



October 23, 2008

EXECUTIVE MEMORANDUM NO. 08-03

TO: Vice Presidents
Chancellors
Senior Administration
Interim Executive Administrator and Secretary of the Board of Regents
State Director for Career and Technical Education

SUBJECT: **Promulgation of Executive Policy E5.218**
on Compliance with Export Control Laws and Regulations

Executive Policy E5.218 on Compliance with Export Control Laws and Regulations formalizes and codifies current policy on complying with Federal laws on export controls. Export control laws govern the conditions under which certain information, technologies, and commodities can be transmitted overseas to anyone, including United States citizens, or to a foreign national on US soil. The laws are implemented by the US Department of Commerce through its Export Administration Regulations (EAR), the US Department of State through its International Traffic in Arms Regulations (ITAR), and the US Department of the Treasury through its Office of Foreign Assets Control (OFAC).

Export control regulations apply not only to research and training activities but to all University activities in general, including activity funded by awards accepted by the University and service-ordered to the Research Corporation of the University of Hawai'i. Noncompliance with export control laws can result in administrative and criminal penalties against individuals of up to \$1 million per violation and 10 years in prison.

I hereby officially promulgate E5.218. Please distribute the enclosed policy widely, to include deans, directors, faculty, principal investigators (PIs), researchers, research associates, fiscal officers, and personnel officers. While PIs bear primary responsibility for compliance with export control regulations, each operating unit should be proactive in implementing procedures and internal controls as needed. Internal controls may include, for example: (a) filtering requests for payments, services, or items of value intended for "blocked persons," (b) screening requests for travel to embargoed countries, (c) identifying certain research activities which may forbid the participation of foreign nationals, and so on. The Office of the Vice President for Research (OVPR) will initiate discussion on the development of implementing guidelines. Any questions may be referred to OVPR.

A handwritten signature in black ink that reads "David McClain".

David McClain
President

Enclosure: Executive Policy E5.218