Export Control Program

Research Administrator Training

University of Wisconsin - Madison

Tom Demke - Export Control Officer
Bethany Nelson - Export Control Coordinator
General Information
What is Export Control?

- Export control consists of federal laws and regulations that control certain commodities, technologies, information and data.
- Limits what can be shipped out of the country and to whom it can be shipped.
- Can limit access to information for certain foreign nationals and/or organizations.
- Determines when a license is required to ship items or information abroad.
Purpose of the Regulations

- To control the export of military and dual use products, technology and services to foreign persons or organizations
  - Dual Use: commercial items that could have military or proliferation applications
    - Ex: computer technology and software, sensors, lasers
  - Primarily for national security purposes
Purpose of Export Control Program

• To ensure that products, technology & services that are exported to foreign persons or organizations are transferred in compliance with United States export control regulations
  
  • **Licenses:** Appropriate export licenses are obtained prior to the transfer of items to foreign entities
  
  • **Training:** Organizations and staff affected by these regulations are being trained to identify issues of export control that may arise
  
  • **Non-compliances:** Non-compliances are reported & addressed quickly & effectively
Please note that other government agencies maintain export regulations but they have less of an affect on UW-Madison activities.

Different regulations, agencies, lists & means of implementation

They can be very difficult to navigate.
Project Assessment Process
Project Assessments:

**Purpose**
- Determine if an export license is required to complete project tasks

**Timing**
- Completed early post-award
- Assessed by PIs, PMs or delegate
- All assessments documented
Project Assessments (cont.)

Tools:

- WISPER Screening Tool
  - Compliance Question
- Export Control Questions
- No paper record keeping required
- Export Control Assessment Form
- Full Project Assessment
- Restricted Party Screening
**WISPER Screening Tool**

- **Compliance Question**
  - Does the project involve research or services in a scientific, engineering or technology field?
  - If answer is no, you have completed the export control assessment.
  - Can’t sign proposal w/o answering compliance question
  - Answered by PI or delegate
WISPER Screening Tool

• If the answer is yes, the PI will need to answer 2 questions on the Projects Tab
  • Does the project include Controlled Technology?
  • Is an Export or Deemed Export planned as part of this project?
• These are multi-part questions
  • Yes to any part = Yes for the entire question
• Answer during award set-up

If both questions are answered Yes, a full export control assessment is needed

Rev. J, 4/22/2013
Export Control Assessment Form

• **Full Project Assessment**
  - Used to determine if a license is required
  - Completed if yes is answered to both questions on Export Control tab of WISPER
  - Completed early post-award
  - Completed by PI w/ Point of Contact or Export Control Office
Export Control Assessment Form

- **Restricted Party Screening (RPS)**
  - The federal gov’t has lists of persons and organizations with which we are not allowed to conduct transactions
  - PI or delegate completes RPS section
  - Used to determine if gov’t restricts us from working with specific foreign collaborators

- **Signatures**
  - PI signs authorization & forwards to ECO
  - ECO conducts RPS (if needed)
  - ECO reviews & signs assessment
Project Assessments Tools (cont.)

WISPER Screening Tool

- Export Control Approval

  - If during the WISPER process you would like someone to review the responses to the export questions, an Export Control Approval is available.

  - Manually request the approval
Reassessments

• **Reassess Your Project** (if any of the following change)
  
  – **Scope**
  
  – *Destination - New foreign destination added or change in foreign destination*
  
  – *Staffing Changes - Non-US Person added for ITAR/EAR-sensitive project*
Examples
Example 1 - Medical School

A researcher receives an award to study family history and environmental effects on childhood allergies. The study is funded by NIH. Personal and medical information is supplied under a CDA. One of the staff members is a post doc from Spain.

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<th>YES</th>
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<td>A full assessment is not required - The research is to be published. The information covered by the CDA is not technical.</td>
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Example 2 – Engineering

An engineer is working on a laser project that could have potential military use. The project is funded by DOE. Two members of the project staff are from China and the Ukraine.

Compliance Question 8
Yes
Does the project involve: research or services in a scientific, engineering or technology field?

Export Control Questions

Controlled Technology:
Yes
• The project is sponsored by the U.S. DOD or defense contractor AND has potential military application?
• The project involves hardware, software, substances, information or data controlled under ITAR or EAR?
• The project uses or creates items, information or data of a technical nature that will not be made publicly available?

Export / Deemed Export:
Yes
• Foreign persons will participate in this project as sponsors, collaborators or staff?
• Hardware, software, substances, information or data for this project will be exported out of the U.S. or transferred to foreign persons within the U.S.?

Comments
A full assessment is required - A license may be required for both foreign members to work on the project.
### Example 3 - Microbiology

A researcher is studying treatments for anthrax with a collaborator in England. The researcher plans to ship a sample of Bacillus anthracis to England as part of the project. The work is funded by NIH. Publications are planned.

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<td>A full assessment is required; a license will be required to export the bacteria - Bacillus anthracis is a select agent and export controlled under the EAR.</td>
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Example 4 - Astronomy

A researcher is developing a guidance system for a sounding rocket. The guidance system is controlled under ITAR. The project is sponsored by NASA who will be the sole recipient of the system. No foreign persons are working on the project.

Compliance Question 8
Does the project involve: research or services in a scientific, engineering or technology field?

Export Control Questions
Controlled Technology:
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Export / Deemed Export:
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- Hardware, software, substances, information or data for this project will be exported out of the U.S. or transferred to foreign persons within the U.S.?

Comments
A full assessment is not required - No foreign persons are involved in the project. Note: The researcher’s lab will need to be access controlled to prevent unauthorized access.
### Example 5 - Classics

An archeologist plans to travel to Crete to study the writings on recently discovered ancient Greek tablets. The study is funded by the Smithsonian Institute. She plans to publish the results of her findings.

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Example 6 - Psychology

A researcher plans to ship a thermal imaging camera to India to study participants in a meditation project. The camera is controlled under the EAR. The results will be published.

Compliance Question 8

| Does the project involve: research or services in a scientific, engineering or technology field? | YES |

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Export / Deemed Export:

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Comments

A full assessment is required. A license will be required to export the camera. Note: If hand-carrying equipment that exceeds $2500 in value, an AES filing will need to be submitted to Customs prior to the equipment leaving the country.
### Example 7 - Sociology

A researcher plans to study whether a child’s age at the time of their parents’ divorce impacts the child’s ability to form lasting relationships later in life. The study is funded by NSF. Information will be supplied under confidentiality agreements. The researcher plans to publish the results.

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### Comments

For research in social sciences, the answer to Compliance Question 8 may be YES or NO. Retrospective analysis of information would likely be NO. Prospective studies using scientific models, or studies using electronic instrumentation would likely be YES.
Example 8 - Economics

An economist wants to study the effects of farm subsidies on the economy of Wisconsin over the last 50 years. The study is funded by the USDA. The researcher plans to publish the results.

Compliance Question 8

Does the project involve: research or services in a scientific, engineering or technology field?  

NO

Export Control Questions

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Comments

None
Contact Information
For Additional Information, Contact:

- **Tom Demke, UW-Madison Export Control Officer**  
  tom.demke@ssec.wisc.edu  262-8659

- **Bethany Nelson, UW-Madison Export Control Coordinator**  
  bcnelson2@grad.wisc.edu  261-1128

- **Ben Griffiths, UW Senior Legal Counsel**  
  BGRIFFITHS@vc.wisc.edu  263-7400

- **Or e-mail:**  
  exportcontrol@grad.wisc.edu

UW Export Control Website:  
http://www.grad.wisc.edu/research/policyrp/ec/index.htm
End of Presentation
Addendum – Initial Training Schedule

Wed May 1, 10:00
RSP, 21 N. Park, Rm 1106

Wed May 8, 1:30
Campus Research Administrators, 21 N. Park, Rm 1106

Wed May 9, 9:30
BioTech, BioTech Rm 1106

Wed May 16, 9:30
Medical School, Health Sciences Learning Center, Rm 1220

Wed May 20, 2:00
Engineering, Engineering Hall, Rm 1610

Wed May 30, 10:30
CALS, Microbial Sciences, Rm 1220 (Ebling Symposium Ctr.)

Wed June 4, 2:00
Union South, Rm TBD