**EAR Employee Exemption Guidance:** EAR Part 740.13(f) authorizes releases of technology and source code in the United States by U.S. universities to their bona fide and full time regular employees. This exception is available only if:

1. The employee's permanent residence throughout the period of employment is in the U.S.;
2. The employee is not a national of a destination listed in Country Group D:5 (see supplement no. 1 to part 740 of the EAR); and
3. The university informs the individual in writing that the “technology” or source code may not be transferred to other foreign nationals without prior U.S. Government authorization. The obligation not to transfer technology extends beyond the tenure of employment at the university.

Determinations on whether a foreign national qualifies for this exemption must be done on an individual basis with assistance and approval by ASU Research Operations, (480) 965-2179. Qualified individuals must read and sign the Non-disclosure Statement below to document the exemption and certify that the technology or source code that he/she receives will not be transferred to other foreign nationals without the prior U.S. Government authorization.

**Foreign National’s Non-disclosure Statement (do not complete this form without Research Ops 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 a destination listed in Country Group D:5 (see Supplement No. 1 to Part 740 of the EAR), I acknowledge and understand that any technology or source code that is subject to the EAR 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 Export Administration Regulations (Title 15, Code of Federal Regulations, Subchapter C). 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 technology and source code 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 U.S. Government authorization. I understand that, under the EAR, 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:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_