



**J-1 Visiting Researcher (Scholar) Export Controls Questionnaire**

*In certain instances, Mines is required to obtain special licensing from the United States government where the visiting researcher has the potential to be exposed to technology falling under federal export control requirements. Exposure to restricted technology may include data, instruments, software, materials, or other sources.*

*If Mines is required to obtain a license, this does not mean your researcher cannot join Mines for your project. The Mines Office of Research and Technology Transfer (RTT) will work with you directly to ensure all export controls requirements are addressed in order to support your project, your researcher, and ensure the compliance of the institution. Please direct all questions, concerns, or feedback in relation to this form and/or export controls requirements to [exportcontrols@mines.edu](mailto:exportcontrols@mines.edu).*

**Instructions**

The Principal Investigator (PI) who will provide direction and oversight of the project and the visiting scholar’s research throughout the duration of the exchange program should complete this form.

Visiting Scholar Full Name	Scholar’s prior or current INTERNATIONAL academic institution
<b>Please provide a brief statement outlining the research in which the incoming visiting scholar will engage under your supervision:</b>	
<b>Is the visiting scholar being funded by the U.S Government as part of an international educational exchange program? <sup>1</sup></b>	
<input type="checkbox"/> Yes. Agency? _____ \$ Amount: _____	<input type="checkbox"/> No
<b>To the best of your knowledge, will this research expose the incoming visiting scholar to export-restricted items including instruments, software, materials, or restricted data? <i>If you are uncertain, please contact Export Controls at <a href="mailto:exportcontrols@mines.edu">exportcontrols@mines.edu</a>.</i></b>	
<input type="checkbox"/> Yes	<input type="checkbox"/> No

<sup>1</sup> Note: "General institutional support, such as a research assistantship funded through a National Science Foundation grant to a department or professor, should not be considered government financing of the individual unless it was specifically designated for an international educational exchange program."



Please review the following information and, if you agree with a statement, enter your initials in the left-hand column for that field. If the statement is inaccurate, please explain the reason in the field below each statement.

Initials ( <i>agree</i> ):	The prospective visitor will <b>not</b> be working under a sponsored research agreement that restricts or prohibits the participation of foreign persons.
<i>Reason (explain why the statement above is inaccurate, if applicable):</i>	
Initials ( <i>agree</i> ):	The prospective visitor will <b>not</b> be working under a sponsored research agreement 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 any proprietary data.
<i>Reason (explain why the statement above is inaccurate, if applicable):</i>	
Initials ( <i>agree</i> ):	In performing the research under the J-1 visa, the prospective visitor will <b>not</b> have access to: <ul style="list-style-type: none"><li>• Technical data or information that has been marked or otherwise designated by Mines or an external sponsor or collaborating institution as being "export controlled" (definition on Page 3);</li><li>• Sponsor or third-party proprietary or confidential information, materials, or software that is the subject of an NDA or equivalent confidentiality agreement;</li><li>• Third party, proprietary technology for the use or development of cryptography, or source code containing cryptographic functionality; or</li><li>• Third party, proprietary information pertaining to the "use" or "development" or "production" of instruments, materials (including biological materials and chemicals), software or scientific processes (technology) that is <b>not</b> in itself the subject or result of fundamental research eligible for publication (definitions on Page 3).</li></ul>
<i>Reason (explain why the statement above is inaccurate, if applicable):</i>	
Initials ( <i>agree</i> ):	In performing the research at the Colorado School of Mines, the prospective visitor will <b>not</b> have 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 <b>ITAR</b> .
<i>Reason (explain why the statement above is inaccurate, if applicable):</i>	



**ATTESTATION**

I hereby certify that I am personally knowledgeable with the job duties and other particulars of employment of the prospective visitor listed above, and hereby affirm that the contents of the foregoing certification questionnaire are true to the best of my knowledge, information and belief. In the event that there are any substantial changes to the foregoing information following submission of this form, I will report such changes to the Research Compliance Officer in a timely fashion.

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 found to have caused or facilitated a violation, and/or (ii) Mines.

Date	Signature of the PI	Name (Printed)



**Glossary of Terms**

Term	Definition
Export Controls	An area of United States legislation regulating the export of goods, software and technology.
Sponsored Research Agreement	Grant, contract, or cooperative agreement
NDA	Non-Disclosure Agreement
ITAR	International Traffic in Arm Regulations; ITAR covers any item specially designed, developed or modified for military, defense or space applications (e.g. equipment, instruments, materials, software, and/or technical data) <ul style="list-style-type: none"> <li>• ITAR may include such items whether procured from a vendor, or otherwise received from a research sponsor or collaborating research institution.</li> <li>• <b>Note:</b> <i>any technology that has been invented as the result of fundamental research and is the subject of a research publication (i.e. already in the public domain) may be exempt from this access restriction, pending confirmation by the Export Administrator. Please contact RTT if there are any questions about whether such information meets this public domain standard.</i></li> </ul>
USML	<a href="#">United States Munitions List</a>
“Restricts” // “Prohibits”	Used in grants and contracts under restriction clauses pertaining to the participation of non-U.S. persons participating in the research
“Access”	Includes, <i>but is not limited to</i> , contact, right of use, or right of entry to technology that may or may not be required for the research assignment, regardless of technology format
“Use”	Includes, <i>but is not limited to</i> , types of activities occurring beyond merely operating a device or software (i.e. installation, maintenance, repair, or overhaul/refurbishing)
“Development”	Includes, <i>but is not limited to</i> , all research stages prior to production (i.e. 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, etc.
“Production”	Includes, <i>but is not limited to</i> , product engineering, manufacture, integration, assembly (mounting), inspection, testing, quality assurance
“Technical Data”	Includes, <i>but is not limited to</i> , blue prints, sketches, specifications, documented technology, vendor operational manual/instructions, data results

**Additional Resources – Regulations from four main agencies**

- U.S. Department of State:
  - [https://www.pmdtc.state.gov/ddtc\\_public?id=ddtc\\_kb\\_article\\_page&sys\\_id=%2024d528fddbfc930044f9ff621f961987](https://www.pmdtc.state.gov/ddtc_public?id=ddtc_kb_article_page&sys_id=%2024d528fddbfc930044f9ff621f961987)
- U.S. Department of Commerce:
  - <https://www.bis.doc.gov/index.php/regulations/export-administration-regulations-ear>
- U.S. Department of Energy:
  - <https://www.energy.gov/nnsa/10-cfr-part-810>
- U.S. Department of the Treasury:
  - <https://home.treasury.gov/policy-issues/financial-sanctions/sanctions-programs-and-country-information>