BUSINESS PROCESS: EXPORT CONTROLS

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OVERVIEW

While the Office of Export Controls (OEC) administers the export control program for research activities, the Office of Contracts and Grants (OCG) plays a key role in identifying research activities that implicate export control regulations. Generally, the specific activities and responsibilities include the following:

PROPOSAL DEVELOPMENT (OCG PROPOSAL ANALYSTS)

At the proposal stage, the Principal Investigator (PI) prepares and submits to OCG the Proposal Submission Request (PSR) form which includes statements and representations regarding the project and whether export control issues may exist. The OCG Proposal Analysts review the representations by the PI and flag such issues in Boulder eRA which triggers a review by OEC for further evaluation.

AWARD REVIEW AND NEGOTIATION (OCG GRANT AND CONTRACT OFFICERS)

At the award review stage, the assigned OCG Grant or Contract Officer will review the terms and conditions of the award, along with the budget and (PSR) form submitted at the time of the proposal, to determine whether:

1. Any foreign travel is budgeted or any shipments are to be made outside of the U.S.
2. There are restrictions on participation of foreign nationals
3. There are restrictions on publication and dissemination of research results
4. The sponsor will be providing or obtaining export controlled technology, information, materials, or aiding in the development of such technology as part of the agreement
5. The proposed work is testing or manufacturing rather than research
6. Any additional clauses are contained in the award notice that may warrant additional review by OEC.
INITIATE AN EXPORT CONTROL REVIEW

When OCG identifies that an export control review is necessary, in either proposal development or award review stages, the following procedure will be followed:

1) ADD PENDING APPROVAL FOR EXPORT CONTROL CONCERNS

1-1 Go to PT > Submissions > [PT Record] > Approvals

Note: Make sure you have accessed the correct Approvals folder housed under the Submissions folder. There is another Approvals folder farther down the navigation pane, however, this folder leads to “View Only” access. You will know you are in the correct folder if in the upper right-hand corner you see a green box labeled “Edit Mode.”

1-2 Add Approval > Export Control Concerns
1-3
- For Status, select **Pending**.
- For Approval Review Type, select **Additional Documentation Required**.

2) **ADD AT WORKFLOW DELAY STATUS: NEG-NEED EXPORT RESPONSE OPEN (POST-AWARD STAGE ONLY)**

2-1
Open the award in AT.
From the award increment’s Status drop-down menu, select: **Neg-Need Export Response Open**

3) **NOTIFY OEC AND PROVIDE RELEVANT DOCUMENTS**

Forward the following materials to **OEC-OCG@colorado.edu**:

- Statement of Work (SOW)
- Budget
- Agreement (if available)
- A brief description of the concerns to the OEC (if possible, include excerpts from documents)

In the **subject** line, enter the following:

    **Subject:** Deadline (mm/dd/yy), PI, Sponsor, Proposal #

In the **body** of the email, include:

    **Body:** Short analysis of the export control concern – i.e. foreign nationals, export controlled information being exchanged, or just a clause included in agreement.

Helpful suggestions:

- Cut and paste the offending export concern language **from the agreement** into the body of the email.
- Indicate whether an attempt to remove the language has already been made.

**RUSH PROCEDURE**

If a response is needed in **less than 5 business days**, flag the project by adding “RUSH” to the beginning of the subject line of the email.

    **Subject:** RUSH - Deadline (mm/dd/yy), PI, Sponsor, Proposal #

It should be noted that every effort should be made to minimize “Rush” reviews.
POSSIBLE OUTCOMES OF OEC REVIEW

There are four possible outcomes before an award containing export controls can be sent to Project Set-up:

1. OEC reviews the concern(s) and determines that no export control issue is present. **OEC sends an email to OCG providing authorization to proceed.**

2. OEC reviews the concern(s) and determines that it will require further review; however, OCG has the authorization to accept the award and proceed. **OEC sends an email to OCG providing authorization to proceed.**

3. The OEC reviews the concern(s) and determines that it will require further review before OCG is authorized to accept the award and proceed. Upon further review and revisions, OEC determines that no export control issue is present. **OEC sends an email to OCG providing authorization to proceed.**

4. The OEC reviews the concern(s) and determines that it will require further review by the OEC before OCG is authorized to accept the award and proceed. Upon further review, OEC determines that OCG cannot accept the award. **OEC sends an email to OCG providing an explanation of the export control risk.**

AUTHORIZATION TO PROCEED IS GRANTED

If authorization is denied, skip to next section.

Once OEC provides authorization to proceed, OCG can then accept the award and move it forward to Project Set-Up. Any and all documentation is saved in the file’s working directory or proposal file and the final authorization to proceed is saved within Boulder eRA.

4) UPLOAD THE APPROVAL LETTER FROM OEC TO ATTACHMENTS FOLDER

4-1 In the left-hand navigation pane, locate the Attachments folder at the bottom of the menu and click the expand button.
Click to open the Attachments > Approvals folder. Then click Add Document.

Enter the following details in the Upload File form:

a) Name: Enter the proposal number, underscore, “Export”
   - Proposal #_Export || e.g. 15-05-0005_Export
b) Category: Select Approvals
c) Folder: Select Approvals

Click Browse... and select the file from your computer.

Click Upload.

Verify the file was uploaded correctly by clicking on the icon under the View Latest column.
5) UPDATE THE APPROVAL STATUS

5-1 Open the **Approvals** folder under the PT record (may be labeled Renewal, Continuation, New...) that is under the **Submissions** folder at the top of the navigation menu.

5-2 Click on the **Open** icon in the **Export Control Concern** line.

![Image](image1.png)

**Note:** Make sure you have accessed the correct Approvals folder housed under the Submissions folder. There is another Approvals folder farther down the navigation pane, however, this folder leads to “View Only” access. You will know you are in the correct folder if in the upper right-hand corner you see a green box labeled “Edit Mode.”

5-3 In the Approvals form, open the **Status** drop-down menu and select the appropriate status:

- Approved | Denied | Reviewed, No Approval Required

5-4 Enter any additional comments in the **Comments** box.

5-5 Click **Save** in the upper-left corner.

![Image](image2.png)
6) UPDATE AT WORKFLOW DELAY STATUS: **NEG-NEED EXPORT RESPONSE CLOSED**

<table>
<thead>
<tr>
<th>Step</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>6-1</td>
<td>Open the award increment in AT. From the Status drop-down menu, select: <strong>Neg-Need Export Response Closed</strong></td>
</tr>
</tbody>
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**AUTHORIZATION TO PROCEED IS DENIED**

Should OEC determine that export control violations are unavoidable and denies authorization to proceed, OCG will decline the award and notify stakeholders.

7) **Upload Letter From OEC Explaining Export Control Risk(S) To Attachments Folder**

*(see steps outlined in section above regarding uploading attachments)*

8) **Update The Approval Status To DENIED**

*(see steps outlined in section above regarding updating approvals)*

9) **Add AT Workflow Status: AWARD NOT ACCEPTED**

*(see steps outlined in section above regarding updating AT Workflow statuses)*

10) **Notify OCG Manager, Pi, And Department**
## DOCUMENT HISTORY

<table>
<thead>
<tr>
<th>Description</th>
<th>Updated</th>
</tr>
</thead>
<tbody>
<tr>
<td>Creation of original document.</td>
<td>19 Jul 2016</td>
</tr>
<tr>
<td><em>Training and Documentation Review Plan</em> Section Removed</td>
<td>28 Jul 2016</td>
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