Financial Management Office

Fiscal Administrator's Meeting

Thursday, March 16, 2017
Topics

• Welcome
  - Susan Lin, Director of Financial Management and Controller

• Legislative and Budget Review 101
  - Stephanie Kim, Director of Government Relations Office

• Export Control Research and Travel
  - Ben Feldman, Export Control Officer
Fiscal Administrators' Town Hall Forum

Fiscal Administrator Town Hall Meetings

Link to access the Live Webcast

The Meeting Live Webcast will be available from your desktop. The link to access the Live Webcast is http://www.hawaii.edu/itunes/ video-op-live/?fmo.sdp. Please note that the link will be up 15 minutes prior to 10:00am for viewers to make a connection. If you are unable to connect with the uri, please send an email to vidpro-f@lists.hawaii.edu.

Link to auto-enroll in FA Town Hall Forum:

During the Live webcast, the FA Town Hall forum will be available on Laulima to enable active participation by those who attend the FA Town Hall forum via webcast.

Detailed instructions on how to access the forum and post questions are available here.
Works closely with the Board of Regents, President, VPs, Chancellors, departments/units and legislative coordinators across the UH System

Reads all legislation and tracks legislation that pertains to the University of Hawai‘i

Processes all official legislative testimony from the UH System

Legislative Package, Annual Reports

Attends hearings, briefings

Manages communication between UH and the Legislative and Executive branches of government

Conducts Legislative Workshops
Role of the Legislative Coordinator

- Draft Campus/Unit’s legislative proposal(s)
- Coordinate the testimony on administrative proposals as well as other relevant legislation
- Assists the GRO in engaging internal and external support for proposals important to the UH Administration
- Annual and requested reports to the Legislature
- Keeps their campus or unit informed of all legislative developments
- Follows through on measures
- Attends legislative coordinators’ meetings
- Notifies the GRO if there are issues/concerns
Cynthia Quinn – Board of Regents
Keala Monaco – President’s Office
Bernadette Howard – Career & Tech Education
Joanne Taira – VP for Academic Affairs
Donna Kiyosaki – VP for Administration
Victoria Moore – VPA (OHR)
Karlee Hisashima – VPA (OPRPM)
Suzette Leong – VPA (Risk Management)
Eric Matsunaga – VP for Research and Innovation

Michael Ng – VP for Budget & Finance
Michael Unebasami – VP for Community Colleges
Michelle Emoto – VP for Information Technology/CIO
Presley Pang – VP for Legal Affairs/UGC
Jerry Chang – UH Hilo
Elmer Kaʻai – UH Mānoa
Wendy Tatsuno – UH West O‘ahu
SB 134 (UOH-01)
Prohibiting smoking, including the use of electronic smoking devices, and tobacco use on all University of Hawai‘i campuses.
*Note: Pending a hearing in HLT/HED*

HB 1594/SB 1162(UOH-02)
“Hawaii Promise Program” which provides scholarships for the unmet need of qualified students at any UH community college campus. $2.5 million appropriation request.
*Note: HB 1594 was heard on 3/14 in Senate HRE and deferred until 3/21*

HB 424 (UOH-03)
Reinstates the President of the University as the chief procurement officer for contracts for construction and professional services furnished by licensees under chapter 464.
*Note: Pending a hearing in HRE/GVO*
HB 847/SB 137 (UOH-04)
Provides legal authority to enable the UH to create, promote, and participate in new economic enterprises that use university research and provide workforce opportunities for affiliated university personnel.

Note: HB 847 will be heard on 3/17 in Senate HRE/ETT; SB 137 was heard on 3/14 in House HED and passed with amendments

HB 425 (UOH-05)
Clarifies that certain sections of the State Ethics Code shall not apply to technology transfer activities.

Note: HB 425 was heard on 3/14 in Senate HRE and passed with amendments

Failed to meet deadlines (UOH-06)
Aligns the processes to which the BOR conducts its business to fall under the "open meeting" process under the Sunshine Law under Chapter 92, rather than by the "rule making" process under Chapter 91.
HB 427 (UOH-07)
Establishes a dark night skies protection advisory committee to assist the University of Hawaii in the development of a statewide dark night skies protection strategy to preserve dark night skies and reduce light pollution.

*Note: HB 427 will be heard on 3/20 in Senate HRE/AEN*

HB 428/SB 141 (UOH-08)
Enables the John A. Burns School of Medicine to continue receiving a portion of the physician workforce assessment fee.

*Note: HB 428 will be heard on 3/16 in Senate HRE/CPH; SB 141 was heard in House HED on 3/14 and deferred until 3/21*

HB 850 (UOH-09)
Repeals legislative reporting requirements that are either obsolete or unworkable.

*Note: HB 850 was heard in Senate HRE on 3/14 and deferred until 3/21*
HB 849 (UOH-11)
Repeals the sunset provisions set forth in Chapter 40, allowing the University to continue to maintain a separate accounting and financial management system that is compatible with the State of Hawai‘i accounting and financial management system.

*Note: HB 849 was heard in Senate HRE on 3/14 and passed with amendments*

HB 848(UOH-12)
Encourages and facilitates the development and use of microgrids at the various campuses and facilities operated by the University of Hawai‘i System.

*Note: Pending a hearing in HRE/TRE*
How a Bill Becomes a Law
Meets in regular session every year
60 session days
Enacts laws, formulates a budget
Usually ends late April or early May
Special Sessions can be called by Governor or the State Legislature (by 2/3 vote)
The Senate is composed of 25 members who are elected to four year terms that are staggered; 13 Senators are elected in one election cycle and 12 Senators are elected in the next election cycle.

The House of Representatives is comprised of 51 members who are elected to two year terms every election cycle.
Who’s Who at the State Capitol

**Senate**
- Ronald Kouchi
  Senate President
- Jill Tokuda
  Chair, Committee on Ways and Means
- Kaiali‘i Kahele
  Chair, Committee on Higher Education

**House of Representatives**
- Joseph Souki
  House Speaker
- Sylvia Luke
  Chair, Committee on Finance
- Angus Mc Kelvey
  Chair, Committee on Higher Education
Senate Ways & Means Committee Members

Jill Tokuda
Chair

Donovan Dela Cruz
Vice Chair

J. Kalani English
Brickwood Galuteria
Breene Harimoto
Lorraine Inouye

Kaiali'i Kahele
Gil Riviere
Maile Shimabukuro
Brian Taniguchi
Glenn Wakai
How a Bill Becomes a Law in Hawai‘i

**INTRODUCTION**
- Only legislators can introduce a bill
- Bill given to Clerk and assigned a number

**FIRST READING**
- Read by title
- Referred to standing committee(s) (e.g. Higher Education, Agriculture, Health, Finance, etc.)
How a Bill Becomes a Law in Hawai‘i

SECOND READING
• Considered by subject matter committee during an open public hearing with public testimony accepted
• Reported by committee with recommendation to either pass Third Reading or referral to the next committee
• Committee’s recommendation voted by originating chamber

THIRD READING
Bill is debated by originating chamber, perhaps amended and voted for passage to opposing chamber for their consideration (no testimony accepted)
How a Bill Becomes a Law in Hawai‘i

1ST CROSSOVER
Bill sent to opposing chamber for their consideration (House bills crossover to the Senate and vice versa)

Process starts over again in the non-originating chamber
- First Reading
- Second Reading
- Third Reading
- 2nd Crossover
After 2nd Crossover, if the non-originating chamber returns a bill to the originating chamber:

- **Unamended** – bill is transmitted to the Governor for approval; or

- **With amendments** – the originating chamber can either:
  
  - agree to the amendments and vote to submit to the Governor the non-originating chamber’s version of the bill, or
  
  - disagree with the amendments made by the non-originating chamber. If this is the case, the bill then goes to conference committee to work on a compromise.
How a Bill Becomes a Law in Hawai‘i

CONFERENCE COMMITTEE

- Selected legislators (conferees) work to achieve a compromise between their versions of the bill
- No public testimony accepted
- If an agreement is reached, amended bill (CD1) is reported back to both chambers for final approval

Both chambers approve final bill

Transmitted to Governor for approval
Once a bill is passed by the Legislature and enrolled to the Governor for approval, the Governor can:

• Sign the bill into law

• Veto

• Let the bill become law without a signature
Legislative Calendar

March 9: First Crossover
March 15: Budget Crossover
March 24: Second Lateral (for bills)
March 31: Last day for the Senate to Receive Advise & Consent from the Governor (Boards/Commissions)
April 7: Second Decking (for bills)
April 13: Second Crossover (Bills)/Disagree
April 27: Final Decking (Non-fiscal bills)
April 28: Final Decking (Fiscal bills)
May 4: Adjournment (Sine Die)
2016 Session in Review

Total number of bills and resolutions (House and Senate):

**Bills**
- Introduced: 2,387 (543)
- Passed the Legislature: 272* (59)
- Enacted: 263 (57)
- Vetoed: 8 (2)
- Overridden: 1 (0)

**Concurrent Resolutions**
- Introduced: 372 (74)
- Adopted by Legislature: 60 (9)

*Includes SB2554 to amend the State Constitution*
State Budget (Bill)
Budget Bill

- Departments and agencies submit their budget requests for the upcoming fiscal year for inclusion in the executive budget proposal.
- Executive proposal submitted to Legislature 30 days prior to convening of Legislature.
- Appropriated annually by Legislature, during odd number years following general elections (i.e. 2017 Legislature constructs biennium budget for FY18 and FY19).
- Supplemental budget deliberated during second year of Legislature (i.e. 2018 Legislature revises biennium budget for FY19).
The Constitution requires that the Governor consider the Council on Revenues’ forecasts in preparing the Executive budget and the Legislature consider the Council’s forecasts in appropriating funds.

- January 4, 2017 – Council on Revenues forecast (lowered from 5.5% to 3.0% for FY17)
- GM 2 (dated February 7, 2017) adjusted executive budget request
- March 13, 2017 – Council on Revenues forecast (2.5% for FY17)
Means of Financing (MOF)

“A” = General Funds
“B” = Special Funds
“C” = General Obligation (GO) Bond
“D” = Reimbursable GO Bonds
“E” = Revenue Bonds
“J” = Federal Interstate Funds
“K” = Federal Aid Primary Funds
“L” = Federal Aid Secondary Funds
“M” = Federal Aid Urban Funds
“N” = Federal Funds
“P” = Other Federal Funds
“R” = Private Contributions
“S” = County Funds
“T” = Trust Funds
“U” = Interdepartmental Transfers
“V” = Federal Stimulus Funds
“W” = Revolving Funds
“X” = Other Funds

Highlight = Most common MOF for UH
UH Program IDs

- UOH100 – University of Hawaiʻi, Mānoa
- UOH110 – University of Hawaiʻi, John A. Burns School of Medicine
- UOH210 – University of Hawaiʻi, Hilo
- UOH220 – Small Business Development
- UOH700 – University of Hawaiʻi, West O‘ahu
- UOH800 – University of Hawaiʻi, Community Colleges
- UOH881 – University of Hawaiʻi, Aquaria
- UOH900 – University of Hawaiʻi, Systemwide Support
Mahalo!
Research Considerations: Export Controls

OFFICE OF EXPORT CONTROLS
Briefing Overview

Disclaimers
Definitions
Laws and Regulations
UH Office of Export Controls
Research Considerations
The Form
Terms and Conditions
Foreign Travel
Other Stuff
THE EVENTS DEPICTED DISCUSSED IN THIS MOVIE PRESENTATION ARE FICTITIOUS. ANY SIMILARITY TO ANY PERSON LIVING OR DEAD ACTIVITY IS MERELY COINCIDENTAL.
A Slide to Remember

- UH exports “stuff”
- Laws and regulations dictate if, what, when, where, and how that “stuff” can be exported
- Laws and regulations are confusing
  - Ignorance is not a valid excuse
  - And maybe what you might this is not permissible is actually authorized
- Enter Office of Export Controls
Definitions

Export:

• Overseas transfer (i.e. shipping, transported, hand-carried, etc.) of something to anyone
• Release of “technology” inside the U.S. to foreign nationals

Export Controls:

• This term is used to refer to the measures, or controls, related to the export of “stuff”. These controls are outlined and defined in certain federal regulations.
## Laws and Regulations

<table>
<thead>
<tr>
<th>Acts and Regulations</th>
<th>Relevant Agencies</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arms Export Control Act (1976)</td>
<td>Money and Finance: Treasury</td>
</tr>
<tr>
<td>Export Administration Act (1979)</td>
<td>Anti-Boycott Laws</td>
</tr>
<tr>
<td>International Traffic in Arms Regulations</td>
<td>North Korean Sanctions Program</td>
</tr>
<tr>
<td>Export Administration Regulations</td>
<td>Syria Sanctions Regulations</td>
</tr>
<tr>
<td>Specially-Designated Nationals and Blocked Persons List</td>
<td>Sudan Sanctions Program</td>
</tr>
<tr>
<td>Iranian Transactions and Sanctions Regulations</td>
<td></td>
</tr>
</tbody>
</table>
But Why?

- National security reasons
  - Don’t want technology used by military to be compromised
- Competitive advantage
- Multilateral agreements with other countries to protect stuff
Penalties

Failure to comply with export control laws and regulations may lead to significant civil and/or criminal penalties including:

- Monetary penalties up to $1,000,000.00 per violation
- Prison term up to 20 years
- Denial of export privileges
- **Debarment from U.S. government contracts**

Liability for any export violation is personal and/or institutional.
Violations

There are two types of exporters . . .

Those that admit they commit export violations

And

?
Recent *Punitive* Export Violations

<table>
<thead>
<tr>
<th>High-Tech Microelectronics and Uninterruptible Power Supplies to Iran</th>
<th>Firearms and Ammunition to Ghana</th>
<th>Sniper Rifles to Belarus</th>
</tr>
</thead>
<tbody>
<tr>
<td>High-Tech Material Used in Missile and Nuclear Applications to Iran</td>
<td>Theft of Military Trade Secrets to Iran</td>
<td>Munitions to Egypt</td>
</tr>
<tr>
<td>Military Sensors Manufactured for DoD Exported to China</td>
<td>Drone, Missile and Stealth Tech to China</td>
<td>Gyroscope to Iran</td>
</tr>
<tr>
<td>Systems and Components for Marine Submersible Vehicles to China</td>
<td>Unmanned Aerial Vehicle to China</td>
<td>WMD Materials to North Korea</td>
</tr>
<tr>
<td>High-Powered Military-Grade Weapons to the Philippines</td>
<td>Illegal Trade with Iran and Sudan</td>
<td>Defense Materials to India</td>
</tr>
<tr>
<td>Production and Development of Nuclear Material for China</td>
<td>Firearm Parts to the Republic of Turkey</td>
<td>Military Articles to China</td>
</tr>
<tr>
<td>Sensitive Military and Export Controlled Data to China</td>
<td>Components for IEDs to Iran and Iraq</td>
<td>Aluminum Tubes to Iran</td>
</tr>
<tr>
<td>Military Technical Drawings Downloaded/Exported Outside of the U.S</td>
<td>High-Tech Electronic Components to Iran</td>
<td>Industrial Products to Iran</td>
</tr>
<tr>
<td>Controlled Microelectronics to Russian Military and Intelligence</td>
<td>Oilfield Service Equipment to Iran</td>
<td>Pressure Transducers to Iran</td>
</tr>
<tr>
<td>Schematics of the Navy’s Nuclear Aircraft Carrier to Egypt</td>
<td>Military Night Vision Devices Overseas</td>
<td>Night Vision Devices to China</td>
</tr>
<tr>
<td>Military-Grade Thermal and Night Vision Goggles to the UK</td>
<td>Sanctions Violations to Aid the Gov. of Iran</td>
<td>Sanctions Violations to Aid Iran</td>
</tr>
<tr>
<td>Sanctions Violations to Aide Zimbabwean Government Officials</td>
<td>U.S. Military Technology to China</td>
<td>High-Grade Carbon Fiber to China</td>
</tr>
<tr>
<td>Lockheed Martin Fuel Quantity Indicators to Malaysia</td>
<td>Tactical Equipment to Insurgent Groups in Syria</td>
<td>Technology Equipment to China</td>
</tr>
<tr>
<td>Military Aircraft Components to UAE, Thailand</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
# Punitive Export Violations: Universities

<table>
<thead>
<tr>
<th>University of Massachusetts at Lowell</th>
<th>University of Tennessee</th>
<th>Texas Tech University</th>
</tr>
</thead>
<tbody>
<tr>
<td>2013</td>
<td>2008</td>
<td>2002</td>
</tr>
<tr>
<td>Export of EAR99 items to Pakistan</td>
<td>Export of Technical Data (ITAR) to China</td>
<td>Export of Bubonic plague (EAR) bacteria to Tanzania</td>
</tr>
<tr>
<td>Unlicensed export (sale) to an entity on a restricted parties list (BIS Entity List)</td>
<td>Technical data on computer electrical engineering professor took to China</td>
<td>Export-controlled material transferred to Tanzania without a license</td>
</tr>
<tr>
<td>University penalized $100,000</td>
<td>Professor sentenced to four years in prison</td>
<td>Professor sentenced to two years in prison; surrendered medical license</td>
</tr>
<tr>
<td>Bad decisions make great stories! (but only when it concerns someone else)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Office of Export Controls: About

The Office of Export Controls (OEC) is tasked with certain administrative processes that are primarily related to restricted research (i.e., export-controlled and/or classified research) and other related business activities of the University of Hawai‘i (UH). OEC serves as the main resource for UH administrators, researchers, and other faculty and staff who are involved with research projects and business matters which require the review and execution of certain types of unfunded contractual agreements that may be subject to various U.S. laws and regulations. OEC is responsible for assisting researchers in complying with complex and ever-changing U.S. laws and regulations which regulate certain strategic information, technology, and services, through training, providing advice and classification assistance, preparing and submitting license applications to Federal agencies, conducting assessments, and administering applicable UH policies and procedures.
Office of Export Controls: About

1.a: Tasked with the responsibility of ensuring the University of Hawaii complies with export control laws and regulations

1.b: Assist UH personnel in complying with said laws and regulations

2. Other stuff
UH Office of Export Controls: Why?

Executive Policy 12.218 – Compliance with United States Export Control Laws and Regulations:

• To formalize and codify current University of Hawai`i (UH) policy requiring all “UH Employees” (including faculty, researchers, administrators, etc.) to comply with United States (US) Export Control Laws and Regulations.

• The UH Office of Export Controls (OEC) shall act as the UH compliance office for all UH and RCUH export control activities...
UH Office of Export Controls

www.hawaii.edu.research/export-controls

Google:

“University of Hawaii Export Controls”
Export Controls

University of Hawai‘i (UH) faculty, staff and students, as well as RCUH employees hired to support UH-related programs (collectively referred to as “UH community”), are likely to come into contact with federal regulations that impose access, dissemination or participation restrictions on the use and/or transfer of commodities, technical data, or the provision of services subject to United States (US) export controls for reasons of national security, foreign policy, anti-terrorism or non-proliferation. Therefore, the UH community must be cognizant of US export control laws and regulations and be prepared to take the necessary steps to ensure compliance.

Contact the UH Office of Export Controls (OEC) for any questions pertaining to export control scenarios, interpretation of regulations or UH policy, to request export licenses, or to schedule departmental training.
Research Considerations: Overview

Already discussed the relevance of export control laws, now it’s time to determine if export controls pertain to the research:

(1) What is it?
   ◦ Does anything associated with the research have any restrictions (related to exports)?

(2) Where is it going?
   ◦ Will an export occur?

(3) Exportable? (based on 1 & 2)
   ◦ Can we export it?
   ◦ Is a license required?
Export Restrictions:

(1) What is it?

Export restrictions are generally based on what the export consists of. The items that are controlled for export are outlined in two regulations:

(1) International Traffic in Arms Regulations (Defense-specific)
   - United States Munitions List
   - State Department

(2) Export Administration Regulations (Dual-use)
   - Commerce Control List
   - Commerce Department
<table>
<thead>
<tr>
<th>Commerce Control List Categories</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>0</strong></td>
<td>Nuclear &amp; Miscellaneous</td>
<td></td>
</tr>
<tr>
<td><strong>1</strong></td>
<td>Materials, Chemicals, Microorganisms and Toxins</td>
<td></td>
</tr>
<tr>
<td><strong>2</strong></td>
<td>Materials Processing</td>
<td></td>
</tr>
<tr>
<td><strong>3</strong></td>
<td>Electronics</td>
<td></td>
</tr>
<tr>
<td><strong>4</strong></td>
<td>Computers</td>
<td></td>
</tr>
<tr>
<td><strong>5 Part 1</strong></td>
<td>Telecommunications</td>
<td></td>
</tr>
<tr>
<td><strong>5 Part 2</strong></td>
<td>Information Security</td>
<td></td>
</tr>
<tr>
<td><strong>6</strong></td>
<td>Sensors and Lasers</td>
<td></td>
</tr>
<tr>
<td><strong>7</strong></td>
<td>Navigation and Avionics</td>
<td></td>
</tr>
<tr>
<td><strong>8</strong></td>
<td>Marine</td>
<td></td>
</tr>
<tr>
<td><strong>9</strong></td>
<td>Aerospace and Propulsion</td>
<td></td>
</tr>
</tbody>
</table>

**Product Groups**

| A | Systems, Equipment and Components |
| B | Test, Inspection and Production Equipment |
| C | Material |
| D | Software |
| E | Technology |
What is it?
Unmanned Aerial Vehicles (Drones)
Export Restrictions:
(2) Where is it going?

The other determination is based on if/where the product is being exported.

What about if it’s exported to a country that we know already has this technology?
Export Restrictions: (3) Exportable?

Just because the product or technology has export restrictions, that doesn’t mean we can’t export it.

1. Determine if an export license is ordinarily required
2. Determine if there are any license exceptions
3. Determine if there are any license exception exemptions
License Exceptions

- Public Domain
- Fundamental Research (at institution of higher learning)
- Full Time Employees (at institution of higher learning)

Exemptions to license exceptions
Sidebar: Does this Apply to Everyone?

In the private/commercial sector, some (most) organizations don’t manufacture or work on any products that are export controlled.

Others might manufacture or work on export controlled products, but they don’t actually export any of it.
The Form

- Possible/likely an export will occur
- Helps OEC maintain inventory
- Easier to get classification when making a purchase
- Facilitates screening of vendor

United States (US) Export Controls Classification Certification

**Background:**
The University of Hawai‘i (UH) is requesting that you, the vendor/manufacture of the product(s) being procured, supply the classification pertaining to the appropriate export regulations (EUCP) for each product on your quotation.

Because UH may export your product or disclose technical data about your product to a foreign national, which is known as a “deemed export”, your assistance in furnishing an accurate ITAR Category or EAR ECCN classification will ensure that our university is compliant with ITAR regulations. If your organization is outside of the US and you do not use US export classifications, you may use the international Winessor Arrangements Control List for identifying the classification.

Please contact UH’s Export Control Officer, Ben Feldman, if you have any questions. He can be reached at Reimann@hawaii.edu or by phone at (808) 956-2465. You may also visit the UH Office of Export Controls website at http://www.hawaii.edu/research/export-controls for additional reference.

**Instructions:**
1. Please complete the form below for all products that are being procured under the same request. You may attach an excel spreadsheet if there are numerous items.
2. This form is to be completed and returned to the UH department making the purchase, together with any supporting information (e.g. Commodity Jurisdictions, if applicable).

<table>
<thead>
<tr>
<th>Model Number</th>
<th>Description</th>
<th>Regulation (ITAR or EAR)</th>
<th>ITAR Category or EAR ECCN</th>
<th>ITAR only? Commodity Jurisdiction?</th>
</tr>
</thead>
<tbody>
<tr>
<td>TID-532</td>
<td>TID Green Laser</td>
<td>ITAR</td>
<td>XII(b)</td>
<td>Yes</td>
</tr>
<tr>
<td>N/A</td>
<td>TID Green Laser Owners Manual</td>
<td>ITAR</td>
<td>XII(f)</td>
<td>Yes</td>
</tr>
<tr>
<td>G1379B</td>
<td>Micro-vacuum degasser</td>
<td>EAR</td>
<td>EAR99</td>
<td></td>
</tr>
<tr>
<td>CCD220</td>
<td>Charge Coupled Device Camera</td>
<td>EAR</td>
<td>6A002.a.3.g.2</td>
<td></td>
</tr>
<tr>
<td>A1688</td>
<td>iPhone 6s</td>
<td>EAR</td>
<td>5A992.c</td>
<td></td>
</tr>
<tr>
<td>9918291V</td>
<td>UAS, swarming</td>
<td>ITAR</td>
<td>VIII(th)12</td>
<td>No</td>
</tr>
</tbody>
</table>

**Note:** “N/A,” “None” or anything other than a 5-digit alphanumeric ECCN code for EAR, or roman numeral (I through XIX) for ITAR is not an acceptable classification. If your item is not enumerated on either the US Munitions List (USML) or Commerce Control List (CCL), it is still controlled under the EAR and is classified with an ECCN of EAR99.
Terms and Conditions

Export Sales

If this transaction involves an export of items (including, but not limited to, commodities, software or technology) subject to the Export Administration Regulations, such items were exported from the United States by Seller in accordance with the Export Administration Regulations. Customer expressly acknowledges and agrees that it will not export, re-export, or provide such items to any entity or person within any country that is subject to United States economic sanctions imposing comprehensive embargoes without obtaining prior authorization from the United States Government. The list of such countries subject to United States economic sanctions or embargoes may change from time to time, but currently includes Cuba, Iran, Sudan, and Syria. Customer also expressly acknowledges and agrees that it will not export, re-export, or provide such items to entities and persons that are ineligible under United States law to receive such items, including but not limited to, any person or entity on the United States Treasury Department’s list of specially designated nationals or on the United States Commerce Department’s Denied Persons List, Entity List, or Unverified List. In addition, manufacturers’ warranties for exported Products may vary or may be null and void for Products exported outside the United States.

11. Export control

Customer shall comply with all laws, regulations and orders of the United States, the United Nation Organization, and the member states of the European Union and the European Free Trade Association, applicable to the export, re-export, transfer or resale of products or the provision of services and related technical data (“Export Laws”). Purchaser shall not (i) make Products or Services available in any country in contravention of any Export Laws, or any other law, and (ii) not make Products or Services available in a country for which an export license or other governmental approval is required without first obtaining all necessary licenses or other approvals.

EXPORT RESTRICTIONS. The Software and Software documentation are subject to U.S. export controls, including, but not limited to, the U.S. Export Administration Regulations, the U.S. Department of the Treasury and the Office of Foreign Assets Control (OFAC). Buyer agrees that the Software and Software Documentation will not be shipped, transported or exported into any country, or used in any manner prohibited by U.S. export restrictions or any other applicable export laws, restrictions and regulations (collectively “Export Laws”). In addition, if the Software or Software Documentation is identified as an export controlled item under Export Laws, Buyer represents and warrants that Buyer and Buyer’s end users are not citizens or located within a U.S. embargoed or otherwise restricted nation and that Buyer and Buyer’s end users are not otherwise prohibited under the Export Laws from receiving the Software and Software Documentation. See http://www.hawaii.edu/Company/Legal.aspx#Export for further details on export controls on software products.
Research Considerations – Export Controls: Summary

Because research activities at UH commonly involve:

- Export activities and/or
- Technology that is subject to export controls

The policies and procedures outlined in the federal regulations are applicable, and need to be followed.
Foreign Travel

THIS HAS NOTHING TO DO WITH THE RECENT EXECUTIVE ORDERS RELATED TO TRAVEL BANS

Export Controls also relate to countries that the US has sanctions against, which result in certain travel restrictions*

1. Cuba
2. Iran
3. North Korea
4. Sudan
5. Syria

*List current as of date of this presentation
Other Stuff

Unfunded Research Agreements:

- Material Transfer Agreements
- Non-Disclosure Agreements and Confidentiality Agreements
- Letter of Agreements and Letters of Intent
- Memorandums of Agreement and Memorandums of Understanding
- Data Use/Data Sharing Agreements

Classified Projects:

- In the furtherance of national security
- Need to have a clearance to access military installation locations
- BOR Policy 12.204 – Classified Contracts
## Contact Us

<table>
<thead>
<tr>
<th>Name</th>
<th>Email</th>
<th>Phone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lauren Murai</td>
<td><a href="mailto:lmurai@hawaii.edu">lmurai@hawaii.edu</a>,</td>
<td>x69036</td>
</tr>
<tr>
<td>Ben Feldman</td>
<td><a href="mailto:bfeldman@hawaii.edu">bfeldman@hawaii.edu</a>,</td>
<td>x62495</td>
</tr>
<tr>
<td>Lenny Gouveia</td>
<td><a href="mailto:lgouveia@hawaii.edu">lgouveia@hawaii.edu</a>,</td>
<td>x64740</td>
</tr>
</tbody>
</table>

www.hawaii.edu/research/export-controls
Questions?

(Answer: it depends)
Financial Management Office

Thank You for attending the Fiscal Administrator Meeting

Susan Lin’s Contact Information:
Email: slin@hawaii.edu
Phone: 808-956-5445