

## Export Control Review Information for Hiring/Hosting Departments and Supervisors

### Introduction

The export control regulations define a foreign national as a person who is not a citizen of the United States, a permanent resident of United States (green card holder), or any other protected individual (legal asylee or refugee). An Export refers to actual shipment or transmission of items out of the U.S. It also refers to the release of technology or source code (“technology”) to a foreign national within the U.S. or abroad, commonly referred to as deemed export. When technology is released to a foreign national, it is ‘deemed’ to have been exported to the person’s country or countries of origin. Technology is released when it is made available to a foreign person in form of visual inspection such as reading technical specifications, plans, blue prints, etc., verbal or oral exchange, or by practice or application under guidance of a person with knowledge of the technology.

### Visiting Scholars

As a research and education institution, K-State routinely receives visitors who come to collaborate on research areas of mutual interest or conduct research in the University’s research facilities. Hosting department and faculty need to be aware of how export control regulations may affect research and other activities conducted with visiting scholars. Examples of when export control regulations may apply include:

- When the activities that the visitor will engage in include research that cannot be categorized as fundamental research.
- When the visitor will have access to export controlled information or technology or the visit includes access to secure facilities.
- When the visitor is a national of a sanctioned or embargoed country.
- When the visitor or the institution they are affiliated appears in any of the restricted/prohibited parties lists.

### Non-Immigrant Employee

Prior to extending an offer for employment, the hiring supervisor must carefully consider if the proposed employment will involve deemed exports. An export license may be required if the technology to be released to the foreign national would not be exported to their country of citizenship without authorization. The University Research Compliance Office (URCO) will support the hiring supervisor and Department with making that determination. If an export license is required, it must be obtained **before** controlled technology is released to the foreign national. URCO will assist the hiring Department in filing a request for an export license with the relevant federal agency. The Processing time for export licenses can take several weeks or months, depending on the facts of each case; therefore, Departments should plan for possible delays in employment start dates. The hiring supervisor and the Department must ensure that no export-controlled technology is released to the foreign national until a license is obtained.

### Export Controls Compliance Review

The hiring supervisor or host knows the details of an employee’s job duties and responsibilities or the activities in which a visiting scholar will participate, including equipment, methods, or technology employed to conduct research. The supervisor or host is also aware whether the visitor or employee will have access to information or technology that is restricted to foreign nationals. To determine whether export control restrictions apply to a proposed visit or hiring, the hiring/hosting department and host/supervisor must:

- Review the activities or the job description/duties.
- Review the Export Administration Regulations control list [EAR/Commerce Control List](#) and the [International Traffic in Arms Regulations munitions list ITAR/U.S. Munitions List](#). (A summary of the lists is attached to the review form.)
- Review any technology and/or technical data that will be released to the visiting scholar or prospective employee to determine if it is controlled under EAR and/or ITAR.

- Review sponsored research funding contracts or research agreements for export control concerns, such as restrictions on participation of foreign nationals in research ,or restrictions on publication of research results. (If unsure, please contact the [Office of Pre-Award Services](#) 785-532-6804).
- Complete attached Form – ***Export Control Compliance Review – Visiting Scholar and Non-immigrant Employee*** and submit it to the office responsible for processing new hires in the Department.

Questions: Please contact the University Research Compliance Office (URCO) with any questions.  
[comply@ksu.edu](mailto:comply@ksu.edu); 785-532-3224

## Export Controls Compliance Review

International Visitors and Non-immigrant Employees

All fields must be completed as appropriate. The University Research Compliance Office (URCO) will rely on the information provided by the department, the supervisor, or host in conducting an export control review including in determining whether an export license is required. If you have any questions about this form, please contact URCO at [comply@k-state.edu](mailto:comply@k-state.edu) phone # 785-532-3224

### Section I: Host or Supervisor

Name	Email	Phone
College	Department	

### Section II: Non-immigrant Employee or Visiting Scholar Details

Full Name: Last	First	Middle
Citizenship	Previous Citizenship (if applicable)	
Country of Official Permanent Residence	Foreign Institution Affiliation/Employer	
Visitation Period (Visiting Scholar)	Proposed Date of Hire (employee)	

Detailed Resumé or Curriculum Vitae (CV) is Attached (check)

This person is a Visiting Scholar  Complete Section III and the rest of the Form

This person is a Non-immigrant Employee  Complete Section IV and the rest of the Form

### Section III: Nature and Purpose of Visit (For Visiting Scholars Only)

Provide a description of purpose of visit, specifying the activities that the visitor will engage in.

Key words related to work to be performed: \_\_\_\_\_

How will the visit be funded? (Please include funding source for any research activities that visitor will participate in, financial support from home government or institution, etc.)

**Section IV: Non-Immigrant Employee (Employees Only)**

Provide scope of work or job description (Job description may be attached)

List sponsored research grants in which the non-immigrant employee will be involved

**Section IV: Export Controls Review Checklist**

	No	Yes	Unknown
Activities or job duties involve access or use of items/articles, software, or technology listed on the <a href="#">Export Administration Regulations (EAR) Commerce Control List</a> or <a href="#">International Traffic in Arms Regulations (ITAR) U.S. Munitions List</a>			
The research or activity has restrictions on participation of foreign nationals			
The research or activity references export control clauses or references to EAR or ITAR			
Activities will involve the use or access to encryption software			
Activities will be related to the spread or increase of nuclear, chemical, biological weapons, or missiles			
Activities will involve access to any research, resources, or facilities subject to a Technology Control Plan (TCP)			
Activities involve work with or in any embargoes or sanctioned country (currently Cuba, Crimea Region, Iran, North Korea, Sudan and Syria)			
The research or activity is classified			
The research or activity will yield results for military or use in outer space			
The research or activity is fundamental research <i>(Fundamental research is defined as basic and applied research in science and engineering, the results of which ordinarily are published and shared broadly within the scientific community. It is distinguished from proprietary research and from industrial development, design, production, and product utilization, the results of which ordinarily are restricted for proprietary or national security reasons. Fundamental Research applies only to the dissemination of technical data and information, not to the transmission of material goods)</i>			
Visitor or Employee will access technical specifications of equipment, which are <b>not</b> available through published materials such as commercially available manuals, documentation in libraries or the World Wide Web, information from teaching laboratories or information available to interested communities for either free or where the price does not exceed the cost of production			

**Important: URCO may request host or hiring supervisor for additional information or explanation based on responses to the checklist**

**Certification by Hiring Supervisor or Host:**

I have completed CITI Program’s export control training, *Introduction to Export Compliance*. I have read the attached information sheet, *Export Control Review - Information for Hiring/Hosting Departments and Supervisors*. I have knowledge of the nature of the proposed visit/ employment, and the answers I have provided are true and correct to the best of my knowledge and belief.

\_\_\_\_\_  
Hiring Supervisor or Host PI (Print Name)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**For Department Business Office Use Only**

National of Sanctioned/Embargoed Country                   \_\_No                   \_\_Yes  
 Restricted or prohibited parties screening OK           \_\_No                   \_\_Yes

Comments: \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_ Name \_\_\_\_\_

- Submit a copy of this form and related documentation to URCO [comply@k-state.edu](mailto:comply@k-state.edu) . URCO will work with hiring department and supervisor to address outstanding export controls concern. URCO will notify hiring department once the issue is resolved.
- Retain a copy of this form as part of hiring paperwork. All documents must be retained for a period of 5 years from the date of termination of employment.

**For URCO Use Only**

Export Controls Review: Notes/ Comments

\_\_\_\_\_  
 Name

\_\_\_\_\_  
 Signature

\_\_\_\_\_  
 Title

\_\_\_\_\_  
 Date

**EXPORT CONTROL ATTESTATION (For H-1B Petitions)**

With respect to the position responsibilities/duties and the proposed technology or technical data that the employee (Beneficiary) will be granted access to in the fulfillment of their official responsibilities, all of which as described herein, it is determined that:

A license is not required from either the U.S. Departments of Commerce or State to release the herein described technology or technical data to the foreign person; or

A license is required from the U.S. Department of Commerce and/or the U.S. Department of State prior to release of controlled technology or technical data to the employee (Beneficiary) named in this form and the Kansas State University department and/or assigned employee supervisor is required to take proactive steps to prevent access to such controlled technology or technical data by employee (Beneficiary) until and unless Kansas State University has received the required license or other authorization to release and/or allow access to such technology or technical data to employee (Beneficiary).

\_\_\_\_\_  
 Name

\_\_\_\_\_  
 Signature

\_\_\_\_\_  
 Title

\_\_\_\_\_  
 Date

## Appendix – EAR and ITAR Categories

### Export Administration Regulations (EAR) Commerce Control List (CCL)

Category 0 - Nuclear Materials Facilities & Equipment [and Miscellaneous Items]  
Category 1 - Materials Chemicals Microorganisms and Toxins  
Category 2 - Materials Processing  
Category 3 - Electronics Design Development and Production  
Category 4 - Computers  
Category 5 Part 1 - Telecommunications  
Category 5 Part 2 - Information Security  
Category 6 - Sensors and Lasers  
Category 7 - Navigation and Avionics  
Category 8 - Marine  
Category 9 - Aerospace and Propulsion

### International Traffic in Arms Regulations (ITAR) U.S. Munitions List (USML)

Category I—Firearms, Close Assault Weapons and Combat Shotguns  
Category II—Guns and Armament  
Category III—Ammunition/Ordnance  
Category IV—Launch Vehicles, Guided Missiles, Ballistic Missiles, Rockets, Torpedoes, Bombs, and Mines  
Category V—Explosives and Energetic Materials, Propellants, Incendiary Agents, and Their Constituents  
Category VI—Surface Vessels of War and Special Naval Equipment  
Category VII—Ground Vehicles  
Category VIII—Aircraft and Related Articles  
Category IX—Military Training Equipment and Training  
Category X—Personal Protective Equipment  
Category XI—Military Electronics  
Category XII—Fire Control, Laser, Imaging, and Guidance Equipment  
Category XIII— Materials and Miscellaneous Articles  
Category XIV—Toxicological Agents, Including Chemical Agents, Biological Agents, and Associated Equipment  
Category XV— Spacecraft and Related Articles  
Category XVI—Nuclear Weapons Related Articles  
Category XVII—Classified Articles, Technical Data, and Defense Services Not Otherwise Enumerated  
Category XVIII—Directed Energy Weapons  
Category XIX—Gas Turbine Engines and Associated Equipment  
Category XX—Submersible Vessels and Related Articles  
Category XXI—Articles, Technical Data, and Defense Services Not Otherwise Enumerated