**ITAR Employee Exemption Guidance:**

ITAR specifically exempts foreign persons who are bona fide full-time regular employees of ASU from the requirement of a license for disclosures of unclassified technical data in the United States by U.S. institutions of higher learning. This exemption is available only if:

1. **The employee’s permanent residence throughout the period of employment is in the United States;**
2. **The employee is not a national of a country to which exports are prohibited pursuant to Sec. 126.1 of ITAR; and**
3. **The institution informs the individual in writing that the technical data may not be transferred to other foreign persons without the prior written approval of the Department of State. See Export Control Nondisclosure Statement form (see below).**

Determinations on whether a foreign national qualifies for this exemption must be done on an individual basis with assistance and approval by the Office for Research Integrity and Assurance (ORIA), 727-0871.  Qualified individuals must read and sign the Non-disclosure Statement below to document the exemption and certify that the technical data that he/she receives will not be transferred to other foreign persons without the prior written approval of the Directorate of Trade Defense Controls [22CFR 125.4(b)(10)].

**Foreign National’s Non-disclosure Statement (do not complete this form without ORIA assistance and approval)**

ASU Proposal or Account #:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ PI:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Sponsor Name:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Project Title:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ [*type or print name of foreign individual*], a national of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_[ *type country of citizenship*], which is not an ITAR proscribed country defined in [ITAR Part 126.1](http://www.pmddtc.state.gov/regulations_laws/documents/official_itar/ITAR_Part_126.pdf), acknowledge and understand that any technical data or defense service related to defense articles on the U.S. Munitions List in the ITAR to which I have access or which is disclosed to me in the course of my employment at Arizona State University, is subject to export control under the International Traffic in Arms Regulations (ITAR) (Title 22, Code of Federal Regulations, Parts, 120-130). Additionally, I will maintain a permanent residence in the United States during my employment at [*type or print full U.S. address; no PO boxes*]

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

I hereby certify that defense technical data or services will not be further disclosed, exported, or transferred in

any manner (orally, visually, electronically, etc.) to any foreign national or foreign country without prior written approval of the Directorate of Defense Trade Controls (DDTC). I understand that, under the ITAR, I can be subject to fine or imprisonment if I am convicted of a willful violation of any provision of the export control laws or regulations.

**Foreign National’s Name**: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

*[Type or print name]*

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

**Lead PI:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ **Title**:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ **Dept**:\_\_\_\_\_\_\_\_\_\_\_\_\_

*[Type or print name]*

**PI Signature**: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ **Date:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_