Export Control Training for Buyers
Alternate Format
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[Note: this document is intended to provide an alternate, text-based version of the University of California Ethics Compliance and Audit Services Export Control Training for Buyers eCourse training, available through the [UC Learning Center](#).]

Export Control Training for Buyers

Welcome to the Export Control Training for Buyers.

Brought to you by the University of California Ethics, Compliance and Audit Services. This training supports JAWS, NVDA, VoiceOver, and TalkBack screen readers. There isn't sound or audio in this training.

The following lessons are in the course:

Lesson 1: Introduction

Lesson 2: Learning Objectives

Lesson 3: What are Export Controls?

Lesson 4: Export Control Regulatory Authorities

Lesson 5: Key Roles Involved in Export Compliance

Lesson 6: 3-Step Approach for Export Controls

Lesson 7: Vendor Scenarios You May Encounter

Lesson 8: How Institutions Fall Out of Compliance

Lesson 9: Knowledge Check

Lesson 10: Export Control Office Contact Information

Let's get started!

Lesson 1: Introduction

This training provides resources for buyers during the procurement process to ensure University of California compliance with federal export control regulations.
Please consult your campus [Export Control Office](#) for local procedures that are more detailed than the ones presented in this training.

Lesson 2: Learning Objectives

1. This training will cover the following topics:

2. An overview of export controls
3. The key compliance role of purchasing
4. Actions needed to remain compliant

Lesson 3: What are Export Controls?

Export Controls are federal regulations that apply to all activities and purchases of UC employees and impact:

The distribution of technologies, equipment, hardware, and software.

The provision of technical assistance to foreign nationals, foreign countries and listed individuals and entities. Technical assistance can include providing instruction, skills training, working knowledge, and consulting services, and may involve the transfer of technical data.

Payments and services to listed individuals, entities, and comprehensively sanctioned countries for reasons of foreign policy and national security.

Lesson 4: Export Control Regulatory Authorities

Export Controls are made up of three regulatory authorities.

1. **Export Administration Regulations (EAR)** is under **The Department of Commerce, Bureau of Industry and Security** and regulates the export of "dual use" goods and services (goods and services having both military and civilian uses) that are identified on the Commerce Control List (CCL). These are items that are not inherently military in nature; they are primarily commercial items with potential military applications.

   Examples of items controlled under the Commerce Control List are: **Semiconductors, lasers, infectious agents, computers, encryption technology, sensors, navigation and avionics, propulsion systems, toxins, chemicals, certain materials for the manufacture of controlled goods, and telecommunications equipment.**

2. **International Traffic in Arms Regulations (ITAR)** is under the U.S. Department of State and controls military technology, technical data and defense services and items that are identified on the United States Munitions List (USML).

   Examples are: **Space technology, some unmanned aerial vehicles, global positioning systems, chemicals, night vision technology, navigation, and GPS systems, sonar and radar systems, military electronics, and software.**

3. **Office of Foreign Assets Control (OFAC)** is under the **Department of the Treasury** and administers economic and trade sanctions, including sanctions that apply to specific countries, individuals, and entities. Examples of sanctions programs are on the OFAC website. While OFAC administers selective sanctions programs that apply to a number of different countries, there are comprehensive sanctions programs that apply to **Cuba,**

Iran, North Korea, Syria and specific regions of Ukraine (Crimea, Donetsk and Luhansk). These countries are subject to comprehensive restrictions on all transactions.

Important: If your purchasing activities involve one of these comprehensively sanctioned countries, contact your [Export Control Office](#) for help.

Lesson 5: Key Roles Involved in Export Compliance

Remaining compliant with export controls is crucial during procurement of items from start to finish. This involves working with your export control office to help identify potentially controlled items or activities. Buyers act as a "gatekeeper." They review transactions for "red flags" and escalate them to Export Control. Export Control reviews transactions that are escalated to them by all campus gatekeepers and identify which transactions need further action.

Some of the key Export Control partner offices of Purchasing are : Accounts Payable, Equipment, Human Resources, Visa Services, Research, Sales and Service, International Shipments and Travel.

Lesson 6: 3-Step Approach for Export Controls

UC created this [three-step approach (PDF)](#) to identify export-controlled items during purchasing. As a buyer you have a very important role in helping support UC in being compliant with export control regulations by following this three-step process.

1 Look for RED FLAGS

- MILITARY
- NAVIGATION
- AVIONICS
- RADAR
- NIGHT VISION

- SPACE ITEMS
- SATELLITES

- GAS MONITORS
- OSCILLOSCOPES
- PHOTONICS
- SCANNERS
- SENSORS
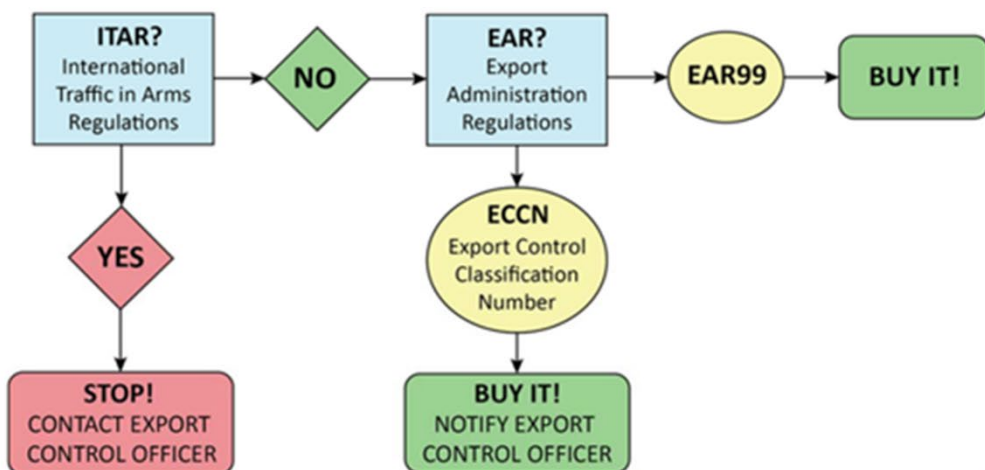
- BACTERIA
- VIRUSES
- VACCINES
- TEST KITS

- 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

ITAR? International Traffic in Arms Regulations → **NO** → **EAR?** Export Administration Regulations → **EAR99** → **BUY IT!**

ITAR? → **YES** → **STOP!** CONTACT EXPORT CONTROL OFFICER

EAR? → **ECCN** Export Control Classification Number → **BUY IT!** NOTIFY EXPORT CONTROL OFFICER

Each UC location also has a designated Export Control Officer that can provide additional advice and support.

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 with your location Export Control Officer for further information.

Your Export Control Officer is always available to answer questions that may come up.

Step One: Identify the Red Flags

"Red flags" is a concept used by Department of Commerce to identify transactions that should be reviewed further. We have discussed examples of controlled technologies, items and software. Examples of these Red Flag items are listed under Step 1 below. A more detailed reference list of red flag items are listed on page 2 of the "3-Step Approach" PDF.

Step Two: Ask the Right Questions

When you identify a red flag, ask the vendor the following questions:

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


You can also refer to the Ask the Right Questions (PDF)

If you receive questions and/or responses from the vendor, contact your Export Control Officer for help in answering them. You don't need to go it alone, and they are happy to help.

Sometimes the vendor will misunderstand the type of export number you are asking for and will give you a harmonized tariff code instead of export classification. A harmonized tariff code is a long 6-10 digit code with all numbers and no letters or roman numerals, for example: "6603.20.3000."

If that happens, ask export control for assistance in getting the right code.

Step Three: Follow the Decision Tree
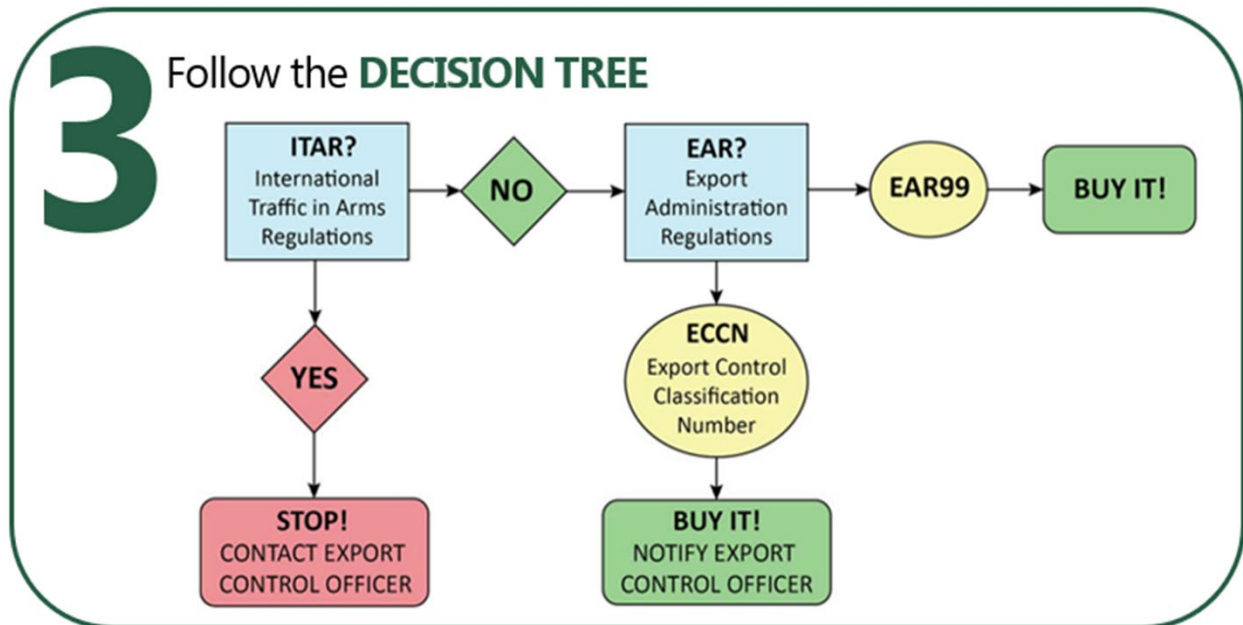
If you receive an ITAR classification:

An ITAR classification is a roman numeral, for example: "XII" or "IV". If you receive a roman numeral or another indication that the item is on the U.S. Munitions List (USML), stop and contact your export control office.

Important: Any item that has an ITAR classification (or that is otherwise thought to be a military purpose item or technology) must immediately be flagged and escalated to the export control officer for further review. Both written documentation about ITAR items and the items themselves are very restricted.

If you receive an EAR classification:

An Export Control Classification Number (ECCN) controlled under the EAR will be either **a five-digit alphanumeric code such as 6A002 or 4A992 or the alphanumeric code "EAR99".**

If you receive a five-digit alphanumeric code such as 6A003 or 4A992 that is an ECCN controlled under the EAR and specifically listed on the Commerce Control list. Please notify the export control office of the item and classification, so they can make note of any safeguarding needed before proceeding with your purchase. The most common ECCN response will be the alphanumeric code "EAR99", which is the lowest level of control and not specifically listed on the Commerce Control list.

If that EAR classification is EAR99, no further action is needed; you can proceed with your purchase.

Lesson 7: Vendor Scenarios You May Encounter

It is important to contact export control immediately and share the specifics of the following scenarios:

1. You identify terms on vendor correspondence, such as "**no foreign nationals**", "**ITAR**", "**USML**", "**ECCN**", "**U.S. Only**", "**no export**". These terms indicate that the item you are purchasing may be controlled. Although they don't seem to mean much on their own, this is likely shorthand.

Contact export control if you see this language anywhere on correspondence with the vendor including in purchase paperwork, email or fine print. Make note of any contract terms which mandate export control obligations such as:

- A limitation on nationals of certain countries
- Terms binding the university to non-US trade regulations

2. You are asked to complete an "end use" statement related to export controls. This may be a form that asks how the item will be used. You should not complete this form but contact export control for further guidance.
3. You notice an item will be shipped to a destination outside the U.S.; contact export control for further guidance.
4. You notice that a vendor is based in Cuba, Iran, North Korea, Syria, specific regions of Ukraine (Crimea, Donetsk and Luhansk) and Russia; contact export control for further guidance.

If you see any of these red flags — that is, if you see these example terms on vendor correspondence, if you are asked to complete an end use statement or if you learn an item will be shipped outside the U.S. — ask export control for help.

Important: Always reach out to your local export control office when you come across any of the above scenarios.

Lesson 8: How Institutions Fall Out of Compliance

What if the vendor does not provide you with the export control classification?

It is important when you see red flags to ask export control for help if you experience any of the following:

1. Having trouble getting a vendor to respond
2. A vendor indicates they don't have the information you are requesting
3. The vendor might be misunderstanding your request because they provide a number that does not match what we have discussed i.e., EAR99, a roman numeral or a five-digit alphanumeric ECCN code

Buyers must remain aware of any compliance risks and red flags during the procurement process.

Be sure to **never**:

1. Ignore Export Control terms & conditions
2. Fail to escalate concerns or "red flags"

Lesson 9: Knowledge Check

Let's review with the following five-question knowledge check. To pass this quiz, you must score 80%.

Question 1: Export Controls are federal regulations that apply to all activities and purchases of UC employees. Select one.

1. True
2. False

The correct answer will be revealed in the next paragraph.

1. True

Question 2: Which of the following are regulatory authorities for Export Control? Select all that apply.

1. Export Administration Regulations (EAR)
2. International Traffic in Arms Regulations (ITAR)
3. Office of Foreign Assets Control (OFAC)

The correct answers will be revealed in the next paragraph.

1. Export Administration Regulations (EAR)
2. International Traffic in Arms Regulations (ITAR)
3. Office of Foreign Assets Control (OFAC)

Question 3: "ECCN" stands for Export Control Classification Number and means the item is a dual-use item. Select one.

1. False
2. True

The correct answer will be revealed in the next paragraph.

2. True

Question 4: Comprehensive sanctions programs apply to the following (select all that apply):

1. Cuba
2. Iran
3. North Korea
4. Syria
5. Specific Regions of Ukraine (Crimea, Donetsk and Luhansk)

The correct answers will be revealed in the next paragraph.

1. Cuba
2. Iran
3. North Korea
4. Syria
5. Specific Regions of Ukraine (Crimea, Donetsk and Luhansk)

Question 5: Which question(s) do you ask a vendor if you identify a red flag? Select all that apply.

1. Is the item a defense article or considered strategic goods?
2. Is the item a dual use article controlled under the EAR?

The correct answers will be revealed in the next paragraph.

1. Is the item a defense article or considered strategic goods?
2. Is the item a dual use article controlled under the EAR?

Lesson 10: Export Control Office Contact Information

If you are ever unsure about any items or steps during the procurement process, reach out to your campus export control office. Being proactive is the best practice to remain compliant.

Contact your local Export Control Offices for your campus.