

# Export Control Screening Tool for Visa Applications

United States export control regulations prohibit foreign nationals from receiving information concerning certain technologies in order to protect U.S. trade and to ensure national security. If an LSU visa applicant's studies or work involves these certain technologies, an export license from the Departments of Commerce, State, or Treasury may be required in cases where certain exemptions and exceptions do not apply.

This worksheet is intended to provide the export control reviewer with enough information to make a determination if such a license would be required, or if further information may be necessary to make this determination. Thankfully, most of the work done at LSU falls under the "fundamental research", "publicly available", and "educational" exemptions whereby we would not have to apply for a license to share what would otherwise be export controlled information with a foreign national.

Failure to comply with the export control regulations may lead to significant civil and/or criminal penalties up to \$250,000 per violation, criminal penalties up to \$ 1,000,000 per violation; prison term up to 20 years; denial of export privileges; and debarment from U.S. government contracts.

**The following questions should be answered by the person who will be supervising the visa applicant, or who is otherwise knowledgeable about the applicant's intended work.**

1. Visa applicant's name:
2. Visa applicant's citizenship(s)- please include 1. His/ her country of citizenship 2. His/ her country of legal permanent residence and 3. His/ her country of most recent residence:
3. Name of sponsor/PI:
4. Licenses from the Department of Commerce may be required for foreign nationals who are working on projects that involve "dual-use" technologies that have potential applications to military/terrorist/criminal purposes in addition to the usual commercial uses. Does the intended work of the visa applicant fall into any of the broad categories listed in Note 1?

\_\_\_\_\_ No

\_\_\_\_\_ Yes- If yes, was any item(s), information or software to be shared, transmitted or transferred to the visa applicant developed under a sponsored agreement or government contract imposing **publication restrictions** beyond a brief review (up to

90 days) for patent protection and/or inadvertent release of confidential/proprietary information?

\_\_\_\_No

\_\_\_\_Yes- please contact the export control contact listed at the end of this document

5. Did an external sponsor, vendor, collaborator or other third party provide, under a **Non-Disclosure Agreement or a Confidentiality Agreement, OR SIMILAR AGREEMENT** that prevents publication of or transfer of the item(s), information or software that will be shared, shipped, transmitted or transferred to the visa applicant?

\_\_\_\_No

\_\_\_\_Yes- please contact the export control contact listed at the end of this document

6. Licenses from the Department of State may be required for foreign nationals who are working on projects that involve technologies that are listed on the United States Munitions List (USML) that have potential military or space applications. Does the intended work of the visa applicant fall into any of the broad categories listed in Note 2?

\_\_\_\_ No

\_\_\_\_ Yes- If yes, is the USML-listed information or software being shared, transmitted, or transferred to the visa applicant either **published, patented or generally accessible and available** to the public? Please see note (3) for further information.

\_\_\_\_ No- please contact the export control contact listed at the end of this document

\_\_\_\_ Yes

7. Will the visa applicant be receiving, sharing, transmitting, or transferring LSU-developed encryption software and/or traveling outside of the country with such software?

\_\_\_\_No

\_\_\_\_Yes- please contact the export control contact listed at the end of this document

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

\_\_\_\_\_No

\_\_\_\_\_Yes/ maybe- please contact the export control contact listed at the end of this document

9. Please give a detailed job description:

10. Anticipated Hire Date:

11. Grant/ Support Account No. for all projects applicant will be working on:

If you have questions regarding this form, please contact C.C. Richardson at [charry@lsu.edu](mailto:charry@lsu.edu)

Person completing this form (please include printed/ typed name along with signature)

\_\_\_\_\_ Date\_\_\_\_\_

*(For internal purposes- to be completed by the export control contact)*

*Did the visa applicant's name appear on any of the denied persons/ restricted party lists?*

*NO* \_\_\_\_\_

*Yes* \_\_\_\_\_

*How and when was the visa applicant screened?*

**Note 1:**

CCL list

[0-Nuclear Materials, Facilities and Equipment and Miscellaneous](#)

[1-Materials, Chemicals, "Microorganisms," and Toxins](#)

[2-Materials Processing](#)

[3-Electronics](#)

[4-Computers](#)

[5-Telecommunications and Information Security](#)

[6-Lasers and Sensors](#)

[7-Navigation and Avionics](#)

[8-Marine](#)

[9-Propulsion Systems, Space Vehicles and Related Equipment](#)

**Note 2:**

USML list

- [Category I-Firearms](#)
- [Category II-Artillery Projectors](#)
- [Category III-Ammunition](#)
- [Category IV-Launch Vehicles, Guided Missiles, Ballistic Missiles, Rockets, Torpedoes, Bombs and Mines](#)
- [Category V-Explosives, Propellants, Incendiary Agents, and Their Constituents](#)
- [Category VI-Vessels of War and Special Naval Equipment](#)
- [Category VII-Tanks and Military Vehicles](#)
- [Category VIII-Aircraft, \[Spacecraft\] and Associated Equipment](#)
- [Category IX-Military Training Equipment](#)
- [Category X-Protective Personnel Equipment](#)
- [Category XI-Military \[and Space\] Electronics](#)
- [Category XII-Fire Control, Range Finder, Optical and Guidance and Control Equipment](#)
- [Category XIII-Auxiliary Military Equipment](#)
- [Category XIV-Toxicological Agents and Equipment and Radiological Equipment](#)
- [Category XV-Spacecraft Systems and Associated Equipment](#)
- [Category XVI-Nuclear Weapons Design and Test Equipment](#)
- [Category XVII-Classified Articles, Technical Data and Defense Services Not Otherwise Enumerated](#)
- [Category XX-Submersible Vessels, Oceanographic and Associated Equipment](#)
- [Category XXI-Miscellaneous Articles](#)

**Note 3:**

"Technical data" does NOT include information concerning general scientific, mathematical or engineering principles commonly taught in schools, colleges and universities, information in the public domain, or information generated in the course of performing "fundamental research".

**"Fundamental research"**, as used in the export control regulations, includes basic or applied research in science and/or engineering at an accredited institution of higher learning

in the U.S. where the resulting information either is ordinarily published and shared broadly in the scientific community or where the resulting information has been or is about to be published. Fundamental research is distinguished from research that results in information that is restricted for proprietary reasons or pursuant to specific U.S. government access and dissemination controls. University research will not qualify as fundamental research if (1) the institution accepts any restrictions on the publication of the information resulting from the research, other than limited prepublication reviews by research sponsors to prevent inadvertent divulging of proprietary information or to insure that publication will not compromise patent rights of the sponsor; or (2) the research is federally funded and specific access or dissemination controls regarding the resulting information have been accepted by the university or the researcher ([ITAR](#)).

“Technical data” also does not include basic marketing information on function or purpose or general system descriptions of defense articles.

[USML](#)-listed information and software that is generally accessible and available to the public is considered to be in the public domain and excluded from export controls. USML-listed information and software is released and placed into the public domain through/at one or more of the following:

- As a product of unrestricted fundamental research in science and engineering generated at an accredited institution of higher learning **in the US**. USML-listed fundamental research must not go beyond applied research (i.e. prototyping, proof-of-concept applications) and into advanced technology development research (development of fully-functional, field deployable system/subsystems for military applications);
- Libraries open to the public or from where the public can obtain documents;
- Sales at newsstands or bookstores;
- Subscriptions available without restriction;
- Published patents available at any patent office;
- Unlimited distribution at conferences, meetings, seminars, trade shows or exhibitions **in the US** that are generally available to the public; **and/or**
- Websites that are accessible to all members of the public, free of charge, and where LSU does not have knowledge or control over who visits the site or downloads the information or software.

**NOTE:** In order for USML-listed information or software resulting from fundamental research to be considered in the public domain, the information or software must have been generated in the course of research performed **within the United States**. Information and software resulting from research undertaken outside of the United States is not treated by US export control law as having entered into the public domain, and is subject to export control, unless it qualifies under other public domain criteria.

