

# Jefferson-Export Control Questionnaire

## Question 1

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**Was the item, information or software to be shared or shipped developed under a sponsored agreement imposing publication restrictions\* beyond normal reviews for patentability and/or inadvertent release of confidential/proprietary information?**

**YES**

**NO**

\* Research carrying dissemination restrictions may violate University policy and preclude characterization of the effort as "fundamental research." As a result, you may be facing prohibitions limiting the participation of foreign persons.

"Fundamental research" is **defined** as basic or applied research in science or engineering, the results of which are intended to be shared with the interested scientific community or otherwise placed in the public domain. Fundamental research, by definition, is free of access, participation, or dissemination restrictions.

Fundamental research is granted special status by U.S. export regulations, such that participation by foreign persons in such research does not require export licenses to be obtained. If the research is other than "fundamental," then the conduct, products and results of that research may be subject to the full array of export control restrictions

## Question 2

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**Did a sponsor, vendor or other third party provide, under a Non-Disclosure Agreement or a Confidentiality Agreement\*, the item, information or software to be shared or shipped?**

**YES**

**NO**

\* A reminder about NDAs and similar confidentiality agreements:

Faculty may be asked to accept confidential, proprietary, or export controlled data or material as part of a research project subject to a Non-Disclosure Agreement (NDA) signed by both the discloser and the recipient.

NDAs and similar confidentiality agreements are permissible **ONLY** to the extent that they meet the requirements of University policy (e.g. the information must be entirely peripheral to the research-- "substantially remote from the intellectually significant portions of the research" - and the disclosure restriction must not affect the ability to publish the research results).

If you have any questions about this, or if you are asked to sign such an agreement, contact the Office of Research or the Office of Sponsored Program Administration prior to taking any action

By answering "YES" to any of these questions, **YOU MAY NEED TO OBTAIN AN EXPORT LICENSE!**  
**CONTACT THE OFFICE OF EXPORT CONTROLS FOR ASSISTANCE!**

It is important to note that this information is only for general review of your plans. If your project changes, please note that this determination may no longer be applicable. If you had any hesitation in answering "no" to any of the preceding questions, you should contact the Office of Export Controls immediately for assistance in further evaluation of your project.

### Question 3

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**Is the item being shared or shipped a defense article\* on the ITAR's U.S. munitions list?**

**YES**

**NO**

\* A defense article:

1. Is specifically designed, developed, configured, adapted, or modified for a military application, and does not have predominant civil applications, and does not have performance equivalent (defined by form, fit and function) to those of an article or service used for civil applications;
2. Is specifically designed, developed, configured, adapted, or modified for a military application, and has significant military or intelligence applicability (examples are nuclear, biological, or chemical weapons and satellite technology with military application); or
3. Is on the **U.S. munitions list** (U.S. State Department ITAR list).

### Question 4

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**Is the information or software being shared or shipped "technical data"\* on the ITAR's U.S. munitions list?**

**YES**

**NO**

\* Technical data means:

1. Information, other than software, which is required for the design, development, production, manufacture, assembly, operation, repair, testing, maintenance or modification of defense articles. This includes information in the form of blueprints, drawings, photographs, plans, instructions and documentation.
2. Classified information relating to defense articles and defense services.
3. Information covered by an invention secrecy order.
4. Software directly related to defense articles.

"Technical data" does NOT include information concerning general scientific, mathematical or engineering principles commonly taught in schools, colleges and universities, information in the public domain, or information generated in the course of performing **fundamental research**. It also does not include basic marketing information on function or purpose or general system descriptions of defense articles.

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## Question 5

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**Is the item being shared or shipped on the Commerce Control List?**

**YES**

**NO**

The **Commerce Control List (CCL)** is maintained by the Bureau of Industry and Security (part of the U.S. Department of Commerce) as part of the Export Administration Regulations (EAR). This list is sometimes called the "dual-use" list, as the items on it may have either a military or a commercial application

## Question 6

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**Is the information or software being shared or shipped technological data\* or software\*\* on the Commerce Control List?**

**YES**

**NO**

\* The EAR defines "technology" as:

Specific information necessary for the "development", "production", or "use" of equipment or software. Technology includes information subject to the EAR released in the form of technical assistance or **technical data**.

- Technical assistance includes instruction, skills training, working knowledge, consulting services.
- Technical assistance may involve transfer of export controlled information.

Technical data includes blueprints, plans, diagrams, models, formulae, tables, engineering designs and specifications, manuals and instructions written or recorded on other media or devices such as disk, tape, read-only memories.

Information that is, or will be, placed in the public domain, such as that generated by fundamental research, is not subject to the EAR and is exempt from export control regulations.

\*\* The EAR defines software code as a collection of one or more programs or microprograms fixed in any tangible medium of expression. Software code is comprised of source code or object code:

Source Code: A convenient expression of one or more processes that may be turned by a programming system into equipment executable form ("object code" or object language).

Object Code: An equipment-executable form of a convenient expression of one or more processes ("source code" or source language) that has been converted by a programming system

By answering "YES" to any of these questions, **YOU MAY NEED TO OBTAIN AN EXPORT LICENSE!**  
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