**Export Control Screening Checklist**

When planning a trip abroad or sharing information with foreign persons or organizations (whether located in or outside of the U.S.) as part of your job responsibilities for Montclair State University, all employees must consider whether compliance with export control regulations is required. This tool is created to help you assess when you are required to seek a license before you travel outside the United States or share information with foreign persons or organizations, including but not limited to, presentations at conferences, research collaborations, and publications.

Employees are required to submit a Travel Request to the Provost to receive approval to travel to a foreign country. The Checklist below should be submitted with the Travel Request to identify potential export control issues. If you mark any of the boxes in Table 1 below "yes" or "unknown", contact exportcontrol@mail.montclair.edu for guidance prior to your trip. Include in your e-mail this completed form and any relevant background information to put the checklist into context (e.g. countries you plan to visit, the purpose and duration of the trip, and items and information you plan to take). It is important to seek guidance as soon as possible because, if a license is needed, the University will need adequate time to prepare, submit a license request. Response times vary, however, it may take up to 6-8 months for a license determination from the federal government.

Additional information on Export Controls is available at <https://www.montclair.edu/provost/exportcontrol/>.

**Table 1 – Checklist for Seeking Export Control Guidance**

|  |  |  |
| --- | --- | --- |
| **Question** | **Yes** | **No** |
| Are the foreign person(s) or organization with whom you will be collaborating on any of the U.S. Government’s Restricted Party Lists?Search the consolidated screening list here:<http://apps.export.gov/csl-search>  |  |  |
| Are the foreign person(s) born in, or organization created in, either from a country that is listed on a U.S. government embargo list? As of 2016, this list includes Burma, Burundi, Congo, Cuba, Iran, Iraq, Lebanon, Libya, North Korea, Somalia, Sudan, Syria, Ukraine, Venezuela, Yemen, and Zimbabwe.<https://www.treasury.gov/resource-center/sanctions/Programs/Pages/Programs.aspx> |  |  |
| Is the information to be sent an item on, or a component of, or specially designed for items on, the US Munitions List created by the International Traffic in Arms Regulations? Regulations can be found here:<https://www.pmddtc.state.gov/regulations_laws/itar.html>ITAR Categories include:I-Firearms, Close Assault Weapons and Combat Shotguns Category II-Guns and Armament Category III-Ammunition/Ordnance Category IV-Launch Vehicles, Guided Missiles, Ballistic Missiles, Rockets, Torpedoes, Bombs and Mines Category V-Explosives and Energetic Materials, Propellants, Incendiary Agents and Their Constituents Category VI-Vessels of War and Special Naval Equipment Category VII-Tanks and Military Vehicles Category VIII-Aircraft and Associated Equipment Category IX-Military Training Equipment and Training Category X-Protective Personnel Equipment and Shelters Category XI-Military Electronics Category XII-Fire Control, Range Finder, Optical and Guidance and Control Equipment Category XIII-Auxiliary Military Equipment Category XIV-Toxicological Agents, Including Chemical Agents, Biological Agents, and Associated Equipment Category XV-Spacecraft Systems and Associated Equipment Category XVI-Nuclear Weapons, Design and Testing Related Items Category XVII-Classified Articles, Technical Data and Defense Services Not Otherwise Enumerated Category XVIII-Directed Energy Weapons Category XIX [Reserved] Category XX-Submersible Vessels, Oceanographic and Associated Equipment Category XXI-Miscellaneous Article |  |  |
| Is the information to be sent an item on, or a component of an item on the Commerce Control List created by the Export Administration Regulations? Regulations can be found here:<http://www.access.gpo.gov/bis/ear/eardata.html>EAR Categories include:Category 1 - Nuclear Materials, Facilities & Equipment (and Miscellaneous Items) Category 1 - Materials, Chemicals, Microorganisms, and Toxins Category 2 - Materials Processing Category 3 - Electronics Category 4 - Computers Category 5 (Part 1) - Telecommunications Category S (Part 2) - Information Security Category 6 - Sensors and Lasers Category 7 - Navigation and Avionics Category8 - Marine Category 9 - Propulsion Systems, Space Vehicles and Related Equipment |  |  |

If you answered yes to **ANY** of the following questions in Table 1, or unsure how to answer the questions, you **MUST** contact exportcontrol@mail.montclair.edu.

If you intend to share information with foreign person(s) or an organization located within or outside of the United States **and** you answered no to **ALL** of the questions in Table 1 and, please respond to the next series of questions in the following Table 2.

**Table 2- Checklist for Evaluating Fundamental Research Exception**

|  |  |  |
| --- | --- | --- |
| **Question** | **Yes** | **No** |
| Is the information to be shared available through instruction by catalog courses and associated teaching laboratories, or concern general, scientific, mathematical, or engineering principles commonly taught in universities and colleges? |  |  |
| Is the information to be shared part of research occurring at an accreditation higher education institution in the U.S. that is ordinarily published and shared broadly within the academic community? |  |  |
| Is the information to be shared NOT subject to security restrictions, confidentiality obligations, or similar restrictions in a sponsored research or other form of contract? |  |  |
| Is the information to be shared not subject to any restriction on publication or other public dissemination of the results?  |  |  |

If you answered NO to ALL of the questions in Table 1 **and** YES to all questions in Table 2, the information you intend to share with foreign persons or organizations within or outside of the United States either falls within the public domain or fundamental research exceptions and does **NOT** require a license.

If you intend to take items, technology or software with you when travelling outside of the United States **and** you answered NO to ALL of the questions in Table 1, please respond to the next series of questions in the following Table 3.

**Table 3 – Checklist for Evaluating License Exception**

|  |  |  |
| --- | --- | --- |
| **Question** | **Yes** | **No** |
| Will you ship or hand-carry items, technology, or software to conduct Montclair State University business only? |  |  |
| Will you return the items, technology, or software to the U.S. no later than 12 months from the date of leaving the U.S. or will you certify they were consumed or destroyed abroad during this 12 month period? |  |  |
| Will you retain physical possession of the item, technology, or software while outside of the U.S., or keep it secured in a place such as a hotel safe, a bonded warehouse, or a locked or guarded exhibition facility? |  |  |
| Will you take security precautions to protect against unauthorized release of the technology while it is being shipped or transmitted and used abroad such as: 1) use of secure connections when accessing e-mail and other business activities that involve the transmission and use of the technology, 2) use of password systems on electronic devices that store technology, and 3) use of personal firewalls on electronic devices that store the technology |  |  |
| Is the encryption code contained in the item or software limited to that found in retail items (example: laptops with commercial software such as Microsoft Windows or Mac OS? |  |  |
| Will the item or software be used primarily either 1) as a "tool of the trade" to conduct Montclair State University business, or 2) for exhibition or demonstration, or 3) for inspection, testing, calibration, or repair?   Note: If for inspection, testing, calibration, or repair, will the item or software be shipped, retransferred or hand-carried to any country other than Armenia, Azerbaijan, Belarus, Cambodia, China, Georgia, Iraq, Kazakhstan, Kyrgyzstan, Laos, Libya, Macau, Moldova, Mongolia, Russia, Tajikistan, Turkmenistan, Ukraine, Uzbekistan, or Vietnam? |  |  |
|  |  |  |

If all questions in Table 1 are answered no, and Table 3 are answered yes, the export qualifies for a license exception. MSU employee should disclose the items, technology and software he/she plans to taken when travelling in Table 4, and forward it to exportcontrol@montclair.edu. Please provide a detailed description of items, technology or software by listing the common name of the item, the model, the manufacturer and the approximately value of each.

**Table 4 – Disclosure for License Exception**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Item Description | Manufacturer | Model Number | Value  | Country of Destination |
|  |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |

FINANCIAL AND CRIMINAL PENALTIES MAY BE IMPOSED UPON MONTCLAIR STATE UNIVERSITY AND INDIVIDUAL EMPLOYEES FOR NON-COMPLIANCE WITH FEDERAL EXPORT CONTROL REGULATIONS. FOR THE UNIVERSITY, A FINE MAY BE IMPOSED UP TO THE GREATER OF $1 MILLION OR 5 TIMES THE VALUE OF THE EXPORTS FOR EACH VIOLATION. FOR INDIVIDUALS, A FINE MAY BE IMPOSED UP TO $250,000 OR IMPRISONMENT FOR UP TO 20 YEARS, OR BOTH, FOR EACH VIOLATION.

By my signature below, I certify that the foregoing responses are accurate and true. I am aware that if the foregoing statements are not true, I am subject to disciplinary action in accordance with University policy, and may be personally liable for civil and criminal penalties.

Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date:\_\_\_\_\_\_\_\_\_\_\_

Name/Title: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\*Keep a signed copy of this document and provide a copy to exportcontrol@mail.montclair.edu for recordkeeping purposes. Adopted 8-24-2016; Revised 1-30-18