

Exclusions

Universities have based most of their activity as falling within the exclusions below. In order to be exempt from export control regulations, you must qualify for at least 1 of the following 3:

1. **Fundamental Research Exclusion (FRE) and National Policy re: Fundamental Research (NSDD 189)**

- Accredited Universities of higher learning **conducting basic and applied research** and the results of which are intended to be published and are **not subject to access or publication restrictions**
- "**Fundamental Research** means **basic and applied research** in science and engineering, the **results** of which ordinarily are **published** and shared broadly within the scientific community, as **distinguished from** proprietary research...the **results** of which ordinarily are **restricted** for proprietary or national security reasons."

[Fundamental Research FAQs](#)

2. **Public Domain**

This applies to research or information that is published and generally available or accessible by the public.

3. **Educational Exclusion**

This covers math, engineering, or general science that is commonly taught in academic institutions, even if the information being shared is controlled by EAR. **ITAR items do not qualify for the educational exclusion.**