## **J-1Export Control Questionnaire**

*Background*

U.S. federal export control regulations require that Mines determines that a foreign national visiting scholar (J-1 visa) will be exposed to any technology that is export controlled as part of the research process and/or in relation to export controlled tools (instruments, software, materials, or proprietary technology) that may be present in the researcher’s laboratory or office environment. In certain cases, such access to (or use of) controlled technology may require prior authorization (an export license) before such access/use is granted. The transfer or release to a foreign national of such items by any means is “deemed” to be an export to the foreign national’s country of citizenship or permanent residence, potentially requiring an export license, unless a particular authorized license exemption applies.

Instructions

Please complete the questionnaire below. The questionnaire should be completed or signed by the Principal Investigator or other individual with direct oversight over the prospective visitor’s research. *Questions should be directed to [exportcontrols@mines.edu].*

1. Will the prospective visitor be working in one of the following areas: biomedical sciences, computer sciences, space or space launch sciences, or any engineering or scientific discipline? Engineering or scientific disciplines may include but are not limited to the following: Chemical, Electrical, Semiconductor, Materials Science, Physics, Mechanical, Geophysical, Marine, Astronomy, Nuclear, Computer, Encryption, Artificial Intelligence or Robotics. Please provide brief explanation of work assignment]

Check one:

No, the assignment will not involve, expose or *potentially* expose the prospective visitor to any of the disciplines or systems identified above; or if involved in such disciplines, will be acting in a teaching-only capacity, with no research involvement. Please sign and date this form below and submit it with your J-1 processing request.

Yes, the assignment will involve, expose or *potentially* expose the beneficiary to one of the scientific areas or High Performance Computer(HPC) administration listed above. You are required to check **all** boxes for questions 2-5 below and sign and date at the bottom. If you do not have the information necessary to complete this certification, please contact [exportcontrols@mines.edu] to complete the processing of this certification questionnaire. If, by virtue of the question, you are unable to check one of the following boxes, the Research Compliance Officer will work with you to further determine whether the work intended for the prospective visitor 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 export controlled.

2.  The prospective visitor 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 prospective visitor 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 prospective visitor will **not** be provided access (whether or not actually required for his/her work assignment and whether through hard or soft copy) to:

* + - Technical data or information that has been stamped or otherwise designated by Mines, or an external 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;
    - Third party, proprietary technology for the use or development of cryptography, or source code containing cryptographic functionality; and
    - Third party, proprietary information pertaining to the “use” or “development” or “production” of instruments, materials (including biological materials and chemicals), software or scientific processes (technology) that is not in itself the subject or result of fundamental research eligible for publication: for purposes of this Question:
      * “use” means that one or more of the following types of activities occur beyond merely operating a device or software: installation, maintenance, repair, or overhaul/refurbishing.
      * “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, or configuration design.
      * “production” means: product engineering, manufacture, integration, assembly (mounting), inspection, testing, quality assurance.

5.  In performing the research at the Colorado School of Mines, the prospective visitor 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) *specially* 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 relevant **ITAR** categories that identify engineering related disciplines, please see the [USML](https://www.ecfr.gov/cgi-bin/text-idx?SID=86008bdffd1fb2e79cc5df41a180750a&node=22:1.0.1.13.58&rgn=div5). 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 prospective visitor to perform his/her work assignment.

(Note: any technology that has been invented as the result of fundamental research and is the subject of a research publication (i.e. already in the public domain) may be exempt from this access restriction, pending confirmation by the Export Administrator. Please contact [name] if there are any questions about whether such information meets this public domain standard).

**CERTIFICATIONS AND APPROVALS**

I hereby certify that I am personally knowledgeable with the job duties and other particulars of employment of the prospective visitor listed above, and hereby affirm that the contents of the foregoing certification questionnaire are true to the best of my knowledge, information and belief. In the event that there are any substantial changes to the foregoing information following submission of this form, I will timely report such changes to the Research Compliance Officer accordingly.

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) any individual (including a PI) found to have caused or facilitated a violation, and/or (ii) Mines.

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PI/Faculty Sponsor Title Date