Welcome to a Guide to Exporting Logistics Operations
What Is Regulated for Export?

The following items are subject to the Export Administration Regulations:

*All items in the United States are regulated*, unless an exception applies.

This includes anything in a U.S. Foreign Trade Zone or *moving in-transit through the United States* from one foreign country to another.

*All U.S. origin items wherever located*; this includes:

- U.S. origin parts, components, materials or other commodities incorporated abroad into foreign-made products.

- U.S. origin software commingled with foreign software, and

- U.S. origin technology commingled with foreign technology.
Who Regulates Exports

U.S. Department of Commerce, Bureau of Industry and Security (BIS) through its Export Administration Regulations (EAR), regulates the export licensing of physical and deemed exports. (15CFR Parts 730-774)

U.S. Department of State, through its International Traffic in Arms Regulations (ITAR), regulates the export of defense articles. (22CFR Parts 120-130)

Yes, UCAR/NCAR has defense articles and services that require a license.

U.S. Department of Treasury, through its Office of Foreign Assets Control (OFAC), regulates transactions with nations subject to U.S. embargoes and trade sanctions. (31CFR Parts 500-599).
Disclaimer

The following is a basic guide to exporting.

This is not all inclusive.

The information contained herein is meant only as a tutorial overview. Due to the severe sanctions that can be levied against individuals and/or companies, (civil penalties, denial of export privileges, and/or criminal penalties), exporting must be accomplished through trained personnel only.

Logistics Operations recommends that all of your exporting needs be facilitated through our department.
Have You Read?

The UCAR Export Mission Statement
http://www.fin.ucar.edu/export/index.html

The UCAR Export Policy and Procedures
http://www.fin.ucar.edu/polpro/section1/1-6.html#procedures

Do Not go any farther unless you have read these!
Be Very Sure

The process that follows concerns only the Export Administration Regulations. There are many items that are “normal” to UCAR/NCAR that qualify as defense equipment or defense services, and require an ITAR license through the State Department.

If you are uncertain under whose jurisdiction your item falls, please contact Logistics Operations or Office of General Counsel for an export control evaluation.

Did You Know?

Scuba gear might need an ITAR license?

Yep!

22 CFR 121.1, Category XIII (c) of the U.S. Munitions List
Exporting: The Process

Since everything is regulated, you first need to have the export regulations.

Compliance is mandatory.

The Export Administration Regulations
15 CFR parts 730-774 are located at:
http://www.access.gpo.gov/bis/ear/ear_data.html

The International Traffic In Arms Regulations
22 CFR parts 120-130 are located at:
http://www.pmddtc.state.gov/regulations_laws/itars_official.html

Your road map is coming!
Determining If You Need An Export License

Here are the basic steps to follow that will assist in making a decision about the need for an export license.

First, gather all information:

What are you shipping? Where is it going? Who will receive it? What will it be used for? Who is the end user? Are there any dual use/military purposes? What is the purpose of the shipment? Are you providing any services? What is the value of the shipment? How long will this be out of the U.S. (permanently or temporarily)? How will duties, taxes and value added taxes be paid? Do you have the technical specifications of what you want to export handy?

But wait, that might not be all you need to know!
Check to make sure that NO General Prohibitions of 15 CFR §736.2 apply.

Controlled items
More than De Minimis
Foreign produced (US) technology and software
Denial order
Prohibited end user
Embargoed destination
Proliferation
In transit vessel and aircraft unlading
Violation of orders, terms and conditions
Proceeding with prior knowledge of violation

See §732.3 for steps regarding 10 General Prohibitions
Determining if you need a license:

Next, you have to determine what ECCN you have – Export Control Classification Number (ECCN).
Located in the Commerce Control List 15 CFR Part 774 by

10 categories: 0=nuclear, 1=chemicals, toxins,
   2=materials processing, 3=electronics,
   4=computers, 5=telecommunications and
   information security, 6=lasers and sensors,
   7=navigation and avionics, 8=marine, 9=propulsion
   systems and space vehicles.

and

5 groups: A=equipment assemblies and
   components, B=test, inspection and production
   equipment, C=materials, D=software, E=technology
Example

• Laser diodes
• Part 774
  • Category 6 (lasers), Group A (components)
  • After you have identified the appropriate category and group, match the particular characteristics to a specific Export Control Classification.
  • i.e. ruling 005.b
  • ECCN = 6A005.b, this would be your classification and ECCN number.
ECCN

Make sure to check every possibility to find the ECCN.

If no ECCN can be located, the possibility exists that you may not have to get a license. This ECCN becomes EAR99.

EAR99 can be licensable if any criteria are met under the General Prohibitions 4 through 10. See §736.2

If your ECCN has been located, there are “reasons for control” listed within the ECCN category. These will determine whether a license is required or not.
The following acronyms are “Reasons for Control”:

AT = Anti Terrorism  
CC = Crime Control  
MT = Missile Technology  
NP = Nuclear Proliferation  
SS = Short Supply  
SI = Significant Items

CB = Chemical & Biological Weapons  
EI = Encryption Items  
NS = National Security  
RS = Regional Security  
XP = Computers

The “reasons” that were contained in your ECCN must now be checked against the Country Chart.
Sample ECCN

2A001: Entry heading, 2 = materials processing, A = equipment assemblies and components, 001 = control

LICENSE REQUIREMENTS:
Reason for Control: NS, NP, AT

Control(s) Country Chart
NS applies to entire entry NS Column 2
NP applies to 2A000.b NP Column 1
AT applies to entire entry AT Column 1

LICENSE EXCEPTIONS:
LVS: $5,000
GBS: Yes
CIV: N/A
Find the country being exported to in Part 738 Supplement 1. The “reasons” will be at the top of all of the columns. Locate your “reasons.” If there is an "X" in the column, you must have a license, unless you have an exception. If there is a blank intersection, no license is required.
# Country Chart

## Commerce Country Chart

<table>
<thead>
<tr>
<th>Countries</th>
<th>Chemical &amp; Biological Weapons</th>
<th>Nuclear Nonproliferation</th>
<th>National Security</th>
<th>Missile Tech</th>
<th>Regional Stability</th>
<th>Firearms Convention</th>
<th>Crime Control</th>
<th>Anti-Terrorism</th>
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</tr>
</tbody>
</table>
License Exceptions

If a license is required, there may be a license exception available. The ECCN info will contain the 3 most common exceptions (LVS, GBS, CIV), and whether they apply or not.

For instance: LVS – Yes $3,000

This means that a Limited Value Shipment may not exceed $3,000

However, all conditions for an LVS exception must be met.

See §740.3

There are also more exceptions listed in Part 740… all conditions for an exception must be met, before it can be used.
License Exceptions - Part 740

Make sure to check the 5 restrictions on License Exceptions in §740.2, and all conditions of an exception are met before assuming an exception is acceptable.

LVS = Limited Value Shipments < amount listed in ECCN in USD
GBS = Country Group B countries (see Supplement 1 of 740)
CIV = Civil end users (Country Group D:1 countries, see Supplement 1 of 740)
TSR = Technology & Software under Restriction
APP = Computers (< 190,000 MTOPS)
KMI = Key Management Infrastructure
TMP = Temporary Imports
RPL = Service and Replacement of parts and equipment
GOV = Government organizations
GFT = Gift Parcels
TSU = Technology & Software Unrestricted
BAG = Baggage
AVS = Aircraft & Vessels
NLR = No License Required
Documentation

Regardless of whether a license is required, or not, document your process and how you came to your decision.

If a license exception was used, the symbol (i.e. LVS) must be included in your export control documents, as well as listing your ECCN. See §772.1
End User’s

Make sure that the end user's name or company, does not appear on the *Denied Person's or Entity List* discussed in Part 764. Check the 7 lists at:
www.bis.doc.gov/complianceandenforcement/liststocheck.htm

Document that these lists have been checked and that your person or company do not appear on the lists.

Also make sure that you are not shipping to an *embargoed* nation (Part 746, and General Prohibition 6)

These include:

Cuba, Iraq, North Korea, Iran, Rwanda, Syria
Applying For A License

If it has been determined that an export license is required, please notify Logistics Operations.

At this time, only Kerry Slaven (Logistics) and Sarah Pritchard (Office of General Counsel), have the authority to apply for an export license.

Information supplied by the inquirer will be used for the application. However, more information may be required in addition, and must be obtained through the Logistics International Shipping Questionnaire.
Export License Recordkeeping

§ 762.2 - Keep and maintain all records for a period of 5 years. Be sure to document all license checklists and how you arrived at whether to obtain a license or had a license exception, or no license was required. Make sure you have the proper export control documents - §772.1
Summary

Ensure that your export is under U.S. Department of Commerce, or U.S. State Department jurisdiction. Classify your item by reviewing the Commerce Control List. If your item is classified by an Export Control Classification Number (ECCN), identify the Reasons for Control on the Commerce Control List.

Cross-reference the ECCN Controls against the Commerce Country Chart to see if a license is required. If yes, determine if a License Exception is available before applying for a license.

Ensure that no proscribed end-users or end-uses are involved with your export transaction. If proscribed end-users or end-uses are involved, determine if you can proceed with the transaction or must apply for a license.

Export your item using the correct ECCN and the appropriate symbol (e.g., NLR, license exception, or license number and expiration date) on your export documentation (e.g., Shipper’s Export Declaration).
Logistics Operations

• Questions?
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