

PURCHASE ORDER ATTACHMENT TC-019

EXPORT/IMPORT CONTROLS

- A. Seller shall control the disclosure of and access to technical data, information and other items received under this Purchase Order in accordance with U.S. export control laws and regulations, including but not limited to the International Traffic in Arms Regulations (ITAR). Seller shall indemnify Buyer for all liabilities, penalties, losses, damages, costs or expenses that may be imposed on or incurred by Buyer in connection with any violations of such laws and regulations by Seller.
- B. Information furnished to Seller under this Purchase Order may contain technical data, as defined in ITAR 120.10. Seller is advised and hereby acknowledges that such technical data, relating to export controlled items appearing on the U.S. Munitions List (USML) at ITAR Part 121, may not be exported, disclosed or transferred, as defined in ITAR 120.17, to any foreign person (whether in the United States or abroad), as defined in ITAR 120.16, without first complying with all relevant requirements of ITAR Parts 120-130 (22 CFR 120-130), including the requirement for obtaining any written export authorization from the U.S. Department of State, Office of Defense Trade Controls (DTC), or otherwise make and document the determination that an ITAR licensing exemption applies, as the case may be. A downloadable copy of the ITAR is accessible at the DTC web site at www.pmdtc.org.
- C. If performance under this Purchase order requires Seller to export, as defined in ITAR 120.17 temporarily import into the U.S. , as defined in ITAR 120.18, or reexport or retransfer, as defined in ITAR 120.19, defense articles, as defined in ITAR 120.6, or to export defense services, as defined in ITAR 120.9, relating to items appearing on the USML at ITAR Part 121, to a foreign person (whether in the United States or abroad), as defined in ITAR 120.16, Seller is advised and hereby acknowledges that such defense articles may not be exported ,temporarily imported, reexported or retransferred and such defense services may not be exported to a foreign person in the U.S. or abroad without complying with all relevant requirements of ITAR Parts 120-130, including the requirement to obtain any written export, temporary import or reexport or retransfer authorization from DTC, or otherwise make and document the determination that an ITAR licensing exemption applies, as the case may be.
- D. Seller is further advised that if it engages in the United States in the business of either manufacturing or exporting defense articles as defined in ITAR 120.6 or defense services as defined in ITAR 120.9, then Seller is required by ITAR Part 122 to register with the U.S. Department of State, Office of Defense Trade Controls (DTC) using forms accessible at the DTC web site at www.pmdtc.org. Manufacturers of defense articles who do not engage in exporting of same must nevertheless register with DTC. Registration does not by itself confer export rights or privileges, but is generally a precondition to the issuance of any license or other approval by DTC.

The text of this document shall not be changed except by written agreement between Buyer and Seller.

- E. Information furnished to Seller under this Purchase Order, if not regulated by the ITAR, may contain technical data, as defined in the U.S. Department of Commerce, Bureau of Industry and Security (BIS), Export Administration Regulations (EAR) Part 772 (15 CFR 772) relating to export controlled items appearing on the Commerce Control List (CCL) at EAR Part 774 (15 CFR 774). Seller is advised and acknowledges that such technical data may not be exported out of the U.S. or to a foreign national in the U.S., as defined in EAR Part 772, without complying with all relevant requirements of EAR Parts 730-774 (15 CFR 730-774), including the requirement to obtain any written export authorization from BIS, or to otherwise make and document the determination that a licensing exception applies, as the case may be. A downloadable copy of the EAR is accessible at the BIS web site at www.bis.doc.gov.
- F. If performance under this Purchase Order requires Seller to export or reexport, as defined in EAR Part 772, commodities, technology or software as defined in EAR Part 772, that do not relate to items appearing on the USML, but do relate to items appearing on the CCL, Seller is advised and hereby acknowledges that such commodities, technology or software may not be exported out of the U.S., **reexported** from one foreign country to another foreign country or to a foreign national outside the U.S. without complying with all relevant requirements of EAR Parts 730-774, including the requirement to obtain any written export authorization from **BIS**, or to otherwise make and document the determination that a licensing exception applies, as the case may be.
- G. If performance under this Purchase Order requires the Seller to permanently import into the U.S. articles appearing on [the U.S. Department of Justice, Bureau of Alcohol, Tobacco, Firearms & Explosives \(ATF\)](#) U.S. Munitions Import List at 27 CFR Part 21, Seller is advised and hereby acknowledges that such items may not be permanently imported into the U.S. without an approved import permit issued by **ATF** pursuant to 27 CFR Part 447, Subpart E, unless an exemption applies. Additionally, if Seller is engaged in the business, in the U.S., of importing articles appearing on the U.S. Munitions Import List, Seller must register with **ATF** pursuant to 27 CFR Part 447, Subpart D. Downloadable copies of the **ATF** regulations and forms are accessible at the **ATF** web site at www.atf.treas.gov.
- H. If performance under this Purchase Order requires the Seller to export out of the U.S. machineguns, destructive devices, explosives and certain other firearms, as defined in 27 CFR Part **479**, Subpart B, Seller is advised and hereby acknowledges that such items may not be exported out of the U.S. without an approved export permit issued by **ATF** pursuant to 27 CFR Part **478**, Subpart K and 27 CFR Part **479**, Subpart H. Seller is also advised that an approved export license issued by the U.S. Department of State, Office of Defense Trade Controls (**DTC**) may also be required pursuant to the relevant requirements of the ITAR.

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