

*University of Colorado at Boulder*

**Guidance Regarding Hiring of Foreign Persons Working on  
Export-Controlled Technology Projects**

Federal export control laws—in particular the Export Administration Regulations and the International Traffic in Arms Regulations—place restrictions on sharing of technical data with foreign persons without an export license. Sharing of information regarding defense articles with foreign nationals may be a "deemed export" (and thus subject to the regulations) even if it occurs within the United States. Unless you have obtained an export license to allow disclosure, foreign persons may need to be excluded from meetings, presentations, laboratory settings, computer access, or other situations in which disclosure of technical data might occur.

However, there is an important exemption that applies to U.S. institutions of higher learning. Under 125.4(10) of the ITAR regulations, a so-called "employee exemption" allows disclosure of **unclassified** technical data to foreign persons who:

1. are bona fide and full time regular employees of the university. Post-doctoral fellows would normally meet this requirement as long as they are hired for a period exceeding 3 months and on a full-time (100%) basis. Foreign national students will often not meet this requirement, but may qualify for a "teaching exemption" under section 120.10(5) of ITAR. (This exemption allows for disclosure of educational information that is commonly taught in university courses and generally available to the public. Thus it may not apply to training that is specific to lab personnel.)
2. maintain a permanent address within the US throughout the period of employment
3. are not a national of a country to which exports are prohibited (for the up-to-date list, see <http://www.treas.gov/offices/enforcement/ofac/programs/index.shtml>).
4. are informed **in writing** by the institution that the technical data may not be transferred to other foreign persons without the prior written approval of the US Department of State's Directorate of Defense Trade Controls.

If you have questions, please check with Linda Morris in the Export Controls Office (303-492-2889, [Linda.Morris@colorado.edu](mailto:Linda.Morris@colorado.edu)).

\* Embargoed countries currently include Cuba, Libya, Syria, Sudan, North Korea and Iran.