



### WISPER Help – Export Control Screening Tool

This document is intended to assist the PI or PM answer the questions posed in the Export Control Screening Tool in WISPER. If you need further assistance in answering these questions, please contact Tom Demke (tom.demke@ssec.wisc.edu) or Bethany Nelson (bcnelson2@grad.wisc.edu).

#### Compliance Section:

##### ***Does the project involve: Research or services in a scientific, engineering or technology field?***

Answer **Yes** to this question if the project is in:

- 1) Natural sciences – Astronomy, biology, chemistry, physics, materials science or earth science.
- 2) Engineering.
- 3) Technology – Electronics, computer science, instrumentation design and use.

#### Export Control Tab – Controlled Technology Question:

##### ***The project is sponsored by the U.S. Department of Defense (DOD) or a defense contractor AND has a potential military application.***

Answer **Yes to the Controlled Technology question** if the project includes:

- 1) Weapons.
- 2) Weapon components.
- 3) Accessories for weapons.
- 4) Modifications to weapons.

**Note: Non-military research sponsored by DOD (i.e., medical research) is not export controlled.**

##### ***The project includes hardware, software, substances, information or data controlled under the International Traffic in Arms Regulations (ITAR) or Export Administration Regulations (EAR).***

Answer **Yes to the Controlled Technology question** if the project includes:

Items that can be used for military, criminal, national security, terrorism or similar purposes, such as:

- 1) Military equipment.
- 2) Spacecraft, satellite or rocket technology.
- 3) Light, UV or IR detection equipment.
- 4) Select agents.
- 5) Encryption software (source code).
- 6) Modeling / simulation software (source code).
- 7) High speed computers.

#### References:

**ITAR U.S. Munitions List:**

[http://www.pmdc.state.gov/regulations\\_laws/itar.html](http://www.pmdc.state.gov/regulations_laws/itar.html)

**EAR Commerce Control List:**

<https://www.bis.doc.gov/index.php/regulations/commerce-control-list-cc>

##### ***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).***

Answer **Yes to the Controlled Technology question** if the non-disclosure agreement (NDA) or other publication restriction covers information relating to advanced technology or software.

Answer **No to this question** if the NDA covers information that is confidential due to privacy concerns (such as patient information, public health data, census data, educational information, etc.), or is related to a clinical trial agreement.

**Note: This does not apply to information contained in patents, since patents are a means for making information publicly available.**

### **Export Control Tab – Export / Deemed Export Question:**

#### ***Foreign persons will participate in this project as sponsors, collaborators or staff.***

Answer **Yes to the Export / Deemed Export question** if the project includes:

- 1) Sponsors from foreign entities (companies, universities or persons).
- 2) Collaborators in the U.S. or abroad who are foreign persons (not permanent residents)
- 3) Project staff who are foreign persons (not permanent residents)

**Note: Permanent residents are treated as U.S. persons in the export control regulations.**

#### ***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.***

Answer **Yes to the Export / Deemed Export question** if the project includes:

- 1) Shipping or transferring items or information to persons in a foreign country (including electronic transmittals like e-mail or fax).
- 2) Transferring registration of a product to a foreign user.
- 3) Disclosing project information to an agency of a foreign government.
- 4) Transfer of project items or information to foreign persons (not permanent residents) within the U.S.
- 5) Performing defense services for the benefit of a foreign entity.

**Note: A foreign person is someone who is not:**

- **A U.S. citizen or national of the U.S.,**
- **A permanent resident (green card holder) of the U.S., or**
- **Lawfully admitted to the U.S. for refugee, asylum or amnesty reasons.**

Comment 1: Contact the Export Control Point of Contact for your organization if the answers to the Controlled Technology and Export/Deemed Export questions are “Yes”.

Comment 2: The project should be reassessed for export control impact if the nature or scope of the project changes.