



Export Control Review & Certification

Employee's Name System Member
Employee's Title Department
Employee's Countries of Citizenship & Nationality
Employee's Foreign Institution(s), (if applicable)
Employee's Visa Status Employee's Support/Salary Account Number(s):

Complete the questionnaire below to help determine whether or not a license (prior authorization) is required from either the U.S. Department of Commerce or the U.S. Department of State to allow this foreign national employee access to export controlled items or technology (laboratory equipment/research instruments, materials, software or technology/technical data) controlled under the [Export Administration Regulations \(EAR\)](#) or [International Traffic in Arms Regulations \(ITAR\)](#).

This questionnaire must be completed and signed by the supervisor, principal investigator, department head, or other appropriate university authority with direct oversight of the visa applicant's work.

Please provide brief explanation of work assignment or attach a copy of the position description if not available in Workday

1. Will the visa applicant be working in one of the following areas: biomedical sciences, computer sciences, space or space launch sciences, engineering or **ANY** scientific discipline? Engineering or scientific disciplines may include but are not limited to the following: Chemical, Electrical, Semiconductor, Materials Science, Physics, Mechanical, Geophysical, Marine, Aerospace, Astronomy, Nuclear, Artificial Intelligence or Robotics.

Check one:

- No, the assignment will not involve, expose or *potentially* expose the applicant to any scientific discipline, including but not limited to the ones listed above.
- Yes, the assignment will involve, expose or *potentially* expose the beneficiary to **any** scientific discipline (including but not limited to one or more of those listed above).

You are required to check **all** applicable boxes for questions 2-7 below and sign and date at the bottom. If you do not have the information necessary to complete this certification, please contact your Export Control Office to complete the processing of this certification questionnaire. If, by virtue of the question, you are unable to check one of the following boxes, your Export Control Office will work with you to further determine whether the work intended for the visa applicant requires prior export control authorization from a governing U.S. agency or requires a Technology Control Plan to temporarily or permanently restrict access by the beneficiary to only what is not export controlled.

2. The visa applicant will **not** be working under a sponsored research agreement (e.g. grant or contract) that restricts or prohibits the participation of foreign persons, i.e. there are no restrictive clauses pertaining to foreign nationals or non U.S. persons participating in the research.
3. The visa applicant will **not** be working under a sponsored research agreement (e.g. grant or contract) that restricts or prohibits the research team's right to publish any of the data or research results, except for the sponsor's right to review and exclude from intended publication proprietary data that, under the terms of the Agreement, is exempt from publication.
4. In performing the work under the visa, the visa applicant will **not** be provided access (whether or not actually required for his/her work assignment and whether through hard or soft copy) to:
- Any export controlled technical data, project or instrument currently secured through a Technology Control Plan (TCP);
 - Technical data or information that has been stamped or otherwise designated by the sponsor or collaborating institution as being "export controlled";
 - Sponsor or third-party proprietary or confidential information, materials, or software that is the subject of a Non-Disclosure Agreement (NDA) or equivalent confidentiality agreement;
 - Proprietary (to sponsor or a third-party) technology for the development of cryptography, or proprietary source code containing cryptographic functionality; and
 - Information pertaining to the "use" or "development" or "production" of instruments, materials, software or scientific processes (technology) that is **not** in itself the subject or result of fundamental research (i.e. 3rd party technology or TAMU proprietary technology considered outside fundamental research): For purposes of this Question:
 - "use" means that all of the following 6 types of activities occur: Operation, installation, maintenance, repair, overhaul and refurbishing. (For Space-related research only: "use" means any *one* of the foregoing activities).
 - "development" is related to all stages prior to serial production, such as: design research, design analysis, design concepts, assembly and testing of prototypes, pilot production schemes, design data, process of transforming design data into a product, configuration design, integration design layouts.
 - "production" means: product engineering, manufacture, integration, assembly (mounting), inspection, testing, quality assurance.
5. In performing the work under the visa, the visa applicant will **not** be provided access to research equipment, instruments, materials, software, and/or technical data in any form (e.g. blue print, sketches, specifications, documented technology, vendor operational manual/instructions, data results) that is governed under the **ITAR**.

ITAR covers any item (equipment, instruments, materials, software, and/or technical data as exemplified above) *specifically* designed, developed or modified for military, defense or space applications) and may include such items whether procured from a vendor, or otherwise received by a research sponsor or collaborating research institution. For a list of the high level **ITAR** categories that identify such defense, military and space items please see (http://www.pmdtc.state.gov/regulations_laws/itar_official.html). For purposes of this certification, "access" means any visual or physical access to the item, regardless of whether such access is actually required by the visa applicant to perform his/her work assignment.

6. With respect to the technology or technical data that I will release or otherwise provide access to this employee as a result of the employment, I certify that (check all that apply):
- I have read [System Policy 15.02](#) on Export Controls.
 - I have reviewed the [Export Administration Regulations](#) (EAR) and the [International Traffic in Arms Regulations](#) (ITAR) with regard to such technology or technical data.
 - I have contacted my Export Control Office to further clarify potential restrictions regarding such technology or technical data.
 - I have reviewed grant(s) with Sponsored Research Services.

7. Most research related exports are likely to be excluded from EAR and ITAR export controls (see [TAMUS regulation 15.02](#) for information on possible exclusions). My findings indicate that the research activities for this employee are excluded from EAR and ITAR export controls based on the following:

- Fundamental Research Exclusion
- Publicly Available/Public Domain Exclusion
- Educational Information Exclusion

No Research Activities

Comments

8. Will employee work full or part time from an Alternate Work Location outside the United States? YES NO

If yes, provide country(ies) _____

Certifications & Approvals

I hereby certify that I am personally knowledgeable with the job duties and other particulars of employment of the visa applicant listed above, and hereby affirm that the contents of the foregoing certification questionnaire are true to the best of my knowledge, information and belief.

I further understand that failure to accurately complete this questionnaire can result in U.S. Government export control violations for which civil and criminal penalties can be assessed against (i) me the undersigned if found to have caused or facilitated a violation, and/or (ii) my institution.

I certify that any type of outside support provided to this visa applicant while employed at Texas A&M University will be disclosed in the Huron system (add link) or disclosed to the Office of Export Controls, Conflict of Interest, and Responsible Conduct of Research. Outside support includes but is not limited to a scholarship, stipend, salary, honorarium, reimbursement of travel, living or other expenses, etc.

Supervisor/Sponsor/Dept Head Signature

Date

Name and Title

Export Control Restricted Party Screening

Passed National of Sanctioned Country	No	Yes	Signature of Screener _____
Passed Denied Persons List	No	Yes	_____
Passed Entity List	No	Yes	Name and Title of Screener _____

Comments

Deemed Export Control Attestation (for H-1B and O-1 petitions only)

The United States Citizenship and Immigration Service requires that an employer, when filing an H-1B or O-1 petition, certify that (i) it has reviewed the [Export Administration Regulations \(EAR\)](#) administered by the U.S. Department of Commerce and the [International Traffic in Arms Regulations \(ITAR\)](#) administered by the U.S. Department of State, and (ii) it has determined whether or not a license (prior authorization) is required from either of these Government agencies to allow an employee who is a foreign person access to controlled items or technology (laboratory equipment/research instruments, materials, biologicals, software, technology, or technical data) controlled under the **EAR** or **ITAR**. The transfer or release to a foreign person of such items by any means is “deemed” to be an export to the foreign person’s country of citizenship or permanent residence, potentially requiring an export license unless a particular authorized license exemption applies.

Based on my responses to the Export Control Review, I, the employee's supervisor, have determined that:

- A license is not required from either the U.S. Department of Commerce or the U.S. Department of State to release such technology or technical data to the above named foreign person; or
- A license is required from the U.S. Department of Commerce and/or the U.S. Department of State to release such technology or technical data to the foreign person and I will prevent access to the controlled technology or technical data by the named foreign person until and unless Texas A&M University has received the required license or other authorization to release it to the named foreign person.

I certify under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Signature of Supervisor

Name

Date

I certify that that I have reviewed this Export Control Questionnaire and Deemed Export Control Attestation and have discussed, as needed, its content with the supervisor to ensure its accuracy.

Signature of Department Head

Name

Date

Export Control Restricted Party Screening

Passed National of Sanctioned Country No Yes

Passed Denied Persons List No Yes

Passed Entity List No Yes

Signature of Screener _____

Name and Title of Screener _____

Comments