How Do I know if My Project has Export Control Concerns?

By answering a few questions, you can conduct a preliminary evaluation of whether your project may be subject to export control regulations.

**Does the project involve travel outside of the United States in which you will be taking any information, technical data or technology that is not widely available in the public domain, or is subject to export control regulations?**

Technical Data or Technology is information, 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, or documentation. Technical data includes classified information relating to defense articles and defense services, and some software may be considered technical data.

Information is considered “in the public domain” if is available through books, periodicals, patents, open conferences in the U.S., websites accessible to the public with no access controls, or other public release authorized by the U.S. government, and through fundamental research in science and engineering at accredited institutions of higher learning in the U.S. where the resulting information is ordinarily published and shared broadly in the scientific community.

**Does the project involve collaboration (including shipping research material, sending technology/technical data, financial transactions, etc.) with a non-U.S. person or entity while in the U.S. or abroad?**

A non-U.S. person is anyone who is not a U.S. citizen. A U.S. citizen is a U.S. born person, a lawful permanent resident alien of the U.S., a refugee or someone in the U.S. as a protected person. Any non-U.S. corporation, business association, partnership, trust, society or any other foreign entity or group as well as international organizations and foreign governments are considered “non-U.S. person(s).” Non-U.S. entity included foreign governments, foreign associations and corporations, or foreign political parties, etc.

**Is this project related to military applications in any way (e.g., funded by a funded Defense agency directly or indirectly or somehow restricted from the public domain)? Does the project develop and/or accept export-controlled materials?**

*Export controlled materials* includes technology, software, and information related to the design, production, testing, maintenance, operation, modification, or use or controlled items or items with military applications. It does not include basic marketing information on function or purpose; information regarding general scientific, mathematical, or engineering principles commonly taught in universities; or information that is generally accessible in the public domain. Technologies, software, or commodities that are subject to ITAR; proprietary, confidential or sensitive; subject to Non-Disclosure Agreements; or from the results from a project with contractual restrictions will not be exported outside of the United States.

**Does this project involve accepting confidential or proprietary information (e.g., non-disclosure agreements or any other type of agreements)? If yes, you must be able to determine if the information is clearly identified and if the information can be appropriately protected.**

**Does this project involve purchasing or the loan of equipment/technology?**

If yes, please request a letter from the vendor stating that the technology or equipment and components are not controlled by the Export Administration Regulations (Department of Commerce) or the International Traffic in Arms Regulation (Department of State). If they are controlled by the EAR, we need the Export Control Classification Number. For ITAR, we need the United States Military List number.

**If I have an affirmative response to any of the questions, who should I contact?**

Contact the Export Control Officer at exportcontrol@utep.edu and/or (915) 747-7812.