



Export Controls and Embargoes Policy

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Effective Date: April 3, 2007
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Issuing Authority: Vice President for Research and Compliance
Responsible Offices: Office of the Vice President for Research and Compliance, Research Compliance Office, Office of Sponsored Programs/Research Administration

Purpose:

To comply with Federal laws related to export controls and embargoes.

Policy:

It is the policy of Howard University and all related entities, business units, subsidiaries and affiliated organizations including, but not limited to, Howard University Hospital (hereinafter referred to collectively as “Howard University”) to comply with all federal laws and regulations related to export controls and embargoes. These include the following:

- Department of Defense’s International Traffic in Arms Regulations (ITAR)
http://pmdtc.org/itar_index.htm
- Department of Commerce’s Export Administration Regulations (EAR)
<http://www.access.gpo.gov/bis/index.html>
- Office of Foreign Assets Control’s (OFAC) sanctions related to specific countries
<http://www.treas.gov/offices/eotffc/ofac/sanctions/index.html>

The Research Compliance Officer (RCO) is the “Empowered Official” responsible for making and documenting decisions at Howard University related to export controls and embargoes. The President of Howard University has delegated this authority to the RCO.

It is the responsibility of each PI/PD to identify when a potential export controls or embargoes law governs their sponsored program. When it is identified that an export controls or embargoes license may be required, the PI/PD notifies the Empowered Official (e.g., by email). When notified, the Empowered Official determines whether a fundamental research exclusion is applicable or an application for one or more licenses is required.

Business Process Description:

PI/PD’s are responsible for determining whether an export controls or embargoes law will impact their research. **Violations of these regulations may lead to significant criminal and civil penalties for both the PI/PD and Howard University.** This primarily occurs under the following circumstances:

1. Research involving ITAR or EAR restricted information or technology: A license may be required if controlled or restricted equipment or information is either taken or disseminated (e.g., email, fax, etc.) outside of the United States or to a foreign national within the United States that

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is not working at an institution of higher learning and engaged in Fundamental Research as defined in the Code of Federal Regulations (CFR).

2. **International Travel:** When traveling internationally, restrictions apply to certain types of equipment being taken outside of the United States and to sharing certain types of information. These restrictions may vary by country.
3. **International Shipping:** Restrictions apply to certain types of equipment being shipped outside of the United States. These restrictions may vary by country.
4. **Payments to foreign countries:** Making payments, such as purchasing goods and services, from foreign governments, businesses, or individuals may be limited to a certain dollar amount or may be prohibited. These restrictions may vary by country.

It is not the expectation that all PI/PD's have a detailed knowledge of export controls and embargoes regulations; but it is expected that PI/PD's are able to identify when the regulations may apply and to contact the Empowered Official in these cases. A decision tree for export controls and embargoes has been developed to assist PI/PD's in determining whether to contact the Empowered Official (www.XXX.com).

If the PI/PD determines that an export controls or embargoes law **MAY** govern their research, the Howard University Empowered Official is contacted. Contacting the Empowered Official allows an official determination to be made and documented by Howard University. During the proposal review and submission process (see [Proposal Review and Submission Policy](#)), OSP/RA may also identify an export controls or embargoes law that governs the proposed sponsored program. If this occurs, OSP/RA notifies the Empowered Official and the PI/PD. Additionally, during the Award Set-up process (see [Award Acceptance, Negotiation, and Set-Up Policy](#)) terms and conditions may be identified that could inhibit a sponsored program from being defined as fundamental research, thus making the sponsored program ineligible for the fundamental research exclusion and requiring one or more licenses.

These may include, but are not limited to:

- Limitations on the participation of non-U.S. citizens in the sponsored program
- Publication limitations
 - o Howard University is prevented from publishing results of the sponsored program
 - o Sponsor must *approve* (as opposed to review) material before publication
 - o A significant delay is required before the material can be published).

If this occurs, these terms and conditions are aggressively negotiated and, if these terms and conditions are not modified to the satisfaction of Howard University, the Empowered Official determines whether the sponsored program can be classified as Fundamental Research as defined by the CFR and whether one or more licenses may be required to conduct the sponsored program in compliance with the existing export controls and embargoes laws and regulations..

The Empowered Official documents this decision and maintains these records consistent with applicable regulations and the Howard University [Record Retention Policy](#). The PI/PD is notified of this decision, in writing (e.g., by email).

- If it is determined that a license is not required, no additional action is necessary.

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- If it is determined that a license is required, the Vice President for Research and Compliance (VPRC) determines whether the cost and time necessary to apply for a license is in Howard University's best interest.
- If the decision is made to apply for a license, the PI/PD is responsible for completing the application.
- As necessary, the RCO provides guidance.

Roles and Responsibilities:

Academic Department

- **Principal Investigator/Project Director (PI/PD):** It is the responsibility of each PI/PD to identify when a potential export controls or embargoes law governs their sponsored program. When it is identified that an export controls or embargoes law may be applicable, the PI/PD notifies the Empowered Official in writing (e.g., by email). If a license is required and the VPRC determines that an application is in the best interest of Howard University, the PI/PD is responsible for completing the application.

Office of the Vice President for Research and Compliance

- **Vice President for Research and Compliance (VPRC):** If it is determined that a license is required, the VPRC determines whether the cost and time necessary to apply for a license is in Howard Universities best interest. When a decision is made, the PI/PD is notified, in writing (e.g., by email).

Research Compliance Office

- **Research Compliance Officer (RCO):** The RCO is the "Empowered Official" responsible for making and documenting decisions at Howard University related to export controls and embargoes. If the decision is made to apply for a license, the RCO provides guidance to the PI/PD.

Office of Sponsored Programs/Research Administration

- **Research Administrator (RA) and Manager:** If the RA identifies an export controls or embargoes law or regulation that may govern the proposed sponsored program, and the PI/PD has not already referred this matter to the Empowered Official, the RA in conjunction with the Manager notifies the Empowered Official directly and copies the PI/PD in writing (e.g., by email).

Related Processes/Events:

- Proposal Review and Submission Policy
- Award Acceptance, Negotiation, and Set-Up Policy
- Record Retention Policy

Forms and Links:

- Department of Defense's International Traffic in Arms Regulations (ITAR)
http://pmdtc.org/itar_index.htm
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- Export Controls and Embargoes Decision Tree www.XXX.com
- OVPRC Website: <http://ovprc.howard.edu>