

Export Controls

Export Control Laws are a set of federal regulations that restrict the release of certain items, information and software to foreign nationals in the United States and abroad. Those regulations are the Export Administration Regulations (EAR) and International Traffic in Arms Regulations (ITAR), as well as regulations administered by the Office of Foreign Assets Control (OFAC).

Cornell University is fully committed to compliance with all U.S. Government export control laws and regulations.

Export Compliance is the responsibility of all Cornell University faculty and staff. All personnel retained by or working at, consulting to, or volunteering for the University must comply with the Cornell University Export Compliance and Management Plan while teaching, conducting research or providing service activities at or on behalf of the University.

Penalties for non-compliance with export control laws are severe and impact both the institution and the researcher. If an export control violation is determined by an investigating agency, an individual may be subject to civil and criminal penalties, and Cornell may be subject to, among other penalties, debarment from government contracts.

The Export Control Officer in the Office of Sponsored Programs, under the direction of the Office of the Vice Provost for Research, assists the University community in understanding and complying with export control laws and regulations. For additional information, tools to assist in determining how the regulations apply to your activity, and contact information for assistance with export control concerns, please visit www.osp.cornell.edu/export/ or email exportcontrols@cornell.edu.

End-User Responsibilities

1. Be aware of export control compliance and that some export control terms and conditions provided by suppliers for goods or services must be negotiated or in rare cases may not be acceptable.
2. Follow any requirements determined and conveyed by Cornell's Export Control Office or conveyed by Procurement Services regarding compliance with export control related terms.
3. Do not sign any contracts, agreements, or any other documents that contain terms and conditions. Attach all such documents to your I Want Document and submit to your service center.

Business Service Center Responsibilities

1. Review the I Want Document attachments, e.g., quote, contract, or agreement.
2. If there are export control terms, compare the clauses to the pre-approved clauses below.
 - a. If they match, proceed with the order process.
 - b. If they differ, mark the line item as restricted to route the order to Procurement Services for further review.
3. If the export control terms, require representation or warranties that Cornell and relevant Cornell personnel are not listed on a United States list (e.g., specially designated nationals, specially designated terrorists, foreign sanctions evaders list, nonproliferation list, etc.) or that "Items will not be provided to any individual on the U.S. denied party list," then mark the line item as

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Issued: February 1, 2016

Revised: May 14, 2021

restricted to route the order to Procurement Services for Visual Compliance screening. Please provide the name and NetID of the principle investigator, instructor, supervisor, etc. and the individual who is ordering the item/service.

4. Inform end-user and department administrator where there is a term that requires Cornell to notify the supplier if any items are exported or transferred beyond Cornell University, and that the department and administrator are responsible for complying with the term.

Procurement and Payment Services Responsibilities

1. Review the requisition and attachments. If a contract contains export control clauses that differ from the approved clauses below and have not been approved by the ECO, then contact the Export Controls Officer (ECO). Ensure that purchase orders are not released until the ECO approves.
2. Negotiate changes or obtain additional information as directed by ECO
3. If the contract contains a clause requiring Visual Compliance restricted party screening, run the screening on the individual responsible for the activity (principle investigator, instructor, supervisor, etc.) and the individual who is ordering the item/service. Example of a screening requirement: "Items will not be provided to any individual on the U.S. denied party list."
 - a. If the restricted party screening is clear, document the disposition on the Purchase Order Notes tab.
 - b. If the screening result is questionable, contact the ECO to resolve.
4. Obtain ECO final approval prior to releasing the purchase order if the export control clauses are not pre-approved.
5. Once ECO approval is received (if required per above), release the purchase order and inform the end-user and department administrator of any modifications made to the export control terms during the procurement review.

Export Control Officer Responsibilities

1. The Export Control Officer will review the contract for the Export Control clauses provided by the procurement agent where Cornell requires such review and will advise on any necessary changes or other information needed in order to proceed with the purchase.
2. Inform Procurement Services of final approval (or denial) of agreement in cases where required.
3. Provide regular updates to guidance in the buying manual.
4. Provide training to PIs, Procurement Agents, and research units as reasonably requested.
5. Assist in resolution of screens that return questionable status.

Export Control Clauses

ECO Review Required:

These types of **clauses/situations require review by the ECO and approval** prior to releasing the purchase:

- Where there is any mention of International Traffic in Arms Regulations (ITAR)
- Where the supplier is providing export-controlled technology or software source code (rare)
- Terms that *allow* a supplier to provide technical data or information that is export controlled, whether or not the actual service/item/information is export controlled.
- If a restricted party screen returns questionable status information

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ECO Pre-approved Clauses:

These clauses are acceptable and do not require ECO review and should not be sent to the ECO:

- Agreement to abide by all applicable law
- Statement that we will not use items being purchased for prohibited use
- Requirement that purchaser has an export control program in place (Cornell does have a program in place)
- Requirement that Cornell notify a supplier if the item is being transferred, shipped, exported, etc., beyond Cornell
 - The business service center or Procurement Services will notify the purchaser and department supervisor or administrator of the requirement
- Where restricted party screening is required, the order should be marked as line-item restricted and routed to Procurement Services for Visual Compliance restricted party screening. The procurement agent will notify the ECO of questionable results.

For Help, Please Contact:

Office of Sponsored Programs

T: 607-255-5337

E: exportcontrols@cornell.edu