

Deemed Export Review Form

Instructions: This questionnaire must be completed by the sponsoring faculty member or supervisor who is directly knowledgeable of the visitor's/non-US person's activities. The form should not be completed by someone acting on behalf of the sponsor/supervisor who is not directly knowledgeable of the activities.

Important Background Information. Please read before completing the form.

The U.S. export control regulations apply to the release of technology or source code ("technology") to a foreign person within the U.S. A foreign person is defined by the regulations as someone who is not a U.S. citizen, a U.S. permanent resident (Green Card holder), or any other protected individual (legal asylee or refugee). Under the regulations, the transfer or release to a foreign person of "technology" is an export to the foreign national's country of citizenship or permanent residence and may require export license or authorization. Information collected in this form is used for the following purposes:

- **Certification for H-1B, or O-1 Petitions**

The U.S. Citizenship and Immigration Services (USCIS) requires that an employer, when filing a 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 foreign national employee access to export controlled items or technology controlled under the EAR or ITAR.

- **J-1 Exchange Visitors and Other Non-Immigrant Visa Holders**

Information is used to determine if J-1 Exchange Visitors and other Non-immigrant visa holders will be exposed to export control items or technology. This form should also be used for all other non-immigrant employee visa categories including but not limited to F-1 Graduate Researchers and F-1 with Optional Practical Training (OPT) authorization.

The Export Control Office uses information provided in this form in determining whether prior export control authorization from a governing U.S. agency is required. If a license is required, the Export Control Office works with the sponsoring faculty member or supervisor to prepare necessary documents and to request the license on behalf of the faculty member, or to develop a Technology Control Plan (TCP). A TCP may be used, for example, to restrict access to export-controlled data/information.

Please refer all questions to Export Control Office, exportcontrol@emory.edu

Faculty/Sponsor Name _____ Department _____ School _____

Visitor's Full Name _____

1. Will the visitor's activities/assignment be performed at one the following schools?

- School of Medicine
- Woodruff School of Nursing
- Rollins School of Public Health
- Emory College of Arts and Sciences

NO If NO, provide a summary of work assignments below, sign the form and submit form. **YOU DO NOT NEED TO COMPLETE THE REST OF THE FORM.**

Yes **IF YES, PLEASE COMPLETE THE REST OF THE FORM.**

2. Will the visitor perform any activity under a sponsored research agreement (e.g., grant, CRADA, contract, recharge service agreement, Capstone, etc.) **that restricts or prohibits the participation of foreign persons**? This includes restrictive clauses or requirements in the agreement restricting foreign nationals or non-U.S. persons participation in the research.

Yes No Uncertain

3. Will the visitor perform any activity under a sponsored research agreement (e.g., grant, CRADA, contract, recharge service agreement, Capstone, etc.) **that restricts or prohibits the research team's right to publish any of the data or research results**? (Note: A sponsor's right to review and exclude from intended publication proprietary or confidential data does not count as a publication restriction).

Yes No Uncertain

4. Will the visitor be **provided with access** to any of the following (whether or not actually required for his/her work assignment and whether through hard or soft copy):

a. Technical data or information **that has been stamped or otherwise designated by the sponsor or collaborating institution as being "export controlled"**.

Yes No Uncertain

b. 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.

Yes No Uncertain

c. Third party, proprietary **technology for the development of cryptography, or source code containing cryptographic functionality**.

Yes No Uncertain

- d. Third party, proprietary information pertaining to the “use” or “development” or “production” of instruments, materials, software, or scientific processes (technology), **For purposes of this Question:**
“Use” means that the visitor would be performing one or more of the following types of activities pertaining to a controlled item beyond merely operating the item for its intended purpose: installation, maintenance, repair, and overhaul/refurbishing – based on a proprietary and controlled (non-public domain) manufacturer manual or other equivalent documentation.
“Development” means technology pertaining to a sponsor’s proprietary R & D and development project - - i.e., not intended for publication; 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 technology pertaining to sponsor-proprietary product engineering, manufacture, integration, assembly (mounting), inspection, testing, quality assurance.
- Yes No Uncertain

5. Will the visitor be provided access to research equipment, instruments, materials, software, and/or technical data in any form (e.g., blueprint, sketches, specifications, documented technology, vendor operational manual/instructions, data results) that is governed under the International Traffic in Arms Regulations (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. This may include items procured from a vendor or otherwise received from a research sponsor or collaborating institution. For purposes of this question, “access” means any visual or physical access to the item, regardless of whether such access is required for the visitor to perform work assignments.

Yes No Uncertain

By signing this document, I confirm that I work, or will work, in a capacity that enables me to anticipate the details of the job duties and responsibilities regarding the employment/visitor’s activities. I am familiar with the setting in which the prospective scholar/employee will be working, including access to equipment, software, and technical information. Additionally, I agree to notify the Export Control Office (exportcontrol@emory.edu) before the duties of the prospective scholar/employee are modified in a way that would change responses to this questionnaire. I affirm that the contents of the foregoing certification are true, to the best of my knowledge, information, and belief.

Signature _____ Date _____