Overview of GW Export Control Policy and Procedures

GW’s Export Control Policy implements US Government export control laws and regulations restricting certain types of information, technologies and commodities including hardware or software that can be transmitted overseas to individuals as well as technology made available to foreign nationals on US soil (i.e., a “deemed export”). Failure to comply with these laws and regulations can result in significant criminal and civil penalties for individuals and GW. Please review the Export Control website and use the contact information provided to submit a Record of Export Control Review, request guidance in assessing whether a research project or other activity involves Export Controls, or to schedule individual or group training. Unless an applicable export control exemption applies, export licensing may be required in a variety of areas as set forth below.

1. Understand that Restrictions on Exports Arise from Multiple Laws and Agencies, including the:
   - **International Traffic in Arms (ITAR)** – The State Department controls the export of defense articles, defense services and related technical data set forth in the US Munitions List, which controls military items as well as non-military items such as satellites and certain chemical/biological agents and toxins.
   - **Export Administration Regulations (EAR)** – The Commerce Department’s Commerce Control List regulates export of goods, products and technology with potential “dual” commercial and military uses.
   - **OFAC Sanctions** – The Treasury Department maintains various economic and trade sanctions based on US foreign policy and national security goals including comprehensive sanctions against certain countries (Cuba, Iran, Sudan, North Korea, Syria, Crimea and others specified by OFAC) as well as selective sanctions against regimes, terrorists, and others involved in international narcotics trafficking, the proliferation of weapons of mass destruction, and other threats to the national security, foreign policy or economy of the United States.
   - **Anti-Boycott Restrictions** – Treasury and Commerce enforce regulations that prevent US persons from agreeing to boycott Israel in order to do business with certain countries.
   - **Nuclear Research Restrictions** – The Nuclear Regulatory Commission’s Part 810 Regulations apply to any exports or imports of certain nuclear related items, including nuclear fuel assemblies, nuclear material, and nuclear reactor components. See the Export Control Checklist for Nuclear Research.

2. Preserve Export Exemptions such as the Fundamental Research Exemption (FRE), which excludes from export control licensing requirements information arising during or resulting from basic or applied research in science or engineering performed at an accredited institution of higher learning in the US where the results of the research are ordinarily shared with the scientific community, published in the public domain and made accessible to the public. Many university activities are eligible for exemptions based on the FRE, Public Domain or another ITAR or EAR exemption from the obligation to obtain an export license. The FRE can be lost or waived by actions or agreements involving Export Control Triggers, including those set forth below.

3. Check for Export Control Triggers before submitting a proposal/application, accepting a sponsored award, or engaging in export activities of items, equipment, laptops/mobile devices, information or software outside the US or “deemed exports” within the US, including reviewing GW’s Export Control Policy, OVPR’s Export Control Website, and/or seeking appropriate guidance and training in Export Control to identify potential export limitations (Red Flags). Please review with Export Control any terms of a solicitation, RFP, proposal, application or award, contract, research agreement or academic project that contain any of the following:
   - Restrictions on publication such as sponsor publication approval rights or prepublication reviews.
   - Restrictions on the participation of foreign persons such as sponsor approval requirements for participation of non-US persons, explicit restrictions on participation by persons or entities based on their country of nationality, prohibitions on access by non-US persons to project information, government facilities or a prohibition on hiring non-US persons. (Note: Awards restricting hiring to US citizens only should be submitted for Export Control review as well in order to verify no export issues.)
   - Confidentiality restrictions including non-disclosure agreements or requirements to keep information confidential (e.g., requires a non-disclosure or a confidentiality agreement, or otherwise addresses the use of proprietary information or security concerns) unless GW’s standard “Export Control” provision is included, which requires GW’s prior written approval before any information/technology subject to export control may be disclosed.
   - Proprietary ownership claimed such as permission for the sponsor to claim or retain resulting research information as proprietary/trade secret to the sponsor.
   - Restrictive legends like “Export Controlled,” or “ITAR controlled” on RFPs or award documents.