

**“DEEMED EXPORT” QUESTIONNAIRE**  
**(INCLUDED AS PART OF TULANE’S FORM I-129 APPLICATION FOR**  
**FOREIGN NATIONALS SEEKING A H-1B, H-1B1 OR O-1A VISA)**

**INTRODUCTION:** As of February 20, 2011 the United States Customs and Immigration Service (USCIS) requires that every employer that files a petition for an H-1B, H-1B1, or O1A visa for a foreign national attest that it has reviewed the Export Administration Regulations (“EAR”)(15 CFR Parts 770-774) and International Traffic in Arms Regulations (“ITAR”)(22 CFR Parts 120-130) and that it has determined that either (1) no license is required from the U.S. government for the release of export controlled technology or data; or (2) that an export license is required and Tulane will prevent access to the export controlled technology or data by the foreign employee until the required license is obtained.

**BACKGROUND:** The purpose of this form is to assist the Tulane community in complying with the “deemed export” provisions of U.S. export control laws (“Export Controls”). One aim of Export Control laws is to prevent foreign citizens from obtaining information that is contrary to the national security, economic or political interests of the U.S. The “deemed export” requirements pertain to the release of certain “controlled” technology, information or software to certain foreign nationals within the U.S. In certain instances, such release by Tulane to certain foreign nationals in the U.S. requires a prior, specific license from the U.S. government. Deemed export controls restricting a foreign national's participation in Tulane activities within the U.S. generally do not apply to the conduct or results of education and/or fundamental research (as defined by the Export Control regulations). Violation of these laws may result in serious individual fines, seizures, and/or imprisonment.

**INSTRUCTIONS:** This questionnaire must be completed in every instance where Tulane is filing a Form I-129 to petition the U.S. government (“USCIS”) for a foreign national under an H-1B, H-1B1, or O-1A visa category. Each Tulane hiring department/office is required to complete this questionnaire as part of the H-1B, H-1B1, or O-1A request process. Special attention should be paid to this questionnaire by departments/offices in Tulane’s School of Medicine, Science and Engineering, Primate Center, and School of Public Health and Tropical Medicine as these are the schools/units where export controlled technology or technical data are most likely to be encountered.

The hiring Tulane office/department must complete Part I and, as appropriate, Part II of this questionnaire and submit it to Tulane’s Office of International Students & Scholars (“OISS”) as part of the I-129 department packet. Where the questionnaire indicates there may be a deemed export issue, OISS will submit this completed questionnaire (along with the departmental support letter and OISS required department documents) to the Tulane Research Compliance Officer for review and completion of Part III.

For additional information and guidance, please review Tulane’s “Deemed Export” Policy (found at <http://tulane.edu/asvpr/research-compliance.cfm>).

**PART I: TO BE COMPLETED BY THE HIRING DEPARTMENT/OFFICE**

1. **INFORMATION ABOUT THE FOREIGN NATIONAL:**

|  |   |            |
|--|---|------------|
| First Name:  | Middle Initial:   | Last Name: |
| Visa Sought? <input type="checkbox"/> H-1B <input type="checkbox"/> H-1B1 <input type="checkbox"/> O-1A  | Country of Citizenship (if foreign national holds more than 1 country of citizenship, list all citizenships): |            |
| Job Title:<br><input type="checkbox"/> Researcher/Professor /Faculty Member <span style="float: right;"><input type="checkbox"/> Medical Resident</span><br><input type="checkbox"/> Post-Doctoral Fellow <span style="float: right;"><input type="checkbox"/> Staff Member</span><br>Other: |   |            |
| Planned Start Date (DD/MM/YYYY):   |   |            |

2. **EDUCATION:**

2a. Could the foreign national's participation in the activity(ies) result in either: (i) writing a doctoral thesis; (ii) publishing paper in peer-review journal; and/or (iii) presentation at appropriate conference?

- Yes** If Yes, STOP. Attest in Part II that an export license is not required.  
 **No** If No, continue to question 2b.

2b. Will the foreign national's participation involve: (i) study & analysis of data in classroom or "rounds" setting; (ii) assisting in the development of hypotheses or testing procedures; (iii) administering tests or medications; and/or (iv) interaction with test subjects; AND there are no restrictions on the release of information?

- Yes** If Yes, STOP. Attest in Part II that an export license is not required.  
 **No** If No, go to question 3.

3. **FUNDAMENTAL RESEARCH:** Will the foreign national be involved in Tulane research or services that entail a systematic investigation designed to develop and/or contribute to the base of scientific or generalizable knowledge with no restrictions on the release of information? This includes activity(ies) taken to explore an intellectual question; to validate a scientific hypothesis in which Tulane has an academic interest; or observation or experimentation to formulate or verify facts or natural laws.

- Yes** If Yes, STOP. Attest in Part II that an export license is not required.  
 **No** If No, continue to question 3a.

3a. Will the foreign national be involved in activity(ies) designed to discover or test either: (i) a cure for disease; (ii) treatment to alleviate symptoms without curing affliction; (iii) a new procedure for delivering approved treatment; (iv) a new drug or device; or (v) a Phase I, II or III clinical trial; AND there are no restrictions on the release of information?

- Yes** If Yes, STOP. Attest in Part II that an export license is not required.  
 **No** If No, continue to question 3b.

3b. Will the foreign national be involved in activity(ies) that requires either: (i) participation of Tulane personnel with advanced scientific or technical experience; or (ii) synthesis of results by scientific or biostatistic analysis or evaluation of hypothesis accuracy; AND there are no restrictions on the release of information?

- Yes** STOP. Attest in Part II that an export license is not required.  
 **No** **AN EXPORT CONTROL LICENSE MAY BE REQUIRED.** Sign 3c below and submit this questionnaire (along with the departmental support letter and OISS required department documents) to OISS for forwarding and escalated review by Tulane's Research Compliance Officer under Part III.

3c. Signature by Hiring Department: \_\_\_\_\_

Print Name: \_\_\_\_\_ Date: \_\_\_\_\_

**ADDITIONAL COMMENTS:**

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**PART II: TO BE COMPLETED BY HIRING DEPARTMENT/OFFICE**

I hereby attest that an export license is NOT required for this foreign national based on my answers in Part I questions 2 and 3)

Signature by Hiring Department/Office: \_\_\_\_\_

Print Name: \_\_\_\_\_ Date: \_\_\_\_\_

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**PART III: ESCALATED REVIEW -- TO BE COMPLETED BY THE RESEARCH COMPLIANCE OFFICER**

**Instructions** This Part III is to be completed by Tulane's Research Compliance Officer to determine whether additional facts and information are required to determine what attestation is appropriate by Tulane in its Form I-129 petition to USCIS for the above foreign national. Check-off as appropriate

- Receipt by OISS of departmental support letter and OISS required department documents for the above foreign national?
  
- Confirmation by Sponsored Projects Administration that the planned activity(ies) involving the foreign national does not involve restricted/confidential sponsored activity.  
Comments:
  
- Project is not subject to deemed export requirements because:
  - Foreign national on U.S. soil pursuant to H1-B, H-1B1 or O-1A visa not involved
  - Planned activity(ies) involves educational activities or fundamental research
  - Foreign national not from prohibited country listed under export control requirements
  - Foreign national will not have access to controlled information, technology and/or software
  
- Project is subject to deemed export requirements because (describe):
  
  
- If deemed export requirements apply to the foreign national, the following compliance steps are required (check all that are appropriate):
  - Obtain export control license before undertaking activity(ies)
  - Do not undertake planned activity(ies)
  - Other

Additional Comments:

**Research Compliance Officer's Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_