

Export Control Tools for Buyers

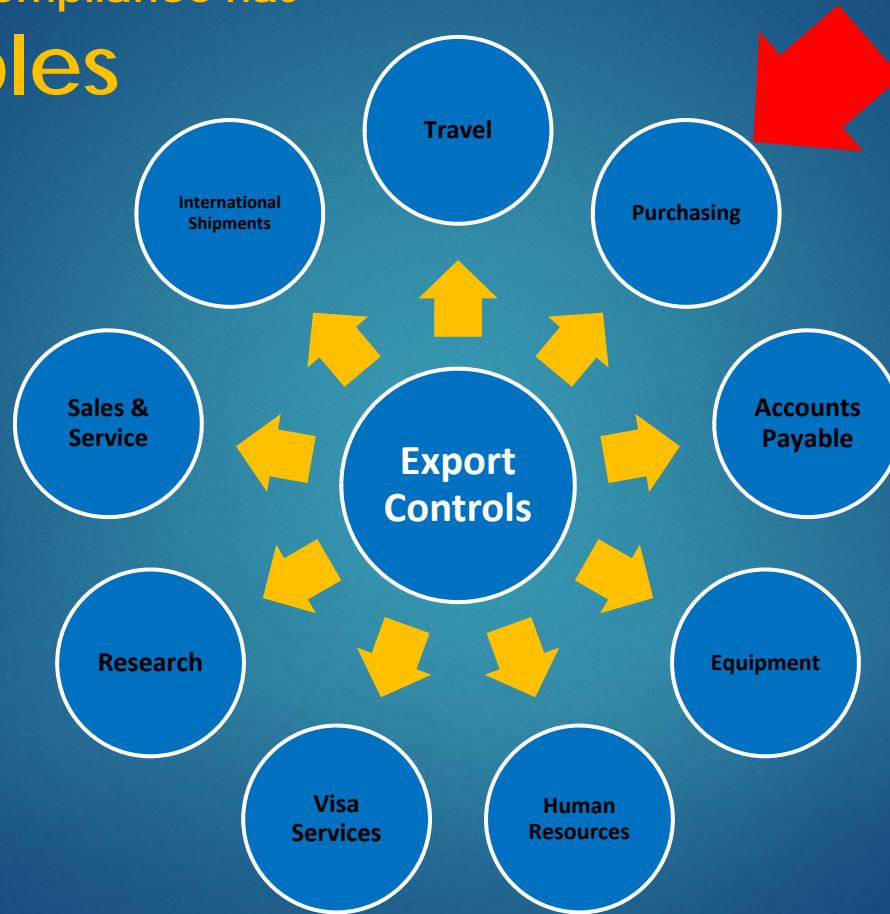


UNIVERSITY
OF
CALIFORNIA

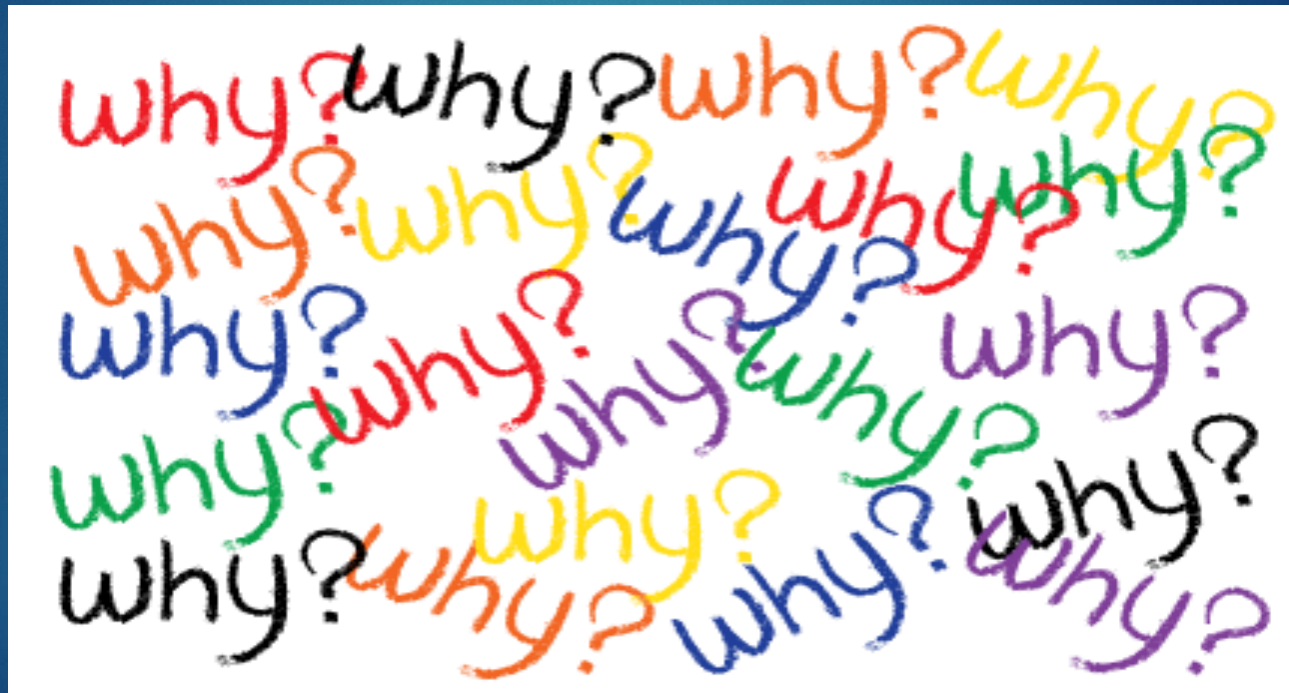
Welcome and Training Objectives

- How U.S. export control regulations operate and impact higher education
- Overview of Key Compliance Role of Purchasing
- The actions necessary to purchase controlled items in a compliant manner
- UCR's team approach to Compliance

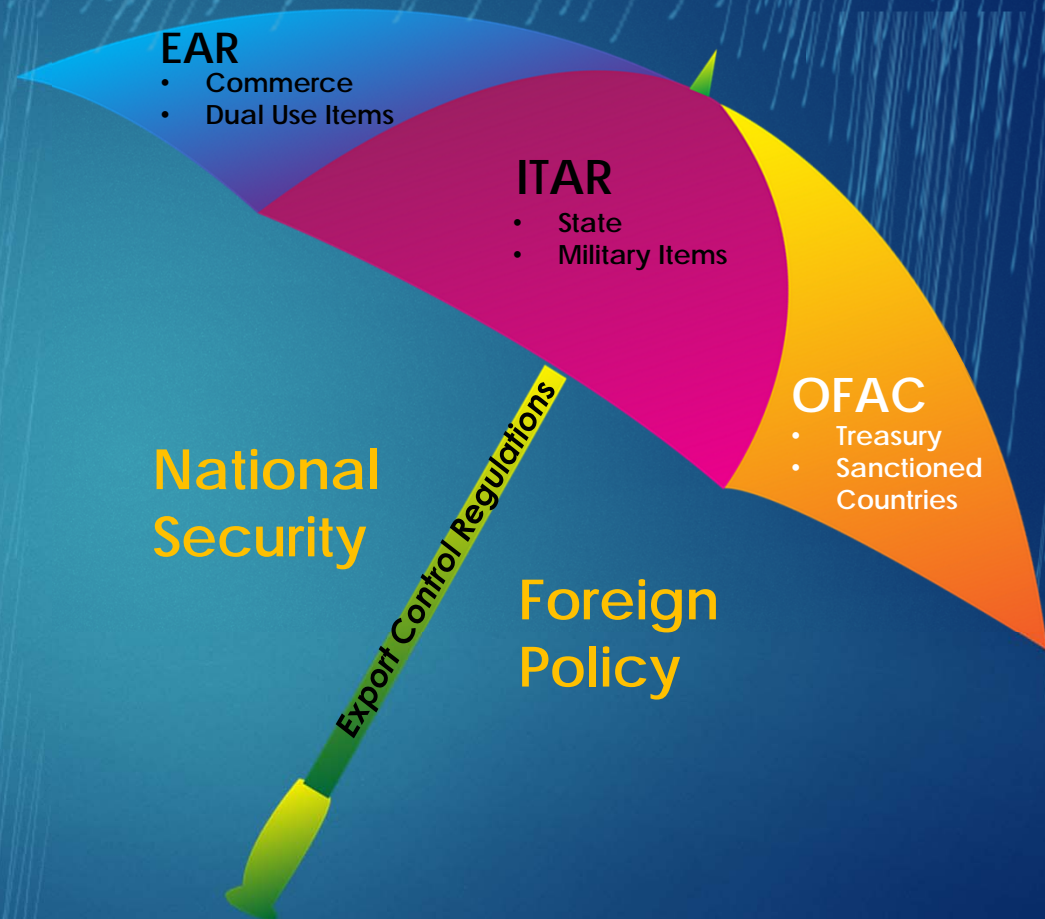
Export Control Compliance has Many Roles



Why Do We Have Export Regulations?



What ARE Export Controls for?



*** Contact UCR Export Control for questions concerning other agencies such as Energy, Nuclear Regulatory, AFAEA



Export Controls: What are they and what do they do?

U.S. Laws and Regulations which restrict:

- Distribution of technologies, equipment, hardware and software; and
- Technical assistance to foreign nationals, foreign countries and listed individuals & entities; and
- Payments and services to listed individuals, entities, and comprehensively sanctioned countries for reasons of foreign policy and national security.

Commodity Classification

- ITAR vs EAR?
- EAR 99?



Terms & Conditions of Purchase

ARTICLE 17 – ADDITIONAL TERMS APPLICABLE TO THE FURNISHING OF GOODS

[NEW]

F. Export Control. If any of the Goods is export-controlled under the International Traffic in Arms Regulations (22 CFR §§ 120-130), the United States Munitions List (22 CFR § 121.1), or Export Administration Regulations (15 CFR §§ 730-774) 500 or 600 series, or controlled on a military strategic goods list, Supplier agrees to provide UC (the contact listed on the Purchase Order) with notification that identifies the export-controlled Goods and Goods' export classification.

6A002 (or EAR 99)



CCL CATEGORIES	
0	Nuclear & Miscellaneous
1	Materials, Chemicals, Microorganisms & Toxins
2	Materials Processing
3	Electronics
4	Computers
5	Telecommunications
Part 1	
5	Information Security
Part 2	
6	Sensors & Lasers
7	Navigation & Avionics
8	Marine
9	Aerospace & Propulsion

CCL PRODUCT GROUPS	
A	Systems, Equipment & Components
B	Test, Inspection & Production Equipment
C	Material
D	Software
E	Technology

3 = Electronics
A = Systems, Equipment & Components
3A001

Items have an Export Control Classification Number (ECCN) containing

5 alpha-numeric characters

Example ECCN: 0A981

('Equipment designed for the execution of human beings . . .')

ITAR – military use

XII (c)



Notifications which identify controlled items?

Check the fine print!

*"Buyer is responsible
for compliance....with
U.S. export control laws
and regulations...."*

affiliates any sums or amounts then due from Buyer and its affiliates to Seller and its affiliates.

15. Compliance with Laws. Buyer is responsible for compliance with any laws, regulations and legal authorities applicable to the purchase, export, import, transfer, sale or other disposition of the purchased Products, including all applicable U.S. export control laws and regulations, and shall not export, re-export, or otherwise transmit, directly or indirectly, any Product, software, technical data, or other materials received from Seller, or the direct products thereof, unless in full compliance with all applicable laws and regulations, including obtaining any required export licenses. If Buyer requires Seller to export Products from the U.S., Buyer will be responsible for providing all import certificates or other documents necessary to obtain any required export licenses.

The UC's New 3 Step Approach

UNIVERSITY
OF
CALIFORNIA

EXPORT CONTROL FOR PURCHASING

1 Look for **RED FLAGS**



- MILITARY
- NAVIGATION
- AVIONICS
- RADAR
- NIGHT VISION



- SPACE ITEMS
- SATELLITES



- GAS MONITORS
- OSCILLOSCOPES
- PHOTONICS
- SCANNERS
- SENSORS



- BACTERIA
- VIRUSES
- VACCINES
- TEST KITS



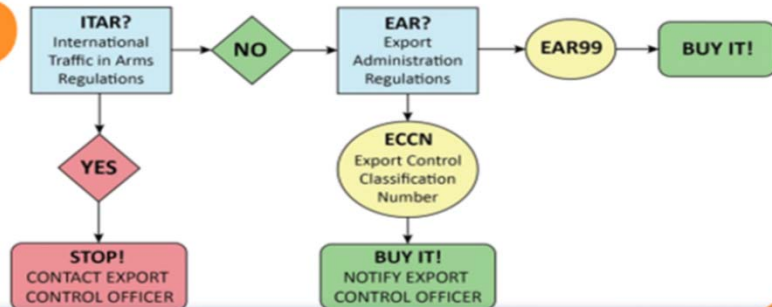
- NUCLEAR ITEMS
- RADIOACTIVE MATERIALS

See page 2 for additional red flags.

2 Send the **VENDOR** these **QUESTIONS**

- Is the item a defense article or considered strategic goods? If yes, please provide the ITAR category.
- Is the item a dual use article controlled under the EAR? If yes, please provide the Export Control Classification Number (ECCN).

3 Follow the **DECISION TREE**



Step 1

Follow the

Red Flags

1 Look for RED FLAGS



- MILITARY
- NAVIGATION
- AVIONICS
- RADAR
- NIGHT VISION



- SPACE ITEMS
- SATELLITES



- GAS MONITORS
- OSCILLOSCOPES
- PHOTONICS
- SCANNERS
- SENSORS



- BACTERIA
- VIRUSES
- VACCINES
- TEST KITS



- NUCLEAR ITEMS
- RADIOACTIVE MATERIALS

See page 2 for additional red flags.

What are Red Flags?

RED FLAGS



- Night vision or infrared cameras
- Sonobuoys and submersible vessels
- Navigation, defense equipment or avionics equipment
- Military communications systems or high frequency radio apparatus
- Military electronics or items with ruggedized components
- Radar equipment
- Unmanned aerial vehicles (UAVs)



- Satellite components or accessories
- Radiation-hardened equipment or components
- Lasers



- Gas monitoring or filtration devices
- Optical lens or photonic instruments or components
- Oscilloscopes or spectrometers
- Gravimeters
- Fiber optic cables and filaments



- Biological agents
- Vaccines
- Food testing kits



- Nuclear or radioactive devices
- Semiconductors



- Any of the following terms in correspondence with the vendor:
 - "No foreign nationals"
 - "ITAR"
 - "USML Category"
 - "ECCN"
 - "Export restricted"
 - "U.S. only"



- You are asked to complete an "end use" statement



- The item will be shipped to a destination outside the U.S.

This list is not exhaustive. Consult your Export Control Officer listed at the bottom of this page 1 for further information.

Step 2

Ask the right questions

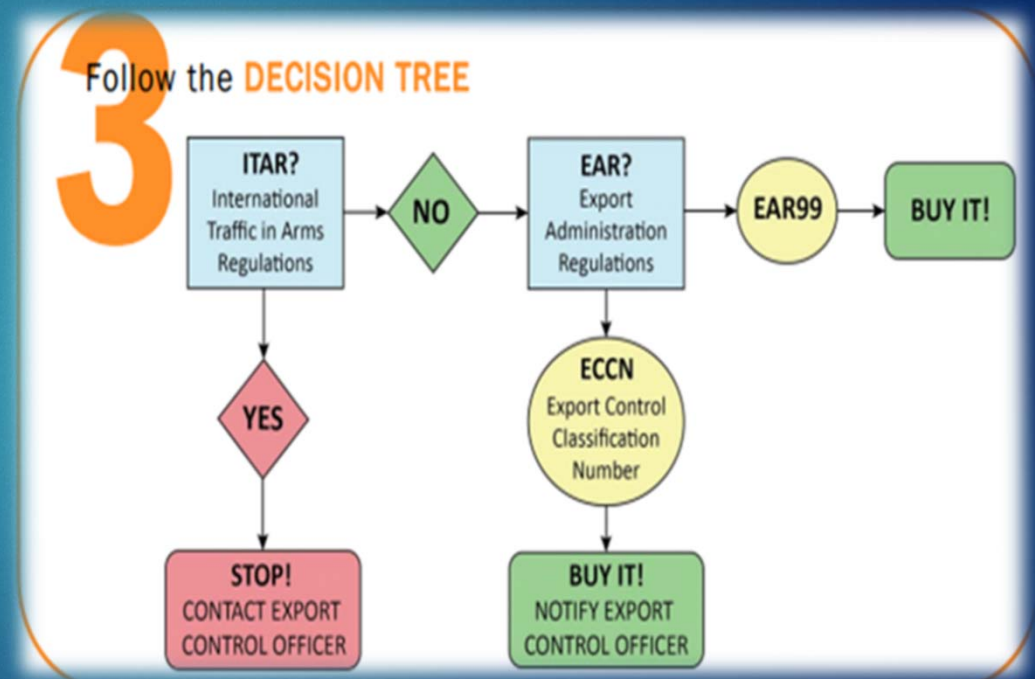
2 Send the **VENDOR** these **QUESTIONS**

- Is the item a defense article or considered strategic goods? If yes, please provide the ITAR category.
- Is the item a dual use article controlled under the EAR? If yes, please provide the Export Control Classification Number (ECCN).

- ✓ Defense Article?
- ✓ Dual Use? Controlled Under the EAR?
- ✓ ECCN?
- ✓ Military or Restrictive Non-Civilian Purpose?

Step 3

Follow the Decision Tree



Scenarios:

- Vendor won't provide control status
- ITAR Items are accepted into Inventory
- End-User wishes to return item to foreign source

How do institutions get In trouble?

- Ignore Export Control Terms & Conditions
- Fail To escalate concerns and Red Flags
- Receive Controlled Technology without solutions such as Technology Control Plans
- Fail to apply for licenses for licensable Activities

Questions?



Contact

Charles Greer

Associate Vice Chancellor for Research

951-827-3093

charles.greer@ucr.edu