



# Restricted Party Screening

EXPORT CONTROL  
[EXPORT@UCSD.EDU](mailto:EXPORT@UCSD.EDU)



## What does “Export Control” mean?

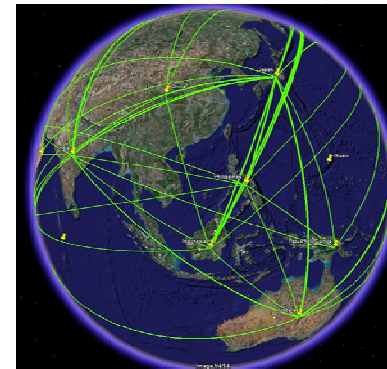
Export controls are U.S. government regulations that govern the **export** of strategic technologies, equipment, hardware, software, providing technical assistance or **payments** to **Foreign Persons** for reasons of foreign policy and national security.

# Why Does the Government Control Exports?

- ▶ The government controls certain technologies that it considers to be strategically important for:
  - ▶ National Security Reasons
  - ▶ Nuclear Non-Proliferation Reasons
  - ▶ Missile Technology Controls
  - ▶ Anti-Terrorism
  - ▶ Chemical & Biological Controls
  - ▶ Regional Stability
  - ▶ Crime Control Measures
  - ▶ Anti-boycott Reasons

# What is an Export?

- ▶ Export means an actual shipment or transmission of items out of the United States. (EAR 734.2 (b))
- ▶ Examples:
  - ▶ **Physical shipment**
  - ▶ **Hand carry items** or laptop overseas
  - ▶ Email
  - ▶ Posting or pulling from a FTP site
  - ▶ Accessing a server overseas
  - ▶ File Sharing with a foreign person or colleague overseas
  - ▶ Telephone or Fax
  - ▶ **Visual inspection by a foreign person in the US (deemed export) or abroad of controlled technology**



# What is a Foreign Person?

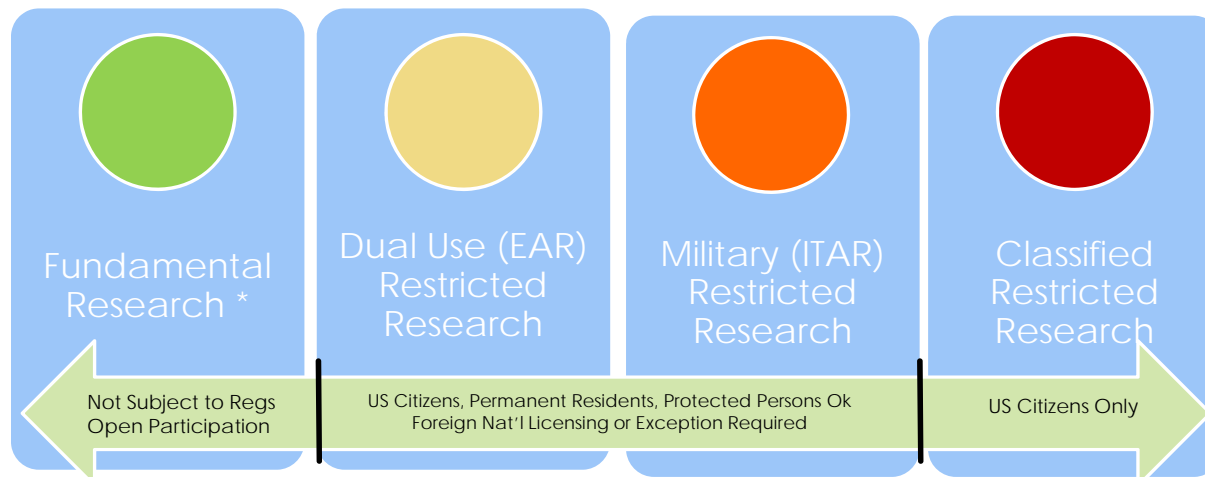
## Foreign Person

- Any person not a U.S. citizen or legal permanent resident (green card holder)
- Any person not granted political asylum
- 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

# Spectrum of Research & Export Controls



\* Fundamental Research Exclusion (FRE) applies to most basic research conducted at UCSD

# 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



# Examples of Export Control Risk from University Activities

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. Equipment shipments to foreign countries for loan or field work
11. Employees, Students, Visitors, Visiting Scholars



# 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"



# Limits of the FRE

Fundamental Research does **NOT** cover --

**Tangible exports** of hardware, software, technology

Export controlled **technology or technical data** received from a sponsor or 3<sup>rd</sup> party

Export controlled activities - "**defense services**"

**Sales and Service**

Research involving creation or use of certain **encryption source code**

**Transactions involving sanctioned countries, individuals and entities and restricted end-uses** must be reviewed independent of fundamental research, for licensing requirements.

# Restricted Party & Sanctions Screening

## Country screen for Sanctions

- licenses generally always required for **Cuba, Iran, North Korea, Syria and Sudan** for both imports and exports

## Screening on name of person, entity & address against US government restricted parties lists

- Narco traffickers, weapons developers, nuclear proliferators, terrorists, entities, persons
- There are universities and research institutes on the lists

## Could apply to:

- International collaborations
- International payments (subawards, purchases, service or recharge)
- International shipments
- International visitors (visiting scholars)
- International students

# Transactions That Need Screening

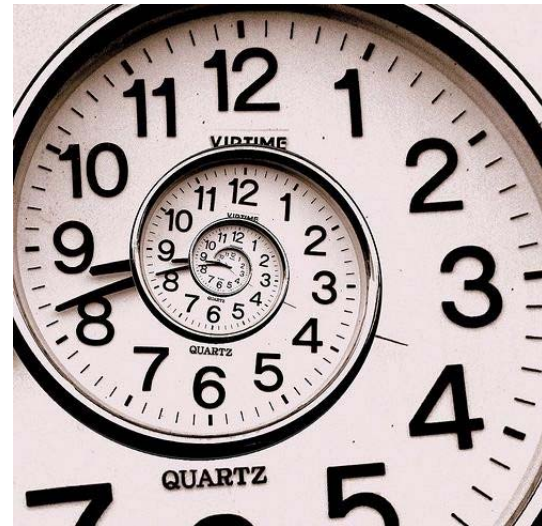
- ▶ If you are conducting transactions with other persons, whether individuals or entities and whether in the U.S. or abroad, these restrictions apply. Transactions may include:
  - ▶ Payments for goods or services (cash, check, wire transfer, or other means)
  - ▶ Contributions and donations of funds, materials or support
  - ▶ Imports or export shipments either physical or electronic
  - ▶ International collaborations
  - ▶ Access to export restricted data or ITAR equipment
    - ▶ NDAs, Employees, students, visiting scholars in labs with access to restricted items

# Escalations to Export Control

- ▶ If the visual compliance screening results in a hit, please email to [export@ucsd.edu](mailto:export@ucsd.edu) for review.
- ▶ Export Control will review and advise if an export license may be required depending on the entity and the interactions they will be having with UCSD.

# Licensing Timeframes, Plan Ahead

- ▶ Accommodate export licensing into your research timetable
- ▶ It can take anywhere from 6 weeks to 1 year, depending, 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



# The UCSD Export Control Team



# Consequences of Non-Compliance

- Imprisonment to employees/officers that export goods with knowledge of or reason to believe that a violation will occur
- Puts federal funding at risk – for UCSD and for the PI
- Denial of export privileges, can destroy int'l activities and collaborations
- Placement on the denied parties list
- Negative publicity

## State Department (ITAR)

- Criminal: up to \$1,000,000 per violation, up to 10 years imprisonment
- Civil: revocation of exporting privileges, fines of up to \$500,000 per violation

## Commerce Department (EAR)

- Criminal: \$50,000 to \$1,000,000 or up to 5 X the value of the export, whichever is greater per violation (range depends on the applicable law), up to 20 years imprisonment
- Civil: loss of export privileges, fines up to \$250,000 per violation or up to twice the value of the export

## Treasury Department (OFAC)

- Criminal: up to \$1,000,000 per violation, up to 10 years imprisonment
- Civil: \$55,000 to \$250,000 fines (depending on applicable law) per violation



# Record Keeping

- ▶ Export Control regulations require keeping records for **5 years**
  - ▶ Purchase orders
  - ▶ Shipping documents: Airway Bill, Commercial Invoice, Shipper's Letter of Intent, etc.
  - ▶ RPS screening



# Restricted Party Screening



# Restricted Entities

## University Examples-*not comprehensive*

- ▶ BEIJING UNIVERSITY OF AERONAUTICS AND ASTRONAUTICS (BUAA) AKA BEIHANG UNIVERSITY- China
- ▶ NORTHWEST POLYTECHNICAL UNIVERSITY-Xian, China
- ▶ SICHUAN UNIVERSITY- Chengdu, China
- ▶ UNIVERSITY OF ELECTRONIC SCIENCE AND TECHNOLOGY OF CHINA - 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)- Israel

**Work Experience Summary**

UCSD Postdoc: 0 Years, 0 Days  
External Postdoc: 0 Years, 0 Days

**Subtotal of Postdoc: 0 Years, 0 Days**  
UCSD VS: 0 Years, 0 Days

**STEVEN, STEVENS**

**Restricted Party Screening Information**

**Restricted Party Screening**

[Learn More about Restricted Party Screening](#)

- I confirm screening is not required because this person is not a foreign person nor associated with a foreign entity.
- I confirm I have performed the screening for this person, associated entity and country, and the following result were returned:

Save Cancel

## Restricted Party Screening Information

### Restricted Party Screening

[Learn More about Restricted Party Screening](#)

- I confirm screening is not required because this person is not a foreign person nor associated with a foreign entity.
- I confirm I have performed the screening for this person, associated entity and country, and the following result were returned:

- No Matching Records Found
- Matches/Results/Alerts Returned\*

#### Screening Notes

### Export Control Office Use Only

- Screening Results Overridden

#### Export Control Comment

\*escalated to export@ucsd.edu for review upon "Save."

# Visual Compliance

**VISUAL Compliance** RESEARCH EDITION eCustoms

CCL/ECCN ITAR/USML Inventory **RPS** Regulations Schedule B Resources Home

**WELCOME "MARCI COPELAND"**  
[CAL SYS - UC IRVINE]

- CONTROLLED GOODS (CCL/ECCN)
- U.S. MUNITIONS LIST (ITAR/USML)
- CLASSIFICATION INVENTORY
- **RESTRICTED PARTY SCREENING**
- ADMINISTRATIVE SCREENING
- FEDERAL REGULATIONS, RULES, and NOTICES
- RECENT FEDERAL DOCUMENTS
- EXPORT INDUSTRY NEWS HEADLINES
- GLOBAL TRADE RESOURCES
- TECH DATA AND LICENSE EXPIRY (VCX · VCAM)

VC Mobile Resolution Manager Deemed & Hand-Carried Tech Data & License Expiry Export Documents

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Online Help Print Help Decision Tree Browser Help Change Password User Profile RPS Manager Training Updates Feed

# Restricted Party Screening

**VISUAL Compliance** RESEARCH EDITION **eCustoms**

CCL/ECCN | ITAR/USML | Inventory | RPS | Regulations | Schedule B | Resources | Home

RESTRICTED PARTY SCREENING | AUTHORITIES CONSULTED | SANCTION PROGRAMS

REGISTERED USER: MARCI COPELAND, CAL SYS - UC IRVINE

### INDIVIDUAL AND COMPANY SCREENING

**Name:**

**Company:**

**Address:**

**City:**  **State:**

**Country:**

**Comment:**

Exact (all word)  Phonetic  Fuzzy Level

Stemming  Thesaurus  Field Specific

Remove business endings and abbreviations

ECCN for country controls check:

---

Export  Sanctions  GSA  
 Police  PEP/OIG  International

Fuzzy searches including GSA are automatically limited to level 2.  
Business endings is not selectable when already set as your profile default.  
Phonetic search used with thesaurus often produces erratic results.

### BLOCKED FOREIGN NATIONALS BY COUNTRY

Display a checklist of blocked foreign nationals in a given country:

Select country for checklist ...

Many foreign nationals are not identified by country in the official sources.  
This query searches the Export and Sanctions list groups only.

### BLOCKED ENTITIES AND FUGITIVE LISTS

Display a checklist of entities on the selected government list:

Select list to display ...

SDN not available here on account of size, please use PDF instead.

GSA data is updated in full every business day direct from SAM/EPLS.

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# Example Screening Output

## NO MATCHING RECORDS FOUND

Your search of the Visual Compliance Restricted Party Screening database failed to return any records.

Comment: **Comment: test**

 Search same keywords again

 New Search

### Search criteria:

Name: n/a  
Company: **ISS-McKay Limited**  
Address: n/a  
City: n/a  
State: n/a  
Country: **New Zealand [NZ]**

### Search type:

For **Fuzzy [2]** matches.  
Field Specific on, Business words removal  
[Export, Sanctions, GSA, Police, PEP and International data groups.\*]  
GSA data is updated in full every business day direct from SAM/EPLS.

### Date of search:

**Wednesday, March 18, 2015**

### Time of search:

**05:34 PM EST**

PDF

PRN

[+ E-MAIL THESE RESULTS](#)

### \* Authorities:

- Department of Commerce Denied Persons [BIS]
- Department of Commerce Entity List [BIS]
- Department of Commerce "Unverified" List [BIS]
- Department of State Arms Export Control Act Debarred Parties [DDTC]
- Department of State Munitions Export Control Orders [DDTC]
- Department of State Nonproliferation Orders
- WMD Trade Control Designations [OFAC]
- Department of State Designated Terrorist Organizations
- Department of State Terrorist Exclusion List
- Palestinian Legislative Council List [OFAC]
- Federal Register General Orders



# Example Screening Output

You searched for any records containing:

**Name:** john smith  
**Company:** n/a  
**Address:** n/a  
**City:** n/a  
**State:** n/a  
**Country:** n/a


[Search same keywords again](#) [New Search](#)

for **Fuzzy [2]** matches, which returned **8** results.  
[Export, Sanctions, GSA, Police, PEP and International data groups selected (see below).\*]  
GSA data is updated in full every business day direct from SAM/EPLS.

*Time of search:* Thursday, September 13, 2012 04:46 PM EDT

PDF	PRN	EXCEL	
Reference	Name	FRC <small>[Click for PDF]</small>	Alert
DPL000215	PRIDMORE-SMITH, John B. AKA PRIDMORE-SMITH, Bramwell J. Daventry United Kingdom		1
LEIE44783	JOHN D SMITH PHILADELPHIA PA United States		1
LEIE44784	JOHN WILLIAM SMITH NEW YORK NY United States		1
LEIE44980	TIMOTHY JOHN SMITH CANON CITY CO United States		1
REL073151	John D. Smith Philadelphia PA United States		1
REL073152	JOHN WILLIAM SMITH New York NY United States		1
REL073389	TIMOTHY JOHN SMITH Canon City CO United States		1
REL073467	John Smythe Los Angeles CA United States		1

[PDF](#) [PRN](#) [EXCEL](#)

**E-MAIL THESE RESULTS** 

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    - ▶ NDAs, Employees, students, visiting scholars in labs with access to restricted items



# Export Control Videos

Topics:

**University Research:** 6 minutes, 45 seconds

**Traveling abroad:** 4 minutes, 28 seconds

**ITAR:** 7 minutes, 40 seconds

**Biological Agents:** 5 minutes, 4 seconds

**OFAC:** 3 minutes, 52 seconds

Who should watch them?

- ▶ Students, post-docs, researchers
- ▶ Staff – use as part of new hire training, watch when you have a question
- ▶ Faculty

<http://blink.ucsd.edu/sponsor/exportcontrol/training.html>

**I WANT YOU**



**TO COMPLY WITH  
EXPORT  
CONTROLS**

# Questions?

- ▶ Brittany Whiting
- ▶ UC San Diego Export Control Officer
- ▶ [brwhiting@ucsd.edu](mailto:brwhiting@ucsd.edu)
- ▶ 858-534-4175
  
- ▶ Garrett Eaton
- ▶ UC San Diego Sr. Export Analyst
- ▶ [geaton@ucsd.edu](mailto:geaton@ucsd.edu)
- ▶ 858-822-4136

Website <http://export.ucsd.edu>



**blink**

HOME - Departments - Export Control

**Export Control**

Export Basics  
Researcher Guidance  
Restricted Party Screening (RPS)  
International Shipping Regulations  
Training and Videos  
About Us

**See also**

Shipping  
Office of Contract and Grant Administration (OCGA)  
Conflict of Interest Office (COI)  
Technology Transfer Office  
Office of Research Affairs (ORA)  
Scripps Institution of Oceanography (SIO)  
Material Transfer  
Procurement & Contracts

**Export Control**

Last Updated: April 10, 2015 1:33:25 PM PDT [Give feedback](#)

**What we do**

Export Control identifies and manages export risks and provides export licenses in support of the research activities of university faculty, staff, and students.

- [About Us](#)
- [Export Control Basics](#)
- [International Shipping Regulations](#)
- [Researcher Guidance](#)
- [Restricted Party Screening \(RPS\)](#)
- [Training](#)

**Useful Links**

- [Export Control Checklist](#) (PDF)
- [Export Control Responsibilities of UC San Diego Offices](#) (PDF)
- [Export Control Shipment Review Request](#) (Word file)
- [Export-Restricted Biologicals and Select Agents](#) (PDF)
- [Engineering Example List of Export Restricted Items](#) (Word file)
- [International Shipping Review Checklist](#) (Word file)
- [Shipping Documentation Terms](#) (PDF)
- [Technology Control Plan Template](#) (Word file)

**Contacts**

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