

MEMORANDUM

Charles E. Phelps
Provost

To: Selected Deans, Directors, Department Chairs and Principal Investigators
From: Charles E. Phelps, Provost *cep*
Subject: Export Control Laws and Regulations
Date: April 19, 2004

As a follow up to correspondence on this topic dated December 24, 2002 (see http://www.rochester.edu/ORPA/policies/ITAR_ExportLaws_Regulations.pdf), I have enclosed for your information a new Council on Governmental Relations (COGR) Brochure on export control regulations. As noted in my earlier memorandum, the University of Rochester's research normally falls under a fundamental research exemption and is not subject to license requirements. However, license restrictions may be applicable when sponsors impose specific contractual terms or to tangible items that are shipped abroad. In addition to an overview of the Export Administration Regulations (EAR) and International Traffic in Arms Regulations (ITAR), the enclosed brochure is extremely useful as it presents case studies of situations that universities have encountered, as well as "best practices" in this area.

This brochure focuses primarily on the EAR and ITAR, since these are the export requirements most frequently encountered by universities. I do want to bring your attention to the fact that the Treasury Department's Office of Foreign Assets Control (OFAC) enforces trade embargoes that may also affect university activities. If a university activity involves an embargoed country, you will need to address OFAC as well as ITAR and EAR requirements. The embargoes apply to particular countries, e.g. Cuba, Libya, Iraq, North Korea, Sudan and affect nearly all transactions – financial, service, equipment, etc. – with those countries without regard to content or purpose. In addition, OFAC is applying a conservative implementation of these requirements that impose obtaining specific licenses, whereby a general license may have been applicable in the past. The complete list of embargoed countries and prohibited transactions is available at <http://www.ustreas.gov/offices/eotffc/ofac/>. I urge you to contact Gunta Lidars, Director, Office of Research and Project Administration at gunta.lidars@rochester.edu, if you or your department collaborates with these countries.

The COGR brochure is also available on the web at <http://www.cogr.edu>. If your department deals with research that may be categorized on the export controlled lists or with embargoed countries, this document will be a valuable resource as it will be updated regularly.

Enclosure

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