FREQUENTLY ASKED QUESTIONS ABOUT EXPORT CONTROLS

▶ What are export controls?

U.S. export control laws and regulations consist of a broad, diverse, and complicated array of requirements that have varying and often surprising impacts on research and other activities being conducted. These federal regulations not only affect items that are utilized by UA personnel, but can also affect whom the UA engages with on campus as well as around the world. There are three primary agencies which govern export control laws and regulations: the U.S. Department of State Directorate of Defense Trade Controls; the U.S. Department of Commerce Bureau of Industry and Security; and the U.S. Department of Treasury Office of Foreign Assets Control.

▶ How do export control laws and regulations affect activities at the UA?

Export control laws and regulations affect various University activities including, but not limited to: conducting research (sponsored and non-sponsored), international travel, publishing research, procurement, hiring non-U.S. persons, sponsoring foreign persons (such as visiting scholars or post docs), collaborations with non-U.S. individuals or entities, international shipments, non-disclosure agreements, and certain services.

▶ What is an export?

An export is the transfer of export-controlled information, technical data, technology, commodities, software, or providing a defense service to a non-U.S. person or entity. An export can occur in a number of ways, such as; a physical shipment, hand-carrying an item out of the U.S., email transmission of data, presentations, discussions, visually accessing export-controlled data, etc.

▶ What is a deemed export?

A deemed export is the release or transmission in any form of export-controlled information or technology within the U.S. to anyone who is not a U.S. Person.

▶ Who or what is considered a U.S. Person?

A U.S. Person is an individual who is a citizen, a permanent resident alien of the United States, or who is a protected individual (e.g., has asylum status) as defined by 8 U.S.C. 1324b(a)(3). It is also any business entity incorporated to do business in the United States.

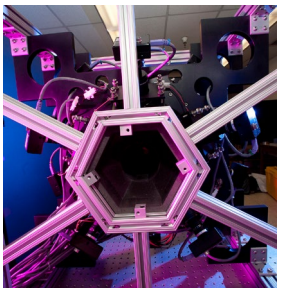
▶ What is a foreign entity?

A foreign entity is any corporation, business association, partnership, trust, society or any other entity or group that is not incorporated or organized to do business in the United States, as well as international organizations, foreign governments and any agency or subdivision of foreign governments. A person (even a U.S. citizen) is considered a foreign person if they work for or represent a foreign entity.

▶ What is a Technology Control Plan (TCP)?

A TCP is a protocol that outlines the procedures to secure certain export-controlled items (such as, technical data, materials, software or hardware) from unauthorized use, access and observation by non-U.S. persons. The University Export Control Program (UECP) staff, with assistance from the Principal Investigator (PI), will develop a TCP that is designed for the specific project. The PI is the ultimate responsible party for adherence to the TCP by project personnel. All project personnel listed on the TCP are required to complete export control training every two years. The TCP remains in effect for as long as UA retains the export-controlled data or item, even if the project is over. UECP will conduct an annual audit to ensure compliance with the TCP is being achieved.

▶ What is “Technical Data” and “Technology”?



Technical data is a term defined in the International Traffic in Arms Regulations (ITAR) as information, which is required for the design, development, production, manufacture, assembly, operation, repair, testing, maintenance or modification of defense articles and software directly related to defense articles. Technology is defined by the Export Administration Regulations (EAR) as specific information necessary for the “development”, “production”, or “use” of a product. Technical data and technology may take the form of blueprints, drawings, manuals, models, specifications, tables, formulas, plans, instructions or documentation.

▶ What is a restricted party? How do I ensure I am not collaborating with one?

The U.S. government maintains lists of individuals or entities with whom the University and its employees may be prohibited by law, or require a license, to export to or engage with in business transactions. Such individuals may or may not be U.S. persons. The UA subscribes to a third-party vendor called Visual Compliance to conduct Restricted Party Screening (RPS). For additional information see https://rgw.arizona.edu/compliance/export-control-program/procedures-for-restricted-party-screenings.

▶ What do I need to know when traveling outside the U.S.?

UA faculty, staff, and students traveling internationally on behalf of UA for business, research, or other purposes are required to register well in advance of their departure (travel.arizona.edu). In addition to obtaining UA approval, the traveler may require a license, license exception/exemption, or other guidance in order to hand-carry items abroad, access data, interact with certain persons, speak at a conference, conduct research, provide training or other services, or engage in other UA related activities.

▶ What do I need to know about international shipments and purchases?

Depending on the item, export control laws and regulations may require security protocols (such as a TCP) to be in place before the item arrives on campus or is released for use. Items intended to be shipped outside the U.S. must be evaluated and coordinated by UECP. If a license to export the item is required, UECP will apply for such government authorizations.

▶ Is export control training available?

Yes! UA faculty, staff and students can take any of the export control training modules available through the UAccess Learning system or the Collaborative Institutional Training Initiative (CITI) Program. For more information on the modules available and how to access these resources, visit our training webpage at https://rgw.arizona.edu/compliance/export-control-program/export-control-training.

UA Export Control Program (UECP)
export@arizona.edu
View our website at https://rgw.arizona.edu/compliance/export-control-program

Kay Ellis
Director, Export Control Program
(520) 626 - 2437
ellisk@arizona.edu

Laura Provencher
Analyst, Export Control Program
(520) 622 - 5865
lprovenc@arizona.edu

THE UNIVERSITY OF ARIZONA