

# Export Controls and Academic Research



Export controls are federal laws that govern how technology, technical information and assistance, and tangible items or materials are transmitted, whether physically or electronically, from the U.S. to foreign countries, persons, or entities. These laws protect national security and U.S. foreign policy interests, preserve U.S. economic competitiveness, and prevent terrorism, among other things. Violations of these laws can result in costly penalties for not only the university, but also the individual researcher.

Academic institutions are exempt from most of the export regulations due to 3 primary exclusions:

1. Fundamental research exclusion: Fundamental research includes basic and applied research in science and/or engineering where the resulting information either is ordinarily published and shared broadly within the scientific community. University research will **not** qualify as fundamental research if:
  - The university or researcher accepts publication restrictions on the information resulting from the research, other than limited prepublication reviews, or
  - The contract is federally funded and there are dissemination restrictions on who may participate on the contract (i.e. no foreign nationals may participate in research).

It is important to note that the fundamental research exclusion does not apply to:

- Physical exports
  - Equipment or technology controlled by the [ITAR](#) (International Traffic in Arms Regulations)
  - Encryption software or technology
  - Research which is not intended for publication
2. Public domain exclusion: Information that is published and generally available to the public via books or periodicals, published at a conference, or on a website accessible to the public is not subject to export controls. This exclusion does not apply to encryption software. ITAR technical information already in the public domain qualifies for the Public domain exclusion.
  3. Educational information exclusion: This exclusion covers general science, math or engineering information commonly taught in courses listed in a university course catalogue and information taught in associated teaching labs at academic institutions, even if the information includes items or commodities controlled by the [EAR](#) (Export Administration Regulations). ITAR items do not qualify for the educational information exclusion, as instruction is considered a “defense service.”

**If you think your research might fall outside the above mentioned parameters, or if have questions about any of the information above, please contact [exportctrl@vcu.edu](mailto:exportctrl@vcu.edu).**