

# EXPORT NEWS

## International Travel



Traveling outside the United States with a laptop is considered an “export” of the physical equipment as well as the software, data and other information it contains. The

International Traffic in Arms Regulations (ITAR) and the Export Administration Regulations (EAR) require that licenses be obtained prior to the export of certain types of computers, software and information. According to these regulations, an “export” occurs whenever a researcher:

- Takes a laptop, including software and technical data stored in the computer, outside the country to assist with research or presentations; or
- Allows any foreign person to use the laptop or provides to any foreign person access to software or technical information, *regardless of whether these activities occur inside or outside the United States* (a “deemed export”).

Export compliance requirements vary, depending on factors such as the country of destination and the purpose of the trip. Specific export licensing exceptions permit the export of certain types of computer equipment and software without an export license. It is important to note however, that even if an exception applies to the hardware and software, export-controlled data and technical information stored on your laptop may still require an export license. Furthermore, taking your laptop to certain restricted destinations, or using the laptop in connection with export-controlled activities (e.g., rendering “defense services”) will trigger separate export control compliance obligations that are not covered by these exceptions. **See page two for information about the most commonly used exception for business travel.**

## Communication



In an effort to keep the UA community informed of issues and events related to export control, the Office for Responsible Conduct of Research will publish this newsletter on a monthly basis. Please contact Nora Moriarty at [njm1@email.arizona.edu](mailto:njm1@email.arizona.edu) with feedback or particular topics of interest.



## Training Opportunities

The Society for International Affairs (SIA) will host a two day seminar in New Orleans entitled “Export Compliance, More than Just Hardware Sales” May 4-5. Interested parties should go to [www.sied.org](http://www.sied.org) for more information.

A seminar entitled the “Essential Elements of Export Controls in the Enhanced Enforcement Environment” will be held May 19<sup>th</sup> at Pima Community College. Go to <http://www.buyusa.gov/arizona/events.html> to learn more and register.

## Laptops, Blackberries and other PDAs

These items are export-controlled by the Department of Commerce but may be hand-carried under the exception for temporary exports (TMP). However, note that this equipment must remain under the “effective control” of the exporter, meaning in your physical possession or secured in a hotel safe. If you don’t need these devices for your trip, don’t bring them. It will save preparation time, ease your way through security checkpoints and eliminate the risk of loss. If you do need your equipment, UA strongly recommends that you remove any data that you will not need for your trip.

### The “TMP” Exception

The temporary export exception makes it possible for business travelers to take laptops, PDAs and other “tools of the trade” abroad for personal use during travel. The exception applies if all of the following criteria are met:

1. The laptop and software are of the usual kind and quantity used by the exporter’s employees engaged in a lawful enterprise.
3. The equipment must remain under the effective control of the exporter. (“Effective control” means in one’s physical possession, in a locked safe or locked employer facility; a locked hotel room will not do.)
4. The equipment must be returned to the United States as soon as practicable, but no later than one year from the date of export (except in certain specific circumstances).
5. The export is not to an embargoed or restricted country, e.g. Iran, Syria, Cuba, North Korea, or Sudan.

The exception does not apply to any EAR satellite or space-related equipment, components, or software, or to any technology associated with high-level encryption products. It also does not apply to items, technology, data, or software regulated by the ITAR.

**UA now requires employees traveling on university business with university-owned equipment to certify that they meet the requirements of this exception prior to departure. Please contact Nora Moriarty, at [njm1@email.arizona.edu](mailto:njm1@email.arizona.edu) or 626-2437 to obtain the certification form or for more information on export controls and travel.**

### State Department Notices

On March 2, the Directorate of Defense Trade Controls (DDTC) posted updated guidance on their [webpage](#) regarding licensing requirements and procedures for foreign person employees by U.S. Persons. DDTC has eliminated the need to both a DSP-5 and a Technical Assistance Agreement. Both were previously required in certain circumstances. Other changes relate to circumstances requiring execution of a DSP-83 Non-Transfer and Use Certificate.

On March 5, DDTC posted a notice on their [webpage](#) regarding initial notifications to DDTC of export. ITAR requires that exporters notify DDTC of the initial export of technical data and/or defense services under a license or an agreement. Although the regulations state that this must be done electronically, currently there is no means by which to do so. The notice states that until the electronics system is capable, a paper submission must be sent to DDTC.

Also, on March 20, DDTC posted a notice on their [webpage](#) that it has modified the format of Agreement and Amendment Approval Letters to address specifically the requirement that “*No U.S. signatories may export or temporarily import defense articles, technical data or defense services against an agreement until all parties have executed the agreement.*” This sentence has been added to the preamble of approval letters. DDTC had received numerous inquiries after the proviso regarding this requirement was removed as a standard proviso on approval letters in an effort to eliminate redundancy.

### NCURA Export Webinar Held March 26

The VPR’s office, with the assistance of Steward Observatory, hosted the National Council of University Research Administrators (NCURA) webinar “Essentials of Export Controls” on March 26. Over 30 people from various departments were in attendance and feedback has been very positive. The VPR will be purchasing a CD of the webinar, which will be available for loan to interested departments. Please contact the [ECO](#) if you are interested in borrowing the CD.