EXPORT CONTROL 101

Ryan Jordan, Sr. Export Control Analyst & Facility Security Officer
UC San Diego

RESEARCH COMPLIANCE AND INTEGRITY

- Conflict of Interest (COI)
- Dual Use Research of Concern (DURC)
- Export Control and Facility Security
- Institutional Animal Care and Use Committee (IACUC)
- Research Ethics and Integrity (Research Misconduct)
- ClinicalTrials.Gov, NIH Good Clinical Practices (GCP) and Responsible Conduct of Research (RCR) Compliance
- General Research Compliance Activities

Website: RCI.UCSD.EDU
Helpline: (858) 822-4939
Email: rci@ucsd.edu
IDENTIFIES AND MANAGES EXPORT RISKS FOR U.S. NATIONAL SECURITY & FOREIGN POLICY TO FACILITATE UNIVERSITY RESEARCH

- Export Controls
- Dual Use Research of Concern (DURC)
- Facility Security

ADVISES ON AND OBTAINS EXPORT LICENSES FOR:
- International payments, shipments, travel and collaborations
- Sanctioned country activities with Cuba, Iran, North Korea, Syria & Sudan
- Restricted parties

DEVELOPS TECHNOLOGY CONTROL PLANS WITH RESEARCHERS FOR EXPORT RESTRICTED ITEMS
EXPORT CONTROL IS A TEAM EFFORT
AGENDA

1. What are export controls and why do they matter?
2. Export Control factors in Academia
3. EAR & ITAR controls
4. OFAC Sanctions
5. Fundamental Research Exclusion
6. Restricted Parties
7. Export Licensing & Technology Control Plans
8. CUI & DoD Distribution Statements
9. International Shipping
Export control is a **shared responsibility**

Policy **applies to all** UC Faculty, Academic Appointees, Staff, Students (including student employees), non-employee participants in University programs (e.g., visiting scholars, vendors and contractors) and to all University activities.

Export control **reviews are required** for certain transactions to ensure there are no unlicensed exports abroad or to foreign persons in the U.S. Transactions, items or activities may require export licenses, control plans or other approaches to ensure compliance with the export control regulations.

If you are involved in export transactions, you are responsible for ensuring export reviews are escalated to the [UC San Diego Export Control Office](https://policy.ucop.edu/doc/2000676/ExportControl), providing information required to complete the reviews or export licenses and complying with the terms of a technology control plan or export license conditions issued by the government.

[https://policy.ucop.edu/doc/2000676/ExportControl](https://policy.ucop.edu/doc/2000676/ExportControl)
Export Control 101
Export controls are U.S. government regulations that cover the export of strategic technologies, equipment, hardware, software, and technical information. They also cover activities such as providing technical assistance or payments to Foreign Persons for reasons of national security and foreign policy.
WHY DOES THE GOVERNMENT CONTROL EXPORTS?

### U.S. Reasons for Control:
- National Security Reasons
- Nuclear Non-Proliferation Reasons
- Missile Technology Controls
- Chemical & Biological Controls
- Anti-Terrorism
- Regional Stability
- Crime Control Measures
- Anti-boycott Reasons

### International Multilateral Agreements:
- Wassenaar Agreement – Controls conventional arms & dual-use commodities (42 countries)
- Nuclear Suppliers Group – To stem the proliferation of nuclear weapons (48 countries)
- The Australia Group – Ensure exports don’t contribute to chemical or biological weapons (43 countries)
- Missile Technology Control Regime – limit the proliferation of missiles capable of delivering WMDs (35 countries)
Export Administration Regulations (EAR)
“Dual use” items on the Commerce Control List (CCL) are controlled by the Export Administration Regulations (EAR – 19 CFR 730-774) administered by The Department of Commerce’s Bureau of Industry and Security (BIS).

International Traffic in Arms Regulations (ITAR)
The United States Munitions List (USML) and defense services are controlled under the International Traffic in Arms Regulations (ITAR) administered by the Department of State’s Directorate of Defense Trade Controls (DDTC).

Office of Foreign Asset Control (OFAC)
Department of the Treasury’s Office of Foreign Assets Control (OFAC) administers economic and trade sanctions. Research in or collaborations with Cuba, Iran, North Korea, Sudan, Syria, and the Crimean Peninsula of Ukraine requires special export control review...and others such as the 10 CFR Part 810 (Nuclear Regulatory Commission)
WHY IT MATTERS

1. Delays – Can impact research timeline
   - Licensing timelines can be long – Plan ahead.
   - US and foreign Customs agencies can detain or seize goods
   - Likely to require additional internal review

2. PI’s and administrators need to be involved

3. Fines – loss of research dollars

4. Debarment & loss of export privileges

5. Puts federal funding at risk – for UCSD and for the PI

6. Placement on the denied parties list

7. Negative publicity
FINES & JAIL TIME

U.S Department of State (ITAR)
- Criminal: up to $1,000,000 per violation and up to 10 years imprisonment
- Civil: revocation of exporting privileges, fines up to $500,000 per violation

U.S. Department of Commerce (EAR)
- Criminal: up to $1,000,000 per violation (or 5X the value of the export), up to 20 years imprisonment
- Civil: revocation of exporting privileges, fines up to $250,000 per violation (or 2X the value of the export)

U.S. Department of Treasury (OFAC)
- Criminal: up to $1,000,000 per violation and up to 10 years imprisonment
- Civil: $55,000 to $250,000 fines (depending on applicable law) per violation

Foreign Trade Regulations (FTR)
- False or missing EEI/AES export declarations: $10,000 per violation
PayPal to Pay $7.7 Million to U.S. Over Alleged Sanctions Violations

Under settlement, PayPal didn’t admit or deny the allegations

By Rachel Louise Ensign
Updated March 25, 2015 6:54 pm ET

The U.S. Treasury Department disclosed on Wednesday a $7.7 million settlement with eBay Inc. unit PayPal Inc. over alleged sanctions violations by the electronic payments company.

Those alleged violations included processing payments for a man allegedly involved in the black market for nuclear-weapons technology as well as thousands of dollars’ worth of transactions involving goods and services going to and from Cuba, Sudan and Iran. In all, nearly 500 PayPal transactions, worth almost $44,000, potentially violated U.S. sanctions, according to the Treasury Department.

Under the settlement, PayPal didn’t admit or deny the allegations, though the company and Treasury said the San Jose, Calif., payments firm voluntarily disclosed the transactions to Treasury’s Office of Foreign Assets Control, which supervises the enforcement of sanctions.
EXAMPLE OF NON-COMPLIANCE
EXAMPLE OF NON-COMPLIANCE

J. Reece Roth
Emeritus Professor of Electrical and Computer Engineering,
University of Tennessee

- Convicted in 2012 for conspiracy, wire fraud, and 15 counts of exporting “defense articles and services” without a license.
- Permitted access by foreign national graduate students in his lab to access export restricted “technology”.
- Traveled to China for an academic conference with a laptop containing export restricted reports and defense technical information.
- While struggling for internet access in China, he requested a student email files to a professor at a Chinese university so he could access them.
- Sentenced to 4 years in federal prison.
EXAMPLE OF NON-COMPLIANCE

Dr. Thomas Campbell Butler
Former Chief of Infectious Disease
Texas Tech University

- Illegally exported 30 vials of Yersinia pestis (YP), the casual organism of Bubonic Plague, to the University of Tanzania for research without an export license and lied about it to authorities.
- Filed a false export control document, identifying the YP as "laboratory materials" when he knew the shipment contained a government-regulated select agent.
- Charged with lying to Texas Tech Health Sciences Center officials about the contents of his lab when he stated he did not have YP.
- Convicted on 47 counts
WHAT IS EXPORT CONTROLLED?

Examples include: Aerospace, Acoustics, Bacteria, Cameras (infrared & high speed), Drones (land, air, & sea), Fiber Optics, Gas Monitors, Gravimeters, Lasers, Military Communications or Electronics, Navigation, Night Vision, Nuclear Items, Oceanographic Equipment, Oscilloscopes, Particle Accelerators, Photonics, Pumps, Radar, Radioactive Materials, Radiation Hardened Equipment, Satellites & Space, Sensors, Submersibles, Viruses, Vaccines, and much more.
WHAT IS AN “EXPORT”? 

A shipment or transmission of items (or “know how”) out of the United States. [15 CFR 734.2 (b)]

Examples Include:

- Physical shipments
- Hand carry items or laptops overseas
- Email
- Posting or pulling from a FTP site
- Accessing a server overseas
- File Sharing with a foreign person or colleague overseas
- Presentation at a foreign conference
- Telephone call
- Conversations with or visual inspection by a foreign person in the U.S. or abroad (deemed export)
- Release of technical information to a foreign person in the U.S. or abroad (deemed export)
### ITAR CATEGORIES (U.S. MUNITIONS LIST)

<table>
<thead>
<tr>
<th>Category</th>
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<tbody>
<tr>
<td>I. Firearms and Related Articles</td>
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<tr>
<td>II. Guns and Armament</td>
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<tr>
<td>III. Ammunition and Ordnance</td>
</tr>
<tr>
<td>IV. Launch Vehicles, Guided Missiles, Ballistic Missiles, Rockets, Torpedoes, Bombs and Mines</td>
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<tr>
<td>V. Explosives and Energetic Materials, Propellants, Incendiary Agents and Their Constituents.</td>
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<tr>
<td>VI. Surface Vessels of War and Special Naval Equipment</td>
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<tr>
<td>VII. Ground Vehicles</td>
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<tr>
<td>VIII. Aircraft and Related Articles</td>
</tr>
<tr>
<td>IX. Military Training Equipment and Training</td>
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<tr>
<td>X. Personal Protective Equipment</td>
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<tr>
<td>XI. Military Electronics</td>
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<td>XII. Fire Control, Laser, Imaging, and Guidance Equipment</td>
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<td>XIII. Materials and Miscellaneous Articles</td>
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<td>XIV. Toxicological Agents, Including Chemical Agents, Biological Agents, and Associated Equipment.</td>
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<tr>
<td>XV. Spacecraft and Related Articles</td>
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<td>XVI. Nuclear Weapons Related Articles</td>
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<tr>
<td>XVII. Classified Articles, Technical Data, and Defense Services Not Otherwise Enumerated</td>
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<tr>
<td>XVIII. Directed Energy Weapons</td>
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<td>XIX. Gas Turbine Engines and Associated Equipment</td>
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<tr>
<td>XX. Submersible Vessels and Related Articles</td>
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<tr>
<td>XXI. Articles, Technical Data, and Defense Services Not Otherwise Enumerated</td>
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</tbody>
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DEFENSE SERVICES (22 CFR §120.9)

- Can occur with the use of public domain information if used to train a foreign military (or space) agency
- “Fundamental research” awards sponsored by a foreign military or space agency
- Foreign military representative visits a US researcher
- US researcher was a foreign military officer and maintains contacts with foreign military
No license is required to share covered technical data with a foreign national who:

- Is not a national of certain countries (22 CFR §126.1);
- Is a full-time, bona fide employee;
- Has a permanent address in the US while employed; and
- Is advised in writing not to share covered technical data with any foreign nationals.

See 22 CFR §125.4.b.10
# EAR CATEGORIES (COMMERCE CONTROL LIST)

<table>
<thead>
<tr>
<th>Category</th>
<th>Description</th>
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<tbody>
<tr>
<td>0</td>
<td>Nuclear Materials, Facilities &amp; Equipment (&amp; Miscellaneous)</td>
</tr>
<tr>
<td>1</td>
<td>Materials, Chemicals, Microorganisms, and Toxins</td>
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<tr>
<td>2</td>
<td>Materials Processing</td>
</tr>
<tr>
<td>3</td>
<td>Electronics Design, Development and Production</td>
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<tr>
<td>4</td>
<td>Computers</td>
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<tr>
<td>5</td>
<td>Telecommunications and Information Security</td>
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<tr>
<td>6</td>
<td>Sensors and Lasers</td>
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<td>7</td>
<td>Navigation and Avionics</td>
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<tr>
<td>8</td>
<td>Marine</td>
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<tr>
<td>9</td>
<td>Propulsion Systems, Space Vehicles and Related Equipment</td>
</tr>
</tbody>
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<table>
<thead>
<tr>
<th>Group</th>
<th>Description</th>
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<tbody>
<tr>
<td>A</td>
<td>Systems, Equipment, &amp; Components</td>
</tr>
<tr>
<td>B</td>
<td>Test, Inspection, &amp; Production Equipment</td>
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<tr>
<td>C</td>
<td>Materials</td>
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<tr>
<td>D</td>
<td>Software</td>
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<tr>
<td>E</td>
<td>Technology</td>
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<thead>
<tr>
<th>Reasons for Control</th>
<th>Description</th>
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<tr>
<td>0XX</td>
<td>National Security</td>
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<tr>
<td>1XX</td>
<td>Missile Technology</td>
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<tr>
<td>2XX</td>
<td>Nuclear Non-Proliferation</td>
</tr>
<tr>
<td>3XX</td>
<td>Chemical and Biological</td>
</tr>
<tr>
<td>9XX</td>
<td>Foreign Policy</td>
</tr>
</tbody>
</table>

## ECCN (Export Control Classification Number)

<table>
<thead>
<tr>
<th>Category</th>
<th>Group</th>
<th>Reason for Control</th>
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</table>
Dual-use items are goods, software and technology that can be used for both civilian and military applications.
EXPORT CONTROL FACTORS

Who (People)
• Involvement of restricted entities
• Foreign person access to export restricted technology

Where (Places)
• Involvement of sanctioned countries
• Export controls depend on the destination country

What (Things)
• The commodity and its technical capabilities
• The commodity’s export classification?
• Equipment, materials, software, & technology (information)

Why (Use Case)
• Prohibited End Uses (WMD, missile, nuclear, chem/bio, etc.)
• Military end use & Military end user
WHAT IS A FOREIGN PERSON?

**Foreign Person**
- Any person not a U.S. citizen or legal permanent resident (green card holder)
- Any person not granted political asylum or refugee status
- Any U.S. Person employed or representing a foreign entity

**Foreign Entity**
- Any partnership or group not incorporated or organized to do business in the U.S.
- Any foreign government
1. Sponsored research agreements
2. International collaborations
3. Equipment and materials purchase and surplus (particularly defense articles)
4. Material Transfer Agreements
5. Nondisclosure agreements
6. Software licenses
7. Contract or Recharge Services Agreements
8. Payments to foreign nationals
9. Fund transfers to foreign countries
10. Shipments and hand-carries to foreign countries for loan or field work
11. Employees, Students, Visitors, Visiting Scholars
OFAC SANCTIONED TRANSACTIONS

- Imports and exports of goods or services to a sanctioned country, entity, or specially designated national.
- Engaging in a financial transaction with a sanctioned country, entity, or specially designated national.
- Travel to some sanctioned countries
- Sanctioned transactions generally do not apply to activities with foreign nationals from sanctioned countries lawfully admitted to the US
Comprehensive Sanctions cover imports, exports, financial transactions and services for Cuba, Iran, North Korea, Syria, & Sudan.

Other sanctions programs include Belarus, Burma, Burundi, Central African Republic, Chinese military companies, counter terrorism, counter narcotics, Hong Kong, Iraq, Lebanon, Libya, Somalia, South Sudan, Ukraine/Russia, Venezuela, Yemen, Zimbabwe

This list is not exhaustive
SPECTRUM OF RESEARCH & EXPORT CONTROLS

Fundamental Research* - Not Subject to Regs, Open Participation
Dual Use (EAR) Restricted Research - US Citizens, Permanent Residents, Protected Persons OK
Dept. of Energy Restricted Research - Foreign National Licensing or Exceptions Required
Military (ITAR) Restricted Research - US Citizens Only
Classified Research

* Fundamental Research Exclusion (FRE) applies to most basic research conducted at UC San Diego
FUNDAMENTAL RESEARCH EXCLUSION (FRE)

Covers: (1) information (not items); (2) resulting from “basic & applied research in science & engineering; (3) at an “accredited institution of higher education” (EAR); (4) “located in the United States”; (5) that is “ordinarily published & shared broadly within the scientific community”
Fundamental Research does **NOT** cover:

- **Tangible exports** of hardware, software, and technology
- **Export controlled technology or technical data** received from a sponsor or 3rd party
- **Export Controlled activities** — “defense services”
- **Sales and Services**
- **Research involving creation or use of certain encryption source code**
- **Publication Restrictions** (review vs. approval)

**Transactions** involving sanctioned countries, restricted entities and prohibited end-uses must be reviewed independent of fundamental research for licensing requirements.
Publicly available information is generally excluded from export controls.

- Published in scientific journals
- Readily available at public or university libraries
- Patents and published patent applications
- Release at an open conference, meeting, seminar, trade show, or other open gathering held within the U.S.
- Educational instruction in science, math, and engineering taught in catalogue courses

NOTE: Some publicly available information and software is still subject to the regulations even if it’s made public. Examples include aerospace/satellites, formerly ITAR items, and information security/encryption technology.
Restricted Parties
WHAT IS A RESTRICTED OR PROHIBITED PARTY?

The US Government issues various lists of individuals & entities both in the U.S. & abroad that have committed export violations or other serious offenses.

- Terms & conditions require no debarred, disqualified or ineligible persons
- Part of funding awards, procurement and service agreements

Financial dealings or export transactions with Restricted or Prohibited parties is prohibited.

- Terrorists
- Weapons Proliferators
- Export Violators
- Drug Traffickers
RESTRICTED PARTY & SANCTIONS SCREENING

Country screen for Sanctions
- licenses are generally required for Cuba, Iran, North Korea, Syria and Sudan for both imports and exports

Screen person and affiliated organization against US government lists
- Narco-traffickers, weapons developers, nuclear proliferators, terrorists, restricted or denied entities and persons
- There are universities and research institutes on the lists

Applies to:
- International collaborations
- International payments (subawards, purchases, services, or recharge)
- International shipments
- International visitors (visiting scholars)
- International students
EXAMPLES OF RESTRICTED ENTITIES (UNIVERSITIES)

- Beijing University of Aeronautics and Astronautics (BUAA) AKA Beihang University - Beijing, China
- Tianjin University - Tianjin, China
- Northwest Polytechnical University (NPU) - Xian, China
- Sichuan University - Chengdu, China
- University Of Electronic Science And Technology Of China (UESTC) - Chengdu, China
- Malek Ashtar University of Technology - Tehran, Iran
- Baqiyattallah University Of Medical Sciences - Tehran, Iran
- Imam Hossein University - Tehran, Iran
- Ben Gurion University (BGU) - Beersheba, Israel

* NOT A COMPREHENSIVE LIST
U.S. GOVERNMENT LISTS

In addition to export and sanctioned countries, there are also restricted entities and individuals:

- Department of Commerce Denied Persons [BIS]
- Department of Commerce Entity List [BIS]
- Department of Commerce ‘Unverified’ List [BIS]
- U.S. Treasury Department Specially Designated Nationals and Blocked Persons, including Cuba and Merchant Vessels, Iran, Iraq and Merchant Vessels, Sudan Blocked Vessels [OFAC]
- Department of State Designated Terrorist Organizations
- Department of State Terrorist Exclusion List (TEL)

* NOT A COMPREHENSIVE LIST
Achieving export, import and financial trade compliance doesn't have to be complicated

Solutions for restricted and denied party screening, classification, automation—and more
VISUAL COMPLIANCE

INDIVIDUAL AND COMPANY SCREENING
Name: John Doe
Company: University of Wherever
Address: 
City: 
State: 
Countries: Select country if applicable
Comment: Visiting Scholar

BLOCKED FOREIGN NATIONALS BY COUNTRY
Display a checklist of blocked foreign nationals in a country:
Select country for checklist
Many foreign nationals are not identified by country in the official sources. This query searches subscribed RPS lists (except GSA and PEP), including records having alternate country locations in Notes.

BLOCKED ENTITIES AND FUGITIVE LISTS
Display a checklist of entities on the selected government list:
Select list to display

GEOGRAPHIC LOCATION FROM IP ADDRESS
Display geographic location of provided IP address:
May entail a margin of error.

GSA data is updated in full every business day direct from SIMPLS. Fuzzy searches including GSA are automatically limited to level 2. Business endings is not selectable when already set as your profile default. Fuzzy or phonetic search with thesaurus often produces erratic results.

The method of querying, validating, submitting and processing RPS queries used in Visual Compliance is protected under
WHEN TO SCREEN FOR RESTRICTED PARTIES?

If you are conducting transactions with other persons, whether individuals or entities and whether in the U.S. or abroad, these restrictions apply. Transactions may include:

- Payments for goods or services (cash, check, wire transfer, or other means)
- Contributions and donations of funds, materials or support
- Imports or export shipments either physical or electronic
- International collaborations
- Access to export restricted data or ITAR equipment such as NDAs, Employees, students, visiting scholars in labs with access to restricted items
- Visiting scholars, graduates students or other research personnel in the U.S. under a Visa
ESCALATIONS TO EXPORT CONTROL

If the screening produces a match, stop the transaction and escalate the screening to export@ucsd.edu.

The Export Control Office will review the screening and evaluate if an export license may be required. Please wait to hear from the Export Control Office before you resume the transaction.
LICENSING TIMEFRAMES, PLAN AHEAD

- Accommodate export licensing into your research timetable
- It can take anywhere from 6 weeks to 1 year for government approval.
- Plan for Licensing:
  - BEFORE any controlled item/technology can be exported abroad or with a foreign national (even if at UCSD or in the U.S.)
  - BEFORE the transfer of information required to develop research proposals
  - BEFORE undertaking the international collaboration or activity
License Exemptions exist for exports of certain commodities to certain countries.

**TMP (Temporary)**
- Be for less than one year.
- Equipment generally recognize as a “tool of trade”
- Remain under the traveler’s effective control
- Cannot include a sanctioned country

**Others exemptions include:**
- LVS (Low Value)
- GBS (Group B Countries, aka close allies)
- ENC (Encryption)
- BAG (Personal Baggage)
- and more

Does not apply to ITAR.

Must be evaluated on a case by case basis by the Export Control Office.
A Technology Control Plan (TCP) is a customized management plan that describes the procedures and responsibilities to prevent access to export-controlled items, technologies, data, or information by unauthorized individuals. All persons needing to access these controlled items needs to be trained and sign the control plan.

**Physical Security**
- Restricted areas with access controls (R&D offices, labs, etc.) to prevent unauthorized access.
- Ensure foreign nationals (faculty, staff, students, & visitors) will not be permitted into restricted areas or gain access to export restricted technology without an export license, exemption or exception.
- Prevent loss and theft.

**IT Security**
- Controlled information must be limited to the individuals approved based on nationality and need-to-know.
- There are varying degrees of IT controls that can be implemented depending on the requirements.
WHEN IS A TCP REQUIRED?

- University activities involving defense articles or services
  - ITAR items or information on campus
  - Collaborations with foreign defense entities
- University activities involving dual use proprietary technology or source code
  - When dual use items are controlled for national security reasons
- Visitors from restricted entities
- Exports of some commodities using license exceptions or exemptions
- DoD contracts with:
  - DFAR clause 252.204-7012 (Safeguarding Unclassified Controlled Technical Information)
  - DFAR clause 252.204-7000 (Disclosure of information)
Distribution Statement A:
Approved for public release: distribution unlimited.

Distribution Statement B:
Authorized to U.S. Government agencies.

Distribution Statement C:
Authorized to U.S. Government agencies and their contractors.

Distribution Statement D:
Authorized to Department of Defense and their contractors only.

Distribution Statement E:
Authorized to DoD Components only.

Distribution Statement F:
Further dissemination only as directed by higher DoD authority.

Anything other than “A” should be treated as CUI & ITAR.
Relatively new control “bucket” that includes dozens of former markings from across the Federal Government, including:

- FOUO – For Official Use Only (exempted from FOIA requests)
- CDI – Covered Defense Information
- Refer to the CUI Registry website for a full list of markings that are included under the CUI “umbrella”
- https://www.archives.gov/cui/registry/category-list

CUI//NOFORN/FEDCON
INTERNATIONAL SHIPPING LIFECYCLE

- Shipper
- Inland Carrier
- Customs (Export)
- International Carrier
- Delivery Carrier
- Customs (Import)
- Destination

Temporary Exports
INTERNATIONAL SHIPMENTS REQUIRE A COMMERCIAL OR PRO FORMA INVOICE

• Shipper’s information
• Consignee information
• Date of Export
• Incoterms
• Itemized list of goods
• Destination Control Statement
• Shipper's name, date, signature

EACH LINE ITEM REQUIRES:

• **Description of goods** (detailed, identifying, without jargon or shorthand, include manufacturer and model/serial number where appropriate)
• **Value** (purchase price or replacement cost)
• **Weight**
• **Country of Origin** (COO) – where it was made
• **Export Control Classification Number** (ECCN)
• **Commodity Classification** (Schedule B or Harmonized Tariff Schedule Code)
HAZARDOUS MATERIALS

- Items and products we use every day that pose some type of danger or risk
- The DOT (Department of Transportation) defines regulated hazardous materials as “any item that poses an unreasonable risk to health, safety, and property when transported in commerce”
- Only legally trained and certified hazmat shippers can package, mark, label, and ship regulated hazardous materials both domestically and internationally per United States Federal Law (49 CFR)
- Examples: lithium batteries, cell phones/Laptops, biologicals, chemicals/compounds, glues/adhesives, compressed gases, dry ice, liquid nitrogen, fuel, paints, acids/bases, hydraulic fluid, genetically modified organisms, refrigerators/freezers
The exporter is responsible for filing the EEI with U.S. Customs and Border Protection (CBP) and U.S. Census through the Automated Commercial Environment (ACE).

Who can file for you?
- UC San Diego Export Control Office
- UC San Diego Outbound Shipping
- American Cargoservice (Customs Broker for UC)

Common Exemptions:
- NOEEI 30.36 - Canada Exemption
- NOEEI 30.37(a) – Low Value Exemption (under $2500 per Schedule B)
- NOEEI 30.37(b) – Tools of the Trade (not shipped & not for sale)
- NOEEI 30.37(q) – Temporary Export Exemption (return to U.S. within 1 year)
- NOEEI 30.37(x) – Shipments under license exception BAG (15 CFR 740.14)
MATERIAL TRANSFER AGREEMENTS

An MTA is required if:
1. solely developed at UCSD
2. were transferred to UCSD for research purposes by a third-party and are now being sent out
3. were modified at UCSD to incorporate, rely on, use or were derived from third-party material

Alternatives to an MTA:
- Service Agreements
- Loan Agreements
- Data-use Agreements
- Procurement Agreements
- Sponsored Research Agreements (if they contain IP protection clauses)

Submit an MTA request using the online eMTA System. [https://emta.ucsd.edu/](https://emta.ucsd.edu/)

For more information regarding these various agreements, please contact:
Material Transfer Agreements (MTAs) - MTAHelpDesk@ucsd.edu or (858) 246-3682
OCGA Ancillary Research Agreements - ocgainfo@ucsd.edu or (858) 534-3330
Procurement & Contracts - [https://blink.ucsd.edu/sponsor/BFS/divisions/ipps/procurement-contracts/index.html](https://blink.ucsd.edu/sponsor/BFS/divisions/ipps/procurement-contracts/index.html)
PENDING REGULATORY CHANGES
Emerging technologies are not currently export restricted, but they are a priority for the U.S. government as they are deemed essential to the national security of the United States.

(i) “biotechnology”;
(ii) “artificial intelligence”;
(iii) “Position, Navigation, and Timing (PNT) technology”;
(iv) “microprocessor technology”;
(v) “advanced computing technology”;
(vi) “data analytics technology”;
(vii) “quantum information and sensing technology”;
(viii) “logistics technology”;
(ix) “additive manufacturing”;
(x) “robotics”;
(xi) “brain-computer interfaces”;
(xii) “hypersonics”;
(xiii) “advanced materials”; and
(xiv) “advanced surveillance technologies.”

Controls for Military End Use/Users in China, Russia, Venezuela, and Myanmar:

- The Department of Commerce issued new regulations for exports to Military End Users or for Military End Uses in the China, Russia, Venezuela & Myanmar.

- This regulation will broaden the items for which the licensing requirements and review policy apply as well as expand the definition of “military end use.” It also creates a new reason for export control and associated review policy for regional stability for certain items.

- Finally, it adds Electronic Export Information filing requirements in the Automated Export System (AES) for exports to China, Russia, Venezuela, and Myanmar. For additional information, please see the Department of Commerce Fall 2019 Semiannual Agenda of Regulations.
EXPORT CONTROL VIDEOS

Topics
• University Research (7 minutes)
• Traveling abroad (4 minutes)
• ITAR (8 minutes)
• Biological Agents (5 minutes)
• OFAC (4 minutes)

Who should watch them?
• Staff (as new hire training or when you have a question)
• Faculty
• Students, post-docs, researchers

Where are they?
http://blink.ucsd.edu/sponsor/exportcontrol/training.html
UNANNOUNCED VISITS BY FEDERAL & STATE AGENCIES

• UC San Diego can expect site visits by outside agencies as part of routine oversight activities and for specific ongoing investigations

• The University’s practice is to cooperate with outside investigating agencies, while protecting the rights and privacy of the students, faculty, staff and research subjects

• Promptly contact Research Compliance and Integrity who will provide assistance or alert appropriate institutional offices. Email: rci@ucsd.edu Phone: (858) 822-4939

For additional information and FAQs, please see:
https://blink.ucsd.edu/research/policies-compliance-ethics/index.html
Export Control Office
(858) 246-3300
export@ucsd.edu

Ryan Jordan
Sr. Export Control Analyst & Facility Security Officer
(858) 534-1947 / rkjordan@ucsd.edu

Tami Hemingway
Sr. Export Control Analyst
(858) 761-3798 / themingway@ucsd.edu

Ashley Rubio
Export Control Analyst & Asst. Facility Security Officer
(858) 822-4136 / asrubio@ucsd.edu

http://export.ucsd.edu
QUESTIONS?
COMMUNICATIONS

- Research Compliance and Integrity Helpline: (858) 822-4939, rci@ucsd.edu
- Conflict of Interest Helpline: (858) 534-6465, info-coi@ucsd.edu
- Export Control Helpline: (858) 246-3300, export@ucsd.edu
- IACUC Helpline: (858) 534-6069, iacuc@ucsd.edu
- Hot Topics and Newsletters:
  - Website: http://blink.ucsd.edu/sponsor/rci/news.html
  - Research Compliance and Hot Topics Training Program
  - To be added to the RCI list serv, please email rci@ucsd.edu