

NMHU EXPORT CERTIFICATION TEMPLATES

Provided here are sample memos for each of the following situations. The following page offers an explanation of the form. You may use these word-file forms to create the documentation that you need.

Departments or programs **must** keep copies of all export documentation, including financial records and shipping documentation (i.e., Commercial Invoices, Shippers' Export Declarations) and NMHU Export Certifications in their research project files for a period of five years from the date of export, reexport or transfer of controlled information to a foreign national. Furthermore, a copy (preferably soft) of each signed Certificate must be provided to the Office of Research and Sponsored Projects.

For further assistance in determining which certifications apply to a proposed shipment or transfer, please contact the Office of Research and Sponsored Projects.

Before using these templates, please review NMHU's section on
Export Controls (Research Handbook, Section 5.6.7).

We wish to thank Stanford University for the use of the export forms which have been modified to further meet the policy standards at NMHU.

LIST OF EXPORT CERTIFICATIONS

NOTE: The Office of Research and Sponsored Projects is to be copied on the e-mail transmission to the foreign research collaborator

"Temporary Export/Reexport" (TMP) shipments

1. **Annual certification for NMHU-owned laptops, PDAs, cell phones and digital storage devices Export License Exception TMP (temporary exports/reexports)** for international travel with NMHU-owned laptops, PDAs, cell phones and digital storage devices.
-See related article from the *New York Times*, Oct 24, 2006
-["At U.S. Borders, Laptops Have No Right to Privacy"](#)
2. **One-time certification for tangible items and Software Export License Exception TMP (temporary exports/reexports)** for an individual international shipment of a tangible item or items to an individual or organization.

"No License Required" (NLR) shipments

3. **Annual Export Certification Memorandum in support of EAR99 and/or No License Required (NLR)** for frequent international shipments of the same tangible item(s) to the same individual or organization
4. **One-Time Certification for Tangible Items and Software Export License Exception TMP (temporary exports/reexports)** for an individual international shipment of a tangible item or items to an individual or organization. This template is appropriate in circumstances where a research activity involves shipment of tangible items to a foreign country, under the "EAR99 and/or No License Required" provision of the Export Administration Regulations.
5. **One-Time Certification in support of EAR 99 and/or No License required (NLR)** for a one-time export or reexport of a tangible item of limited value that otherwise would require an export license to its intended destination. - EAR related

Justification for "University Exemptions"

6. **Certification in support of license exemption LVS (Limited Value Shipments)** for shipment of satellites, satellite subsystems, and related equipment to selected countries
7. **Justification for use of export control license exclusion or exemption** either
 - i. disclosing satellites or satellite subsystems to selected foreign nationals;
 - ii. shipping information related to satellites and satellite subsystems to selected countries; or
 - iii. sharing such information with selected foreign nationals.

Provider: NMHU's Office of Research and Sponsored Projects

Contact: Associate Vice President of Research and Sponsored Projects

Produced: September, 2007 (modified from Stanford University, Research Policy Handbook) (Sec05)

NMHU Memorandum - Export Form #1
Annual Certification for NMHU-Owned Laptops, PDAs, Cell Phones and Digital Storage Devices
Export License Exception TMP (Temporary Exports/Reexports)

Date:

To: Office of Research and Sponsored Projects

From:

[Name of PI/ Department Chair/Lab or Center Director]

Re: Annual License Exception TMP (Temporary Exports/Re-exports)

C:

[Department/ project files]

Unlike the export of information resulting from fundamental research, the export of tangible items, commercial software and encryption code is subject to export control regulations. The Export Administration Regulations (EAR), however, make an exception to license requirements for the temporary export or reexport of certain tangible items or software for professional use as long as specific criteria to which you are certifying below are met. **This TMP certification does not apply to any equipment, components or software designed for use in/with/by satellites or spacecraft or otherwise regulated by the ITAR.**

Detailed Description of Item(s) to which this Certification applies

1. *[Insert SU Barcode Tag number and Serial Number of Item(s) (if any) plus Brand/ Model]*
2. *[Insert SU Barcode Tag number and Serial Number of Item(s) (if any) plus Brand/ Model]*

By my signature below, I certify that:

1. I will take the item(s) and its software abroad **ONLY** either:
 - a. as a "tool of the trade" to conduct NMHU related business; or
 - b. for exhibition or demonstration; or
 - c. for inspection, testing, calibration or repair.
2. **I will return the item(s) and its software to the US no later than 12 months from the date of export** unless they are certified by me to have been consumed or destroyed abroad during this 12 month period.
3. I will maintain the item or software under my "effective control" while abroad (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 not take the item or software for inspection, testing, calibration or repair to any Group D1 Country listed at Part 740 Supplement 1 of the EAR (presently Albania, Armenia, Azerbaijan, Belarus, Cambodia, China, Georgia, Iraq, Kazakhstan, Kyrgyzstan, Laos, Libya, Macau, Moldova, Mongolia, Russia, Tajikistan, Turkmenistan, Ukraine, Uzbekistan and Vietnam).
5. I will not take the item or software to Iran, Syria, Cuba, North Korea or the Sudan unless I have received approval from NMHU's Office of Research and Sponsored Projects in writing.
6. I will not take any item or software incorporating NMHU-generated, non-commercial encryption source code with a symmetric key length greater than 56-bit outside the borders of the United States unless I have received written approval from the associate vice president of Research and Sponsored Projects.

Signature

Date

Provider: NMHU's Office of Research and Sponsored Projects

Contact: Associate Vice President of Research and Sponsored Projects

Produced: September, 2007 (modified from Stanford University, Research Policy Handbook) (Sec05)

NMHU Memorandum - Export Form #2
One-Time Certification for Tangible Items and
Software Export License Exception TMP (Temporary Exports/Reexports)

Date:

To: Office of Research and Sponsored Projects

From:

[Name of PI/ Department Chair/Lab or Center Director and Name of Department]

Re: Export License Exception TMP (Temporary Exports/Reexports)

C:

[Department/ project files]

Unlike the export of information resulting from fundamental research, the export of tangible items, commercial software and encryption code is subject to export control regulations. The Export Administration Regulations (EAR), however, make an exception to license requirements for the temporary export or reexport of certain tangible items or software for professional use as long as specific criteria to which you are certifying below are met. **This TMP Certification does not apply to any equipment, components or software designed for use in/with/by satellites or spacecraft or otherwise regulated by the ITAR.**

Detailed description of item(s) or software to which this certification applies:

[Insert SU Barcode Tag number and Serial Number of Item(s) (if any) plus Brand/ Model or Application/ Version Number/ License Number of Software]

By my signature below, I certify that:

1. I will take the item(s) and its software abroad **ONLY** either:
 - a. as a "tool of the trade" to conduct NMHU related business; or
 - b. for exhibition or demonstration; or
 - c. for inspection, testing, calibration or repair.
2. **I will return the item or software to the US on _____** (*insert return date if known which is*) **no later than 12 months from the date of export** unless they are certified by me to have been consumed or destroyed abroad during this 12 month period;
3. I will maintain the item or software under my "effective control" while abroad (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 not take the item or software for inspection, testing, calibration or repair to any Group D1 Country listed at Part 740 Supplement 1 of the EAR (presently Albania, Armenia, Azerbaijan, Belarus, Cambodia, China, Georgia, Iraq, Kazakhstan, Kyrgyzstan, Laos, Libya, Macau, Moldova, Mongolia, Russia, Tajikistan, Turkmenistan, Ukraine, Uzbekistan and Vietnam).
5. I will not take the item or software to Iran, Syria, Cuba, North Korea or the Sudan unless I have received approval from NMHU's Office of Research and Sponsored Projects in writing.
6. I will not ship, transmit or hand-carry any item or software incorporating NMHU-developed, non-commercial encryption source code with a symmetric key length greater than 56-bit outside the borders of the United States unless I have received written approval from the Associate Vice President of Research and Sponsored Projects.
7. Copies of the relevant property and shipping documents will be retained in my department for a period of at least five years.

Signature

Date

Provider: NMHU's Office of Research and Sponsored Projects

Contact: Associate Vice President of Research and Sponsored Projects

Produced: September, 2007 (modified from Stanford University, Research Policy Handbook) (Sec05)

**NMHU Memorandum – Export Form #3
Annual Export Certification Memorandum
In Support of EAR99 and/or No License Required (NLR)**

Date: _____

To: Office of Research and Sponsored Projects

From: _____
[Name of PI/Department Chair/Lab or Center Director]

Re: Export License Review: EAR 99/NLR Status -Tangible Items

C: _____
[Department/project files]

I am cognizant that NMHU observes a formal policy on openness in research (Section 3.2.4. of NMHU's Research Handbook), pursuant to which it does not accept any research that imposes access, dissemination, or participation restrictions on the conduct, products, or results of its research. The university performs only unclassified, non-secret research, openly conducted. Thus it conforms to both ITAR requirements [15 CFR 734.3(b) (EAR) and 22 CFR 120.11(8)] for public domain "fundamental research" excluded from those regulations

The research and development being performed by [name(s)] in the [Department/Center/Lab Name] at NMHU falls within the parameters of fundamental research exclusion for technology/technical data established by [National Decision Security Directive 189](#), as implemented by the pertinent export control regulations. A brief description of the item to be exported in support of this research activity follows:

The export of _____ (item) to _____ (known end-user(s) if applicable) at _____ (end-user organization) in _____ (country of end use) is in support of fundamental research into _____ (description of research).

By my signature below, I certify that:

1. The item to be shipped outside the borders of the United States does not include encryption source code or software;
2. The item to be shipped will be used in support of fundamental research in other than an [embargoed, sanctioned, or prohibited country](#);^{*}
3. The shipments of any chemical or biological materials will conform to all [applicable laws governing their handling](#); such materials relate to the conduct, products or results of fundamental research;
4. The Office of Research and Sponsored Project will be notified of the intended end-user(s) and end-use organization(s) **in advance** of the filing of this document in order that he may conduct an end-user screen for specific persons or entities subject to export prohibitions.

Copies of relevant shipping documents, specifying end use and end user for each shipment, will be retained by:

Name: _____
Position: _____
Phone: _____ E-mail: _____

Such records will be made available to the Office Research and Sponsored Projects upon request.

Signature of PI/Department Chair/Lab or Center Director

Date

NMHU Memorandum – Export Form #4
One-Time Certification for Tangible Items and Software Export License
Exception TMP (Temporary Exports/Reexports)

Date: _____

To: Office of Research and Sponsored Projects

From: _____
[Name of PI/ Department Chair/Lab or Center Director]

Re: Export License Exception TMP (Temporary Exports/Reexports)

C: _____
[Department/ project files]

Unlike the export of information resulting from fundamental research, the export of tangible items, commercial software and encryption code is subject to export control regulations. The Export Administration Regulations (EAR), however, make an exception to license requirements for the temporary export or reexport of certain tangible items or software for professional use as long as specific criteria to which you are certifying below are met. **This TMP certification does not apply to any equipment, components or software designed for use in/with/by satellites or spacecraft or otherwise regulated by the ITAR.**

Detailed Description of Item(s) or Software to which this Certification applies:

[Insert SU Barcode Tag number and Serial Number of Item(s) (if any) plus Brand/Model or Application/ Version Number/ License Number of Software]

By my signature below, I certify that:

1. I will ship or hand-carry the item or software abroad **ONLY** either
 - a. as a "tool of the trade" to conduct NMHU business;
 - b. for exhibition or demonstration; or
 - c. for inspection, testing, calibration or repair;
2. **I will return the item or software to the U.S. on _____ (insert return date if known) which is no later than 12 months from the date of export** unless they are certified by me to have been consumed or destroyed abroad during this 12 month period;
3. I will maintain the item or software under my "effective control" while abroad (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 not ship or hand-carry the item or software for inspection, testing, calibration or repair to any Group D1 Country listed at Part 740 Supplement 1 of the EAR (presently Albania, Armenia, Azerbaijan, Belarus, Cambodia, China, Georgia, Iraq, Kazakhstan, Kyrgyzstan, Laos, Libya, Macau, Moldova, Mongolia, Russia, Tajikistan, Turkmenistan, Ukraine, Uzbekistan and Vietnam);
5. I will not ship or hand-carry the item or software to Iran, Syria, Cuba, North Korea or the Sudan unless I have received approval from Stanford's Export Control Officer in writing;
6. I will not ship, transmit or hand-carry any item or software incorporating NMHU-developed, non-commercial encryption source code with a symmetric key length greater than 56-bit outside the borders of the United States unless I have received approval from the Office of Research and Sponsored Projects in writing.

Copies of relevant shipping documents, specifying end use and end user for each shipment, will be retained by:

Name: _____

Position: _____

Telephone number: _____ E-mail: _____

Such records will be made available to the Office Research and Sponsored Projects upon request.

Signature of PI/ Department Chair/Lab or Center Director

Date

Provider: NMHU's Office of Research and Sponsored Projects

Contact: Associate Vice President of Research and Sponsored Projects

Produced: September, 2007 (modified from Stanford University, Research Policy Handbook) (Sec05)

**NMHU Memorandum – Export Form #5
One-Time Certification in Support of EAR 99 and/or
No License required (NLR)**

Date: _____

To: Office of Research and Sponsored Projects

From: _____
[Name of PI/Department Chair/Lab or Center Director]

Re: Export License Review: EAR 99/NLR Status - Tangible Items

C: _____
[Department/project files]

I am cognizant that NMHU observes a formal policy on Openness in Research (see Section 3.2.4. of NMHU's Research Handbook), pursuant to which it does not accept any research that imposes access, dissemination, or participation restrictions on the conduct, products, or results of its research. The university performs only unclassified, non-secret research, openly conducted. Thus it conforms to both ITAR requirements [15 CFR 734.3(b) (EAR) and 22 CFR 120.11(8)] for public domain "fundamental research" excluded from those regulations

The research and development being performed by [name(s)] in the [Department/Center/Lab Name] at NMHU falls within the parameters of fundamental research exclusion for technology/technical data established by [National Decision Security Directive 189](#), as implemented by the pertinent export control regulations. The export of tangible items, however, is subject to such export control regulations and associated documentation requirements. Therefore, a brief description of the tangible item required to be exported in support of this research activity follows:

The export of _____ (item(s)) to _____ (known end-user(s) if applicable) at _____ (end-user organization) in _____ (country of end use) is in support of fundamental research into _____ (description of research).

By my signature below, I certify that:

1. The item to be shipped outside the borders of the United States does not include encryption source code or software;
2. The item to be shipped will be used in support of fundamental research in other than an [embargoed, sanctioned, or prohibited country](#);
3. The shipments of any chemical or biological materials will conform to all [applicable laws governing their handling](#); such materials relate to the conduct, products or results of fundamental research;
4. The Office of Research and Sponsored Project will be notified of the intended end-user(s) and end-use organization(s) **in advance** of the filing of this document in order that he may conduct an end-user screen for specific persons or entities subject to export prohibitions.

Copies of relevant shipping documents, specifying end use and end user for each shipment, will be retained by:

Name: _____
Position: _____
Telephone number: _____
E-mail: _____

Such records will be made available to the Office Research and Sponsored Projects upon request.

Signed: _____ Date: _____
[Name of PI/Department Chair/Lab or Center Director]

NMHU Memorandum - Export Form #6
Certification In Support Of License Exemption LVS (Limited Value Shipments)

Date: _____

To: Office of Research and Sponsored Projects

From: _____
[Name of PI/ Department Chair/Lab or Center Director]

Re: Support Of License Exemption LVS

C: _____
[Department/ project files]

NMHU I am cognizant that NMHU observes an openness in research (see Section 3.2.4. of NMHU's Research Handbook) pursuant to which it does not accept any research that imposes access, dissemination, or participation restrictions on the conduct, products, or results of its research. It performs only unclassified, non-secret research, openly conducted. Thus it conforms to both 15 CFR 734.3(b) (EAR) and 22 CFR 120.11(8) (ITAR) requirements for public domain "fundamental research" excluded from those regulations.

The research and development being performed by _____ (name(s)) in the _____ (Department/ Center/ Lab Name) at NMHU falls within the parameters of fundamental research exclusion for technology/technical data established by National Decision Security Directive 189, as implemented by the pertinent export control regulations. The export of tangible items, however, is subject to such export control regulations and associated documentation requirements. Therefore, a brief description of the tangible item required to be exported in support of this research activity follows:

The export of _____ (item(s)) to _____ (known end-user(s) if applicable) at _____ (end-user organization) in _____ (country of end-use) is in support of fundamental research into _____ (description of research). By my signature below, I certify that:

1. The item to be shipped outside the borders of the United States does not include encryption source code or software;
2. The net market value of this shipment is _____ (amount) and thus conforms to the value limit of _____ (LVS value limit) per shipment for this item;
3. The total value of exports per calendar year from my _____ (Department/ Center/ Lab) to _____ (end-user organization) does not exceed 12 times the LVS value limit for this item;
4. The item to be shipped will be used to carry out research in other than an embargoed, sanctioned, or prohibited country (see note below);
5. The shipments of any chemical or biological materials will conform to all applicable laws governing their handling;
6. The NMHU's Office Research and Sponsored Projects will be notified of the intended end-user(s) and end-use organizations(s) **in advance** of the filing of this document in order that he may conduct an end-user screen for specific persons or entities subject to export prohibitions.

Note: Countries currently subject to U.S. sanctions and embargoes include, but are not limited to, Iran, Cuba, North Korea, Syria, and Sudan.

Copies of relevant shipping documents, specifying the end use and the end user for each shipment, will be retained in this office by: _____ (Name, Position, Telephone, E-mail Address). Such records will be made available to the Office of Research and Sponsored Projects upon request.

Signature of PI/Department Chair/Lab or Center Director

Date

NMHU Memorandum - Export Form #7
Justification For Use Of Export Control License Exclusion Or Exemption

Date: _____

To: Office of Research and Sponsored Projects

From: _____
[Name of PI/ Department Chair/Lab or Center Director]

Re: University Exemption-Information: Equipment Related to 22 CFR 125.4(d)

C: _____
[Department/ project files]

NMHU I am cognizant that NMHU observes an Openness in Research (see Section 3.2.4. of NMHU's Research Handbook) which precludes acceptance of any research that imposes access, dissemination, or participation restrictions on the conduct, products, or results of its research. NMHU performs only unclassified, non-secret research, openly conducted. Thus it conforms with both 15 CFR 734.3(b); 734.8 (EAR) and 22 CFR 120.11(8) (ITAR) requirements for public domain "fundamental research" excluded from those regulations. The information about the research device/item that is involved in this Exemption Justification was developed as part of the fundamental research effort described as follows:

Add project description here.

for which _____ is the principal investigator.

I understand that sharing with foreign nationals information concerning assembly of such fundamental research devices, or information concerning integration of any such item into a scientific project or research is permissible, as long as the conditions of 22 CFR 123.16(b)(10) and 22 CFR 125.4(d) are met, as follows:

1. Disclosure is to a recipient who is a national of or located within a NATO country, a country that is a strong non-NATO ally, or a country that is a member of the European Union or the European Space Agency;
2. The recipient is engaged in international fundamental research conducted under the aegis of an accredited U.S. institution of higher learning;
3. The information is being provided in direct support of fundamental research (22 CFR 120.11(8))
4. The fundamental research is being performed at either accredited U.S. institutions of higher learning or accredited institution of higher learning, a governmental research center, or an established government-funded private research center located within a NATO country, a country that is a strong non-NATO ally, or a country that is a member of the European Union or the European Space Agency;
5. The item is fabricated for a fundamental research purpose;
6. All of information about the item, including its design, and all resulting information obtained through fundamental research involving the item will be published and shared broadly within the scientific community and is not (a) restricted for proprietary reasons, (b) subject to other access, disclosure, participation restrictions, or (c) subject to U.S. government access and dissemination controls.
- 7.

It is understood that this exemption is not classified as Significant Military Equipment. It is not restricted by the International Traffic in Arms Regulation and it is not listed in the Missile Technology Control Regime Annex.

Signature of Person Invoking the Exemption

Date

Provider: NMHU's Office of Research and Sponsored Projects

Contact: Associate Vice President of Research and Sponsored Projects

Produced: September, 2007 (modified from Stanford University, Research Policy Handbook) (Sec05)