



## ACADEMIC DEPARTMENTS REQUESTING A DS-2019 FOR A J-1 EXCHANGE VISITOR

An Export Control Questionnaire was created by the University's Office of General Counsel (OGC) and added to the DS-2019 application. The Export Control Questionnaire must be submitted with all DS-2019 applications received by the ISSS office **on or after November 7, 2016** and receipt of the questionnaire and clearance of the Exchange Visitor is a condition of issuing the DS-2019.

All Exchange Visitors are subject to Export Control, including Research Scholars, Short Term Scholars, Professors, Specialists, Students, and Student Interns. The Questionnaire must be completed and signed by the **Primary Investigator (PI), supervisor**, or other department representative with intimate knowledge of the Exchange Visitor's research.

To provide some context, the University of Utah must comply with United States Export Control regulations, and the Questionnaire is designed to facilitate compliance with export control regulations. These regulations concern transfer or access to export controlled equipment and technologies by foreign nationals. When the University sponsors a J-1 Exchange Visitor (EV), we must (i) review 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) determine whether or not a license is required to allow the foreign national Exchange Visitor access to export controlled items or technology (laboratory equipment/research instruments, materials, software or technology/technical data).

As a general principle, the University of Utah adheres to principles of openness in research based on its mission of education, research and public service. Consistent with these principles, the University will not generally enter into a contract nor accept a grant to carry out research if the grant or contract restricts the freedom of the University to publish results or limits the participation of researchers on the basis of citizenship. However, there are exceptions to this general position that trigger export control restrictions, so each EV must be evaluated.

If research is subject to Export Control regulations, and an exemption is not available, the government will require the University to obtain a license before allowing foreign nationals to participate in the controlled research. Licenses are not easily obtained and require careful preparation and a significant amount of lead-time. Noncompliance with export control regulations subjects both individuals and the University to penalties, which may include monetary and criminal punishment.

*Information about Export Controls and the University's commitment to compliance can be found at: <http://osp.utah.edu/policies/export-controls.php>.*

Thank you for your cooperation and please let us know if there are any questions.

Best,

**J-1 Scholar Team**



J-1 VISA/EXPORT CONTROL QUESTIONNAIRE

The questionnaire must be completed and signed by the Supervisor/Principal Investigator or other appropriate University authority with direct oversight of the foreign national exchange visitor's work. This is required for all Exchange Visitors (Research Scholars, Short Term Scholars, Professors, Students, and Student Interns)

SECTION I

Name of Exchange Visitor: \_\_\_\_\_
Title: \_\_\_\_\_
Countries of Citizenship (include dates): \_\_\_\_\_
Country of Birth: \_\_\_\_\_
Name and Title of person filling out the form: \_\_\_\_\_

- 1. Is the J-1 exchange visitor ("EV") (i) classified as a J-1 Student "Non-degree" or "Bachelor", and (ii) not currently applying for academic training, and (iii) not a Student Intern? (If "Yes," proceed to Section VI)
2. Will the EV be working in the core sciences (medical and non-medical), e.g., biomedical sciences, computer sciences, space or space launch sciences, engineering (chemical, electrical, mechanical, semiconductor, nuclear), material sciences, atmospheric sciences/astronomy, geophysics, physics, chemistry, medicine, nanotechnology, marine science, artificial intelligence, robotics, etc. and including IT services in these departments/fields.

Check one:

- No, the EV's program will not involve, expose or potentially expose the applicant to any core scientific discipline, including but not limited to the ones listed above. Please sign and date this form in Section VI.
Yes, the EV's program will involve, expose or potentially expose the beneficiary to a core scientific discipline (including but not limited to one or more of those listed above). Proceed to Section II.

SECTION II

- 3. Will the EV engage in research? (If "No," proceed to Section III)
4. Is the research to be performed or funded, in whole or in part, by another university, nonacademic research institution, company, or the federal or state government?

If yes, please provide:

If the entity is located abroad, please identify name and location

If the EV is collaborating with an institution abroad as part of the research, in what capacity?



Please provide us with a copy of any contract governing the research collaboration or funding.

If there a Project ID#, please provide it: \_\_\_\_\_

Project Title \_\_\_\_\_

Name of the PI \_\_\_\_\_

**SECTION II**

- 5. Will the research results be taught, published or otherwise shared with the interested public?  Yes  No
- 6. Are there any restrictions on publication of your research results? (Examples include, but are not limited to an absolute publication restriction or time delay or opportunity for review and/ or comment by third party or sponsor.)  Yes  No  
(If "Yes", please provide a copy of any agreement).
- 7. Are there any citizenship restrictions on who can access the technology or technical data being used in your research or research results? (If "Yes", please provide a copy of any agreement).  Yes  No
- 8. Is any aspect of your research subject to any Non-Disclosure Agreement (NDA) or other confidentiality agreement that permits access to confidential, not publicly available information, data or software from a sponsor/third-party?  Yes  No
- 9. If you answered "yes" to question 8, will the EV have access to confidential, not-publicly available information, data or software? (If "Yes", please provide a copy of any NDA or other confidentiality agreement).  Yes  No
- 10. Where the research results in software, will the software be commercialized and licensed?  Yes  No

**SECTION III**

- 11. Does the EV have citizenship from any of the following countries: Cuba, Iran, North Korea, Syria or Sudan?  Yes  No
- 12. Will the EV have access to proprietary technology for the development of cryptography or proprietary source code containing cryptographic functionality (whether or not actually required for the work assignment and whether through hard or soft copy)?  Yes  No

**SECTION IV**

- 13. Will the EV have access to technical data or information that has been stamped or otherwise designated by the sponsor/third party as "export controlled"? This includes U.S. government or sponsor/collaborator furnished technical data with dissemination controls or other restrictive markings, as well as ITAR-controlled software.  Yes  No
- 14. Will the EV have access to one or more laboratory instruments where the all 6 of the following activities occur (all 6 relative to one particular instrument): operation, installation, maintenance, repair, overhaul and refurbishing?  Yes  No



If yes, what is (are) the instrument(s)? Please include the name, manufacturer, model, university inventory number (if any), supplier (if available), serial number (if available), and a copy of the purchasing paperwork (if available).

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And, will the EV be given specific information about the instrument that will support these activities (e.g., manual, schematics provided by the vendor, software code)?

Yes  No

If yes, what will the EV be given?

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**SECTION V**

**15.** Confirm that you have reviewed the link below to the U.S. Department of State’s (ITAR) Munitions List of “defense articles.” Defense articles include any item (equipment, instruments, materials, software, and/or technical data) specifically designed, developed, or modified for military or space applications. The term “defense articles” also includes any item that is built/compiled or designed/modified to military specifications as well as space launch applications, such as military-grade electronics and components. The fact that the item is commercially available does not remove it from this list.

Yes  No

[http://www.pmdotc.state.gov/regulations\\_laws/documents/official\\_itar/2013/ITAR\\_Part\\_121.pdf](http://www.pmdotc.state.gov/regulations_laws/documents/official_itar/2013/ITAR_Part_121.pdf)

**16.** Based on the foregoing definitions per Question 15, will the EV be provided access to ITAR “defense articles”? “Access” means any visual or physical access to the item, regardless of whether such access required for the program.

Yes  No

**17.** Will the EV have access to confidential, not-publicly available equipment, Information, data or software that is ITAR controlled “technical data” related to a “defense article” that was commercially procured or received through intra-institutional collaboration? Please note that information or data can exist in any form (e.g., blue print, sketches, specifications, documented technology, vendor operational manual/instructions, data results) and can be conveyed through hard copy, soft copy, or spoken communication.

Yes  No

**SECTION VI: CERTIFICATION**

I hereby certify that I am personally knowledgeable of the duties and other particulars of the J-1 program of the foreign national 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) any individual (including a PI) found to have caused or facilitated a violation, and/or (ii) the University of Utah.

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Supervisor/PI (printed name)      Signature      Title      Date MM/DD/YY