



July 10, 2013

U.S. Department of Energy  
Office of Acquisition and Project Management  
MA-611  
1000 Independence Avenue SW  
Washington, DC 20585

RE: DEAR: Export Control and RIN 1991-AB99

To Whom It May Concern,

I am writing on behalf of the Association of University Export Control Officers (AUECO), a group of 28 senior export practitioners with experience at accredited institutions of higher learning in the United States (U.S.). AUECO members monitor proposed changes in laws and regulations affecting academic activities and advocate for policies, procedures, and award terms and conditions that advance effective university compliance with applicable U.S. export controls and trade sanction regulations.

AUECO understands the Department of Energy (DOE)'s desire to clarify contractors' export compliance responsibilities, but we are concerned that the requirement, specified in 925.225-XX(e) and 970.52251(e), for contractors to provide written notification to DOE both of export control requirements and steps taken to ensure compliance with those requirements impose an unnecessary added reporting burden on contractors that is not required by the export control regulations. DOE has failed to explain the rationale for this requirement.

AUECO is concerned is that as currently drafted, the proposed change could be interpreted as an attempt to absolve DOE of its responsibility for export controls compliance. While this is undoubtedly not intended by DOE, clarification is warranted to ensure that DOE is still responsible for its own compliance with export controls and is not shifting that burden to its contractors via the proposed changes.

If, in spite of the negative impact this will have on contractors, the requirement is adopted, DOE should provide clarity as to what is "timely" notification to DOE of the identified export control requirements as well as guidance as to what information should be included in that notification. It is not clear whether or not a simple statement that the contractor has taken "appropriate steps to comply with such requirements" will be sufficient or if it will be left to the Contracting Officer to determine what information is required.

AUECO is also unclear as to the scope of the requirements of proposed DEAR contract clauses 952.225-XX(c) and 970.2571-3. We concur with the comments and concerns articulated by the Council on Government Relations (COGR) and the Association of American Universities (AAU) in their public comments submitted in response to the RIN 1991-AB99 *Acquisition Regulations: Export Control*.

AUECO appreciates the opportunity to provide comments on these proposed changes.

Sincerely,

A handwritten signature in cursive script that reads "Elizabeth Peloso".

Elizabeth Peloso

Chair

Association of University Export Control Officers

Email: [auecogroup@gmail.com](mailto:auecogroup@gmail.com)

Website: <http://aueco.org>