University Policy: Policy on Export Controls

Policy Category: Academic/Research Policies; Ethics, Integrity and Legal Compliance Policies

Subject: Governing distribution and sharing of information, technology and commodities both internationally and domestically

Office Responsible for Review of this Policy: Provost’s Office/Office of Finance & Treasurer

Procedures: Export Control Regulations—Procedures and Questionnaires; H1B visa application information

Related University Policies: International Travel Policy

I. SCOPE

The purpose of the American University Export Control Policy is to provide awareness of the Federal export control laws and regulations, AU’s policy for complying with those laws, and each individual community member’s responsibility and obligation under these laws and regulations and University policy.

Following the events of 9-11, export control regulations became prominent, and federal scrutiny concerning the level of compliance with these regulations heightened. This policy and related procedures apply to all individuals at AU -- students, faculty, visitors, employees, and representatives of the University -- who may be responsible for the export of goods and/or services, including deemed exports transferred within this country. Members of the AU community are responsible for determining the activities and items that are covered under this policy and for complying with all Federal export control laws and University policy.

II. POLICY STATEMENT

Export control laws, implemented both by the Department of Commerce through its Export Administration Regulations (EAR) and the Department of State through its International Traffic in Arms Regulations (ITAR), have been in existence for many years. In addition, the U.S. Treasury Department through the Office of Foreign Assets Control (OFAC), prohibits or restricts certain activities with embargoed countries, sanctioned entities, and sanctioned individuals. Together they comprise the body of laws and regulations referred to in this policy as export controls. (See Appendix A)

Institutions of higher education are required to comply with these laws and regulations. Criminal sanctions, including fines, penalties and/or prison sentences for individuals; as well as fines, penalties, and desist orders for future institutional activities or authorizations, can apply in cases of
Violation. It is the responsibility of all faculty members, staff and students to safeguard data, equipment, and/or technology covered by these federal laws.

III. DEFINITIONS

- **Deemed Export** – items or information provided to a foreign individual in this country who is not a “U.S. Person” as defined below. Such a communication is deemed to be an export to the home country or countries of the foreign national.

- **Educational Information** – information released by instruction in catalogue courses and associated teaching laboratories of accredited academic institutions is not subject to the export control regulations.

- **Encryption/Encryption Item** – the process of converting data or information into code. The phrase encryption item includes all encryption commodities, software, and technology that contain encryption features subject to export controls.

- **Export** – taking or sending out of the United States in any manner articles controlled under the export regulations. The term includes video and audio disclosures as well as transfers and disclosures of controlled items and technology in this country (“deemed exports”) to a foreign person.

- **Foreign Individual** – any person or entity that does not meet the definition of a “U.S. Person” (individual who is a citizen of the United States, a permanent resident alien of the United States, certain other individuals with a protected status as defined by federal law and organizations such as corporations or similar entities).

- **Fundamental Research** -- basic and applied research in science and engineering, where the resulting information is ordinarily published and shared broadly within the scientific community. Most fundamental research is exempted from export control laws.

- **License** -- permit issued by the United States Department of Commerce, Bureau of Industry and Security, authorizing a transaction subject to the export control regulations. A small percentage of exports subject to the export control regulations require a license. Most transactions either do not require a license or are covered by one or more of the license exceptions found in the regulations.

- **Technical Data** – information, other than software, that takes the form of blueprints, plans, diagrams, models, formulae, tables, engineering designs, specifications, manuals, and instructions written or recorded on other media or devices such as disk, and read-only memories that is necessary for the design, development, production, manufacture, assembly, operation, repair, testing, maintenance, or modification of controlled items.
IV.  POLICY

It is the policy of American University to promote an environment conducive to the free exchange of ideas while fully complying with applicable U.S. export control laws. It is the responsibility of all students, faculty, staff, and administrators to be aware of and comply with these laws and the University’s policies and procedures. Violation of this policy may have severe criminal, civil, and administrative sanctions, including possible disciplinary action.

1. General Provisions:

A. All University students, faculty, visitors, employees, agents, and representatives shall comply at all times with applicable U.S. export control laws as well as the University’s policies and procedures, including the International Travel Policy.

B. All University faculty, staff, administrators, agents, and students shall remain aware of export control laws and University policies and procedures. Ignorance of applicable export control laws, policies, or procedures may be an insufficient defense to any subsequent administrative, disciplinary, civil, or criminal actions.

C. All University faculty, staff, administrators, agents, and students shall exercise reasonable judgment and prudence about any undertaking with potential export control implications. Such individuals shall consult with the Office of the Provost: Graduate Studies and Research, export control reviewer in the Office of Risk Management or with the Office of General Counsel if they have questions about whether an initiative has export control implications.

D. If a proposed initiative has export control implications, the responsible individual shall comply with the University’s export control procedures.

E. If a proposed initiative involves completing a visa application for an H1B nonimmigrant employee, AU is required to complete a “deemed export attestation.” Find applicable visa application information at Export Control Questionnaire for Visa Applications.

F. All University students, faculty, visitors, employees, agents, and representatives have a duty of candor, cooperation, and honesty, and a continuing duty to supplement responses. This means such individuals shall be responsible for updating and/or correcting information provided in relation to any export control matter.
V. EFFECTIVE DATE AND APPROVAL

This Policy is effective 04/01/2011.

This policy needs to be signed by the appropriate officer (listed below) before it is considered approved.

Approved:

[Signature]
Provost

[Signature]
CFO, Vice President and Treasurer

Date approved: 04/08/2011
Policy on Export Controls  Appendix A

There are three primary sets of Federal regulations currently governing export controls with additional miscellaneous restrictions as follows:

A. The Export Administration Regulations (EAR). The EAR is a set of regulations administered by the Commerce Department through the Bureau of Industry and Security. These regulations control “dual use” items and the technology related to these items that often have both civilian and military uses, such as computers, toxins, and chemicals. A listing of the items controlled by the EAR is called the Commerce Control List (CCL). The CCL includes essentially all civilian science, technology, and engineering dual use items. For goods and technology listed on the CCL, a license will be required for export, unless an exclusion or exemption applies.

Those items not explicitly included on the CCL are included in the broad category known as “EAR99.” Though a license may not generally be required for EAR99 designated items, a license will be required if the item will be shipped or otherwise transferred to a comprehensively embargoed country (See Section C. of this document).

To determine whether the EAR applies to the export of a particular item, the CCL must be searched to determine the appropriate Export Control Classification Number (ECCN) by an individual knowledgeable about the item’s performance specifications, characteristics and capabilities and the destination, use, and user of the exported item. The CCL can be found at Part 774 of the EAR available at the following url: http://www.gpo.gov/bis/ear/ear_data.html.

The CCL is divided into ten general categories designated by the first digit of the Export Control Classification Number (ECCN): (0) Nuclear Materials, Facilities and Equipment and Miscellaneous; (1) Materials, Chemicals, Microorganisms, and Toxins; (2) Materials Processing; (3) Electronics; (4) Computers; (5) Telecommunications and Information Security; (6) Lasers and Sensors; (7) Navigation and Avionics; (8) Marine; (9) Propulsion Systems, Space Vehicles and Related Equipment. The second character of the ECCN is from one of the five letter groups: (A) Equipment, Assemblies and Components; (B) Test, Inspection and Production Equipment; (C) Materials; (D) Software; and (E) Technology.

For example, ECCN 8A001 is a Marine item dealing with ocean-going submersible vehicles. Marine is designated by the category “8” in the ECCN. The second character, “A” further defines the item as being specifically equipment, assemblies or components of that specific Marine item. The additional characters identify the specific entries within a given category.

Once an ECCN has been identified, the next step is to identify the reasons for control that are indicated in the specific ECCN description. For example, “AT” is the designation used for anti-terrorism and “NP” is used for nuclear nonproliferation. The EAR country
chart (Supplement 1 or part 738) is then consulted to determine if the specific reason for control applies to the country of destination. This is noted by an “X” in the appropriate box of the column listed on the country chart.

After determining that the item is listed on the CCL and at least one of the reasons for control exist for the destination of the item, determination of whether a license is needed is accomplished by consulting the prohibitions (Section 736) and exceptions (Section 740) contained in the regulations. Just because an item is listed on the CCL it does not necessarily mean that a license is required. A person may still undertake these activities without a license unless the regulations affirmatively state otherwise. To make the final determination, the prohibitions and list of exceptions are then consulted for a final license determination.

Supplement 1 of Section 732 also includes a decision tree that may be referred to in completing this determination.

B. The International Traffic in Arms Regulations (ITAR). ITAR is a set of regulations administered through the State Department and its office of Directorate of Defense Trade Controls (DDTC). These regulations are designated for munitions and for defense articles and services as well as for certain space-related items. Military and other items controlled by DDTC are listed on the U.S. Munitions List. Any service, article, or technical data specifically designed, developed, configured, adapted, or modified for a military or intelligence application, or for use in space, is generally subject to ITAR. Items Controlled by ITAR do not have primarily civilian applications and do not have performance equivalents of articles used in civil applications. Designated ITAR controlled items are listed on the U.S. Munitions List.

Unlike items appearing on the CCL, the intended use of an item listed on the U.S. Munitions List after it has been exported (i.e., whether it is for civilian or military purposes) is not relevant in determining the control of the item. The ITAR regulations and the ITAR-controlled items (Section 121.1) are available at the following url: http://www.pmddtc.state.gov/regulations_laws/itar_official.html.

There are 21 categories of ITAR-controlled items – one category (XIX) is blank, reserved for future use. The ITAR categories of controlled items are listed below:

- 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—Vessels of war and special naval equipment
- Category VII— Tanks and military vehicles
- Category VIII—Aircraft and associated equipment
- Category IX—Military training equipment and training
• Category X—Protective personnel equipment and shelters
• Category XI—Military electronics
• Category XII—Fire control, range finder, optical and guidance and control equipment
• Category XIII—Auxiliary military equipment
• Category XIV—Toxicological agents, including chemical agents, biological agents, and associated equipment
• Category XV—Spacecraft systems and associated equipment
• Category XVI—Nuclear weapons, design and testing related items
• Category XVII—Classified articles, technical data and defense services not otherwise enumerated
• Category XIX—[Reserved]
• Category XX—Submersible vessels, oceanographic and associated equipment
• Category XXI—Miscellaneous articles

C. The Office of Foreign Asset Control (OFAC). OFAC, within the Treasury Department, is responsible for the oversight of regulations pertaining to embargoed and sanctioned countries and to individual persons and entities who are from these countries or who have violated other laws. Specifically, OFAC administers and enforces economic and trade sanctions based on U.S. foreign policy and other national security goals.

A listing of OFAC countries and “Specially Designated Nationals” along with related crime enforcement advisories is available at the following url: http://www.treas.gov/offices/enforcement/ofac/.

The current list of countries (November 2010) under U.S. sanctions or embargoes is as follows: The Balkans, Belarus, Burma, Ivory Coast, Cuba, Congo, Iran, Iraq, Lebanon, North Korea, Somalia, Sudan, Syria, and Zimbabwe. Because this list may change frequently, individuals should consult the most recent list at: http://www.ustreas.gov/offices/enforcement/ofac/programs/.

Exclusions and exceptions available under the other export control regulations (ITAR and EAR) do not necessarily apply to OFAC designated entities. In addition to the lists for embargoed countries and Specially Designated Nationals (SDN) maintained by OFAC, a number of other Federal agencies (e.g., FBI, ATF, GSA, FDA, etc.) also maintain lists of sanctioned or wanted individuals and entities that U.S. citizens are expected to consult when conducting business abroad.

Please review Export Control Regulations—Procedures and Questionnaires
Export Control Regulations – Procedures and Questionnaires

Please review the following information to determine if your activity is subject to export control regulations. After reviewing the information, complete the Export Control Questionnaire Part I.

A. Activities Subject to Export Controls at American University:

1) when shipping controlled items such as equipment, components, technical data, or related information abroad;
2) when faculty, staff, or students travel abroad and take such items along, whether for transfer to the foreign location or for the traveling individual's own personal use while traveling abroad; or,
3) when “deemed exports” occur in this country when controlled items are transferred to foreign persons on U.S. soil, including on the AU campus.

B. Exclusions and Exceptions

Exclusions from EAR and ITAR regulatory provisions include 1) “fundamental research” being conducted at a college or university and, 2) “educational information” exchanged within a publically published course catalogue of the institution. Due to these exclusions, most of the information exchanged on campus at AU is not subject to these regulations. Limits to these exclusions may exist, however, for confidential or proprietary information received from third parties for need-to-know use in AU research programs or for certain encryption technology.

1) The fundamental research exclusion (FRE) of an accredited institution of higher learning applies to all published information already in the public domain and to all information ordinarily published and shared broadly in the scientific community resulting from basic and applied research in science and engineering. It does not apply to research, the results of which are restricted for confidential or proprietary reasons, or where specific U.S. government access or distribution controls exist.

   It is important to note that the fundamental research exclusion does not apply to private consulting activities undertaken by University faculty solely on behalf of external companies or organizations, or to activities not conducted on the campus of an accredited institution of higher learning.

2) Information commonly taught in courses of the institution or already in the public domain is excluded from export control regulations.
3) Other exceptions contained in the regulations, beyond the exclusions noted above, also exist. Of note, a temporary exception exists to provide a license exception for tools of the trade being used by researchers for short-term, limited personal use while abroad (e.g., laptops or other hand-held devices for short-term limited use). These exceptions may be voided for a particular country of interest, or for one of the following reasons:

- For the use or user of the export or re-export (e.g., the use may be for military or defense related purposes or the user may be debarred or suspended);
- Because it is subject to one or more of the General Prohibitions contained in the EAR;
- Because the authorization to use the license exception has been suspended or revoked;
- Because the country is otherwise subject to a comprehensive embargo; or,
- For other reasons as noted in the regulations.
The following will walk you through a series of “Yes” or “No” questions, leading to a determination of whether or not an export control license is applicable to any particular situation. Remember that export controls may apply when an item, information or software is being sent outside U.S. borders, OR when it is being shared with “foreign individuals” in the U.S. Please be aware that procuring a license may take several months. Questions should be directed to the export control reviewer in the Office of Risk Management.

<table>
<thead>
<tr>
<th>Question</th>
<th>Yes</th>
<th>No</th>
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<tbody>
<tr>
<td>1. Are you sharing, shipping, transmitting or transferring AU-developed, non-commercial encryption software in source code or object code?</td>
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<td>2. Do you know or have any reason to believe that the item, information or software to be shared, shipped, transmitted will support the design, development, production, stockpiling or use of a nuclear explosive device, chemical or biological weapons or missiles?</td>
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<td>3. Was the item, information or software to be shared, shipped, transmitted or transferred developed under a sponsored agreement imposing publication restrictions beyond a brief review (up to 90 days) for patent protection and/or inadvertent release of confidential/proprietary information?</td>
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<td>4. Did an external sponsor, vendor, collaborator or other third party provide, under a Non-Disclosure Agreement or a Confidentiality Agreement, the item, information or software to be shared, shipped, transmitted or transferred?</td>
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<td>5. Is the item being shared, shipped, transmitted or transferred a defense article other than information or software on the ITAR’s US Munitions List (USML)? <a href="http://www.pmddtc.state.gov/regulations_laws/itar_official.html">link</a></td>
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<td>6. Is the information or software being shared, shipped, transmitted or transferred technical data on the ITAR’s U.S. Munitions List (USML)?</td>
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<td>7. Are you shipping or transferring items on the Commerce Control List (CCL) of the Export Administration Regulations (EAR)? <a href="http://www.gpo.gov/bis/ear/ear_data.html">link</a></td>
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<td>8. Are you sharing, transmitting or transferring technology (information) or software code on the Commerce Control List (CCL)?</td>
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<td>9. Is the disclosure, shipment, transmission, or transfer to an entity or person in a country subject to U.S. economic or trade sanctions or identified by the U.S. Department of State as a “State Sponsor of Terrorism.” <a href="http://www.treas.gov/offices/enforcement/ofac/">link</a></td>
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If you answered “No” to all of the questions above, no Export Control License is needed. Stop here.
If you answered “Yes” to any of the questions above, a license may be needed. Please complete the Export Control Questionnaire Part II and contact the Risk Management Office at x2706 for further instructions.

Export Control Questionnaire
American University
Part II

Purpose of Travel: _________________________________________________________

Sponsor: _________________________________________________________________

Activity Type (choose one): O Basic research
O Clinical research
O Training
O Clinical services
O Conference
O Other (Explain) ___________________________________

Name, Title and Phone of person completing this form: ______________________________
________________________________________________________________________

If you answer “yes” to any question below, attach a separate sheet to describe the item or activity, how and where the item will be used, where activities will take place and the names, titles and affiliations of persons involved.

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<thead>
<tr>
<th>Question</th>
<th>Yes</th>
<th>No</th>
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<tr>
<td>1. This project involves shipping equipment, chemicals, biological</td>
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<td>materials, encrypted software, or other materials internationally. If</td>
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<td>YES, list all items and locations to which they will be shipped.</td>
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<td>2. I plan to collaborate with researchers or organizations from</td>
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<td>outside the United States. If YES, list the organizations and/or</td>
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<td>researchers and countries.</td>
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<td>3. I expect to have foreign national(s) participate in the project.</td>
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<td>4. I expect to host visiting scientists who are or may be foreign</td>
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<tr>
<td>nationals.</td>
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<td>5. AU faculty, staff, or student will perform this project, or part</td>
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<td>of this project, at a non-U.S. site. If YES, describe the project</td>
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<td>activities, faculty, staff or student involved, and location of site(s).</td>
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<td>6. AU faculty, staff, or student will travel internationally as part</td>
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<td>of this project, such as for a professional meeting or for training.</td>
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<td>If YES, describe the planned travel (personnel, location and purpose).</td>
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<td>7. AU faculty, staff, or student will take abroad equipment including,</td>
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<td>but not limited to, a computer, camera, PDA, global positioning</td>
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<td>device, distiller, fermenter, incubator, centrifuge or oscilloscope.</td>
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<td>If YES, specify.</td>
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<tr>
<td>8.</td>
<td>AU faculty, staff, or student will take abroad encryption software in electronic or hard copy form, or information that describes encryption software. If YES, describe circumstances.</td>
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<td>9.</td>
<td>AU faculty, staff, or student will take abroad a computer that will not be under the exclusive use and control of a full-time AU employee. If YES, describe circumstances.</td>
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<tr>
<td>10.</td>
<td>AU faculty, staff, or student will take abroad a select agent or toxicological agent, including a chemical, biological, virus, toxin or associated equipment. If YES, specify.</td>
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<td>11.</td>
<td>This project involves research on or testing of an item for military use (or dual use).</td>
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Number of separate sheets attached: _____

I have read this form and the responses, including all attached sheets, and I understand and agree the information provided is accurate and complete.

____________________________________________
Signature

____________________________________________
Printed Name

____________________________________________
Date
Export Control Questionnaire for Visa Application

SECTION A
Purpose of Questionnaire

United States export control laws prohibit foreign nationals from receiving information concerning certain technologies to protect U.S. trade and to ensure national security. If an American University visa applicant’s studies or work involves these certain technology and technical data, an export license from the Departments of Commerce, State, or Treasury may be required, unless there is an applicable exemption. As part of the visa application process for an H1B nonimmigrant employee (“Beneficiary”), the U.S. Citizenship and Immigration Service (“USCIS”) requires American University to complete a “deemed export attestation”. A "deemed export" occurs when controlled technology or technical data is released to a foreign national in the United States, and this release is considered an export of the technology or technical data to the foreign national's country of birth or residence. AU will be required to certify that the University has reviewed the export control laws and determined either 1) an export license is not required or 2) an export license is required and that the University will not release technology and controlled data to the foreign national until such a license has been obtained.

This questionnaire is intended to provide the export control reviewer (Risk Management Office) with enough information to assist in evaluating whether an export license is required or if further information may be necessary to make this determination. Therefore, it is critical that the hiring unit provide complete and accurate information about the Beneficiary and his or her work responsibilities.

Failure to comply with the export control regulations may lead to significant civil and/or criminal penalties up to $250,000 per violation, criminal penalties up to $1,000,000 per violation; prison term up to 20 years; denial of export privileges; and debarment from U.S. government contracts.

SECTION B
Instructions

1. This questionnaire should be completed/signed by the person who will be supervising the visa applicant or Beneficiary, or who is otherwise knowledgeable about the Beneficiary’s intended work, area of research, and projects throughout the term of the Beneficiary’s AU employment. For faculty and staff (working on research activities), the required signatories of this form include department head/direct supervisor, the Dean, and VP of Graduate Studies and Research. All other staff, the required signatories of this form include the department head/direct supervisor and responsible Vice President.

2. Use additional sheets as needed to answer each question.

3. Departmental personnel should retain a copy of the completed and signed Questionnaire for their records.

4. Submitted completed form to Risk Management at 3201 New Mexico Avenue, Suite 350, Washington, DC 20016-8151, by fax to (202)885-3278, or as a pdf to anewman@american.edu. Risk Management will make a recommendation to the academic unit dean or department head regarding whether an export license is required. Risk Management will return the completed questionnaire along with a recommendation regarding export control licensing to the academic unit dean or department head, with a copy to the Office
of General Counsel.

5. Questions about the application of export control laws to the Beneficiary’s activities should be directed to either Risk Management (Tony Newman, Director, Risk Management & Environmental Health & Safety Services, (202)885-2706) or the Office of General Counsel (Bethany Bridgham, Sr. Associate General Counsel, (202)885-3252).

7. Questions about the visa application process should be directed to the Office of General Counsel (Thi Nguyen-Southern, Associate General Counsel, (202)885-3297).

**SECTION C**

The following questions should be answered by the person who will be supervising the Beneficiary, or who is otherwise knowledgeable about the Beneficiary’s intended work.

1. Beneficiary’s name: Click here to enter text.
2. Beneficiary’s Date of Birth: Click here to enter text.
3. Beneficiary’s Country of Birth: Click here to enter text.
4. Beneficiary’s Country(ies) of Citizenship: Click here to enter text.
5. Beneficiary’s Country of legal permanent residence: Click here to enter text.
6. Beneficiary’s Country of most recent residence: Click here to enter text.
7. Anticipated Start Date: Click here to enter text.
8. Provide the Beneficiary’s curriculum vitae. Click here to enter text.
9. Provide a detailed job description, areas of research, and whether the research results will be taught, published, or otherwise shared with the interested public. Click here to enter text.
10. Does the Beneficiary’s AU work (e.g., research) involve a country that is subject to U.S. economic sanctions¹, on the EAR “Embargoed Country List”², on the ITAR “Embargoed Country List”³ or a person or entity on the U.S. government denied persons lists⁴?
   - [ ] no
   - [ ] yes (explain)
   Click here to enter text.

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³ [http://www.access.gpo.gov/nara/cfr/waisidx_02/22cfr126_02.html](http://www.access.gpo.gov/nara/cfr/waisidx_02/22cfr126_02.html)

⁴ [http://www.export.gov/eg/203148.asp](http://www.export.gov/eg/203148.asp)
11. Licenses from the Department of Commerce may be required for foreign nationals who are working on projects that involve “dual-use” technologies that have potential applications to military/terrorist/criminal purposes in addition to the usual commercial uses. Does the intended work of the Beneficiary fall into any of the broad categories listed in Note 1?

☐ No ☐ Yes - please explain
Click here to enter text.

If yes, was any item(s), information or software to be shared, transmitted or transferred to the Beneficiary developed under a sponsored agreement or government contract imposing publication restrictions beyond a brief review (up to 90 days) for patent protection and/or inadvertent release of confidential/proprietary information?

☐ No ☐ Yes - please explain
Click here to enter text.

12. Has an external sponsor, vendor, collaborator or other third party required the signing or execution of a Non-Disclosure Agreement or a Confidentiality Agreement, or similar agreement that prevents publication of or transfer of the item(s), information or software that will be shared, shipped, transmitted or transferred to the Beneficiary?

☐ No ☐ Yes – please explain
Click here to enter text.

13. Licenses from the Department of State may be required for foreign nationals who are working on projects that involve technologies that are listed on the United States Munitions List (USML) that have potential military or space applications. Does the intended work of the Beneficiary fall into any of the broad categories listed in Note 2?

☐ No ☐ Yes - please explain
Click here to enter text.

If yes, is the USML-listed items, information or software being shared, transmitted, or transferred to the visa applicant either published, patented or generally accessible and available to the public?

Yes ☐ No- ☐ please explain
Click here to enter text.

14. Will the Beneficiary be receiving, sharing, transmitting, or transferring AU-developed encryption software and/or traveling outside of the country with such software?

☐ No ☐ Yes- please explain
Click here to enter text.

15. Do you know or have any reason to believe that the item, information, or software to be shared with the Beneficiary will support the design, development, production, stockpiling, or use of a nuclear explosive device, chemical or biological weapons, or missiles?
☐ No ☐ Yes/ maybe- please explain

Click here to enter text.

16. List all grants (if known at this time) that Beneficiary will be working on:

Click here to enter text.
Attestation as to Accuracy
of the American University Export Control Questionnaire for Visa Application

I work, or will work, in a capacity that enables me to anticipate the particulars of the employment of Click here to enter text. (“Beneficiary”), a citizen of Click here to enter text., should he/she be granted permission from the U.S. Government to work within American University. I affirm that the contents of the foregoing Questionnaire are true, to the best of my knowledge, information, and belief. If at any time during Beneficiary’s employment I become aware that technology or technical data have/arc/or will be released to Employee in ways that were not anticipated by my answers to the Questionnaire, I will immediately notify the Vice Provost for Graduate Studies & Research and the Office of Risk Management.

Certifier’s Name and Position Title

___________________________
Certifier’s Signature

Click here to enter text.
Date

Completed by additional certifier if needed:

Certifier’s Name and Position Title

___________________________
Certifier’s Signature

Click here to enter text.
Date

Completed by additional certifier if needed:

Certifier’s Name and Position Title

___________________________
Certifier’s Signature

Click here to enter text.
Date
Risk Management Office’s Recommendation as to Deemed Export Certification

In reliance upon the answers provided in the Export Control Questionnaire above, the AU Office of Risk Management (“RMO”) recommends that, as to Part 6 of the I-129, which American University presently seeks to submit on behalf of Click here to enter text.(print name of foreign national), the most appropriate certification is as indicated below (check either box 1 or box 2).

Check Box 1 or Box 2 as appropriate:

With respect to the technology or technical data the petitioner will release or otherwise provide access to the beneficiary, the petitioner certifies that it has reviewed the Export Administration Regulations (EAR) and the International Traffic in Arms Regulations (ITAR) and has determined that:

☐ 1. A license is not required from either U.S. Department of Commerce or the U.S. Department of State to release such technology or technical data to the foreign person; or

☐ 2. 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 beneficiary and the petitioner will prevent access to the controlled technology or technical data by the beneficiary until and unless the petitioner has received the required license or other authorization to release it to the beneficiary.

Click here to enter text.
Name of RMO Representative & Position Title

_____________________________________
RMO Representative Signature

Click here to enter text.
Date
Note 1:

CCL list
0-Nuclear Materials, Facilities and Equipment and Miscellaneous
1-Materials, Chemicals, “Microorganisms,” and Toxins
2-Materials Processing
3-Electronics
4-Computers
5-Telecommunications and Information Security
6-Lasers and Sensors
7-Navigation and Avionics
8-Marine
9-Propulsion Systems, Space Vehicles and Related Equipment

Note 2:

USML list
Category I-Firearms
Category II-Artillery Projectors
Category III-Ammunition
Category IV-Launch Vehicles, Guided Missiles, Ballistic Missiles, Rockets, Torpedoes, Bombs and Mines
Category V-Explosives, Propellants, Incendiary Agents, and Their Constituents
Category VI-Vessels of War and Special Naval Equipment
Category VII-Tanks and Military Vehicles
Category VIII-Aircraft, [Spacecraft] and Associated Equipment
Category IX-Military Training Equipment
Category X-Protective Personnel Equipment
Category XI-Military and Space Electronics
Category XII-Fire Control, Range Finder, Optical and Guidance and Control Equipment
Category XIII-Auxiliary Military Equipment
Category XIV-Toxicological Agents and Equipment and Radiological Equipment
Category XV-Spacecraft Systems and Associated Equipment
Category XVI-Nuclear Weapons Design and Test Equipment
Category XVII-Classified Articles, Technical Data and Defense Services Not Otherwise Enumerated
Category XX-Submersible Vessels, Oceanographic and Associated Equipment
Category XXI-Miscellaneous Articles