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

**PI/PD Questionnaire**

Instructions: Please complete this form if you intend to provide a defense service under 22 CFR 120.32 of the ITAR to a foreign person or transfer technical data under 22 CFR 120.33 to a foreign party.

## (<https://www.ecfr.gov/current/title-22/chapter-I/subchapter-M/part-120> ).

## **22 CFR § 120.32 Defense Service Definition**

## (a) ***Defense service*** means:

(1) The furnishing of assistance (including training) to foreign persons, whether in the United States or abroad in the design, development, engineering, manufacture, production, assembly, testing, repair, maintenance, modification, operation, demilitarization, destruction, processing, or use of defense articles;

(2) The furnishing to foreign persons of any technical data controlled under this subchapter, whether in the United States or abroad; or

(3) 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.

(b) [Reserved]

**22 CFR** [**§ 120.33 Technical Data Definition.**](https://www.ecfr.gov/current/title-22/section-120.33)

(a) ***Technical data*** means for purposes of this subchapter:

(1) Information, other than software as defined in [§ 120.40(g)](https://www.ecfr.gov/current/title-22/section-120.40#p-120.40(g)), which is required for the design, development, production, manufacture, assembly, operation, repair, testing, maintenance, or modification of defense articles. This includes information in the form of blueprints, drawings, photographs, plans, instructions, or documentation;

(2) Classified information relating to defense articles and defense services on the U.S. Munitions List and 600-series items controlled by the Commerce Control List;

(3) Information covered by an invention secrecy order; or

(4) Software (see [§ 120.40(g)](https://www.ecfr.gov/current/title-22/section-120.40#p-120.40(g))) directly related to defense articles.

(b) The definition in [paragraph (a)](https://www.ecfr.gov/current/title-22/section-120.33#p-120.33(a)) of this section does not include information concerning general scientific, mathematical, or engineering principles commonly taught in schools, colleges, and universities, or information in the public domain as defined in [§ 120.34](https://www.ecfr.gov/current/title-22/section-120.34) or telemetry data as defined in note 3 to Category XV(f) of [§ 121.1 of this subchapter](https://www.ecfr.gov/current/title-22/section-121.1). It also does not include basic marketing information on function or purpose or general system descriptions of defense articles.

If you need assistance in completing this form, please contact the Office of General Counsel (OGC) Export & Trade Compliance at [export@gatech.edu](mailto:export@gatech.edu). For background information on TAAs, refer to the Department of State’s guidelines for agreements:

<file:///C:/Users/scranman3/Downloads/Guidelines%20for%20Preparing%20Agreements%20(Revision%205.0)%20(2).pdf>

1. List all GIT/GTRI technical contact(s) for the project.
2. Name
3. Title and Department
4. Telephone Number
5. Do you have a U.S. Government contact(s) who is familiar with the project/program/technical data? If so, provide the following contact information for each person.
6. Name
7. Title
8. Agency
9. Telephone Number
10. List all of the GTRC/GTARC contracts under which your work has been, is, or will be performed. Please provide as much information as you have, including the prime contract number, subcontract number(s), Doc ID, sponsor name, PI/PD name, or the OSP contracting officer.
11. Are there any U.S. government contracts, MOUs, etc. that relate to the program/project, but to which GTRC/GTARC is not a party? If so, provide the names or numbers for those agreements. This is often helpful background information for the TAA license application.
12. 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.
13. Name
14. Address (not a PO Box)
15. Describe the program/project for which you are providing a defense service/technical assistance and technical data.
16. Describe the type of assistance and information you will provide. In other words, what service will you provide for or in relation to the foreign parties and what ITAR controlled information will you share with them?
17. Do you know the United States Munitions List (USML) Category within the ITAR that applies to the technical data? If so, please provide the USML Category.
18. Will you transfer to the foreign parties unclassified information, classified information, or both? If classified, please answer the following:
19. What is the highest security level involved?
20. What is the address and phone number of U.S. government office that classified the information and/or the classification source (i.e., document)?
21. 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?
22. Will you also transfer to the foreign parties any defense articles that are hardware (as opposed to technical data) in furtherance of this TAA arrangement?
23. Will the foreign parties retransfer any of the ITAR controlled technical data to a foreign third party who is not a signatory to the TAA? For example, will a foreign party who signs the TAA need to retransfer the technical data it receives from GIT/GTRI to one of its subsidiary companies? If so, that third party is called a “sublicensee” and needs to be identified in the TAA. Also, those sublicensees will need to sign Non-Disclosure Agreements before accessing the ITAR controlled information.
24. Foreign Sublicensee Name
25. Foreign Sublicensee Country
26. Will any of the signatories to the TAA retransfer the ITAR controlled technical data to any U.S. sublicensees?
27. 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 party’s country (called a “dual national” or “third country national”)? Note that, in some cases, dual or third country nationals will have to sign a Non-Disclosure Agreement before accessing the ITAR controlled information. For example:
28. 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 is Australian and also French. That person is a dual national.
29. Third Country National: An individual who holds nationality from a country other than the country of their employer who is a foreign licensee (or sublicensee) to the TAA. Example: Australian DoD signs the TAA. They will share ITAR information with their employee who is NOT Australian, but is French. That person is a third country national.
30. What is the estimated value of the TAA?
31. What is the estimated value of the defense services that GIT/GTRI will provide? For example, this will usually be defined as the manpower costs incurred by GIT/GTRI.
32. What is the estimated value of the technical data that GIT/GTRI will provide? In other words, how much is the technical information that we provide to the foreign parties worth?
33. If we are also transfering hardware in furtherance of this TAA, what is the estimated value of that hardware?
34. 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?
35. Include any relevant attachments that will help explain the transaction to the government. For example, include 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.