**THE GEORGE WASHINGTON UNIVERSITY**

**OFFICE OF THE VICE PRESIDENT FOR RESEARCH**

**Record of Export Control Review**

**Purpose**

The purpose of completing the Record of Export Control Review is threefold:

1. Assist GW in properly classifying the information, technology, software or item involved,
2. Determine the scope of applicable restrictions under U.S. Export Controls,
3. Define your obligations in conducting the research.

This questionnaire was designed for use by any member of the university community in assessing U.S. export control issues in general, and to determine whether a particular research project or contemplated activity would qualify for an exemption. As the Principal Investigator (PI) for a research project, you are the person most qualified to provide information necessary to determine whether your research is subject to restrictions imposed by export control laws.

**Instructions**

Individuals who have identified export control triggers must complete the questionnaire and follow the procedures set forth therein. The Record of Export Control Review must also be completed by any member of the university who intends to transfer any item, software or technology outside the United States, even if the contemplated activity is unrelated to a particular research project.

For additional information and guidance, please review the Export Control Policy for a summarized explanation of export control laws, or visit <http://research.gwu.edu/export-controls>.

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| --- | --- | --- | --- |
| **PROJECT INFORMATION** | | | |
| **Project Title** |  | | |
| **Project/Contract/Proposal #** |  | | |
| **Sponsor** |  | | |
| **GWU Member/Principal Investigator** |  | | |
| **Campus Address** |  | | |
| **School** |  | **Department/Division** |  |
| **Phone** |  | **Fax** | **Email** |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **SECTION I. PROJECT ANALYSIS** | | | | |
| **Sanctioned Countries, Entities and Persons** | | **YES** | **NO** | |
|  | Does the project in any way involve either of the following: | | | |
|  | a country subject to US economic sanctions |  |  | |
|  | a person or entity designated by the US Government as a Specially Designated National or a Blocked Person (SDN) |  |  | |
| *For the current list of sanctioned countries, please visit:* [*http://www.treasury.gov/offices/enforcement/ofac/programs/index.shtml*](http://www.treasury.gov/offices/enforcement/ofac/programs/index.shtml)*.*  *The Specially Designated National or a Blocked Person (SDN) can be viewed at:* [*http://www.treasury.gov/offices/enforcement/ofac/sdn/index.shtml*](http://www.treasury.gov/offices/enforcement/ofac/sdn/index.shtml)*.*  If you answered “**YES**” to questions **1(a)** or **1(b)**, please contact the GWU Office of the Vice President and General Counsel immediately, before proceeding with the activity.  If the answer is “**NO**” to both of these questions, please proceed to the next question. | | | | |
| **Public Domain** | | **YES** | **NO** | |
|  | Does the project **solely** involve information or technologies that are in the ‘public domain’, (e.g., published, patented, or generally accessible to the public)? |  |  |
| If the answer is “**YES**,” please skip to question #**4** and then question #**8** below. In summary, if no encryption software is involved and the activity does not involve a boycott-related request, then you must contact the Office of Senior Vice President and General Counsel only if you know or have any reason to believe that the public domain item, technical data, or software to be shipped, transmitted or transferred will be used to support design, development, production, stockpiling or use of nuclear, chemical or biological weapons or missiles.  If you answered “**NO**” to question #2, please proceed to the next question. | | | | |
| **Fundamental Research** | | **YES** | **NO** | |
|  | Do the terms of the proposal, application or award, or the terms of the contract or research agreement, contain **any** of the following: |  |  | |
|  | Restrictions on publication (e.g., sponsor approval rights or prepublication review) beyond a brief review for patent protection and/or inadvertent release of confidential/proprietary information? |  |  | |
|  | Restrictions on the participation of foreign persons (e.g., sponsor approval required for participation of non-U.S. persons, explicit restrictions on participation by persons or entities based on their country of nationality, prohibitions on access by non-US persons to project information, or prohibition on hiring non-US persons)? |  |  | |
|  | Requirement to keep information confidential (e.g., requires the PI to sign a non-disclosure or a confidentiality agreement, or otherwise addresses the use of proprietary information or security concerns) |  |  | |
|  | Permission for the sponsor to claim resulting research information as proprietary or trade secret (i.e., sponsor’s intent to retain proprietary interest over the results)? |  |  | |
|  | “Export controlled,” “ITAR controlled” or similar marks anywhere on the documents (e.g., RFP, SOW) or any other references to US export control regulations? |  |  | |
| If you answered “**NO**” to ALL of the questions (a)-(e), the “fundamental research” exclusion will apply to information resulting from the research.  *It is important to note that this exemption:*   * + - *does allow for the release of such information to a foreign person* ***in*** *the United States; but*     - *does not authorize transmission or transfer of items, software or technical data outside the United States.*   *If the project contemplates or involves such export activity, or if you anticipate that the activities of this project will involve foreign persons who may need to use controlled equipment or software in the United States, completing the remainder of the questionnaire will assist you in determining whether a license is required for such export or whether the transfer of “use” technology is involved.*  If you answered **“YES”** to any of the questions (a) – (e) the Fundamental Research exclusion does not apply. In addition, if you answered “**NO**” to question #**2** above, you should contact the Office of Export Control to assist GW in: (i) properly classifying the information or technology involved, (ii) determining the scope of applicable restrictions under US export controls and (iii) defining your obligations in conducting the research. You may be asked to complete questions **4**-**7** below as well as the Certification on the Handling of Export Controlled Information. | | | | |
| **SECTION II. TRANSFERS, CONTROLS, AND LICENSING** | | | | |
| **Encryption Items** | | **YES** | **NO** | |
|  | Does the project involve shipping, transmitting or otherwise transferring encryption software (in source code or object code)? |  |  | |
|  | If the answer is **“NO”**, please proceed to the next question.  If the answer is **“YES”**, please contact the Office of Export Control before proceeding with the activity. |  |  | |
|  | **Transfers or Exports** | **YES** | **NO** | |
|  | Does the project involve shipment, transmission, or transfer of any item, information, or non-encryption software outside the US? |  |  | |
| If the answer is **“NO”**, please skip to question **#8**.  If the answer is **“YES”**, please proceed to the next question. | | | | |
|  | **ITAR / USML** | **YES** | **NO** | |
|  | Is the item, software or information being shipped, transmitted or transferred subject to the International Traffic in Arms Regulations (ITAR) as a Defense Article or Technical Data listed on the U.S. Munitions List (USML) or otherwise specifically designed, developed, configured, adapted or modified for a military application? |  |  | |
| *The U.S. Munitions List (USML) is located at:* [*http://www.pmddtc.state.gov/regulations\_laws/documents/official\_itar/ITAR\_Part\_121.pdf*](http://www.pmddtc.state.gov/regulations_laws/documents/official_itar/ITAR_Part_121.pdf%20) *.*  If you answered “**YES**,” it is likely a license will be required to ship, transmit or otherwise transfer the item, software or technical data outside the United States. You should contact the Office of Export Control before proceeding.  If the answer is **“NO”**, please proceed to the next question. | | | | |
| **Commerce Control List and EAR99** | | | | |
| The Bureau of Industry and Security (BIS) maintain the Commerce Control List (CCL) which includes items (i.e., commodities, software, and technology) subject to the export licensing authority of BIS. In order to complete the next question, you must review the CCL to determine the category in which the item(s) used in this project will be classified. | | | | |
| *The CCL is available at* [*http://www.access.gpo.gov/bis/ear/ear\_data.html#ccl*](http://www.access.gpo.gov/bis/ear/ear_data.html#ccl)*, Part 774, Cat. 0-9.* | | **CCL** | **EAR99** | |
|  | Is the item, software or information being shipped, transmitted or transferred listed on the Commerce Control List (CCL) of the Export Administration Regulations (EAR) or is it classified in the “basket” category EAR99? |  |  | |
| If you have determined that the item, software or information being shipped, transmitted or transferred is classified in the basket category “EAR99”, please skip the next question and refer to the guidance information in the shaded text box below. | | | | |
| **Transfer of Use** | | **YES** | **NO** | |
|  | If you are dealing with the CCL-listed information or software, has it been published, patented or generally accessible to the public in any form? |  |  | |
| If your answer is **“YES”** the CCL-listed information or software is exempt from the EAR restrictions as “publicly available” information or software (with the exception of certain encryption software, which remains subject to the EAR and is covered by question 4 above).  If your answer is **“NO”** andyou are dealing with the CCL-listed information or software that is **not** publicly available and/or you are dealing with a CCL-listed item, the following must be determined:   1. the level of EAR controls applicable to that item, information or software (by determining the proper Export Control Classification Number (ECCN) on the CCL); 2. the country of destination for such item, software or information and/or the nationality/citizenship of a foreign person who will receive such information or software in a third country; and 3. whether a license under the EAR is required, 4. or whether a license exception may apply.   You should contact the Office of Export Control if you need assistance in making these determinations.  **EAR99** items generally consist of low-technology consumer goods and do not require a license in many situations. However, if your proposed export of an EAR99 item is to a country subject to US economic sanctions, to an end-user on a U.S. Government Restricted Party List, or in support of a prohibited end-use, you may be required to obtain a license.  ***Important note:***  *You will also need to advise GW of the following information prior to engagement:*   * *whether you know or have any reason to believe that the item, technical data, or software to be shipped, transmitted or transferred will be used to support design, development, production, stockpiling or use of nuclear, chemical or biological weapons or missiles;* * *any “red flags” are present (for a list of EAR red flags, please review http://www.bis.doc.gov/enforcement/redflags.htm); or* * *any of the parties to the contemplated transaction appear on any U.S. Government “restricted party” lists*   *The lists are available at:* [*http://www.bis.doc.gov/ComplianceAndEnforcement/ListsToCheck.htm*](http://www.bis.doc.gov/ComplianceAndEnforcement/ListsToCheck.htm)*)* | | | | |
| **Boycotts** | | **YES** | **NO** | |
|  | Does the project, or the contemplated activity, involve a boycott-related request? |  |  | |
| For more information on anti-boycott compliance requirements, please review <http://www.bis.doc.gov/ComplianceAndEnforcement/AnitboycottCompliance.htm> or GW’s Primer on Doing Business Abroad: U.S. Laws That Affect GW’s International Activities, at <http://www.gwu.edu/~vpgc/pdf/Primer_on_Doing_Business_Abroad.pdf>  If the answer is **“YES”**, please contact the Office of Senior Vice President and General Counsel before proceeding (you should not provide any response to such request without obtaining prior legal guidance). | | | | |

**Signature** **Date**