Export Control Decision Tree

Do my proposed research activities qualify as fundamental research?

Q1: “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?”

1. If yes to Q1, then Export Control Regulations apply - contact ORC for assistance ASAP!
2. If no to Q1, then Q2: “Does my research contain source code for 64-bit encryption software; or mass market encryption products?”
   a. If yes to Q2, then Export Control Regulations apply - contact ORC for assistance ASAP!
   b. If no to Q2, then Q3: “Do my research activities involve exposure to foreign nationals within the U.S.; or transfers of goods, services, information or technology abroad; or travel outside of the U.S.?”
      i. If yes to Q3, then Q4: “Does my research involve equipment, software or technology covered by ITAR (USML 1) or EAR (CCL 2)?”
         1. If yes to Q4, then Export Control Regulations apply - contact ORC for assistance ASAP!
         2. If no to Q4, then Q5: “Does my research involve providing technical information or instructions concerning equipment, software or technology listed on the USML 1 or CCL 2?”
            a. If yes to Q5, then Export Control Regulations apply - contact ORC for assistance ASAP!
            b. If no to Q5, then Q6: “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?”
               i. If yes to Q6, then Export Control Regulations apply - contact ORC for assistance ASAP!
               ii. If no to Q6, then Q7: “Are the results of my research published and generally accessible or available to the public through public venues, (i.e., conferences, libraries)?”
                  1. If yes to Q7, then Fundamental Research Exclusion applies - proceed & remain vigilant!
                  2. If no to Q7, then Q8: “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?”
a. If yes to Q8, then **Q9**: “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?”
   i. If yes to Q9, then Export Control Regulations apply - contact ORC for assistance ASAP!
   ii. If no to Q9, then Fundamental Research Exclusion applies - proceed & remain vigilant!

b. If no to Q8, then Export Control Regulations apply - contact ORC for assistance ASAP!

ii. If no to Q3 (“Do my research activities involve exposure to foreign nationals within the U.S.; or transfers of goods, services, information or technology abroad; or travel outside of the U.S.?”) then **Q6**: “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?
   i. If yes to Q6, then Export Control Regulations apply - contact ORC for assistance ASAP!
   ii. If no to Q6, then **Q7**: “Are the results of my research published and generally accessible or available to the public through public venues, (i.e., conferences, libraries)?
      1. If yes to Q7, then Fundamental Research Exclusion applies - proceed & remain vigilant!
      2. If no to Q7, then **Q8**: “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?”
         a. If yes to Q8, then **Q9**: “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?"

i. If yes to Q9, then Export Control Regulations apply - contact ORC for assistance ASAP!

ii. If no to Q9, then Fundamental Research Exclusion applies - proceed & remain vigilant!

b. If no to Q8, then Export Control Regulations apply - contact ORC for assistance ASAP!

Resources:

1 United States Munitions List (International Traffic in Arms Regulations (ITAR))

2 Commerce Control List (Export Administration Regulations (EAR))

Flow Chart Version of Export Control Decision Tree