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INTERNATIONAL TRAFFIC IN ARMS REGULATIONS (ITAR)

FAQs

1. What types of items does ITAR regulate?

ITAR regulates (controls) the transfer (export) of military equipment and information regarding military equipment to foreign persons or foreign organizations.

2. Where can I find a list of the items that ITAR regulates?

The U.S. Munitions List contains all of the items that are regulated under ITAR. It can be found at 22 CFR 121: <https://www.ecfr.gov/current/title-22/chapter-I/subchapter-M/part-121>

3. What is an export?

The federal government defines an export as any of the following:

- The transfer of an item or information outside of the U.S. or U.S. territory (by a shipper, mail, e-mail, fax, voice or other means of transfer)
- Transfer of registration of specific items on the U.S. Munitions List to a foreign person or organization
- Disclosure of items regulated under the ITAR to agents of a foreign government
- Transfer of regulated information or data to foreign persons within the U.S. (deemed export)
- Providing a defense service to a foreign person or organization.

4. Who is considered a U.S. Person?

A U.S. Person is someone who is:

- A citizen or national of the U.S.
- A permanent resident (green card holder) of the U.S.
- Someone who has been granted residence by the federal government for amnesty, political asylum or refugee reasons.

5. Who is considered a Foreign Person?

A foreign person is someone who is not a U.S. person, such as persons residing in the U.S. under work or education visas.

6. What do I need to do if I wish to export an item controlled under the ITAR?

You will need to procure an export license prior to shipping the item abroad. Contact John Jay Miller (Interim Director of the Research Security Program), Bethany Nelson (Export Control Manager) or Ben Griffiths (Senior Legal Counsel) to submit a license.

7. **How long does it take to get an export license?**

The length of time to prepare/submit and review/approve a license application depends on the complexity of the application. In general, it takes between 1-4 weeks to prepare and submit the license application, and up to 3 months for the State Department to review and approve a license.

8. **Can I submit a license?**

No. Only specific persons at UW-Madison are registered with the State Dept., Directorate of Defense Trade Controls to submit license applications. Contact John Jay Miller (Interim Director of the Research Security Program), Bethany Nelson (Export Control Manager) or Ben Griffiths (Senior Legal Counsel) to submit a license.

9. **What is the cost to my project or department for submitting an export license application?**

Nothing, except for the time you spend providing information for the submission and responding to any subsequent questions. UW-Madison must register annually with the Directorate of Defense Trade Controls to be able to submit license applications. The Office of the Vice Chancellor for Research and Graduate Education pays the registration fee that accompanies the annual registration application.

10. **What is a Deemed Export?**

A deemed export is the transfer of information or data to a foreign person within the United States. The federal government deems that transferring information to a foreign person within the U.S. is the same as sending that information to the home country of that person.

11. **What is the Public Domain Exemption?**

The Public Domain exemption states that no license is required for information or data that exists in the public domain.

12. **What is the Fundamental Research Exemption and how might it apply to my research?**

The Fundamental Research exemption states that no license is required for basic or applied research in the sciences or engineering at an accredited institute of higher learning in the U.S. if the results of that work are ordinarily published or shared broadly with the scientific community. Therefore, research that relies on home-grown information and/or published sources, where no confidential third-party information is involved, is fundamental research that is not subject to export controls.