

Deemed Export Attestation

To be completed by the hiring department

New H-1B Attestation for Hiring Departments:

U.S. Citizenship and Immigration Services (USCIS) now requires all H-1B petitioners to attest that they are in compliance with the “deemed export rule” under the Export Administration Regulations (EAR) and the International Traffic in Arms Regulations (ITAR). The “deemed export rule” provides that the transfer, release, or disclosure of controlled technical data, technology or ITAR-controlled software to a citizen or national of a foreign country (“foreign person”), even in the United States, is deemed to be an export to that country. Under the EAR and ITAR, the U.S. government regulates the transfer of controlled technical data to foreign person employees.

Penalties for Export Violations:

Export regulations are federal law, and violations can result in significant criminal (20 years and \$1 million per violation), civil, and administrative (up to \$250,000 per violation) penalties that may be levied on the institution and individuals involved.

What is a Deemed Export?

Any item that is sent from the United States to a foreign destination, regardless of country of manufacture or method of transfer, is an export. An “export” also occurs when controlled information is released to foreign nationals in the United States. This is deemed to be an export to the home country or countries of the foreign national (“deemed export”).

Technology and software is “released” for export through: Visual inspection by foreign nationals of U.S.-origin equipment and facilities; Oral exchanges of information in the United States or abroad; or the application to situations abroad of personal knowledge or technical experience acquired in the United States (734.2(b)(3) of the EAR).

Instructions for the Hiring Department:

Completion of the attached form will help to determine whether a potential employee may be exposed to export controlled information or software in the course of his or her duties prior to submission of the H-1B petition. **It is very important that the Office of International Programs receive this completed attestation as soon as possible to prevent delays in the H-1B process.** The information provided will be reviewed and if a deemed export has been identified an export license or license exception will be required.

The attached form will be kept in the H-1B employee’s permanent file in the Office of International Programs per the requirements of USCIS. Once completed, the form must be returned to Jalana Robinson, Associate Director, International Programs (jrobinson4@kumc.edu, 8-1485, 4001 Student Center).

Part I: General Information:

H-1B Employee's Name: _____

H-1B Position Title: _____

Hiring Department: _____

Department Contact: _____

Phone: _____ Email: _____

Position Number: _____

Anticipated Start Date (not needed on H-1B extension requests): _____

***Country of Citizenship:** _____

*This is important in determining license eligibility.

Part II: H-1B Position:

1. Attach position description to this document.

2. List research projects in which the H-1B employee will be involved. This should include the following:
 - KUMC reference #(s)
 - PI
 - Title(s)
 - Sponsor (Institution or external, including the federal government)
 - Describe the research that will be performed on all sponsored projects:

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Part III: Export Control Risk Assessment:

Please complete this form for *each* project in which the H-1B employee will be engaged by checking the appropriate box for each row of the table below.

Project Title:

Yes	No	Questions:
		1. Will the H-1B employee have access only to publicly available information that is already published or will be published; that arises during, or results from, fundamental research; and that is educational in nature? (Note: This applies to research/technological information; it does not include confidential personnel, financial, student records, or health information.)
		2. Will the H-1B employee have access only to publically available information NOT restricted to any third party-owned technical data or technology that is considered proprietary or confidential to the third party owner? (Note: This includes U.S. government furnished technical data with dissemination controls or other restrictive markings, as well as controlled software.)
If yes to both questions #1 and #2 above, please proceed to Part IV below. If no to either of the above, please complete question #3.		
		3. Will the H-1B employee be provided access to or be involved with the research and/or development with any of the following:
		Nuclear technologies
		Chemical or biological weaponry
		Missile or unmanned vehicle systems
		Encryption technologies
		Military or space applications

Part IV: Certification:

By my signature below, I certify that the information provided is true and correct to the best of my knowledge, and that I will prevent access to export controlled technology, technical data, and software source code by the H-1B employee of the petition until and unless KUMC has received the required license or other authorization to release it to the H-1B employee. I understand that it is the responsibility of the Supervisor/Principal Investigator to immediately notify the Department Chair and the KUMC International Office if any of the answers above change in the future.

Supervisor/Principal Investigator (Print & Signature)

Date

Director/Dept. Chair (Print & Signature)

Date