



# EXPORT CONTROL PROGRAM

## *PROJECT ASSESSMENT TRAINING*

**University of Wisconsin - Madison**

**Tom Demke - Export Control Officer**

**Bethany Nelson - Export Control Coordinator**



# PROJECT ASSESSMENT TRAINING

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# *Project Assessments*

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# PROJECT ASSESSMENT TRAINING

## ***Project Assessments:***

### **Purpose**

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

### **Design**

- ***Does not apply to MTAs and FFS***
- ***Developed in collaboration w/ RSP and numerous individuals across campus***
- ***Does not delay proposals or awards***

### **Timing**

- ***Completed early post-award***
- ***Assessed by PIs, PMs or delegate***
- ***All assessments documented***

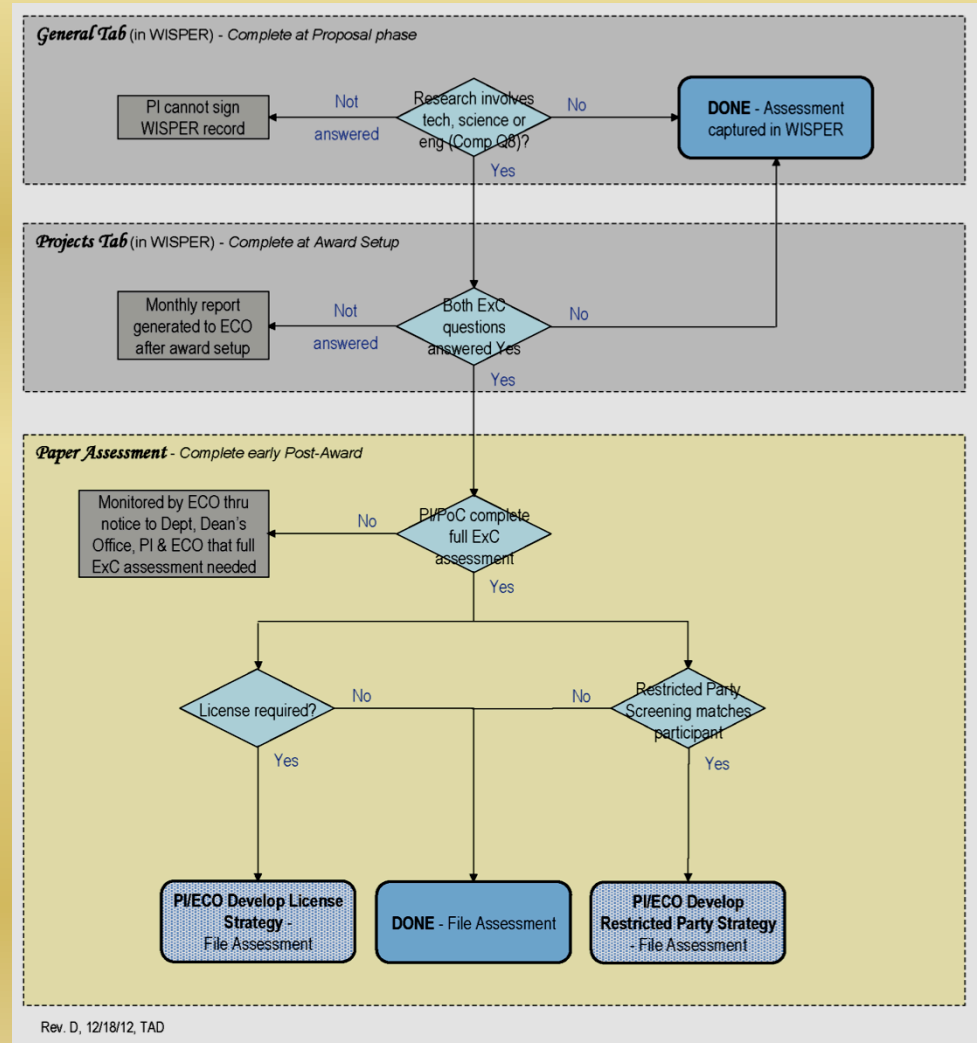


# PROJECT ASSESSMENT TRAINING

## 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**





# PROJECT ASSESSMENT TRAINING

## WISPER Screening Tool

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

Refer to the [Export Control Help page](https://kb.wisc.edu/images/group156/shared/ExportControl/wisperhelpscreen.170209.pdf) for assistance in answering the questions:

<https://kb.wisc.edu/images/group156/shared/ExportControl/wisperhelpscreen.170209.pdf>

**Note: Please answer the questions correctly. Do not answer Compliance Question 8 "No" just to avoid answering the ExC questions at award time.**

The screenshot shows the WISPER system interface for a proposal record. The record ID is MSN162216, and the contact PI is DEMIKE, THOMAS A. The document type is Grant, and the sponsor is EUROPEAN ORGANIZATION FOR NUCLEAR RESEARCH. The status is In-Process. The proposal title is 'Export Control Test 2 130220'. The short title is 'ExC Test 2 130220'. The administering department is 348300. The begin date is 07/01/2013, and the end date is 05/14/2015. The sponsor is EUROPEAN ORGANIZATION FOR NUCLEAR RESEARCH. The primary sponsor is optional. The submission method is Electronic Submission, and the sponsor program number is C13-1.

### Required Clearances - Does the project involve:

The screenshot shows the 'Required Clearances' section in the WISPER system. It asks if the project involves:

- toxic, infectious or carcinogenic/mutagenic material of proven or potential hazard to humans, other animals, or to plants? Use recombinant DNA technology? (No)
- use of human subjects or human tissue? (No)
- use of vertebrate animals? (No)

### Research or services in a scientific, engineering or technology field?

The screenshot shows the 'Research or services in a scientific, engineering or technology field?' section in the WISPER system. It asks if the project involves:

- action involving space, remodel, or construction? (No)
- funding primarily dedicated to building, renovations, or equipment? (No)
- research or services in a scientific, engineering or technology field? (No)



# PROJECT ASSESSMENT TRAINING

## WISPER Screening Tool

- **If the answer is yes, the 2 questions on the Projects Tab will need to be answered.**
  - 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**

My WISPER [https://net.sfrtest.wisc.edu/vjpej/fgq-FCVEMPLOYEE/ERPlv/UP/WP\\_WISPER.UW\\_WP\\_MY](https://net.sfrtest.wisc.edu/vjpej/fgq-FCVEMPLOYEE/ERPlv/UP/WP_WISPER.UW_WP_MY)

UNIVERSITY OF WISCONSIN Shared Financial System Home Add to Favorites Sign Out

Menu Search

Record ID: MSH162016 Document Type: Grant Sponsor Name: EUROPEAN ORGANIZATION FOR NUCLEAR RESEARCH Status: 1-in Process

Contact PI: DEMKE, THOMAS A Short Title: ExC Test 2 130220

Project Sequence: 1

Description: ExC Test 2 130220

Project PI: DEMKE, THOMAS A Effort Requirements Met: Y Change Project PI Add Project Type

Fund Code: 348900 PHY SCIENCES LAB/PSSL Change Department on Project

Owning Department: 348900 Start Date: 07/01/2013 End Date: 09/14/2015

F & A Rate Type: FA Base: FA Rate %:

Expert Control Questions

Question 1:

**Controlled Technology**

Click YES in the response field if any of the following apply to this award:

1. The project is sponsored by the U.S. Department of Defense (DOD) or a defense contractor AND has a potential military application, or
2. The project includes hardware, software, substances, information or data controlled under the International Traffic in Arms Regulations (ITAR) or Export Administration Regulations (EAR), or
3. The project uses or creates items, information or data of a technical nature that will NOT be made publicly available (such as subject to a publication restriction or non-disclosure agreement).

Help for Export Control Questions: <http://www.grad.wisc.edu/research/policy/efc/wisperhelpscreen.pdf>

Response to Question 1: [Dropdown]

Question 2:

**Export/Deemed Export**

Click YES in the response field if any of the following apply to this award:

1. Foreign persons will participate in this project as sponsors, collaborators or staff, or
2. 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.

Help for Export Control Questions: <http://www.grad.wisc.edu/research/policy/efc/wisperhelpscreen.pdf>

Response to Question 2: [Dropdown]

Save and Return to Record Cancel and Return to Record Save



# PROJECT ASSESSMENT TRAINING

## Export Control Assessment Form

### • Full Project Assessment

- Used to determine if a license is required
- Completed if yes is answered to both questions on Projects Tab of WISPER
- Completed early post-award
- Completed by PI or delegate w/ Point of Contact or Export Control Office

### • Restricted Party Screening (RPS)

- The federal gov't has lists of persons and organizations with which we are not allowed to conduct transactions
- Used to determine if gov't restricts us from working w/ specific foreign collaborators

UNIVERSITY OF WISCONSIN – MADISON		
EXPORT CONTROL ASSESSMENT FORM		
PROJECT IDENTIFICATION		
MSN / Project #:	PI / PM:	Sponsor:
Project Title:		
**** This form shall be completed and signed (see p. 2) by the Principal Investigator ****		
EXPORT CONTROL ASSESSMENT		
TOPIC	RESPONSE	
<b>Export Controlled Technology</b>		
<b>Q1) Public Domain</b> – Will this project use or create information that is not or will not be shared publicly? Answer "No" for patient-related information or data (i.e., HIPAA).	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<b>Q2) Publication Restriction</b> – Does the award documentation include a publication restriction that could limit your ability to publish your research?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<b>Q3) Personnel Restriction</b> – Does the award documentation include a personnel restriction that limits your ability to hire foreign nationals to work on the project?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<b>Q4) NDA</b> – Does this project require a non-disclosure agreement to share items, software, information or data that could limit your ability to publish some or all of your research?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<b>Q5) Encryption Software</b> – Do you plan to share or use UW developed or non-commercial encryption software (including travel abroad with it)?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<b>Q6) WMDs</b> – Does the project involve the design, production or use of nuclear, chemical or biological weapons (WMDs)?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<b>Q7) ITAR</b> – Does this project include items, software, information or data controlled under the International Traffic in Arms Regulations (ITAR) that are military- weapon-, spacecraft-, satellite or rocket-related?	<input type="checkbox"/> Yes	List the USML Category: _____ <input type="checkbox"/> No
<b>Q8) EAR</b> – Does this project include items, software, information or data on the Commerce Control List (CCL) of the Export Administration Regulations (EAR)?	<input type="checkbox"/> Yes	List the CCL Classification: _____ <input type="checkbox"/> No
<b>Export / Deemed Export</b>		
<b>Q9) Foreign Participation</b> – Will foreign persons or students participate in this research as sponsors, collaborators or staff?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<b>Q10) Travel</b> – Does this project require you or your staff to travel internationally?	<input type="checkbox"/> Yes; Name of Country: _____	<input type="checkbox"/> No
<b>Q11) Shipping</b> – Are you planning on shipping any items, software, information or data out-of-the-country as part of this project?	<input type="checkbox"/> Yes; Name of Country: _____	<input type="checkbox"/> No
<b>Restricted Party Screening</b>		
<i>The U.S. government generates lists of persons and organizations with which we are not to have transactions (restricted parties). Please answer the following questions to determine whether a restricted party screening needs to be completed for your project.</i>		
<b>Q12) Sponsor</b> – Is the project sponsored by a foreign organization? If Yes, please note the name of Organization: _____	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<b>Q13) Subawards</b> – Does this project include subawards to foreign organizations or persons? If Yes, note name of Organization/Person: _____	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<b>Q14) Purchasing</b> – Do you plan to purchase, acquire or control movement of any equipment, materials or software from a foreign source for this project? If Yes, note: Name of Organization/Person: _____ Name of Country: _____	<input type="checkbox"/> Yes	<input type="checkbox"/> No

For HELP see: [Export Control Assessment Form Tutorial @ https://kb.wisc.edu/gsadminkb/page.php?id=35038](https://kb.wisc.edu/gsadminkb/page.php?id=35038)

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# PROJECT ASSESSMENT TRAINING

## Export Control Assessment Form

- **Signatures**
  - **PI or delegate signs authorization & forwards to ExCO**
  - **ExCO:**
    - **Reviews assessment**
    - **Conducts RPS (if needed)**
    - **Completes determination**
    - **Signs assessment**

UNIVERSITY OF WISCONSIN – MADISON	
EXPORT CONTROL ASSESSMENT FORM	
SIGNATURES	
<b>Assessment Authorization:</b> The above assessment is complete and correct to the best of my knowledge. If an export license is required, I will ensure that no export or deemed export of the controlled item or technology shall occur prior to receiving that export license.	
Signature – Principal Investigator _____	Date: _____
**** Send signed form to: <a href="mailto:exportcontrol@grad.wisc.edu">exportcontrol@grad.wisc.edu</a> (scan the signed copy), or Tom Demke, AOSS Bldg, 1225 W. Dayton St, Rm 525 ****	
<Completed by the Export Control Office> <b>EXPORT LICENSE DETERMINATION</b>	
<b>An Export License is required for this project?</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Comments / Rationale:</b> _____	
<b>Assessment Review:</b> The above assessment and restricted party screening (if applicable) are complete.	
Signature – Export Control Office _____	Date: _____

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# PROJECT ASSESSMENT TRAINING

## Potential Outcomes of Full Assessment

- **License**
  - *Not the end of the world*
  - *We submit ~6 licenses per year*
  - *Typically take 1-2 months to submit and approve (except OFAC)*
  - *Input from project staff; submitted by ExCO*
- **Technology Control Plan**
  - *Document that describes how the project will be managed from a security standpoint, including personnel, equipment, information, materials and software*
  - *May prevent need for a license*
  - *Developed by PI and ExCO*
- **Classification of Items/Technology Involved**
  - *Determine whether items or information are controlled under the CCL (EAR) or USML (ITAR)*
- **No additional actions**



# PROJECT ASSESSMENT TRAINING

## 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**
- **Contact the Export Control Office if:**
  - ✓ *You need assistance reassessing your project*
  - ✓ *Your reassessment changes the results of your previous project assessment*



# PROJECT ASSESSMENT TRAINING

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## *Examples*

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# PROJECT ASSESSMENT TRAINING

## 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.

### Compliance Question 8

**YES**

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

### Export Control Questions

Controlled Technology:

**NO**

- 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 not required - The research is to be published. The information covered by the CDA is not technical.



# PROJECT ASSESSMENT TRAINING

## Example 2 - Engineering

An engineer is working on a laser project that could have potential military use. The project is funded by DOD. 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.



# PROJECT ASSESSMENT TRAINING

## 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.

### 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 will be required to export the bacteria - *Bacillus anthracis* is a select agent and export controlled under the EAR.



# PROJECT ASSESSMENT TRAINING

## 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

**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:

**NO**

- 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 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. A Technology Control Plan should be developed for the project.



# PROJECT ASSESSMENT TRAINING

## 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.

### Compliance Question 8

**NO**

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

### Export Control Questions

#### Controlled Technology:

**N/A**

- 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:

**N/A**

- 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

None





# PROJECT ASSESSMENT TRAINING

## 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

**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 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.



# PROJECT ASSESSMENT TRAINING

## 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.

### Compliance Question 8

**NO**

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

### Export Control Questions

#### Controlled Technology:

**N/A**

- 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:

**N/A**

- 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

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.



# PROJECT ASSESSMENT TRAINING

## 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

**NO**

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

### Export Control Questions

Controlled Technology:

**N/A**

- 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:

**N/A**

- 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

None



# PROJECT ASSESSMENT TRAINING

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## *Contact Information*

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# PROJECT ASSESSMENT TRAINING

## For Additional Information, Contact:

- **Tom Demke, UW-Madison Export Control Officer**  
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- **Bethany Nelson, UW-Madison Export Control Coordinator**  
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- **Or e-mail:** [exportcontrol@grad.wisc.edu](mailto:exportcontrol@grad.wisc.edu)

**UW Export Control Website:**

<https://research.wisc.edu/compliance-policy/export-control/>