

# EXPORT NEWS

## Obtaining Authority to Export from the U.S. Government

In order for foreign nationals (including students) to work on an export-controlled research project, it may be necessary to obtain an export license from the federal government. This is also true if you are shipping controlled equipment or technical data overseas. The type of license required will depend on which jurisdiction the project falls under, State or Commerce. There are several licensing options available from the State Department, including hardware licenses (both permanent and temporary) and agreements for the provision of defense services and technical data (Technical Assistance Agreements, Manufacturing License Agreements and Distribution Agreements). The Commerce Department uses a multi-purpose form (BIS 748) along with several other forms for verifying recipients, end users and delivery. In addition, if the country involved is a sanctioned country, a specific license from the Office of Foreign Assets Control (OFAC) may be required.

Licenses, in any form, take time to prepare and obtain and this time must be factored into the project schedule to avoid delays. Depending on the technology and countries involved, it can take anywhere from a few weeks to several months to obtain approval. UA has developed a process for preparing and obtaining export licenses, which is located on the [Export Control webpage](#). If you believe you need a license, read the process and contact the [Export Control Officer](#) (ECO) to get started as soon as possible.

### Managing Your Export Authorization

Assuming your export application is approved, it will always come with at least some conditions (provisos in State Department parlance) and these need to be carefully reviewed and adhered to before any exporting may begin. Also, all export licenses and agreements expire so note the expiration date and set

## 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 Bureau of Industry and Security (BIS) will host an export seminar in Seattle June 10-11, 2009 entitled "Complying with U.S. Export Controls." Click [here](#) for more information.

The Society for International Affairs (SIA) will host their Summer "Back to Basics" Seminar in Arlington, VA, July 13 and 14, 2009. Interested parties should go to [www.siaed.org](http://www.siaed.org) for more information.

up a reminder to check on status. Be sure to follow all regulatory requirements regarding notifications, recordkeeping and reporting. Hardware and technical data licenses must be decremented to keep track of quantities and values and ensure those are not exceeded. Temporary imports and exports must be tracked and all hardware returned prior to license expiration. Licenses must be returned to the government when they are expended or have expired. It's vitally important that all personnel using a license or operating under an agreement are trained on the authorization. Contact the [ECO](#) for more information about export authorization management.

### ITAR Exemptions and EAR Exceptions

Prior to using any exemption or exception, you should carefully consult the regulations and confer with the [Export Control Officer](#) to ensure the export is eligible under that exemption or exception.

For example, ITAR 125.4.b(10) is an exemption that allows universities to transfer unclassified technical data to their bona-fide foreign person employees without a license. However, for the university to be eligible to use this exemption, the university employee must be full-time, must have a permanent abode in the U.S. throughout the employment and cannot be from a prohibited country. In addition, the employee must be informed in writing that cannot transfer any of the information to other foreign persons without prior written approval from DDTC.

Remember that by using any of the license exemptions or exceptions you are certifying that the terms, provisions, and conditions for the use of the license exemption or exception described in the regulations have been met.

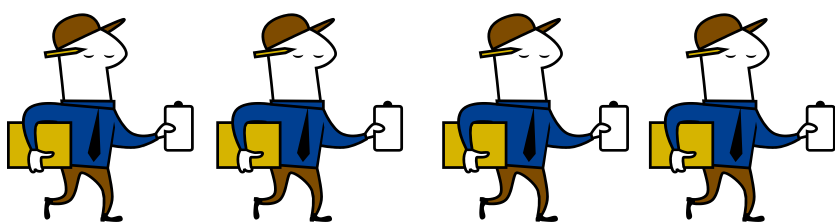
### Federal Register Notices

[74 Fed. Reg. 18628](#) - On April 13, 2009, DDTC published a final rule in the Federal Register, revising USML Category XII, Fire Control, Range Finder, Optical and Guidance and Control Equipment. A technical error in that rule on May 21, 2004 ([69 Fed. Reg. 29222](#)) resulted in the unintended removal of language in a note after Category XII paragraph (c). This notice corrects the final regulations by restoring the language in the note as follows:

Note: Special Definition. For purposes of this subparagraph, second and third generation image intensification tubes are defined as having:

A peak response within the 0.4 to 1.05 micron wavelength range and incorporating a microchannel plate for electron image amplification having a hold pitch (center-to-center spacing) of less than 25 microns and having either:

- (a) An S-20, S-25 or multialkali photocathode; or
- (b) A GaAs, GaInAs, or other compound semiconductor photocathode.



### Other News of Note...

On April 7, 2009, DDTC published Interim Update 1a to its *Guidelines for Preparing Agreements*. Click [here](#) to see a summary of the updates or for a complete set of the Guidelines.

On April 16, 2009, DDTC implemented DTRADE2, their electronic licensing system for DSP-5 (permanent export), DSP-61 (temporary import) and DSP-73 (temporary export) forms.

On April 17, 2009, BIS updated its FAQ for the Entity List. Click [here](#) to review it.

On April 17, 2009, BIS also posted updates to its Simplified Network Application Process Redesign (SNAP-R) electronic application form. Click [here](#) for more information about SNAP-R.