# Export Control Decision Tree

## Do my proposed research activities qualify as fundamental research?

[Flow Chart Version of Export Control Decision Tree (PDF)](https://umaine.edu/research-compliance/resource/ECR-Decision-Tree/)

### Is the equipment, software, or technology involved in my research designed for, or can it be modified for military use or for use in outer space; or could it reasonably be used in the development of weapons of mass destruction?

#### If *yes* to Question 1: **Export Control Regulations apply** – contact Office of Research Compliance (ORC) for assistance as soon as possible (ASAP)!

#### If *no* to Question 1: Proceed to [Question 2](#_Does_my_research).

### Does my research contain source code for 64-bit encryption software; or mass market encryption products?

#### If *yes* to Question 2: **Export Control Regulations apply** – contact ORC for assistance ASAP!

#### If *no* to Question 2: Proceed to [Question 3](#_Do_my_research).

### Do my research activities involve exposure to foreign nationals within the United States (U.S.); or transfers of goods, services, information or technology abroad; or travel outside of the U.S.?

#### If *yes* to Question 3: Proceed to [Question 4](#_Does_my_research_1).

#### If *no* to Question 3: Skip ahead to [Question 6](#_Is_there_reason).

### Does my research involve equipment, software or technology covered by International Traffic in Arms Regulations (ITAR) United States Munitions List (USML)[[1]](#footnote-1) or Export Administration Regulations (EAR) Commerce Control List (CCL)[[2]](#footnote-2)?

#### If *yes* to Question 4: **Export Control Regulations apply** – contact ORC for assistance ASAP!

#### If *no* to Question 4: Proceed to [Question 5](#_Does_my_research_2).

### Does my research involve providing technical information or instructions concerning equipment, software or technology listed on the USML1 or CCL2?

#### If *yes* to Question 5: **Export Control Regulations apply** – contact ORC for assistance ASAP!

#### If *no* to Question 5: Proceed to [Question 6](#_Is_there_reason).

### Is there reason to believe that information or software released by my research will be used in the development of a weapon of mass destruction?

#### If *yes* to Question 6: **Export Control Regulations apply** – contact ORC for assistance ASAP!

#### If *no* to Question 6: Proceed to [Question 7](#_Are_the_results).

### Are the results of my research published and generally accessible or available to the public through public venues, (i.e., conferences, libraries)?

#### If *yes* to Question 7: **Fundamental Research Exclusion applies** – proceed & remain vigilant!

#### If *no* to Question 7: Proceed to [Question 8](#_Is_my_research).

### Is my research basic or applied research in the areas of science and/or engineering at an accredited institution of higher learning in the U.S. and is the information resulting from that research ordinarily published and shared broadly within the scientific community?

#### If *yes* to Question 8: Proceed to [Question 9](#_Are_the_results_1).

#### If *no* to Question 8: **Export Control Regulations apply** – contact ORC for assistance ASAP!

### Are the results of my research restricted for proprietary reasons (other than limited sponsor prepublication review to insure intellectual property or patent rights); or pursuant to specific U.S. Government access and dissemination controls?

#### If *yes* to Question 9: **Export Control Regulations apply** – contact ORC for assistance ASAP!

#### If *no* to Question 9: **Fundamental Research Exclusion applies** – proceed & remain vigilant!

## Resources

* [Commerce Control List (Export Administration Regulations [EAR])](https://www.bis.gov/ear)
* [Flow Chart Version of Export Control Decision Tree (PDF)](https://umaine.edu/research-compliance/resource/ECR-Decision-Tree/)
* [United States Munitions List (International Traffic in Arms Regulations [ITAR])](https://www.ecfr.gov/current/title-22/chapter-I/subchapter-M/part-121)

1. [United States Munitions List (International Traffic in Arms Regulations [ITAR])](https://www.ecfr.gov/current/title-22/chapter-I/subchapter-M/part-121) [↑](#footnote-ref-1)
2. [Commerce Control List (Export Administration Regulations [EAR])](https://www.bis.gov/ear) [↑](#footnote-ref-2)