

Deemed Export Attestation  
Instructions

1. Principal Investigator: Please complete, sign and date the attached questionnaire and forward to your Department Chair for signature.
2. Department Chair: Please review, sign and date the completed questionnaire.
3. Principal Investigator or Department Chair: Please forward a copy of the completed questionnaire to both the Office of Research and Sponsored Programs ([inors@lehigh.edu](mailto:inors@lehigh.edu) or 526 Brodhead Avenue) and the Office of General Counsel ([inogc@lehigh.edu](mailto:inogc@lehigh.edu) or 27 Memorial Drive West).
4. General Counsel's Office: Complete, sign and date (after consultation with the Office of Research and Sponsored Programs) the "For Internal Use Only" box on the signature page of the questionnaire and forward the completed form to the Office of Research and Sponsored Programs.

## Deemed Export Attestation

**General Overview:** U.S. law prohibits the “export” of controlled technology and technical data to certain foreign nationals located within the United States (“deemed export”) without a license. U.S. law treats as an export the release of controlled technology or technical data to a foreign national working in the United States, even if the employer does not engage in any other exporting activities. Technology or source code is considered “released” for export when it is made available to foreign nationals for visual inspection (such as reading technical specifications, plans, blueprints, etc.); when technology is exchanged orally; or when technology is made available by practice or application under the guidance of persons with knowledge of the technology. Such exports of controlled technology or technical data must be authorized through an export license issued by USCIS or the Directorate of Defense Trade Controls before release to the non-immigrant foreign national.

Thus, to ensure compliance with export control laws, Lehigh University must evaluate the technology or technical data that will be released to, or be accessed by, a foreign national (including an employee or student) during their work on sponsored projects. In order for the Office of the General Counsel to conduct this evaluation, the principal investigator and department chair must complete the attached Deemed Export Questionnaire.

Furthermore, each departmental chair must continue to monitor foreign nationals working in the department to ensure that changes in job functions or departmental operations do not pose a risk of the individual accessing restricted technology. Implementing this process will ensure that the necessary information is communicated between departments that engage foreign nationals (including employees and students) and ORSP and OGC so that compliance with immigration and export control requirements is maintained.

If you have questions regarding the Deemed Export Questionnaire, or deemed exports, please contact the Office of the General Counsel at 8-3572.

**DEEMED EXPORT QUESTIONNAIRE**

Individual's<sup>1</sup> Name: \_\_\_\_\_

Country of Citizenship/Permanent Residency: \_\_\_\_\_

Department / Unit: \_\_\_\_\_

Principal Investigator Name: \_\_\_\_\_

**(Person completing this form)**

Principal Investigator LU phone number / email: \_\_\_\_\_

Principal Investigator Title/Position at LU: \_\_\_\_\_

Department Chair Name: \_\_\_\_\_

Department Chair LU phone number / email: \_\_\_\_\_

Individual's work on the sponsored project will be supported by:

- Grant             Contract

If Grant or Contract, please include award number, contract number, or other appropriate identifying number: \_\_\_\_\_

- LU funds  
 Other

Individual's duties will be (mark all that apply)

- |   |   |
|---|---|
| <input type="checkbox"/> Administrative |   |
| <input type="checkbox"/> Research       | If Research, is the research: <input type="checkbox"/> Basic <sup>2</sup> |
| <input type="checkbox"/> Teaching       | <input type="checkbox"/> Applied <sup>3</sup>                             |
| <input type="checkbox"/> Technician     |   |

Briefly describe the Individual's job duties in connection with the sponsored project:

<sup>1</sup> The "Individual" is the foreign national who will be working on the sponsored project.  
<sup>2</sup> Basic research is experimental or theoretical work undertaken primarily to acquire new knowledge of the underlying foundation of phenomena and observable facts, without any particular application or use in view.  
<sup>3</sup> Applied research, like basic research, is also original investigation undertaken in order to acquire new knowledge. It is, however, directed primarily towards a specific aim or objective.

List any chemicals and/or scientific equipment/instruments, including highly specialized computing equipment, that the Individual will be using in the performance of his/her duties: (Include equipment name, manufacturer, and where equipment is located. Use extra pages if necessary.)

**Questions:**

Please answer the following questions:

1. Will the Individual's access to the equipment described above be limited to simple operation of the equipment?

Yes       No

2. Will the Individual have access to information that would permit him/her to install, maintain, repair and refurbish the equipment?

Yes       No

3. Will the Individual be exposed to equipment that was specifically designed or developed for military or outer space applications (e.g. night vision cameras, satellite technology, controlled imaging equipment, Y-code GPS, etc.)?

Yes       No

4. Will the Individual have access to any Lehigh University-owned technical data or technology that is considered proprietary or confidential to Lehigh?

Yes       No

If 'yes', describe briefly.

5. Will the Individual have access to any third-party owned or controlled technical data or technology that is considered proprietary or confidential to the third party? This includes U.S. government furnished technical data or information with dissemination controls or other restrictive markings, as well as ITAR-controlled software.

Yes       No

If 'yes', describe briefly.

6. Will the Individual be working with experimental equipment or prototypes (examples would be high speed computers, sensors, materials, electronics, lasers, telecommunication devices or other non-commercial equipment)?

Yes       No

7. With respect to the sponsored project with which the Individual will be involved:

a. Are there any restrictions on participation in the project based on country of origin or citizenship?

Yes       No

b. Does the project grant the sponsor a right of pre-publication review?

Yes       No

If 'yes', please provide the reason(s) listed for the review.

c. Does the project limit publication or dissemination of the research results in any manner?

Yes       No

If 'yes', please provide the specific restriction(s).

d. Does the project provide that any part of the sponsoring, granting, or resulting documents should not be disclosed?

Yes       No

e. Please identify the source(s) of funds supporting the grant(s) under which the research will be conducted.

8. Will the Individual be working with materials obtained under a Materials Transfer Agreement?

Yes  No

If 'yes', please provide the name of the material(s).

9. Do you know or have any reason to believe that the item, information, or software to be shared with the Individual will support the design, development, production, stockpiling, or use of a nuclear explosive device, chemical or biological weapons, or missiles?

Yes  No

If you have questions regarding this form, please contact the Office of General Counsel at 8-3572.

Please submit the completed form to **both** the Office of Research and Sponsored Programs ([inors@lehigh.edu](mailto:inors@lehigh.edu) or 526 Brodhead Avenue) **and** the Office of the General Counsel ([inogc@lehigh.edu](mailto:inogc@lehigh.edu) or 27 Memorial Drive West). Incomplete responses will result in review delays. You may be contacted for clarification or for additional information.

**For Internal Use Only:**

Received by the Office of the General Counsel: \_\_\_\_\_

- The Individual is not listed on the Consolidated Screening List maintained by the U.S. Government (available at [https://2016.export.gov/ecr/eg\\_main\\_023148.asp](https://2016.export.gov/ecr/eg_main_023148.asp)).
- The Individual will only have access to information that is not classified as controlled technology or technical data under the EAR or ITAR. Therefore, 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 Individual.
- A license from the U.S. Department of Commerce or the U.S. Department of State is required to release such technology or technical data to the Individual. The investigator has been instructed to, and will prevent access to the controlled technology or technical data by the Individual until and unless the investigator has received the required license or other authorization to release it to the employee.

Signature of LU Sponsor/PI: \_\_\_\_\_ Date: \_\_\_\_\_

Signature of Department Chair: \_\_\_\_\_ Date: \_\_\_\_\_

Signature of Reviewer: \_\_\_\_\_ Date: \_\_\_\_\_