



University of Colorado at Boulder
Office of the Vice Chancellor for Research
Graduate School
26 UCB
Boulder, CO 80309

(303) 492-2890
www.colorado.edu/GraduateSchool

Russell Moore Ph.D.
Interim Vice Chancellor for Research

russell.moore@colorado.edu

August 17, 2009

Dear Colleagues:

If you travel outside of the US, work with foreign students or collaborators, ship internationally, purchase materials from a source outside the US, or conduct research on advanced technologies you need to know about federal regulations dealing with export controls. You might be surprised to learn that these regulations affect you, painfully so if you learn that as part of a federal audit! Before dismissing this as more bureaucracy, take a minute to review some common myths and misconceptions about export control laws:

- *I don't export any hardware or software, so export control laws don't apply to me*

Export control laws are not limited to literal (physical) exports of hardware or software. The laws consider a "deemed export" to have occurred whenever you share controlled information with a foreign national, whether by sharing documents, through informal conversation, or even by allowing the person to visit your lab. Taking a laptop computer with you on overseas travel also represents an "export," depending on the country to which you are traveling, certain restrictions may apply. Even arranging payments for suppliers or collaborators, or providing training or contract research services, may involve export control laws, depending on the country involved.

- *Export control laws apply only to military hardware or software*

Export control laws may apply even if you're not doing "military" research. One set of laws (the International Trafficking in Arms Regulations, or ITAR) focuses on technologies relevant to national security. However, these include many technologies—such as lasers, advanced GPS, UAVs, space flight hardware, and even fermenters—that have non-military applications as well. This is even more true of a second set of laws (the Export Administration Regulations, or EAR) that cover a wide range of "dual-use" technologies. A third set of rules, administered by the Treasury Department, is broader still, in that they regulate nearly all commerce with countries under a political embargo (such as Cuba, North Korea, Libya, Sudan, Iran).

- *Export control laws don't apply to research universities.*

Export control laws apply to all US individuals and institutions; there is no general exemption for universities. In many cases, we can assert what is referred to as the Fundamental Research Exemption, which provides an exception to the regulations for the results of research that is fundamental in nature and which is normally published without any restrictions. However, you need to follow some rules very carefully to qualify for this exemption, so it's important to work with the Office of Contracts and Grants and the Office of Research Integrity.

- *The government doesn't really enforce all these regulations.*

Legion are the individuals who wish this was the case. The Departments of State, Commerce and Treasury regularly publish the results of criminal investigations of export laws—which are both common and expensive. And liability accrues to YOU, as the investigator who violates these regulations. In July, **Professor J. Reece Roth of the University of Tennessee was sentenced to prison for 4 years** for allowing Chinese and Iranian graduate students to work on a project involving controlled technology and for taking related information on a laptop computer on a trip to China.

What do I need to do?

Export control laws are complex and taken very seriously by the US government. If you think that some of your activities might be covered, it's essential that you contact Linda Morris, the export control specialist in the Office of Research Integrity, for assistance (Linda.Morris@colorado.edu; 303-492-2889).

If you know that your unit is conducting research involving controlled technologies, you need to work with the export control office to determine your needs regarding training of personnel, technology control plans, and licenses for any foreign nationals who will be involved in the work.

You can find more information and guidance about export control rules at: <https://www.colorado.edu/vcr/export-controls>.

Sincerely,



Russ Moore
Interim Vice Chancellor for Research



Joe Rosse
Director, Office of Research Integrity