



Export Control Review & Certification Form

Hiring Department:

College, School or Division:

Employee's Full Legal Name:

Country(ies) of Citizenship:

Purpose of Export Control Review:

If New Employment, what Visa or Status will the Employee be Seeking?

** Note that this form is not required for Green Card holders (US Permanent Residents)**

Support/Salary Account Number(s):

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

The questionnaire will help us 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 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 \(ITAR\)](#).

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

1. Will the employee 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 employee to any scientific discipline, including but not limited to the ones listed above.

Yes, the assignment will involve, expose or *potentially* expose the employee to **any** scientific discipline (including but not limited to one or more of those listed above).

Please 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 questionnaire, please contact our office for assistance to determine whether the work intended for the employee requires prior export control authorization from a governing U.S. agency or requires a Technology Control Plan (TCP) to temporarily or permanently restrict access by the beneficiary to only what is not export controlled.

2. The employee 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 employee 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, the employee 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 or TAMUQ 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, the employee 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 this [link](#). 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 employee 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 [TAMU Rule 15.02.99.M1](#) on ExportControls Program Management.

I have reviewed the [EAR](#) and the [ITAR](#) with regard to such technology or technical data.

I have reviewed grant(s) with Sponsored Research Services, if applicable.

I have contacted RESEC to further clarify potential restrictions regarding such technology or technical data, if applicable.

7. Most research related exports are likely to be excluded from EAR and ITAR export controls (see [TAMU rule 15.02.99.M1](#) 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 (check all that apply):

Fundamental Research Exclusion ([FRE](#))

In performing the work, this employee will only conduct fundamental research, meaning research in science, engineering, or mathematics, or any other discipline, the results of which ordinarily are published and shared broadly within the research community, and for which the researchers have not accepted restrictions for proprietary or national security reasons.

Publicly Available Information/ Public Domain Exclusion ([EAR](#) and [ITAR](#))

In performing the work, this employee will only receive and/or release information and/or technology and non-encryption software, such as information that is the subject of an open patent application, published in a book or periodical, released at an open conference anywhere, available on a website accessible by the public with no access controls or information that will be published. In addition, publicly available information encompasses information included in forthcoming publications, and outcomes/data/results/etc. of fundamental research of which the intent is to publish openly.

Educational Information Exclusion ([EAR](#) and [ITAR](#))

In performing the work, this employee will only receive information that is used for instruction in catalog courses and associated teaching laboratories of academic institutions. Furthermore, the scope of information will be restricted to topics pertaining to general scientific, mathematical, or engineering principles typically included in educational curricula at schools, colleges, and universities.

No Research Activities

Comments

8. Will the 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 employee 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 employee while employed at Texas A&M University will be disclosed in the [Huron system](#) or disclosed to [Research Security and Export Controls](#). Outside support includes, but is not limited to, scholarship, stipend, salary, honorarium, reimbursement of travel, living or other expenses, etc.

Supervisor Signature

Date:

Name and Title:

Export Control Restricted Party Screening

Passed National of Sanctioned No Yes Signature of Screener

Country Passed Denied Persons List No Yes Name and Title of Screener:

Passed Entity List No Yes Date:

Comments

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

Complete and sign this attestation ONLY if your employee has or will obtain H-1B or O-1 visa or status.

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 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: