

Form I-129(E) - ISU Supplemental Export Control Questionnaire

Beneficiary Information		Date: _____
Full Name (as on passport):		
First _____	Place of Birth: _____	
Middle _____		
Last _____		
Country of Legal Permanent Residence: _____		
Country of Citizenship: _____		
Current Address:		
_____	_____	_____
Street, Apt #	City	State, Zip Code

The United States Citizenship and Immigration Service requires that an employer, when filing an H-1B 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 prior to allowing an employee who is a foreign national to access export controlled items or technology (laboratory equipment/research instruments, materials, software or technology/technical data) controlled under the **EAR** or **ITAR**.

* 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.

Export Control Questionnaire Please complete the following questions. These questions must be completed or signed by the **Principal Investigator** or other appropriate University authority (ex: supervisor) with direct oversight of the visa applicant’s work. The **Department Chair** must also sign the completed questionnaire.

RETURN the signed Form to International Programs Office as part of the H-1B visa application set.

Please note that unless a pre-authorized exemption applies, an export license may be required before the applicant may start his/her activities. *Questions should be directed to Deb Easterly, Export Control Officer at 282-2618, or via the Export Control Office email address = orexpctr@isu.edu.*

Questions -----

1. Will the visa applicant 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, Artificial Intelligence or Robotics.

Please list work assignment, with a brief description (top of Page 2)

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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.

1. 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.

If this is your answer, *please sign and date this form below and submit it to International Programs in conjunction with your H-1B processing request.*

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

If this is your answer, *you are required to check **all** the 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 the Export Control Officer 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 Export Control Officer will work with you to determine whether the work intended for the visa applicant requires a

- a. prior export control authorization (a license) from a governing U.S. agency *or*
- b. Technology Control Plan to temporarily or permanently restrict access by the beneficiary at the work location 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, that is, 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 that agreement, is exempt from publication.
4. In performing the work under the visa, the visa applicant will not be provided access to (*whether or not actually required for his/her work assignment and whether through hard or soft copy*):
- Technical data or information that has been stamped or otherwise designated by the sponsor or collaborating institution as being “export controlled”;
 - Sponsor’s 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; *or*

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- 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 self-invented fundamental research.

Definitions, for purposes of this Question:

- a. “use” means that all of the following 6 types of activities occur:
Operation, installation, maintenance, repair, overhaul and refurbishing.
 - b. “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.
 - c. “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 manuals/instructions, data results) that are 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 see **Appendix 1** to this Certification. See also (http://www.pmdtdc.state.gov/regulations_laws/itar.html).

(Note: any such item that has been self-invented and is the precise subject of previously published research may be exempt from this access restriction, pending confirmation by personnel responsible for research development/contracts review. Please contact Deb Easterly, x2618, eastdebb@isu.edu if there are any questions about whether access meets the self-invention standard).

CERTIFICATIONS AND APPROVALS

I hereby certify that I am personally knowledgeable of the job duties and other specifics of employment of the listed visa applicant, 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) any individual (including a PI) found to have caused or facilitated a violation, and/or (ii) Idaho State University.

PI/Faculty Sponsor	Title	Date signed

Department Chair/ Rep.	Title	Date signed

Export Control Officer (<i>Needed if answer to Question #1 is Yes</i>)	Date signed

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Appendix 1

THE UNITED STATES MUNITIONS LIST

Category I—Firearms, Close Assault Weapons and Combat Shotguns

Category II—Guns and Armament

Category III—Ammunition/Ordnance

Category IV—Launch Vehicles, Guided Missiles, Ballistic Missiles, Rockets, Torpedoes, Bombs, and Mines

Category V—Explosives and Energetic Materials, Propellants, Incendiary Agents, and Their Constituents

Category VI—Surface Vessels of War and Special Naval Equipment

Category VII—Ground Vehicles

Category VIII—Aircraft and Related Articles

Category IX—Military Training Equipment and Training

Category X—Personal Protective Equipment

Category XI—Military Electronics

Category XII—Fire Control, Range Finder, Optical and Guidance and Control Equipment

Category XIII— Materials and Miscellaneous Articles

Category XIV—Toxicological Agents, Including Chemical Agents, Biological Agents, and Associated Equipment

Category XV— Spacecraft and Related Articles

Category XVI—Nuclear Weapons Related Articles

Category XVII—Classified Articles, Technical Data, and Defense Services Not Otherwise Enumerated

Category XVIII—Directed Energy Weapons

Category XIX—Gas Turbine Engines and Associated Equipment

Category XX—Submersible Vessels and Related Articles

Category XXI—Articles, Technical Data, and Defense Services Not Otherwise Enumerated