

Is My Work at ISU Subject to Export Controls?

Many factors go into determining whether export controls apply, including the type of research or activity, foreign national participation, acceptance of export controlled information, foreign travel and collaborations, etc.

A benefit to working at a university is that fundamental research is not subject to the license requirements of export control regulations.

To help you get an idea, below are a few basic questions that can help identify whether export controls may be triggered. This is not an all-inclusive list but does cover some primary areas of risk.

Does my research or activity involve:

- Sponsor pre-approval prior to publication of research?
- Sponsor placing any restrictions on foreign national participation?
- Foreign sponsors?
- Foreign travel, international research, or collaborating with colleagues in foreign countries?
- Hand carrying export controlled items to foreign countries, e.g., laptops, GPS, unpublished research technical data?
- Receipt of any sponsor provided information or software marked "Export Controlled"?
- Shipping any physical item(s) including software and/or transmission of technical data to a foreign country?
- Any agreements (NDA, RFP, award, contract, etc.) with export control language?
- Participation of a foreign person from Cuba, North Korea, Syria, Sudan or Iran?
- Travel to or through Cuba, Iran, North Korea, Syria or Sudan?
- Military related research or research with the potential for military applications?
- Encryption source code or object code?

If you answer yes to one or more of the questions above, or you have any questions about these or other types of situations that may involve export controls, please contact export@iastate.edu or call Brooke Langlitz at 515-294-7793 or Matt House at 515-294-0269 for assistance and guidance.

Do export controls only apply to sponsored research?

No. Export controls are U.S. laws that apply to all research and activities conducted at ISU whether funded or not. Export controls may cross all academic fields, including, but not limited to, engineering, psychology, biology, chemistry, veterinary medicine, and education.

Does my research qualify for the Fundamental Research Exclusion?

The fundamental research exclusion (FRE) applies to all published information already in the public domain and to all information ordinarily published and shared broadly in the scientific community resulting from basic and applied research in science and engineering.

It does **not** apply to research which requires sponsor approval to publish, where specific U.S. Government access or distribution controls exist, or when foreign nationals are prohibited from participating. Researchers must not make "side deals" with the sponsor that may limit access and dissemination activities because it will void the fundamental research exclusion and subject the research to export control regulations.

Note: Prepublication review by a sponsor to remove the sponsor's proprietary information, or to temporarily delay publication to ensure that publication would not compromise patent rights, does not change the status of the research as fundamental research.