
Questionnaire Pertaining to the Potential Release of Regulated Export Control-Listed Technology or Technical Data to Stanford Foreign National Employees

NOTE: This Questionnaire must be submitted by the applicant's Principal Investigator or Faculty supervisor. In cases where the applicant does not have a Principal Investigator or Faculty Supervisor, a department's Human Resource Manager must submit this Questionnaire on the applicant's behalf. In either instance, by submitting this Questionnaire, you are certifying that you are either the applicant's Principal Investigator/Faculty supervisor or Human Resource Manager.

In addition, all Principal Investigators/Faculty supervisors and Human Resource Managers submitting this Questionnaire must have completed the STARS course [ORA-1130 "Export Controls: An Overview for Research Administrators"](#). Course fulfillment is a one-time requirement only.

The Export Administration Regulations (EAR) and the International Traffic in Arms Regulations (ITAR) require US citizens to seek and receive US Government approval before releasing regulated technology or technical data identified on [US export control lists](#) to foreign nationals in the US. Under both the EAR and ITAR, the release of regulated export control-listed technology or technical data to foreign nationals in the US is deemed to be an export to that person's country or countries of nationality. Significant [civil and criminal penalties](#) apply to the unauthorized release of regulated export control-listed technology or technical data to foreign nationals in the US.

Regulated export controlled technology (regulated technology) is generally defined as specific unpublished technical information necessary for the "development", "production", or "use" of items or software on US export control lists. Regulated technology includes information released through giving technical assistance to a person or providing technical data. Regulated technology and technical data can take the form of unpublished software source code, instructions, blueprints, plans, diagrams, models, formulae, tables, engineering designs and specifications, and technical manuals. It also includes technical information about regulated technology that may be communicated in meetings, emails, and telephone conversations or through visual observation.

Regulated export controlled technology and technical data does NOT include technical information or software that results from Stanford research. The products of Stanford's [fundamental research](#) are treated as published as they are intended to be shared broadly – thus they lie outside the scope of US technology export controls and are not regulated. In almost all instances, Stanford's exposure to regulated export control-listed technologies occurs when a Stanford sponsor or a third party – a company or a government agency, for example – asks Stanford personnel to accept proprietary, [disclosure-restricted](#) or export control-marked technical information, materials, or software code. A foreign nationals' use of regulated export control-listed items or software does not require US Government approval unless the third party-supplied item or software is [ITAR listed](#) (defense articles) or if the third party discloses regulated [development, production or use technology](#).

The questions that follow are designed to assist Stanford in accurately certifying to USCIS whether unpublished, regulated technology or technical data will be released to a Stanford foreign national employee, and if so, whether an export license will be required. These questions will also help mitigate institutional and individual export control compliance risk.

Please note that Stanford University's [export control website](#) contains background information, tools and resources including an [export control tutorial](#) available as a desktop reference in PDF format that you may find helpful. In addition, Stanford's Export Control Officer (steve.eisner@stanford.edu, 4-7072) is available should you have questions or wish to request guidance. Export control regulation is complex and you should not hesitate to seek this guidance.

- Do you know, or anticipate, that the proposed Stanford foreign national employee will require access to or use of an [ITAR listed item](#) or [ITAR listed software](#) that is NOT the product of university fundamental research?

Yes No

- Do you know, or anticipate, that the proposed Stanford foreign national employee will require access to commercial or third-party unpublished [development, production or use technology](#) that would be subject to export control regulations?

Yes No

- Do you know, or anticipate, that the proposed Stanford foreign national employee will require access to technical information or software source code that is subject to disclosure restrictions?

Yes No

- Do you know, or anticipate, that the proposed Stanford foreign national employee will be exposed to regulated export control-listed technology or technical data in any other manner?

Yes No

Submission of this Questionnaire confirms your understanding that you will be held accountable under US export control law for the information so provided. Again, Stanford's Export Control Officer is available should you still have concerns or wish to request further guidance before completing this questionnaire.