**Export Authorization Request Form**

**Questionnaire for**

**International Shipping & Export Authorizations**

**(Technical Assistance Agreement (TAA) & Export License (DSP-5)**

Instructions:

This form shall be completed and submitted by the Project Director (PD) / Principal Investigator (PI). When appropriate, the PD/PI may delegate this to another technical contact on the research team but the PD/PI must be cc on the submission to provide concurrence with the information submitted.

PI/PD Certification:

I hereby certify that I have read and understand the information provided regarding compliance with export laws and regulations. I understand that I could be personally liable if I unlawfully export controlled materials to foreign nationals without prior approval. I have provided complete information to the best of my knowledge.

Complete this form if you intend to do any of the following:

* International Transport (including hand carry) or Shipping of good subject to the International Traffic in Arms Regulations ([ITAR](https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=70e390c181ea17f847fa696c47e3140a&mc=true&r=PART&n=pt22.1.121)) or Export Administration Regulations ([EAR](https://www.bis.doc.gov/index.php/regulations/export-administration-regulations-ear))
* Provide a [defense service](https://www.ecfr.gov/cgi-bin/text-idx?SID=86008bdffd1fb2e79cc5df41a180750a&node=22:1.0.1.13.57&rgn=div5#se22.1.120_19) (teaching, training, integration of systems, etc.)
* Export or Transfer [technical data](https://www.ecfr.gov/cgi-bin/text-idx?SID=86008bdffd1fb2e79cc5df41a180750a&node=22:1.0.1.13.57&rgn=div5#se22.1.120_110) to a foreign party

For assistance in completing this form, please contact the Office of General Counsel (OGC) at export@gatech.edu. For background information on TAAs, refer to the Department of State’s [website](https://www.pmddtc.state.gov/licensing/documents/AgreementGuidelinesRev44b.pdf) and regulatory links at the end of this document.

Prior to responding to the questions on this form, you will need to review the general overview of your obligations under export laws and regulations. Some definitions relating to export controlled information have been provided below for your convenience. See [www.export.gatech.edu](http://www.export.gatech.edu) for more information on export controls.

In the event that an export authorization is required, the Office of General Counsel (OGC) will file for appropriate license or exemption. Please note that until approval is received, you should not export or transfer the material to a foreign destination or transfer it to a foreign person.

International shipments over $2,500 require an Electronic Export Information (EEI) be filed with the U.S. Census Bureau's Automated Commercial Environment (ACE). Additionally, EEIs must be prepared, regardless of the value, for all shipments requiring an export license or destined for certain restricted countries.

Note:

* All Chemicals, Biological Materials and Dangerous goods MUST be shipped by EH&S or an approved shipper. Please see https://www.ehs.gatech.edu/shipping for shipping details.
* All shipments involving GT intellectual property should be reviewed by the MTA (Material Transfer Agreement) Office, mta@gtrc.gatech.edu. For determine whether you need an MTA, please see <http://researchintegrity.gatech.edu/forms/Export/MTA_graphic.pdf>.

**Export Authorization Questionnaire**

Sections 1 - 3 are required for standard shipments.

Sections 4 is only required for Military exports and Defense Services (primarily GTRI).

**Section 1: General information**

1.1) Provide contact details for the Project Director (PD) / Principal Investigator (PI). If appropriate, provide another technical contact on the research team.

|  |  |  |  |
| --- | --- | --- | --- |
| Role | Name | User ID (gburdell3) | Phone |
| PD/PI |  |  |  |
|  |  |  |  |

1.2) If this is related to sponsored research grant(s) or contract(s) provide the (Award/Project #, Sponsor). If there is no sponsored research, please describe how the activity is funded.

**Section 2: Tangible Exports**

List all materials, equipment items, or tangible goods to be exported outside the USA.

For activities that involve only and/or Defense service ([§ 120.9](https://www.ecfr.gov/cgi-bin/text-idx?SID=86008bdffd1fb2e79cc5df41a180750a&node=22:1.0.1.13.57&rgn=div5#se22.1.120_19)) skip to Section 4.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Item / material / equipment or****Technical Data (**[**§120.10**](https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=3276ee2f857caf888e3c958647122db5&mc=true&r=PART&n=pt22.1.120#se22.1.120_110)**)** | **Manufacturer****(& part #)** | **Quantity / Amount** | **Value (each)** | **Export Category (if known)** |
|  |  |  |  |  |
|  |  |  |  |  |

2.1) What is the intended end use of the item(s) identified above?

2.2) Do any of the items above have a military application (can be used a weapon)?

2.2) Are the items intended or likely to be used for, or in connection with, the development, production, handling, operation, maintenance, storage, detection, identification or dissemination of any nuclear, chemical or biological weapon?

**Section 3: Recipient**

Name:

Institution/Company:

City/Locality:

State/Province:

Zip/Postal Code:

Country:

Admin contact (optional):

3.1) Will the items be re-export beyond or by the recipient?

**Section 4: Military shipments & Defense Service**

*If your activity involves any of the following please complete this section (****Otherwise, you may delete this section****).*

* Activities or exports to, for or involving a Foreign Government or Foreign Military including activities under US Government contract.
* Exports involving Defense Articles(§120.6) or Significant Military Equipment (§120.7) including activities under US Government contract.
* Defense service ([§120.9](https://www.ecfr.gov/cgi-bin/text-idx?SID=86008bdffd1fb2e79cc5df41a180750a&node=22:1.0.1.13.57&rgn=div5#se22.1.120_19)) whether in the United States or abroad including:
	+ furnishing of assistance (including training) 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 ITAR controlled technical data ([§120.10](https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=3276ee2f857caf888e3c958647122db5&mc=true&r=PART&n=pt22.1.120#se22.1.120_110)) to foreign persons;
	+ Military training of foreign units and forces, regular and irregular, including formal or informal instruction of foreign persons in the United States or abroad or by correspondence courses, technical, educational, or information publications and media of all kinds, training aid, orientation, training exercise, and military advice ([§124.1](https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=3276ee2f857caf888e3c958647122db5&mc=true&r=PART&n=pt22.1.124#se22.1.124_11)).

4.1) Describe the program/project for which you are providing a defense service/technical assistance and/or technical data and the type of assistance and information you will provide. In other words, what service will you provide in relation to the foreign parties?

*Include any relevant attachments that will help explain the transaction to the government. Example: Product brochures and specifications; technical drawings, schematics, or blue prints; the proposal, award, and scope of work; and any other documents that will assist in the application review.*

4.2) Are there any U.S. Government contracts, MOUs, international agreements, security cooperation programs, FMS cases, etc. that relate to the program/project other than the Georgia Tech Sponsored Research Award identified in Section 1? If so, provide the names or numbers for those agreements. *This is often helpful background information for the Technical Assistance Agreement (TAA) and/or DSP-5 license application.*

4.3) What is the expected duration for providing a defense service/technical assistance to foreign parties? *This will help determine the type of export authorization needed.*

4.4) List all foreign parties for whom you will provide a defense service or to whom you will provide ITAR controlled technical data. *These will be all of the foreign parties who will sign the TAA.*

1. Entity Name
2. Address
3. Phone
4. Empowered Official Name (contact for TAA/license coordination)

4.5) Will the foreign parties need to retransfer any of the ITAR controlled technical data to an additional foreign party who ***will not*** be a signatory to the TAA?

*Example: A foreign party who signs the TAA needs to retransfer the ITAR technical data or hardware it receives from Georgia Tech/GTRI to another foreign party to assist with testing. The additional foreign party is called a “sublicensee” and needs to be identified in the TAA but will not sign the TAA. If direct interaction with GIT/GTRI is necessary, the sublicensee will need to be a signatory to the TAA.*

1. Foreign Sublicensee Name
2. Foreign Sublicensee Country

4.6) Will any of the foreign parties share the ITAR controlled information with any of its employees who are ***not*** also a citizen of the foreign parties’ country (defined as a “dual national” or “third country national”)? If so, please provide a point of contact for our team to obtain the names and country of citizenship for those employees.

*Dual National: An individual who holds nationality from the country of their employer who is a foreign licensee (or sublicensee) to the TAA and also holds nationality from one or more additional countries. Example: Australian DoD signs the TAA. They will share ITAR information with their employee who holds Australian and also French citizenship. That person is a dual national.*

*Third Country National: An individual who holds nationality from a country other than the country of their employer who is a foreign signatory (or sublicensee) to the TAA. Example: Australian DoD signs the TAA. They will share ITAR information with their employee who holds French but* ***not*** *Australian citizenship. That person is a third country national.*

4.7) What is the estimated value of the defense services that Georgia Tech/GTRI will provide? For example, this will usually be defined as the manpower costs incurred by Georgia Tech/GTRI.

4.8) Are there any pending patents for the ITAR controlled technical data or hardware involved in this TAA? If so, are those patents under a U.S. PTO invention secrecy order?

4.9) Will you transfer any classified information to the foreign parties? If yes:

1. What is the highest security level involved?
2. What is the address and phone number of U.S. Government office that classified the information and/or the classification source (i.e., document)?

4.10) Are the defense services, technical data, or hardware (if applicable) related to Low Observable and/or Counter-Low Observable (LO/CLO) technologies, as defined in DoD Instruction S-5230.28, or do they contain Critical Program Information (CPI), as defined in DoD Instruction 5200.39?

4.11) Do you have a U.S. Government contact(s) who is/are familiar with the project/program/technical data? If yes, provide the following contact information for each person.

1. Name
2. Title
3. Agency
4. Telephone Number
5. Email Address

**Arms Export Control Act (AECA)**

[22 U.S.C. 2778](http://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title22-section2778&num=0&edition=prelim) of the [Arms Export Control Act (AECA)](https://www.pmddtc.state.gov/ddtc_public?id=ddtc_kb_article_page&sys_id=b9a933addb7c930044f9ff621f961932) provides the authority to control the export of defense articles and services, and charges the President to exercise this authority.

[Executive Order 13637](https://www.federalregister.gov/documents/2013/03/13/2013-05967/administration-of-reformed-export-controls) delegates this statutory authority to the Secretary of State.

**International Traffic in Arms Regulations (ITAR)**

The International Traffic in Arms Regulations (ITAR) [22 CFR 120-130](https://www.ecfr.gov/cgi-bin/text-idx?SID=3630814b4b84324ff1be11b2cd0c8a9e&mc=true&node=pt22.1.120&rgn=div5) implements the AECA. These regulations are regularly updated and revised to reflect change in the international political and security climate, as well as technological development.

**United States Munitions List (USML)**

The United States Munitions List (USML) [part 121 of the ITAR](https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=70e390c181ea17f847fa696c47e3140a&mc=true&r=PART&n=pt22.1.121) enumerates articles, services, and related technical data that are designated as defense articles or defense services pursuant to sections 38 and 47(7) of the Arms Export Control Act.

**Directorate of Defense Trade Controls**

The Directorate of Defense Trade Controls (DDTC), Bureau of Political-Military Affairs, in accordance with 22 U.S.C. 2778-2780 of the Arms Export Control Act (AECA) and the International Traffic in Arms Regulations (ITAR) (22 CFR Parts 120-130), is charged with controlling the export and temporary import of defense articles and defense services covered by the United States Munitions List (USML).