



Export Controls In a Nutshell Series (February 2023)



The *Export Controls In a Nutshell Series* is designed to provide a comprehensive overview of key Export Control information in the form of iterative *Research Matters* articles

In This Issue



Special Edition

***Conducting Restricted Party Screenings
at UAB***

Export Controls and Restricted Party Screening



The process of conducting ongoing restricted party (or denied party) screening, prior to engaging in activities which could result in export control violations, is a critical component of the UAB Export Control Compliance Program. They help to determine whether or not an individual or entity is named on a restricted, denied, debarred, designated, or blocked party list. If the individual or entity is named on one or more of these lists, we may be prohibited from doing business with them or providing services to them. Further analyses of the screening results would be warranted.

Export Control Regulatory Governance



U.S. Export Control regulations across various Federal governing agencies broadly restrict a **U.S. person** from conducting or facilitating an **export**, **re-export**, or **deemed export**, with watch-listed persons or entities who have been flagged because of national security, nuclear, chemical/biological, economic sanctions, or other federal concerns. Federal governing agencies include, but are not limited to, the Departments of State, Commerce, and Treasury. Also note that for export control purposes, an “**entity**” includes U.S. institutions as well, such as UAB.

Who Is a “U.S. Person” Under Export Control Regulations?



A “U.S. person” under Export Control regulations, includes any individual who is:

- 1 a U.S. Citizen;
- 2 a Lawful Permanent Resident Alien of the United States (e.g., “green card” holder); or a protected individual as defined by 8 U.S.C. § 1324b(a)(3) (e.g., foreign persons, such as refugees and asylees, who are protected persons and considered U.S. persons for export control purposes).
- 3 Corporations incorporated in the United States are U.S. persons for purposes of the ITAR and EAR.

Who Is a “Foreign Person” Under Export Control Regulations?

 Conversely, a “**Foreign person**” is defined under export control regulations to mean any individual who is not a “**U.S. person**” as defined above, including the following:

- 1 any foreign person who is physically located in a foreign country, or
- 2 any foreign person who is physically located in the U.S. on a temporary work visa, who does not have lawful permanent resident alien status(e.g., a green card holder); or
- 3 any foreign person not legally authorized to live in the U.S. as a refugee or asylee.
- 4 A “foreign person” also includes:
 - a) foreign corporations not legally incorporated/organized to conduct business in the U.S.;
 - b) international organizations; and
 - c) foreign government entities.

Examples: When Restricted Party Screening Should Be Conducted



Financial transactions with an international element (e.g., purchases from international vendors, reimbursements to international parties)



Awards or agreements with international entities (e.g., contracts/grants, sales and service, subawards, gifts)



Formal international collaborations (e.g., visiting scholars & postdocs, Memorandums of Understanding with international institutions, or Non-disclosure Agreements with international entities)



International shipments (e.g., physical transfers outside the U.S., transfers of controlled technology inside or outside the U.S.)

Examples: When Restricted Party Screening Should Be Conducted

In addition to the above situations, extra care must be taken when engaging in activities with **Comprehensively Sanctioned Countries and Regions**. Please work with the **Director of Export Control & International Compliance** prior to working in, or with entities located within, any of the following areas:

China

Cuba

Hong
Kong

Iran

Iraq

North
Korea

Russia

Sudan

Syria

Ukraine

Venezuela

Restricted Party Listings: Identifying Restricted Parties

Restricted Party Listings identify persons and entities based both in the United States and internationally. Currently, a considerable number of international institutions are Restricted parties, including research universities and institutes. Conducting UAB transactions with such persons or entities may be subject to license approval or a presumption of license denial, depending on the person, entity, and basis of agency control. Acting without a required license may result in significant personal as well as institutional sanctions and penalties.

How is Restricted Party Screening Conducted at UAB?

As a premier research institution and academic medical center, UAB uses the Visual Compliance Research Edition™ software to screen individuals and other entities against mandatory "Restricted" and "Denied Parties" lists maintained by the various U.S. government entities; foreign allies; world organizations; and law enforcement agencies. Visual Compliance is licensed by Descartes™, formerly known as eCustoms™.

The screenshot displays the Descartes Visual Compliance Research Edition™ web application. The top navigation bar includes a 'Log Off' link and a menu with options: CCL/ECCN, ITAR/USML, Inventory, RPS, Regulations, Schedule B, Resources, and Home. A central banner image shows laboratory glassware with the text 'For Universities and Research Institutions' below it. To the right, a user welcome message reads 'WELCOME "MARILYN THOMAS" [ALA SYS - U OF ALABAMA AT BIRMINGHAM]'. Below this, a list of menu items is provided, each preceded by a star icon: CONTROLLED GOODS (CCL/ECCN), U.S. MUNITIONS LIST (ITAR/USML), CLASSIFICATION INVENTORY, RESTRICTED PARTY SCREENING, ADMINISTRATIVE SCREENING, FEDERAL REGULATIONS, RULES, and NOTICES, RECENT FEDERAL U.S. DOCUMENTS, RPS MANAGER, INCIDENT MANAGEMENT, GLOBAL TRADE RESOURCES, and TECH DATA AND HARDWARE EXPORTS. At the bottom, a dark blue banner features the Descartes logo, the text 'KEEP AHEAD OF THE GLOBAL SHIPPING CRISIS', and 'The Most Up-to-Date Data and Analysis Available', with a 'LEARN MORE' button. The footer contains the copyright notice 'Copyright © 1981-2023 The Descartes Systems Group Inc. All rights reserved.' and a row of icons for Contact Us, User Profile, Blog, Best Practices, Training, Help, Decision Tree, and Download Acrobat Reader.

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How is Restricted Party Screening Conducted at UAB?

The **Visual Compliance** software features a “dynamic screening” processing capability. This allows for an individual to perform a one-time regulatory screening of an exact party, to then receive automated notifications of any later changes to the initial screening results. Visual Compliance is widely referred to as the industry standard regulatory screening software within the U.S. research community and in institutions of higher education overall.

For Visual Compliance software access and training, please contact the UAB Director of Export Control & International Compliance at exportcontrol@uab.edu

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Visual Compliance Restricted Party Screening Report

(Note: Actual Restricted Party's personally identifiable information has been replaced with that of a fictitious character.)

In this *fictitious example* of a *Descartes Visual Compliance* Restricted Party Screening report for Mickey Mouse, a prospective international graduate student:

- There were *no matching records found* to indicate party risk alerts regarding Mickey as an individual party.
- However, export control country risk alerts existed for *Pakistan* at the time of the screening.

Descartes Visual Compliance Restricted Party Screening

Search criteria: **Mickey Mouse [House N. 11, Street N. 2 Magic Kingdom Railway, , Odnalro, Adirolf 46000] [United Magic Kingdom] [Pakistan]** (Fuzzy match)
[Export, Sanctions, GSA, Police, PEP and International data groups]

Reference: **Comment: IMP, Data Science**

Date of search: **Tuesday, December 6, 2022**

Time of search: **11:14 PM UTC**

Report created by: **Minnie Ruth Mouse, ALA SYS - U OF ALABAMA AT BIRMINGHAM**

The following conditions apply to the **country** supplied for this entity:

Risk Status	Jurisdiction	Notes
Risk	US	Restricted as an export destination under EAR Part 736 General Prohibition Three (Foreign-produced direct product re-exports) for ECCN 0A919 and 9x515 or "600 series" items in the Commerce Control List.
Risk	CA	OECD Due Diligence Guidance for Responsible Business Conduct; Guidance in order to avoid and address adverse impacts related to labour, human rights, the environment, corruption, consumers and corporate governance. See the Export and Brokering Controls Handbook for additional information as applied to each country.



NO MATCHING RECORDS FOUND

Decartes Visual Compliance List of Authorities

Actual List of Authorities on December 2, 2022, at 11:14 PM UTC

Fictitious Example (Mickey Mouse) - Decartes Visual Compliance Restricted Party Screening

- AECA Debarred Parties [DDTC]
- AFOSI - Top Ten Fugitives
- ATF Most Wanted
- Australia - ASPI, China Defense Universities Tracker
- Australia Foreign Affairs Consolidated List
- CIA Chiefs of State and Cabinet Members (PEP)
- CPSEP Listed Entities
- Canada Economic Sanctions
- Canadian Border Services Agency Wanted List
- Cuba Restricted List
- Denied Persons List [BIS]
- Dept of State Presumption of Denial
- Designated Terrorist Organizations
- Entity List [BIS]
- European Union Consolidated List
- Europol Most Wanted Fugitives
- FBI Kidnappings and Missing Persons
- FBI Most Wanted Terrorists
- FBI Seeking Information
- FBI Ten Most Wanted Fugitives
- FBI Wanted Fugitives
- FDA - Clinical Investigators
- FDA - Debarment List
- FDA - Disqualified and Restricted
- FinCEN Section 311 - Special Measures
- Foreign Sanctions Evaders

Decartes Visual Compliance List of Authorities

Actual List of Authorities on December 2, 2022, at 11:14 PM UTC

Fictitious Example (Mickey Mouse) - Decartes Visual Compliance Restricted Party Screening

- GSA Excluded Parties - Nonprocurement
- GSA Excluded Parties - Procurement
- GSA Excluded Parties - Reciprocal
- HM Treasury Consolidated List
- Homeland Security Investigations Most
- ICE Most Wanted
- Interpol Recently Wanted
- Japan Foreign End-Users of Concern
- Kingdom of Saudi Arabia Wanted Militants
- List of Foreign Financial Institutions Subject to Correspondent Account or Payable-Through Account Sanctions (CAPTA List)
- Munitions Export Control Order [DDTC]
- NCIS Wanted Fugitives
- Nonproliferation Orders
- OIG List of Excluded Individuals/Entities
- OMM Vessels Blacklisted in Annex III of UN Resolution 2270 (2016)
- OSFI Consolidated List - Entities
- OSFI Consolidated List - Individuals
- OSFI Warning List
- PHS Administrative Actions Listing
- Palestinian Legislative Council List [OFAC]
- RCMP Wanted Fugitives
- Sectoral Sanctions Identifications
- Senior Political Figures and Oligarchs in the Russian Federation

Decartes Visual Compliance List of Authorities

Actual List of Authorities on December 2, 2022, at 11:14 PM UTC

Fictitious Example (Mickey Mouse) - Decartes Visual Compliance Restricted Party Screening

- Specially Designated Nationals and Blocked Persons [OFAC]
- Terrorist Exclusion List
- U.S. DEA Major Fugitives
- U.S. Federal Register General Orders
- U.S. Marshals Service - Fugitives
- U.S. Marshals Service Most Wanted
- U.S. Postal Inspection Service
- U.S. Secret Service Most Wanted
- UN Designated Vessels Pursuant to Resolutions 1718 and 2270
- UN Port Ban Vessels
- US - BIS, Military-Intelligence End User (MIEU) List
- US - DoD, Department of Defense Military List
- US - Malign PRC Companies on Major Indices
- US - Military End User (MEU) List
- US - Non-SDN Menu-Based Sanctions (NW-MBS)
- US - OFAC, Non-SDN Chinese Military-Industrial Complex Companies List
- United Nations Consolidated List
- Unverified List [BIS]
- WMD Trade Control Designations [OFAC]
- World Bank Listing of Ineligible Firms
- Unitracker and NDAA List
- ZTE Huawei Master List

Updates To The Lists of Authorities



U.S. government agencies routinely update their lists, which are consolidated in the Consolidated Screening List (CSL) to help avoid prohibited transactions. The CSL is a list that U.S. governing agencies, including Departments of State, Commerce, and the Treasury, maintains restrictions on certain exports, reexports, or transfers of items. UAB uses the Visual Compliance Research Edition™ software for this purpose. Each of the governing Federal agencies specifies their respective prohibited parties (persons and entities) through publication in the *Federal Register*.

Enrolling in the Descartes Visual Compliance Screening Software Platform

The Descartes™ Visual Compliance Research Edition™ software is available to all UAB enterprise unit personnel, as authorized by unit leadership. Please contact the Director of Export Control & International Compliance to find out more, at exportcontrol@uab.edu.



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Coming up in our next issue of *Export Controls In a Nutshell Series*:

- *Conducting UAB Research Abroad*

UAB Export Control Resources



UAB Export Control Website:

<https://www.uab.edu/exportcontrol/>

For Specific Export Control Questions Contact:



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Thank
You!