

What Researchers Need to Know

What are Export Control Laws?

U.S. laws that regulate the distribution to foreign nationals and foreign countries of strategically important technology, services and information for reasons of foreign policy and national security. Export control laws apply to all activities – not just sponsored research projects. To learn more, see the [Laws and Governing Agencies](#).

How can Export Controls affect my research?

There are several scenarios that may require an export license including, but limited to:

- A physical transfer/disclosure of an item outside the U.S.
- Any transfer/disclosure of a controlled item or information within the U.S. to a foreign national
- Participation of foreign national faculty, staff, or students in affected research
- Presentation/discussion of previously unpublished research at conferences or meetings where foreign national scholars may be in attendance
- Research collaborations with foreign nationals and technical exchange programs
- Transfers of research equipment abroad
- Visits to your lab by foreign national scholars

To learn more, see the topic [Licenses and Exclusions](#).

Are there exclusions from Export Control laws?

Yes, there are several exclusions, and two that are particularly relevant to academic research: the fundamental research exclusion and the public domain exclusion. These exclusions can be lost, however, if researchers sign side agreements (including material transfer and non-disclosure agreements) that contain publication restrictions or restrictions on who can participate in the research. ***It is crucial that you not sign any such agreements--or any agreements that mention export controls--on your own.*** To learn more, see the topic [Licenses and Exclusions](#).

What happens if Export Control laws are violated?

The consequences for noncompliance are very serious for both the university and the researcher. There can be monetary fines as well as prison sentences for certain offenses. To learn more, see the topic [Penalties](#).

What kinds of projects raise Export Control concerns?

Any research activity may be subject to export controls if it involves the actual export or “deemed” export of any goods, technology, or related technical data that is either:

- “Dual use” (commercial in nature with possible military application); or
- Inherently military in nature

Research in the following areas can frequently require export control:

- Engineering
- Space sciences
- Computer Science
- Biomedical research with lasers
- Research with encrypted software
- Research with controlled chemicals, biological agents, and toxins

In addition, any of the following will raise export control questions for your project:

- Sponsor restrictions on the participation of foreign nationals in the research
- Sponsor restrictions on the publication or disclosure of the research results
- Indications from the sponsor or others that export-controlled information or technology will be furnished for use in the research
- The physical export of controlled goods or technology is expected

Helpful Questions to Consider:

- What is the nationality of researchers INCLUDING professors and research assistants (grad students/post-docs)?
- Will the results be publicly available?
- Will there be restrictions on publications, access, dissemination or proprietary information?
- Will I be receiving any restricted information?
- Is the research going overseas to a foreign company, government or individual?
- What do the end-users intend to do with the research results?

As a principal investigator (PI), what do I need to do?

The PI has the best understanding of the research and should know whether particular technology, data, or information involved is subject to export control regulations. The PI is responsible for:

- Carefully reviewing the information on export controls web site.

- Determining whether any export control issues may be presented prior to beginning any research.
- Contacting Esther Pham, Export Control Officer for help with determining whether any export control restrictions may apply to the research.
- Adhering strictly to any applicable restrictions and cooperating fully with the university's efforts to monitor compliance if it is determined that export controls apply to the project.