Guidelines on Providing Help Desk Support

Background

It is the nature of UCAR’s mission to provide support to the community through help desks, phone calls, emails, tutorials, and user forums, and we want to continue to provide this support and interaction while also being in compliance with export and related laws and regulations. As part of UCAR’s commitment to export compliance, these Guidelines are intended to provide guidance on complying with U.S. export control regulations.

Defense Services

The International Traffic in Arms Regulations (ITAR)\(^1\) defines “defense services” as the furnishing of assistance to foreign persons in the design, development, engineering, manufacture, production, assembly, testing, repair, maintenance, modification, operation, demilitarization, destruction, processing or use of defense articles; the furnishing to foreign persons of any technical data controlled on the USML; and military training of foreign units and forces. Providing assistance related to technology that is controlled by EAR\(^2\) is not a defense service that requires an ITAR license or a Technical Assistance Agreement (TAA).

The majority of UCAR/NCAR/UCP’s models, tools, applications, or datasets are considered the result of fundamental research that is publicly available or widely distributed to the community. Providing support for these models, tools, applications or datasets does not fall under the ITAR definition of defense services because they are not defense articles. In many cases the people requesting support may be closely related to foreign governments or even foreign military, however, providing assistance related to UCAR/NCAR/UCP’s publicly available technology is not a defense service. If there is any doubt, you should consult with your Empowered Official, Export Control Coordinator, the Export Compliance Office or Office of General Counsel before providing any type of assistance or support through any means (such as phone, email, user forums, user workshops or group tutorials).

Embargoed nations and citizens of embargoes nations

US persons are prohibited from trading and providing services to Cuba, Iran, North Korea, Sudan, or Syria. Therefore, providing support to any nationals of these countries for any models, tools, applications or datasets through help desks, phone calls, emails, and tutorials is not allowed without a license.

Process

If there is a registration process prior to having access to technology or support, part of the process must include a determination of location and citizenship. Requests for support originating in Cuba, Iran,

\(^1\) The International Traffic in Arms Regulations are the State Department’s regulations governing this aspect of export control.

\(^2\) The Export Administration Regulations are the Commerce Department’s regulations governing export controls.
N. Korea, Sudan, or Syria, or requests for support from citizens of these countries cannot be acted upon. Determining location and citizenship once is sufficient, as long as documentation exists that can be produced upon request for audit purposes.