

Export Control Red Flags

If the terms and conditions of a RFP, solicitation or award from a sponsor contain any of the following restrictions or limitations, there is a strong likelihood that the US Export Control laws will apply.

- Does the award specifically state that ITAR, EAR or OFAC laws will apply?
- Does the award specifically state that the technology involved is export controller?
- Has the sponsor specifically stated that the fundamental research exclusion otherwise available to universities does not apply?
- Does the technology or data involved have military, security, or intelligence applications? Does it appear on ITAR's U.S. Munitions list?
- Does the technology, data or material involved have a dual civilian and military application? Does it appear on the Commerce Department's Control List? Does it have an ECCN?
- Does the research involve the use of encryption technology or encrypted software?
- Does the research involve classified, secured, or top-secret materials?
- Will the PI be asked to maintain the confidentiality of sponsor information? Was a NDA or Teaming Agreement executed between the parties?
- Does the award contain any publication restriction or limitation? This can include the right of the sponsor to review and approval all proposed publications beforehand.
- Does the award contain DFARS 252.204-7000, Disclosure of Information?
- Is the award funded by other than 6.1 or 6.2 Congressional appropriations?
- Does the award prohibit the involvement of foreign nationals? Are project participants limited to U.S. citizens or legal resident aliens only?
- Does the award involve the shipment or export of technology, data, or materials outside the U.S.?
- Will collaborations with foreign consultants be required?
- Will the work involve a country that has been embargoed or sanctioned by either the State or Treasury Departments?

If you've answered yes to any of these questions, contact VCU's Office of Research Administration and Compliance at exportctrl@vcu.edu.