Why do I need to consider export control compliance, I am doing research not exporting?

In most instances, the Fundamental Research Exclusion applies to university research.

Fundamental Research: basic or applied research in science and engineering performed or conducted at an accredited institution of higher learning in the U.S. where the results will be published and shared broadly in the scientific community (and under the Export Administration Regulations where the resulting information has been or is about to be published).

Fundamental research is distinguished from research that results in information restricted for proprietary reasons or national security reasons or pursuant to specific U.S. government access and dissemination controls.

This exclusion may be void if the university or Principal Investigator accepts any of the following conditions, regardless of sponsor:
- prepublisher reviews;
- sponsor approvals or conditions on publication or information;
- foreign national controls or approvals;
- access and dissemination controls on the research;
- national security controls.

Even if your research is fundamental research, you still need to consider export control regulations:

Do you receive proprietary information from a third party?
This information could be export controlled and since it is not published it is not exempt from the export control regulations. If you received this information and wanted to share it with a research team member that was a foreign national, a deemed export license may be required.

Do you have equipment, materials, software, or technical data subject to the International Traffic in Arms (ITAR) regulations and you have a foreign national working in your laboratory?
Foreign nationals may need a license to work with ITAR controlled items. Night vision goggles originally developed for military use but are used to be able to see a reaction in the laboratory under nighttime conditions. There is a bona-fide full time employee exception but there is specific paperwork that needs to be completed and signed by all parties.

Will you be traveling to an international off site location and taking items other than a standard laptop, cell phone, or data storage device:
These items may be controlled and if so, would need a license. Just because you can purchase an item overseas does not mean that a license is not required to take the item overseas. Biologics controlled under the Australia Group are available for purchase in other countries, but require an export license to send to any country including Canada. This can also apply to a camera, GPS, computer, amplifiers, blueprints, specs.
Will you be traveling internationally and taking your standard laptop, cell phone, or data storage device? These items, in most instances, qualify for a Tools of the Trade license exception – but are these items “clean” from any data that might be export controlled and/or proprietary data (whether university, personal, or 3rd party owned)? Has the license exception been documented per the regulations?

Will you be sharing information and/or materials with an international collaborator? The fundamental research exclusion does not apply to shipping information and/or materials off campus, a license may be required to share this information with an international collaborator. The fundamental research exclusion applies to INFORMATION that is made public; while the actual “item” that is the result of the research may require a license. A genetically modified organism subject to the Australia Group requires an export license to send to any country including Canada.

Will you have employees, collaborators, volunteers, or other types of associations with people/entities from the five sanctioned countries – Iran, Cuba, Syria, North Sudan, or North Korea? More stringent controls are placed against these countries and their citizens. While not all interactions on campus with these foreign nationals would require a license, a review of the technology access and/or monetary compensation should be completed to ensure compliance with all of the federal regulations.