



# Export Controls:

# What Every MSU Researcher Should Know

## Office of Export Control & Trade Sanction Compliance

### What are Exports?

Exports are any items (e.g., commodities, software, technology) sent from the U.S. to a foreign destination. Exports include the release or sharing of restricted technology or data (orally or in writing) with foreign nationals inside or outside the U.S. — these are called “deemed” exports.

### What are Export Controls?



Export controls are federal laws that regulate the export of sensitive technologies, equipment, software, biological agents, and related data and services. These laws require that licenses be obtained for exports, including “deemed” exports, of these sensitive items (e.g., defense articles, items with potential military applications, select agents) unless an exemption exists.

### How do These Laws Apply to Research at MSU?

These laws apply to **all** research activities whether or not there is a specific citation to the regulations in the grant or contract governing the project.

However, the National Security Decision Directive (NSDD) 189, issued in 1985, states that **fundamental research** is not subject to the license requirements of export control regulations.

**Fundamental research** is basic or applied research in science or engineering at an accredited institution of higher learning in the U.S. where the resulting information is not restricted in the form or content of its release to the public and is ordinarily published and shared broadly in the scientific community.

As a public university, Michigan State University is committed to the widest possible public dissemination of scientific learning and research results.

Therefore, most information and data to be created or used at MSU will likely fall under the definition of fundamental research as set forth in NSDD 189.

### Questions Researchers Should Consider..

1. Does the contract or grant restrict publication or presentation of research results?
2. Does the contract or grant limit or prohibit foreign nationals from performing work or accessing research results?
3. Does the contract or grant prohibit results or deliverables from being disclosed or delivered to any country or persons?
4. Will any information used in the project be obtained from a third party subject to nondisclosure obligations?
5. Is any equipment or encryption software required to be delivered as part of the project? If yes, is the equipment or software on an export control list?

If yes to any of the above questions, further review will be needed. Contact the Office of Export Control & Trade Sanction Compliance.

### What Actions Could Destroy the Fundamental Research Exemption?

University research **will not** be deemed to qualify as fundamental research if:

- The university accepts any restrictions on the publication of the information resulting from the research.
- Research is federally funded and specific access and dissemination controls regarding the resulting information have been accepted by the university or the researcher.

### How does Fundamental Research Relate to Trade Sanctions?

Trade sanctions against hostile targets including countries may prohibit travel, payment or providing anything of value to the sanctioned country, regardless of the fundamental research exemption. For a current listing of the targets affected by these regulations, visit the export controls web site, <http://www.exportcontrols.msu.edu.htm>

### QUESTIONS?

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