

ITAR FULL TIME EMPLOYEE EXEMPTION GUIDANCE

The International Traffic in Arms Regulations (ITAR/22 CFR) specifically exempts foreign persons who are bona fide, full-time regular employees of Carnegie Mellon University 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:

- the employee's permanent residence throughout the period of employment is in the United States;
- the employee is not a national of a proscribed country* as identified in ITAR 126.1;
- 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.

Determinations on whether a foreign national qualifies for this exemption must be done on an individual basis with assistance and approval by the Office of Research Integrity and Compliance (ORIC).

Qualified individuals must read and sign the Non-Disclosure Statement (attached) 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)].

Do not complete the attached form without assistance. Please contact the Export Compliance Office at export-compliance@andrew.cmu.edu for assistance.

Send the completed form to the Export Compliance Office by:

FAX: 412.268.6279

E-Mail: export-compliance@andrew.cmu.edu

Or campus mail: WQED Building, 2nd Floor, 4802 Fifth Avenue

Important Note: This university employee exemption applies only to "bona fide" foreign nationals who have been hired through CMU's human resources process and who are authorized to work full-time in the US for a temporary period under a non-immigrant visa. Carnegie Mellon graduate students who are working as Research Assistants (RAs) on research projects, as well as some postdoctoral scholars (depending on their funding source and visa status), are NOT considered to be CMU employees under the ITAR exemption. Additionally, the exemption does not apply to students with F-1 visas, others with visas that only allow part-time work, non-employee collaborators, or to nationals of ITAR proscribed countries listed at ITAR 126.1 http://www.pmdc.state.gov/embargoed_countries/index.html

FOREIGN NATIONAL'S NON-DISCLOSURE STATEMENT

Lead PI _____

Department _____

Sponsor Name: _____

Project Title: _____

I, _____, a national of _____, which is not an ITAR proscribed country (must check link), 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 as a full-time employee of Carnegie Mellon 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 Carnegie Mellon University.

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 from 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 (print): _____

Birth Country _____

Signature _____ Date _____

ORIC Approval

Signature _____	Title _____
Printed Name _____	Date _____
Comments: _____	

A copy of the approved form will be provided to the Lead PI for the project file, the foreign national employee for their own records, and ORIC for the Export Compliance files.