**EXPORT CONTROL REVIEW CERTIFICATION
Paid &/or Partial Faculty Leave of Absence/International**

**Georgia Institute of Technology**

An export review is required because you have requested a leave of absence from campus for more than 8 ½ weeks that involves international travel.

International Travel Summary:

Employee Name:

Position:

Country/Countries to be visited:

Dates of Leave:

Purpose of visit:

You may attach the Georgia Tech Recommendation for leave of absence form.

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Export control laws are federal regulations that control the conditions under which certain information, technologies, and commodities can be transmitted overseas to anyone, including U.S. citizens, or to a foreign national on U.S. soil. Prior to responding, you will need to review the general overview of your obligations under export laws and regulations. Definitions relating to export controlled information are provided below for your convenience. In addition, you may have to review descriptions of technologies that are controlled by the International Traffic in Arms Regulations (ITAR) 22 CFR Section 121.1 et seq., accessible at <https://www.pmddtc.state.gov/regulations_laws/itar.html> and/or the Export Administration Regulations (EAR) 15 CFR Section 774, Supp. 1, (Categories 0-9) accessible at <http://www.access.gpo.gov/bis/ear/ear_data.html> and decide if you believe the technology involved falls within one or more of the categories.

**General Overview**

If you are teaching abroad, be careful to review your course content to make sure you are using public domain information and/or educational materials as defined below. Do not cover areas that may have export control implications, such as encryption and nuclear technology. You also need to make sure you are not exporting ITAR-controlled technical data or EAR-restricted technology.

If you will be providing training or other services to foreign persons in the use of export controlled technology, in particular ITAR-controlled technology, such training could be considered a “defense service” under the Export Control Regulations (see definition below).

**Definitions**

A. PUBLISHED INFORMATION AND SOFTWARE

Information is "published" when it becomes generally accessible to the interested public in any form, such as:

* Ready availability at libraries open to the public or at university libraries
* Patents and open (published) patent applications
* Release at an open conference, meeting, seminar, trade show, or other open gathering.

Software and information is published when it is available for general distribution, either for free or at a price that does not exceed the cost of reproduction and distribution. Notwithstanding encryption software with symmetric key length exceeding 64-bits will not be considered published for purposes of this definition.

B. FUNDAMENTAL RESEARCH

Fundamental research is defined as *basic and applied research in science and engineering, where the resulting information is ordinarily published and shared broadly within the scientific community*. Such research can be distinguished from proprietary research and from industrial development, design, production, and product utilization, the results of which ordinarily are restricted for proprietary reasons or specific national security reasons.

In order to receive the **benefit of the protection under FRE the research must be conducted within the United States** and not in any other jurisdiction, therefore **this exemption will not be available to you for research performed during your LOA.** This does not automatically mean that an export license will be required, but **it does mean that an export control determination needs to be done prior to your conducting research abroad.**

C. EDUCATIONAL INFORMATION

"Educational information" is that information released by instruction in catalog courses and associated teaching laboratories of academic institutions. Note that the provisions of this section do not apply to encryption software exceeding 64-bits.

D. DEFENSE SERVICE

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 (see Sec. 120.10), 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.

E. LICENSE EXCEPTION FOR TAKING EQUIPMENT OUTSIDE THE UNITED STATES

The “Tools of the Trade” license exception applies if all of the following are true:

You will (i) maintain control over the equipment at all times so that there is not an unauthorized release of software and technology, (ii) you must return the equipment to the US within 12 months, and (iii) you must take precautions to protect against unauthorized access such as but not limited to password protections, use of a Virtual Private Network (VPN) and firewall protections. <https://www.bis.doc.gov/index.php/documents/regulations-docs/2341-740-2/file> (§ 740.9 Temporary Imports, Exports, Re-exports and Transfers (TMP))

This exception generally is used for devices, systems or software that are standard, off-the-shelf products which are generally available to the public. It may not be used for export controlled equipment including but not limited to: (i) satellite or other space related equipment, components or software, (ii) high level encryption (encryption levels higher than in products which are generally available to the public), and (iii) military uses or defense items covered by the International Trade in Arms Regulations (ITAR).

**Having read the definitions and reviewed the relevant categories listed in ITAR and EAR, please provide concise answers to the following questions.** *This document is prepared in Word; text boxes will expand to accommodate your complete text. Please email completed form to* *export@gatech.edu*

1. Purpose of visit. Please provide the purpose of this visit, including specific activities performed (research and/or teaching); Provide the description of any research projects you will be working on; and provide the name(s) of any entity/people to be visited: You may attach the Georgia Tech Recommendation for Leave of Absence Form.
2. Please list your current sponsored research projects/grants you are working on at GT (include PI information, Contract/Award number or Doc Id, project title/sponsor name):
3. Will you be working on Georgia Tech sponsored research project(s) while outside the United States? (if yes, please provide project name/sponsor/award number)
4. Do you have any projects with Technology Control Plans (TCPs) or NASA funding? (if yes, please provide project information)
5. Will you take, work on or discuss any information or technology that is not currently in the public domain? If yes, what is it?
6. Do you plan to take a GT owned laptop, cell phone, flash drive or other electronic device?
7. Do you plan on taking tangible items, such as lab equipment, samples, prototypes etc. with you to the destination? If yes, please describe \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_?

7.a. Will you be taking any of the following with you to the destination: yes \_\_\_ no \_\_\_ - if yes check all that apply:

[ ] controlled technology or technical data [] Genetic elements of a toxin [ ] select agents [ ] controlled chemicals/chemical compounds; [ ] controlled toxins [ ] biological materials

If yes, please list the names of the items checked above \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. Do you host any J-1 Scholars or supervise any H1B or F1 OPT postdoctoral fellows/research scientists?
	1. If yes, who do you supervise?
	2. Who will be the supervisor while you are on leave of absence?

**Faculty 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 disclose export controlled information to foreign nationals without prior approval. I have provided complete information in responding to the questions listed above. If I do not understand any of the questions on this form I will seek assistance from export@gtrc.gatech.edu. I will submit the form for review to: export@gatech.edu

Signature \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

*(Signature may not be delegated. The GT employee talking international leave must sign or submit via the individual’s GT email)*

Printed Name

Department

Date

*If necessary, the Office of Research Integrity Assurance and /or the Office of the General Counsel (OGC) will contact you for additional information to complete the export review process. In the event an export license is required, the Office of Research Integrity Assurance and/or the OGC will prepare an application for a license to the appropriate government entity.*

What you need to be aware of:

THE FOREIGN CORRUPT PRACTICES ACT

It is illegal for U.S. persons to offer or pay anything of value to a foreign official for the purposes of obtaining, retaining, or furthering business activities, per the federal Foreign Corrupt Practices Act (FCPA) anti-bribery provisions. For example, making payments to custom officials in exchange for their agreeing not to inspect goods or to release goods held at points of entry would violate the FCPA.

From GT guide responsible international activities FCPA: Policy 8.2.2

It is the policy of Georgia Tech that each of our employees, faculty members, staff members, agents, representatives, vendors, and other third parties that work with Georgia Tech, Georgia Tech Research Corporation (GTRC), and Georgia Tech Applied Research Corporation (GTARC) comply with the anti-bribery laws of the United States and of the foreign countries where Georgia Tech does business.

Bribery of any kind in the United States and abroad, regardless of foreign custom or practice, is strictly prohibited. No Georgia Tech employee, faculty members, staff members, agent, representative, vendor or any other third party with which Georgia Tech works shall make any payment or provide anything of value to any person, in order to improperly influence that person to secure any advantage for Georgia Tech, including obtaining or retaining business, or directing business to any person or entity.

Be Aware

GEORGIA TECH travelers are advised to take a "clean" laptop (i.e. a laptop containing just the basic operating system which does not contain proprietary or export controlled work or specialized controlled encryption software). GEORGIA TECH’s Office of Information Technology and/or your department computer support representative can help you locate any sensitive data on your laptop if you are unsure and need to clear the laptop before you travel.

If you are taking a "clean" laptop, you are able to take it with you under the U.S. Commerce Department's Bureau of Industry and Security's (BIS) Export Administration Regulations (EAR), 15 CFR Part 740.9 License Exception TMP (referred to as "Tools of the Trade"). Under the TMP exception, the laptop (or other equipment) is to remain with you under your control and must return with you upon your return to the United States. If you are taking a cellular phone or PDA, you are advised to delete the cached information and data if there could be any sensitive data in text or email messages on the device.

Customs officials in any country, including the U.S., may inspect your belongings, including electronic content of computers, phones, tablets, and storage devices. They may take possession of these items for various periods of time—even permanently. It is a best practice to only take items with you that are absolutely needed for your trip.

Some countries also have import regulations that specifically prohibit travelers from bringing into those countries encrypted laptops or other mobile devices. Violations of those countries’ prohibitions could result in confiscation of your device by customs authorities and/or fines or other penalties.

HELPFUL LINKS

GT Export Website [www.export.gatech.edu](http://www.export.gatech.edu)

GT Export Control FAQs [www.export.gatech.edu/faq/](http://www.export.gatech.edu/faq/)

<http://www.legal.gatech.edu/export-and-international-travel>

Institute International Activities Guide:

<https://research.gatech.edu/georgia-tech-guide-responsible-international-activities>

Institute Export Control Travel Guidance: <http://www.export.gatech.edu/?section=travel/>

Institute Data Access Policy: <http://policylibrary.gatech.edu/data-access>

Institute Data Categorization: <https://security.gatech.edu/DataCategorization>

Questions? Email export@gatech.edu