**FUNDAMENTAL RESEARCH EXCLUSION FORM**

**EXPORT CONTROL**

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| --- |
| **Instructions** |
| 1. Complete Project Details
2. Review the following materials:
	* [RU Export Controls 101](https://orra.rutgers.edu/ectrainingandeducation) [Presentation]
	* [Fundamental Research: Quick Reference](https://orra.rutgers.edu/ectrainingandeducation) [Presentation]
3. Answer question #1 below: CRITERIA FOR FUNDAMENTAL RESEARCH EXCLUSION
4. Sign completed form
5. Email PDF of Completed Form to: export-support@rutgers.edu
 |

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| --- | --- |
| **Project Details** |  |
| Name: | *[Full Name of Researcher]* |
| College/Dept.: | *[RU College/Dept. of Principal Investigator]* |
| Project Title/Grant/Contract: | *[RU Project Title/Grant/Contract Under Principal Investigator]* |
| Proposal/Award Number: | *[RU Proposal/Award Number if Applicable]* |
| Principal Investigator (PI): | *[RU Principal Investigator of Project]* |
|  |  |

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| --- | --- | --- |
| **CRITERIA FOR FUNDAMENTAL RESEARCH EXCLUSION** | **YES** | **NO** |
| 1. Does the information and software involved in your research meet all of the following criteria:
	1. results from basic and applied research in science and engineering conducted at an accredited institution of higher education located in the U.S.;
	2. is ordinarily published and shared broadly within the scientific community; and;
	3. is not restricted (either by written agreement or by informal understanding) for proprietary reasons or specific national security controls, or subject to specific U.S. Government access and dissemination controls.

**NOTE:** The ITAR Exemption for fundamental research is not as broad as the EAR Fundamental Research Exclusion. Please refer to [ITAR §123.16](https://www.ecfr.gov/cgi-bin/text-idx?SID=97a086e01fed88c36b9c032ca9aca65e&mc=true&node=pt22.1.123&rgn=div5#se22.1.123_116).  | [ ]  | [ ]  |

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| **Signature** |
| The above determination is a good faith determination based on the most accurate and reliable information available as of the date indicated below.

|  |  |
| --- | --- |
| *[Signature of Principal Investigator]* | *[Date Form Signed]* |
| ***Signature*** | ***Date Signed*** |

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**ATTACHMENT 1**

**EAR AND ITAR CONTROL LISTS BY MAJOR CATEGORIES**

**COMMERCE CONTROL LIST (CCL)**

**Export Administration Regulations (EAR)**

<http://www.access.gpo.gov/bis/ear/ear_data.html>

**See Part 774, Supplement 1**

Category 0 Nuclear Materials, Facilities & Equipment (and Miscellaneous Items)

Category 1 Materials, Chemicals, Microorganisms, and Toxins

Category 2 Materials Processing

Category 3 Electronics

Category 4 Computers

Category 5 (Part 1) – Telecommunications; (Part 2) - Information Security

Category 6 Sensors and Lasers

Category 7 Navigation and Avionics

Category 8 Marine

Category 9 Propulsion Systems, Space Vehicles and Related Equipment

**U.S. MUNITIONS LIST (USML)**

**International Traffic in Arms Regulations (ITAR)**

<http://pmddtc.state.gov/regulations_laws/itar_consolidated.html>

**See ITAR Part 121.1**

Category I Firearms, Close Assault Weapons and Combat Shotguns

Category II Guns and Armament

Category III Ammunition/ Ordnance

Category IV Launch Vehicles, Guided Missiles, Ballistic Missiles, Rockets, Torpedoes, Bombs and Mines

Category V Explosives and Energetic Materials, Propellants, Incendiary Agents and Their Constituents

Category VI Vessels of War and Special Naval Equipment

Category VII Tanks and Military Vehicles

Category VIII Aircraft and Associated Equipment

Category IX Military Training Equipment and Training

Category X Protective Personnel Equipment and Shelters

Category XI Military Electronics

Category XII Fire Control, Range Finder, Optical and Guidance and Control Equipment

Category XIII Auxiliary Military Equipment

Category XIV Toxicological Agents, Including Chemical Agents, Biological Agents, and Associated Equipment

Category XV Spacecraft Systems and Associated Equipment

Category XVI Nuclear Weapons, Design and Testing Related Items

Category XVII Classified Articles, Technical Data and Defense Services Not Otherwise Enumerated

Category XVIII Directed Energy Weapons

Category XIX Reserved

Category XX Submersible Vessels, Oceanographic and Associated Equipment

Category XXI Miscellaneous Articles

**ATTACHMENT 2**

**Research Definitions**

**Fundamental Research – ITAR Definition:** Basic and applied research in science and engineering where the resulting information is ordinarily published and shared broadly within the scientific community, as distinguished from research the results of which are restricted for proprietary reasons or specific access and dissemination controls. University research will not be considered fundamental research if:

1. the University or its researchers accept other restrictions on publication of scientific and technical information resulting from the project or activity, or
2. The research is funded by the U.S. Government and specific access and dissemination controls protecting information resulting from the research are applicable.

[ITAR, 22 CFR 120.11(a)(8)]

**Fundamental Research – EAR Definition:** Basic and applied research in science and engineering where the resulting information is ordinarily published and shared broadly within the scientific community. Such research can be distinguished from proprietary research and from industrial development, design, production, and product utilization, the results of which ordinarily are restricted for proprietary reasons or specific national security reasons as defined in §734.11(b) of this part. (See Supplement No. 1 to this part, Question D(8)). Note that the provisions of this section do not apply to encryption software controlled under ECCN 5D002 for “E1” reasons on the Commerce Control List (Supplement No. 1 to part 774 of the EAR) or to mass market encryption software with symmetric key length exceeding 64-bits controlled under ECCN 5D992. [EAR, 15 CFR 734.8(a)]

**Basic Research:** Systemic study directed toward greater knowledge or understanding of the fundamental aspects of phenomena and of observable facts without specific applications toward processes or products in mind. [OMB Circular A-11]

**Applied Research:** Systemic study to gain knowledge or understanding necessary to determine the means by which a recognized and specific need may be met. [OMB Circular A-11]

**Development:** Systemic application of knowledge toward the production of useful materials, devices, and systems or methods, including design, development, and improvement of prototypes and new processes, to meet specific requirements. [OMB Circular A-11]