MEMORANDUM

TO: Chancellors, Deans and Directors

FROM: James Gaines
Interim Vice President for Research

SUBJECT: Request for Disclosure of U.S. Munitions List Articles or Services Manufactured, Exported or Provided by the University for International Traffic in Arms Regulations (ITAR) Registration

The University conducts basic and applied research that is frequently applicable to national defense. The results of that research may be export controlled.

UH is required to register with the U.S. Department of State if it either manufactures or exports defense articles or defense services, including the export of unclassified technical data.

The registration provides the U.S. Government with necessary information on who is involved in certain manufacturing and exporting activities. Registration does not confer any export rights or privileges to the UH and is a precondition to the issuance of any license or other approval for export.

As part of the registration, the UH must identify the type of defense article or service that it manufactures or exports and the Federal Government agency, if any, that it does business with. For example, we might make the following disclosure:

<table>
<thead>
<tr>
<th>Category</th>
<th>Article/Service</th>
<th>U.S. Government Agency</th>
</tr>
</thead>
<tbody>
<tr>
<td>XI Military Electronics</td>
<td>Multibeam, Forward Looking Sonar</td>
<td>US Geological Survey</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Honolulu, HI</td>
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</tbody>
</table>

Please discuss this memorandum with your Principal Investigators and provide a listing of ITAR related items in the above format to the Office of Technology Transfer and Economic Development (OTTED) by March 31, 2004 so that the UH can make a complete and accurate disclosure to the State Department. An attachment provides necessary definitions relevant to this memorandum.

Should you have any questions, please call Richard Cox of OTTED at 539-3817.

Attachment
DEFINITIONS

Defense article means any item or technical data designated in the U.S. Munitions List, which can be found at http://www.fas.org/spp/starwars/offdocs/itars/p121.htm.

Defense service means:

1. The furnishing of assistance (including training) to foreign persons, whether in the U.S. or abroad, in the design, development, engineering, manufacture, production, assembly, testing, repair, maintenance, modification, operation, demilitarization, destruction, processing or use of defense articles; or
2. The furnishing to foreign persons of any technical data controlled under 22CFR 120.10*, whether in the U.S. or abroad; or
3. Military training of foreign units and forces, regular and irregular, including formal or informal instruction of foreign persons in the U.S. or abroad by correspondence courses, technical, educational, or information publications and media of all kinds, training aid, orientation, training exercise, and military advice.

* CFR = Code of Federal Regulations

Foreign person means any natural person who is not a citizen of the U.S. unless that person has been lawfully admitted for permanent residence in the U.S. under the Immigration and Naturalization Act.

Export means:

1. Sending or taking any item or technical data in the Munitions List out of the U.S. in any manner, except by mere travel outside the U.S. by a person whose personal knowledge includes technical data; or
2. Transferring registration or control to a foreign person of any aircraft, vessel or satellite covered by the U.S. Munitions List, whether in the U.S. or abroad; or
3. Disclosing (including oral or visual disclosure) or transferring in the U.S. any defense article to an embassy, any agency or subdivision of a foreign government (e.g. diplomatic mission); or
4. Disclosing (including oral or visual disclosure) or transferring technical data to a foreign person, whether in the U.S. or abroad; or
5. Performing a defense service on behalf of, or for the benefit of, a foreign person, whether in the U.S. or abroad.

In other words, an export occurs when controlled technical data is disclosed in the U.S. or abroad to a foreign person, even if that foreign person is an employee or agent of the UH, and even if that disclosure was indirect (for example, export-controlled information openly stored in an area accessible by foreign persons). Such employees and/or agents, whether in the U.S. or abroad, must be covered under an export license or agreement prior to receiving export-controlled technical data.