**Export License Exception TMP (Temporary Exports) Certification**

The export of tangible items, technology, commercial software, and encryption code is subject to export control regulations. However, the Export Administration Regulations (EAR) make an exception to the license requirements for the **temporary** **export** or reexport of certain tangible items/technology for professional use if specific criteria are met. Exceptions are not applicable to any technology associated with high-level encryption products, equipment, components, or software designed for use in/with/by satellites or spacecraft or otherwise regulated by the International Traffic in Arms Regulations (ITAR). There are also country specific restrictions which need to be upheld.

1. Detailed description of item(s)/technology to which this certification applies:
**Click here to enter text.**
2. Purpose of foreign travel and describe why item(s)/technology is being taken or shipped:
**Click here to enter text.**

**By my signature below, I certify that:**

1. I will take the item(s)/technology to a foreign destination for **ONLY** either:
	1. As a “tool of the trade” to conduct Oklahoma State University related business; or
	2. For exhibition or demonstration; or
	3. For inspection, testing, calibration, or repair.
2. I will take security precautions to protect against unauthorized release of technology while the item(s)/technology is being shipped or transmitted to a foreign destination such as:
	1. Use of secure connections when accessing e-mail and other business activities that involve the transmission and use of item(s)/technology;
	2. Use of password systems on electronic devices that store technology;
	3. Use of personal firewalls on electronic devices that store the technology; and
	4. Use of security devices, protective packaging, and/or experienced freight forwarder.
3. I will maintain the item(s)/technology under my “effective control” while at the foreign destination (defined as retaining physical possession of an item or maintaining it in a secure environment such as a hotel safe or a locked or guarded facility).
4. I will return the item(s)/technology to the U.S. on **Click here to enter text.** (insert return date if known), which is no later than 12 months from the date of export, unless it is certified by me that the item(s) where consumed or destroyed during this 12-month period.
5. I will not take the item(s)/technology to any Group D1, E1, and E2 Country listed at Part 740 Supplement 1 of the EAR (<https://www.bis.doc.gov/index.php/regulations/export-administration-regulations-ear> for an up-to-date list).
6. I will not take the item(s)/technology to any country on the Treasury Department, OFAC Sanctions list (<http://www.treas.gov/offices/enforcement/ofac/> for up-to-date information) without written permission.
7. I have reviewed the informational sheet entitled “**Export Control Information for Foreign Travel**” and the list of restricted entities in the country(ies) of destination, if any. The item(s)/technology will not be used by or shared with any entities on the list of restricted entities or any other person or entity subject to export prohibitions.

Printed Name of Person responsible for item(s)/technology: **Click here to enter text.**

Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

***Keep this certification and all export documentation, including financial records, shipping documentation, and ECCN determination for a period of five (5) years from the date of export, reexport, or transfer of controlled information to a foreign country or foreign national. Provide a copy of the signed Certificate to Ivory Chandler, Contracting Officer, Office of Technology Commercialization,*** ***ichandl@okstate.edu******.***

**Export Control Information for Foreign Travel**

Foreign travel raises several issues for university personnel. Where a person travels, what items are being taken, what services are being provided, with whom they are working, and the purpose of the trip may present export control concerns. Please be aware that information and/or technology you plan to take with you could be subject to export control regulations.

Key Points:

1. The destination of a traveler determines what export controls or regulations apply. This is particularly important if traveling to a sanctioned or embargoed country. Review the [Office of Foreign Assets Control (OFAC) information](https://www.treasury.gov/resource-center/sanctions/Pages/default.aspx).
2. Prior to discussing technology or making a presentation abroad, verify that the technology, information, and/or commodities qualify for exclusion. Review [Export Administration Regulations (EAR)](https://www.bis.doc.gov/index.php/regulations/export-administration-regulations-ear).
3. For hand-carrying items with you as you travel outside of the U.S., (i.e., tangible item(s), technology, commercial software, and/or encryption code to be used in a foreign country), you need to document that the item(s), technology, commercial software, and/or encryption code to be taken do not require a license and qualify as exempt or an exception. The **Export License Exception on TMP (Temporary Exports) Certification form** is designed to be used for documentation purposes. Regulations require that this documentation must be kept for five (5) years. Fill out the form prior to travel, keep a copy for your files, and forward a copy to Ivory Chandler.

When planning a trip abroad, OSU travelers should familiarize themselves with export control regulations and embargoes. You must ensure that any information that you will discuss or any items that you will take with you are either not controlled, or if controlled, proper licenses are in place. In many cases, the item(s) are classified as exempt or an exception to the license requirements is available. However, regulations require that the exemption/exception **needs to be documented** and records must be kept for **five years**. Because you, as an individual, and OSU can be held liable for improperly transferring controlled technology, it is important that you review the federal requirements. Any technology or information taken with you should fall into at least one of the following categories: research which qualifies for the fundamental research exclusion; published information; publicly available software; educational information; patent applications. Presentations and discussions must be limited to topics that are not related to controlled items or technologies unless that information is already published or otherwise already in the public domain.

Regardless of whether a technology or information falls into one of the above categories, travel to certain sanctioned countries would require a license from the Office of Foreign Asset Control (OFAC), or could, in fact, be denied. OFAC also has regulations regarding money transactions and the exchange of goods and services in certain sanctioned countries

You need to be aware that an export license or other governmental approval may be required for your laptop computer, software, or other equipment depending on your destination. There are exceptions for “tools of the trade”, but these exceptions depend on the equipment and the country of your destination. For example, encryption software is subject to special regulations and more stringent license requirements. Also, the “tools of the trade” exception **does not apply** to controlled technology.

A license is required if you are taking an item found on the Department of State’s U.S. Munitions List (USML). A license is required if you are providing a defense service (includes training) to a foreign person whether here in the U.S. or abroad. A license is required if you are supplying controlled (on the CCL) technology to a foreign person during a closed presentation or conference.

The Department of State, OFAC, and BIS have various lists of persons and entities that we are prohibited from doing business with. In other words, we should not be providing them with a defense service (includes training), giving money to these people or organizations, or providing them with controlled (on the CCL) proprietary technology. We can be fined by the government agencies if we do business with any person or entity found on these lists. Links to the Department of State, BIS, OFAC, denied entities/persons lists, and the “Countries of Concern” can be found [here](https://www.trade.gov/export-solutions).