

Subject: Export Controls and Trade Sanctions

While federal regulations restricting the export of goods and technologies related to national security interests have been in existence for decades, these regulations have become more restrictive and enforcement has become increasingly rigorous in the years following the events of September 11, 2001. The purpose of this memo is to remind the University community that the University of Delaware must comply with all U.S. government export control regulations. While the vast majority of the work carried out on our campuses falls within the several exemptions to export licensing requirements, it is nonetheless necessary for researchers to be aware of how these laws may apply to their activities.

It is important to recognize that the U.S. Government defines exports to include not only tangible or “physical” items such as biological materials, chemicals, and equipment, but also intangible information, which may include research data and ideas. Furthermore, an export is defined not only as the actual physical shipment, but also includes electronic and voice transmissions out of the United States (e.g., email to colleagues at foreign institutions or even a phone call) as well as the release of technology to foreign nationals within the U.S. These exports are controlled by multiple federal agencies including the Department of State, the Department of Commerce, and the Department of the Treasury. Violation of the export control regulations can result in significant institutional and personal penalties including fines of up to \$1,000,000 per violation, incarceration for up to 10 years, and loss of future exporting privileges.

The University of Delaware remains committed to the preservation of academic freedom. Fortunately most, but not all, research activities on campus fall under the “fundamental research exemption,” which provides that basic research activities NOT subject to publication or access restrictions will not be subject to export controls. Other exemptions apply to technology and information shared in the conduct of teaching activities on campus and to information already generally publicly available. However, the export regulations are complex and continually changing, and it is important to consider each activity on an individual basis.

The Research Office will be happy to assist members of the university community with export control compliance. Please contact Dr. Cordell Overby, Associate Deputy Provost for Research and Regulatory Affairs (overbyc@udel.edu), if you need help in assessing the impact of the regulations on your activities or to schedule training on this important issue.