, Assistant Director
Susan.Metosky@asu.edu, 480-727-0871

Kyle Buchanan, Export Compliance Coordinator, Sr.
Kyle.Buchanan@asu.edu, 480-727-6526

An empowered official must have independent authority to enquire into any aspect of a proposed export or temporary import. The duties of the empowered official include verification of the transaction and the accuracy of the information to be submitted to ODTC. An empowered official may refuse to sign any export license or other request for approval without prejudice or any other adverse recourse.

Prior to export, defense articles and defense services require an export license, which will be issued by ODTC. ORIA follow this procedure when preparing a license application:

- Review [Section 126.1 of ITAR](#). This is a list of countries for which U.S. policy denies licenses (exports) of defense articles and defense services. No sale or proposal to sell or transfer any defense articles, defense services, or technical data subject to this section should be made without first obtaining approval of ODTC. Review the name of the proposed recipient/entity to ensure that it does not appear on any of the following lists: statutorily debarred parties listed under DDTC website and DOD excluded parties, BIS denied party lists, and OFAC SDN list. This end-user screening may be done by the Office of Research Integrity and Assurance with Visual Compliance.
- Review [ITAR Part 121 - United States Munitions List](#) to determine if the commodity or service is on the list. The technical point of contact (Principal Investigator) should provide answers to the following questions when a licensing determination is being made:
 - What is the item? Describe its use.
 - Source: Did ASU develop the item? Was it developed under a US Government sponsored contract? If so, provide contract identifying information.
 - What capabilities does the item have?
 - What is the end user's intended purpose?
 - Are there other applications in addition to the intended use?
 - Country of ultimate destination?
 - What is the foreign availability for like items?
 - What is the specific purpose for exporting? (If export is in support of a US government program, provide specific program information.
 - Provide name and contact information of U.S. Government contact familiar with item or technology.
- ORIA will determine the type license/approval that will be needed for a particular circumstance. Types include:
 - [DSP 5](#) Application for Permanent Export of Unclassified Defense Articles. A DSP 5 is typically used when a defined data package is exported for a specific end use.
 - [DSP 73](#) Application for Temporary Export of Unclassified Defense Articles. Persons intending to temporarily export a defense article must complete the DSP 73 for approval.
 - [DSP 61](#) Application for Temporary Import of Unclassified Defense Articles
 - [DSP 85](#) Classified Defense Articles/Technical Data
 - [DSP 119](#) License Amendments

All requested information must be provided by the Principal Investigator to the ORIA who will file for the license through the electronic filing process. Supporting documentation must include letter of explanation, purchase order or letter of intent, the DSP-83 non transfer and use certificate for any item classified as Significant Military Equipment (SME), and the end use and foreign end-user. Documentation of previous licenses to the same entity will be helpful as are product literature (drawings, technical specs, brochures), web links to information explaining the technology or supporting the item. Attachments and supporting technical data or brochures should be submitted in word or PDF. Certification letters from the empowered official must be attached. ([22 CFR 123.1](#)) [A DSP 83 Non Transfer and Use Certificate are required for the export of significant military equipment and classified articles including technical data. A DSP 83 may also be required for the export of other defense articles or defense services under a Technical Assistance Agreement.]

The date of issue of the Department of State license will appear in the upper right hand corner of the license. The Principal Investigator must ensure that the conditions listed in the approval are adhered to for every transfer/shipment. Licenses are valid for four years from the date issued. Most hardware export licenses must be deposited with Customs prior to the AES filing see [123.22\(a\)\(1\)](#). AES filing is required 8 hours prior to exports by truck and 24 hours prior to exports by rail or vessel. Technical data exported electronically must be reported to DDTC prior to export by writing a letter to DDTC. ASU retains the actual license in this situation. Unused, expired, expended, suspended, or revoked licenses must be returned immediately to OTDC (*Holder must submit these to the ORIA*). Licenses often contain limitations or provisos imposed by OTDC.

i. Technical Assistance Agreement

A Technical Assistance Agreement (TAA) is required to be submitted and approved by ODTC before defense services or training, including technical data, may be provided to a foreign person either in the U.S. or in a foreign country.

ii. Manufacturing License Agreement

Manufacturing License Agreements (MLA) are similar to TAAs but usually involve the export of technical data, the performance of defense services, and the export of defense articles necessary for the manufacturing or production of an ITAR controlled item.

iii. Office of Defense Trade Controls Review Process

Once ORIA submits the License Application or TAA, ODTC will staff out the case to various federal governmental agencies for review (such as DOD – DTSA). Factors to be considered include policies, region, country, technology, level of technology at destination vs. U.S. systems and countermeasures, end-user and end-use history, military operational impact, inter-operability requirements, foreign availability of like systems, and classified data transfers.

iv. ODTC Approvals

Refer to [ITAR Part 124 - Agreements, Off-Shore Procurement and Other Defense Services](#) Once a TAA is approved by ODTC (which can take an average of 6 months from the date of submittal), exports of technical data in furtherance of the Agreement may be made without additional export licenses so long as the data exported does not exceed the approved scope of the agreement (*22 CFR 124.3*). The Agreement is not effective until approved by ODTC. If an Agreement is approved, a copy signed by the U.S. and foreign parties must be filed with ODTC not later than 60 days after its effective date. If the Agreement is not implemented by the parties, ODTC must be notified within 60 days of this decision (*22 CFR 124.5*). ODTC must be informed, in writing, of the impending termination of a TAA not less than 30 days prior to its expiration (*22 CFR 124.6*). A Technical Assistance Agreement may only be amended with ODTC's approval, unless the amendment only alters the delivery schedule and does not affect in any manner the duration of the agreement or the clauses or information which must be included in such agreement. One copy of all minor amendments must be submitted to ODTC within 30 days after they are concluded (*22 CFR 124.1 (d)*).

v. ITAR Exemption

The following procedures apply when US Government Sponsor requests an ASU Researcher perform work under an ITAR exemption. ORIA must be notified at the earliest possible point to determine applicability of

the exemption. All such requests must be coordinated with export compliance personnel in the ORIA. In order to obtain approval, the request must include the following:

- Identification of the US Government entity that is requiring work be performed under an exemption, including contract number;
- Contact information of the US Government official supporting the exemption
- Identification of foreign parties involved;
- Identification of hardware, technical data and/or defense services to be exported – these must include the ITAR category and subcategory from the USML and the applicant must indicate whether Significant Military Equipment (SME). If SME, a DSP 83 will be required;
- Detailed summary of the activity and the highest classification of the information involved; and
- Reason for the export, Letter of Offer and Acceptance number, and MOU Title or FMS Case or contract number that supports the end use.

An exemption will not be approved if all of the requirements of the ITAR are not met. Any applicable shipping documentation must reference the exemption.

vi. When License Is Required under ITAR for Foreign National Employee

The International Trafficking in Arms regulatory requirements for a foreign national employee license are on the State Department’s website at www.pmddtc.state.gov. From the home page, go to the Reference Library/Site Map section, and on that page in the section on licensing, find the bold heading "Licensing Guidelines/Instructions." Among those items are the guidelines for foreign national employment.

C. THE OFFICE OF FOREIGN ASSETS CONTROL (OFAC)

Travel to embargoed countries (Cuba, Iran, North Korea, Syria and Sudan) related to one’s position or activities at ASU, including most professional conferences, typically will require the approval of the U.S. Department of Treasury, Office of Foreign Assets Control (OFAC - CFR 31). OFAC licenses must be requested at least three months in advance of travel and travel may not occur without an OFAC license in hand. In addition to an OFAC license, other government agency export licenses (BIS) may also be required for any physical items (e.g. laptops, cameras, etc.) that will be carried to an embargoed country. Personal travel that is not associated with one’s position at ASU (i.e. family vacation) usually will not require a license.

D. Potential Penalties and Sanctions

The following penalties are for unlawful export of items or information can be severe:

- **ITAR**
 - Criminal and Civil Up to \$1 million per violation and 10 years imprisonment
- **OFAC**
 - Criminal and Civil: \$11k TO \$10M per violation and 10 to 30 years imprisonment
- **EAR**
 - Criminal and Civil: \$10K to \$1 million or 5 times value of export, whichever is greater, per violation, 10 years imprisonment

Additionally, for each violation of the EAR, any or all of the following may be imposed:

- The denial of export privileges; and/or
- The exclusion from practice; and/or
- Seizure/Forfeiture of goods.

E. Continuing Projects

For continuing projects involving export controls, ORIA will work with the PI on obtaining any necessary license renewals for the project and personnel working on the project. The PI will need to contact ORIA to inform them of the continuation.

III. Possible Exceptions Applicable to University Research

Most of the research and education activities taking place at Arizona State University are excluded from export controls because the university can assert the fundamental research exception.

A. Fundamental Research Exception

The *Fundamental Research Exception* in both EAR and ITAR pertains to basic or applied research in science and engineering performed or conducted at an accredited institution of higher learning in the U.S. where the results will be published and shared broadly in the scientific community (and under the EAR where the resulting information has been or is about to be published). Fundamental research is distinguished from research that results in information restricted for proprietary reasons or national security reasons or pursuant to specific U.S. government access and dissemination controls. If the subject of review involves a contract with publication restrictions of any type (including pre-publication approvals), for other than the sponsor's review of its proprietary information, the fundamental research exception may not be relied upon.

B. Public Domain

Public Domain is the term used for information that is published and generally accessible or available to the public through a variety of means. Both the EAR and ITAR provide that no license is needed to disclose technical information to foreign nationals inside the United States in classes or laboratories, at conferences or in publications, if the information is in the public domain. The EAR and ITAR define Public Domain differently. The EAR requires that the information has been, is about to be, or is ordinarily published. The ITAR exception requires that the information *has been* published ([EAR 732.2, 734.7](#); [ITAR 120.11\(8\)](#)).

The fundamental research and public domain exclusions apply only to information or technical data. They do not apply to things (physical items including, for example, specified scientific equipment) or services (e.g. training foreign nationals inside or outside the United States). Other exemptions may apply to exports of equipment and services even if the fundamental or public domain exemptions do not.

IV. Arizona State University and PI Management of Licenses

ORIA will receive the ODTIC approval along with limitations and provisos. ORIA will forward a copy of the approval and the limitations and provisos to the Principal Investigator for review. The Principal Investigator must have all faculty and staff working on the project read the agreement and limitations and provisos. . If the provisos are unclear or restrict the research project, the Principal Investigator will work with ORIA to submit a request for reconsideration. The Principal Investigator is responsible for complying with the license and should conduct periodic program reviews to ensure there is no need for an amendment. The Principal Investigator must provide ORIA written notice of the first transfer of technical data under the TAA so that ORIA may provide notice to State Department. All information or data transferred must be marked with the following statement: "This technical data is controlled by the US ITAR. Exemption [22 CFR 125.4\(b\)\(2\)](#) and insert (TAA number) applicable" In addition, data shipped by courier must contain the

following statement on the airway bill: “These commodities are authorized by the U.S. Government for export only to (insert country) for use by (insert licensee). They may not be transferred, transshipped on a non-continuous voyage, or otherwise be disposed of in any other country, either in their original form or after being incorporated into other end-items, without the prior written approval of the U.S. Department of State.” The [ITAR 123.26](#) requires that we maintain records of all technical data transferred under a TAA, the PI must maintain a log of all transfers and maintain the same for a period of 5 years. The Principal Investigator shall provide advance notice of any change in scope of the program, any additional funding or addition of a new party, so that ORIA can file for an amendment, for which ODTC approval is required. If an item will result from the work under the Technical Assistance Agreement, a DSP 5 may be required prior to shipping. Foreign visitors to campus should be screened prior to the visit.

A. Technology Control Plans and Guidance Forms

A Technology Control Plan (TCP) and Guidance Forms are required for work that is export controlled, export issue or other restrictions. The TCP will be prepared and signed by the PI and forwarded to ORIA for review and approval. The TCP shall include a physical and information security plan, personnel screening procedures and a process for carrying out the research in a controlled environment. The TCP will document compliance with the contract terms and conditions and contains the following elements:

- Sponsored project title
- PI name and dept/lab
- Research location (lab/bldg)
- Brief statement of need for plan
- Description of plan for protection of technology
- Principal Investigator(s) signature(s)

To download the form, please use the following link: <https://researchintegrity.asu.edu/security/guidance>

V. VISITORS

Foreign National Visitors to campus should be screened against the denied entity and SDN lists. International Scholars and students visiting on J-1 VISAS are processed and screened through the International Students and Scholars (ISSO) Center. Non-students and visiting faculty should be processed through the Office of Human Resources. Visiting scholars involved in research receive additional screening by ORIA.

VI. FOREIGN TRAVEL

A. Arizona State University Travel Authorization Letters

Employees must comply with U.S. laws and regulations when traveling internationally on Arizona State University business. Travel authorization letters are given upon request to any students, faculty and staff traveling internationally.

B. Hand-Carrying Tools of the Trade

When hand-carrying tools of the trade to countries outside the US, travelers should review Customs regulations of both US and the foreign destination in advance of travel. *Tools of the Trade* are classified as personal and household effects and tools of the trade, including instruments, tools and other effects (such as laptops and smartphone devices). Portable electronic computing devices are a prime target for theft

especially while traveling. The basic rule for protecting a portable electronic device is to treat it like one's wallet or purse. Devices should be kept out of sight when not in use, and PDAs should always be kept on one's person. Please refer to the following link for more information: [Traveler's Checklist](#) .

C. Presenting at Conferences Overseas or Transferring Controlled Information, Technology, Software or Equipment to Foreign Parties Overseas

If any controlled information, technology, software or equipment will be transferred to a foreign party overseas, a license may be required prior to the transfer unless a valid licensing exception or exclusion applies. Faculty presenting at conferences or meetings overseas are responsible for understanding export laws and regulations and how they apply to their respective disciplines. In general, if a conference will be open to anyone and the information to be presented *is* already published (ITAR) or is information that *will be* published (EAR), a license should not be required. Travelers should review the ASU export web site at <http://researchintegrity.asu.edu/security> for information regarding laptop computers and the tools of the trade exemption.

D. Travel to Countries for Which State Department Has Issued Travel Warning

ASU strongly recommends against, but does not prohibit, travel to countries where the U.S. Department of State has issued an official Travel Warning (a Travel Warning is distinct from a State Department issued Public Announcement), or where there is other reliable information of significant health or safety risks. The final decision about making a trip to such a country is up to the individual making the trip; however, ASU reserves the right to require the execution of an appropriate release or waiver before permitting such travel. This recommendation is directed toward individual travelers in the following categories: faculty, staff, graduate students, and postdocs.

For further information about U.S. Department of State travel advisories, please consult the [Department of State current travel warnings and alerts](#). ASU will review on a case-by-case basis plans for travel using state or sponsored funds to countries for which travel warnings have been issued.

E. Additional Guidance for International Travelers

Prior to international travel, faculty should become aware of applicable export laws, regulations and risks associated with international travel. Several key reference sources include:

- ASU Export Web site: <http://researchintegrity.asu.edu/security/foreign>
- State Department: <http://www.state.gov/travel/>
- Homeland Security: http://www.dhs.gov/dhspublic/theme_home3.jsp
- Centers for Disease Control and Prevention: <http://www.cdc.gov/travel/>
- World Health Organization: <http://www.who.int/ith/>
- U.S. Department of Agriculture: <http://www.aphis.usda.gov/travel/>

F. Personal Travel

No export review is required for personal trips, however regulations still apply (*i.e.* employees traveling internationally on vacation or attending conferences at their own expense). A review is required if Arizona State University contributes to any cost of the trip, including but not limited to salary.

VII. INTERNATIONAL SHIPPING

International shipments may require that an Electronic Export Information EEI (formerly called a Shipper's Export Declaration (SED)) to be filed with the U.S. Census Bureau. The EEI is now filed electronically through the Automatic Export System (AES). An EEI is used to control exports and act as a source document for export statistics. The EEI must be prepared for shipments when the shipment through U.S. Postal Service (USPD) is valued over \$500. EEIs are required for shipments not using the USPS when the value of the commodities classified under any single schedule B number is over \$2,500. If not EEI required the airway bill or other loading document should state "No EEI required no individual Schedule B number valued over \$2,500."

The EEI must be prepared regardless of value for all shipments requiring an export license. FedEx International will file the EEI on behalf of the sender for a nominal fee. A copy of the EEI documentation should be provided to ORIA. If you choose to ship on your own with another carrier, you must ensure that the AES has been filed and provide a copy to ORIA (note delay required for shipping ITAR items in section V. above).

Destination statement should appear on any items subject to US control – "These commodities, technology, or software were exported from the United States in accordance with the Export Administration Regulations. Diversion contrary to US law is prohibited."

Intangible exports of technology controlled under Commerce (EAR 99) will not require an EEI. Software or technology should be marked with appropriate ECCN.

A. Shipping Equipment Outside of the US

Equipment may not be sent outside the US until a determination has been made as to whether an export license is required. For assistance in making this determination, the shipper must provide the following:

- Contact information for Principal Investigator or other responsible person for shipment, including telephone and fax numbers, e-mail address, and school/department/lab;
- Information about the Equipment, including its common name, technical name, manufacturer, model number, general function and/or use, dollar value, URL where specifications can be found;
- Information about purpose of shipment, including intended recipient and address, intended end-user (requires names of individuals and nationality), and intended use of equipment;
- State whether ASU will be responsible for training foreign national to use equipment;
- Will this be a loan? If yes what is the loan period?
- Other disposition of equipment/material?
- The Principal Investigator must review the export web site and then state whether the equipment/material is controlled under ITAR. If so, the PI must identify the USML Category.
- If the equipment/material is controlled under EAR, the PI must provide the citation.

B. Shipping Chemicals or Biological Materials Outside of the U.S.

Shipments of chemicals and/or biological materials are handled by the Environmental Health & Safety Office. Prior to shipments of chemicals or biological materials internationally, an export review must be completed to determine if a license is needed. A Grants and Contracts Officer will facilitate the submission of the material transfer agreement (MTA) to ORIA for review and approval.

ITAR: If hand carrying technical data, in accordance with [Part 123.22\(3\)](#), the exporter is not required to report using AES, but must provide electronic notice to DDTC. A copy of such notice should accompany the technical data shipment.

VIII. IMPORTS

For Imports that port in Phoenix, AZ, please contact the following:

Arizona Customs Brokers
2153 E. Jones Ave.
Phoenix, AZ 85040
602-273-0912
acb@arizonacustomsbrokers.com
Website: <http://www.arizonacustomsbrokers.com/>

For Imports that port in Memphis, TN (where FedEx is headquartered), please contact the following:

V. Alexander & Co., Inc.
ATTN: Peter Pennesi
6555 Quince Rd., Suite 201
Memphis, TN 38119
901-795-7761 Ext. 1250
ppnesesi@valexander.com
Website: <https://www.valexander.com/>

-When a customs broker is obtained, send their information to FedEx (or whichever carrier is requesting it), and they will then obtain an IT number (a bond number) to release to the customs broker. The fee for clearance is approximately \$100.00.

-The customs broker will send a power of attorney to ASU (whoever is dealing with the package) to give the broker the right to process and clear the package.

-When the package is cleared by the customs broker, they will act as our courier and ship the item(s) to ASU.

IX. I-129 EXPORT QUESTIONNAIRE (H-1B VISA)

US Citizenship and Immigration Services (USCIS) Form I-129 Petition for Nonimmigrant Workers, is used in the H-1B temporary worker process. This form is required to be filled out for any foreign national working on an internal or sponsored account. A background check is performed on the individual using Visual Compliance. A current passport/visa for the foreign national is required at the time of submission of the form. This form can be found at the following link: <https://researchintegrity.asu.edu/security/h1b>.

X. PUBLICATION WAIVERS

This is a waiver that needs to be filled out whenever there is a restriction to publish dealing with export controls, restricted data sets in human subject research, intellectual property or other reason that could be stated in a sponsored agreement. If a PI has students working on a sponsored agreement involving a publication waiver, there is also an attached letter that they must sign attesting that the publication

restriction will not adversely affect their studies at ASU. This form can be found at the following link: <https://researchintegrity.asu.edu/security/guidance>.

XI. TRAINING OUTREACH IN EXPORT CONTROL REQUIREMENTS & PROCESSES AT ARIZONA STATE UNIVERISTY

ORIA provides outreach training on export control laws and regulations. Additional information and materials are available on the export web site at <http://researchintegrity.asu.edu/security>.

XII. COMPLIANCE AUDITS

These procedures have been developed to ensure that appropriate reviews and documentation exist to provide evidence of compliance with the export laws and regulations. Export review records relating to sponsored projects are maintained in the ORIA. ORIA will maintain records of export reviews relating to travel and other miscellaneous reviews. Records will be kept for a period of five (5) years from the expiration date of the authorization or date an exemption is claimed.

XIII. OTHER

A. Anti-boycott

Export regulations prohibit US persons from complying with certain aspects of unsanctioned boycotts. The primary impact of this rule is on the Arab League boycott on Israel, but could apply to other boycotts as well. ASU employees may not provide any information, or agree to any term or condition that furthers the boycott on Israel. Any such request should be reported to the Bureau of Industry and Security, and the ECC should coordinate such notice through ORIA.

B. Political Contributions/Foreign Corrupt Practices Act

Any political contribution to any foreign government actor, or any fee or commission in connection with obtaining a sponsored contract or business must be reported to the ECC and approved by ORIA.

C. Brokering

ASU employees should not enter into contracts with third parties to obtain defense contracts without review and approval of ORIA.