

THE CATHOLIC UNIVERSITY OF AMERICA

Fundamental Research Flow Chart

This worksheet should be used in conjunction with the University's policy regarding Sharing Information and Technology Abroad and in the U.S. ("Export Controls"), which requires compliance with federal export control laws. This worksheet will assist University researchers in determining whether a planned activity constitutes Fundamental Research. If a planned activity does not meet the elements of Fundamental Research, **DO NOT** proceed with the activity prior to contacting the Office of General Counsel (tel. 202-319-5142) to determine whether a federal license is required.

- 1. Public domain, and
 - a) No equipment, encrypted software, listed-controlled chemicals, bio-agents or toxins, or other restricted technologies are involved, and
 - Information/software is already published, and
 - c) There is no contractual restriction on export, or
- Fundamental Research (note definitions and caveats associated with this exemption)

- Equipment or encrypted software is involved, or
- Technology is not in the public domain, and
- 3. Technology may be exposed to foreign nations (even on campus) or foreign travel is involved, and
 - The equipment, software or technology is on the Commerce Control List, or
 - b) Information or instruction is provided about software, technology, or equipment on the CCL, or
 - c) The foreign nationals are from or the travel is to an embargoed country
- 4. The contract has terms *e.g.* a publication restriction that effect the Fundamental Research Exemption

- Equipment, software, chemical, bioagent, or technology is on the US Munitions List (ITAR), or
- Equipment, software, chemical, bioagent or technology is designed or modified for military use, use in outer space, or there is reason to know it will be used for or in weapons of mass destruction, or
- Chemicals, bio-agents or toxins on the Commerce Control List are involved, or
- The contract contains a restriction on export or access by foreign nationals

NO

Probably

(further review is required)

License May Be Required

YES
License Will Be
Required