

Instructions for Export Control Compliance Questionnaire

Drexel engages in research and educational activities that may involve the development or use of products, goods, hardware, software, materials or technology that may be subject to U.S. export control laws and regulations. The U.S. government increasingly is focused on the compliance of universities with these laws and regulations. Drexel is committed to complying with all applicable export controls, as established by the applicable federal regulations. As a result of the severe criminal and civil penalties for noncompliance by Drexel and by individual researchers at Drexel, as well as possible threats to national security, it is critical that everyone in the Drexel community understands these rules and complies with them fully.

This questionnaire will walk you through a series of "Yes" or "No" questions, leading to a determination of whether or not an export control concern may be applicable to any particular situation. Be aware that export controls may apply when an item, information or software is being sent or taken (e.g. traveling with a laptop) outside US borders, OR when it is being shared with "foreign persons or entities" in the US, **including Drexel faculty, staff, and students working on campus.**

A "foreign person" is anyone who is not a "US person." A US person is a citizen of the United States, a lawful permanent resident alien of the US (a "green card holder"), a refugee, protected political asylee or someone granted temporary residency under amnesty or Special Agricultural Worker provisions. The word "person" includes organizations and entities, such as universities. The general rule is that only US persons are eligible to receive export controlled items, information or software without first obtaining an export license from the appropriate agency.

This questionnaire uses terminology derived from the regulations of the US Departments of State, Commerce and Treasury. These questions ask about **sharing, shipping, transmitting or transferring** any **items, information or software**. Violations of these export control regulations can lead to significant civil and criminal penalties.

- ITEMS refer to any **tangible things, equipment or hardware**.
- INFORMATION can include **technical data** such as models, formulae, engineering designs and specifications, or **technical assistance** such as training or instruction.
- SOFTWARE refers to a collection of one or more **computer programs or microprograms** in either **source code** (programming statements) or **object code** (machine-readable instructions).

You are required to answer all questions on the Export Control Compliance Questionnaire. Please find the attached footnotes for your reference as you complete the questionnaire. As you go through these questions, you may have additional questions of your own. If so, please contact Julie Ford, at 215-895-2947 or jjf47@drexel.edu



Office of Research Compliance and Administration Export Control Compliance Questionnaire

Principal Investigator: _____

Project Title: _____

Sponsor: _____

Drexel University is committed to maintaining strict compliance with all US Export Control regulations.
You must read the attached instructions prior to completing all of the questions below.

Drexel's Export Control Policy Statement and Handbook can be accessed here:
http://www.research.drexel.edu/administration/Compliance/Export_Controls.aspx.

Severe criminal and civil penalties for individual researchers and Drexel University may be imposed for export control violations.

Begin each question with:

Are you sharing, shipping, transmitting or transferring an item, information or software (including but not limited to encryption software(1))...

		Yes	No	ORCA only
1	that you know or have any reason to believe will support the design, development, production, stockpiling or use of a nuclear explosive device, chemical or biological weapons, maritime nuclear propulsion end use, or missiles?			
2	developed under a sponsored agreement imposing publication restrictions beyond a brief review (up to 90 days) for patent protection and/or inadvertent release of confidential/proprietary information?			
3	that an external sponsor, vendor, collaborator or other third party has provided to you under a Non-Disclosure Agreement or under a Confidentiality Agreement?			
4	that is a defense article(2) and/or on the ITAR US Munition List (USML) at http://www.pmdtc.state.gov/regulations_laws/documents/consolidated_itar/2009/Part_121.pdf or that is technical data(3) subject to ITAR?			
5	that appears on the Commerce Control List (CCL)(4) at http://www.access.gpo.gov/bis/ear/ear_data.html of the Export Administration Regulations (EAR)(5)?			
6	or anything of value to an entity in a country subject to US economic or trade sanctions (please see: http://www.ustreas.gov/offices/enforcement/ofac/programs/) or identified by the US Department of State as a "State Sponsor of Terrorism," namely Iran, Cuba, Sudan, or Syria?			

IMPORTANT: IF YOU ANSWERED YES TO ANY OF THE QUESTIONS ABOVE, THERE MAY BE AN EXPORT CONTROL CONCERN RELATED TO YOUR PROPOSED ACTIVITY AND A LICENSE MAY BE REQUIRED. PLEASE CONTACT JULIE FORD IN ORCA IMMEDIATELY FOR FURTHER ASSISTANCE AT 215.895.2947 OR JULIA.J.FORD@DREXEL.EDU.

RESTRICTED PARTY SCREENING: In addition to the areas covered above, and by order of the United States government and its export regulations, U.S. individuals and companies are restricted or prohibited from exporting or providing services of any kind to any party contained in U.S. government export denial, debarment, and blocked persons lists. You must provide the names of individuals and companies that you may be working with in connection with your research or other activities on the next page, in order for ORCA to perform the required check.

Signature: _____

Principal Investigator: _____ Date: _____

RESTRICTED PARTY SCREENING LIST

Principal Investigator: _____

Department: _____

Potential Sponsor: _____ Solicitation Attached: Yes / No

In the spaces below, please provide a list of the organizations or companies (including any subcontractors or independent contractors) as well as any individuals (internal or external to Drexel) with whom you will be collaborating or otherwise working on this research project so that ORCA can perform the required restricted party screening check.

For your protection and that of the University, ORCA will screen against relevant U.S. Government lists that prohibit certain transactions with certain organizations and individuals, including Specially Designated Nationals and Blocked Persons (SDN) lists, under the authority of (among others):

- Department of Treasury Office of Foreign Assets Control (OFAC) Sanctions
- Department of Commerce Bureau of Industry and Security (BIS) Denied Persons List
- Department of Commerce BIS Entity List and Unverified List
- Department of State Arms Export Control Act Debarred Parties
- Department of State Designated Terrorist Organizations
- Department of State Nonproliferation Orders

Organizations (and address, if known) to be involved in the Sponsored Project:

1. _____
2. _____
3. _____
4. _____
5. _____

Name and citizenship of all individuals participating in the Sponsored Project:

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____

Use additional sheet if needed to accommodate more organizations or personnel.

Export Control Questionnaire Footnotes

Note (1)

The sharing, shipping, transmission or transfer of almost all encryption software in either source code or object code is subject to US export regulations. Even most publicly available "dual-use" encryption code captured by the Export Administration Regulations (EAR) requires the availability of a License Exception. A License Exception under the EAR is an authorization based on a set of criteria, which when met, allows the exporter to legally circumvent export licensing requirements. Please contact Julie Ford at 215-895-2947 or by email at jjf47@drexel.edu to help determine if an exception applies to your situation.

In addition, US persons are prohibited without prior authorization from providing technical assistance (i.e., instruction, skills training, working knowledge, consulting services) to a foreign person with the intent to assist in the **overseas** development or manufacture of encryption software that is subject to US Government notification or authorization. This prohibition does **NOT** limit Drexel personnel from teaching or discussing general information about cryptography or developing or sharing encryption code within the United States that arises during, or results from, fundamental research.

Note (2)

A defense article:

1. Is specifically designed, developed, configured, adapted, or modified for a military application, and
 1. does not have predominant civil applications, and
 2. 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; or
3. Is on the [US Munitions List](#) (USML, the US State Department ITAR list).

Note (3)

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.

Note (4)

The Commerce Control List (CCL) is maintained by the Bureau of Industry and Security (part of the US 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 commercial application.

Note (5)

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.