DATE: April 16, 2015

FROM: Tom Bogdan, UCAR President

TO: All Staff

SUBJECT: Annual Reminder of UCAR’s Commitment to Export Compliance

About once a year, I like to remind all staff of the importance of complying with U.S. export control laws and regulations and of management’s commitment to provide the training, tools, and resources to do so.

It is UCAR policy to comply with all export laws and regulations of the United States. Export controls govern the transfer, distribution, disclosure, and shipment of certain controlled information, software code, and tangible items as well as the provision of certain services to foreign persons and countries. Although most of the work that UCAR undertakes involves uncontrolled fundamental research that may be shared freely with foreign persons (for purposes of export control, a foreign person is defined as anyone who is not a U.S. citizen or a green card holder), UCAR is occasionally involved in the export of controlled services, items, and/or technology. UCAR takes its export control responsibilities seriously, and requires its employees to do so as well.

**Government regulation**
The United States government strictly regulates all exports of U.S. products, technology, and software and the movement of U.S.-origin commodities between foreign countries. This includes access by or disclosure to foreign persons in the U.S., such as a visitor to UCAR, of controlled information or technology by any means (known as a “deemed export”). These controls are in place to prevent the distribution of technology that can compromise national security. Because of the nature of our organization, some of the tools used for research are strictly controlled to prevent diversion to individuals or organizations in certain foreign countries. The need for heightened awareness of the control and use of these types of items and technical data is more critical than ever before.

**Penalties for export violations**
Penalties can be imposed on both UCAR and individuals for violating U.S. Export Regulations. These may include partial or complete denial of export privileges, civil penalties (fines), and/or seizure of equipment. Criminal penalties for willful violations of U.S. Export Regulations may include substantial fines and imprisonment.

**UCAR’s export compliance program**
Government agencies have significantly increased their enforcement of export control compliance to now include universities and research institutions. In response, the most important
risk minimization step being taken is comprehensive oversight of export-controlled activities to proactively manage compliance.

Meg McClellan, UCAR’s Senior Export Control Officer, oversees our comprehensive Export Compliance Program, with support from David Sundvall. In addition, each laboratory, division or program (as appropriate) has an Empowered Official and an Export Compliance Coordinator. Components of the program include:

- Continuous risk assessment
- Creation of a decentralized network of export experts to provide localized support and guidance
- Written export compliance policies, procedures, and guidance
- Ongoing training
- Guidance and tools for identifying controlled items, technical data, and services; screening of contractors, visitors, and collaborators; proactive identification of export issues during the procurement and proposal process; and procedures for physical shipments of items overseas
- Record-keeping requirements
- Escalation of compliance issues, including reporting export violations

**I ask each of you to take this matter very seriously and to support this effort.** If you have any questions concerning export compliance issues, please contact your Lab/ Program Empowered Official or Export Compliance Coordinator (https://www2.fin.ucar.edu/ogc/export-contacts), or David Sundvall (ext. 8898).