

15.02 Export Controls Program Management



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Click to view [Revision History](#).

Policy Summary

The Texas A&M University System (system), its members, employees and students must comply with all United States export control laws and regulations, including but not limited to those implemented by the Department of Commerce through its Export Administration Regulations (EAR), the Department of State through its International Traffic in Arms Regulations (ITAR), and the Department of Treasury through its Office of Foreign Assets Control (OFAC).

Definitions

Click to view [Definitions](#).

Policy

1. PURPOSE AND BACKGROUND

The export of certain items, technologies, software, and services is regulated for reasons of national security, foreign policy, prevention of the spread of weapons of mass destruction, and for competitive trade reasons. Export control laws restrict the shipment, transmission or transfer of certain items, software, technology and services from the United States to foreign countries, as well as “deemed exports” which are releases of controlled technology or source code to foreign persons located in the United States.

Several federal agencies implement export control rules and regulations. Each agency possesses jurisdiction over specific types of technology or restricted trade activities or controlled physical items. Among other regulations, the Department of Commerce regulates exports through the EAR 15 CFR 730-774, the Department of State regulates exports through the ITAR 22 CFR 120-130 and the Department of Treasury regulates exports and transactions involving certain countries, individuals and organizations through the OFAC. Each agency possesses different and changing rules and lists for specifying who or what is considered export sensitive. The restrictions enforced by the OFAC can be in addition to the requirements of the ITAR or EAR.

There are severe institutional and individual sanctions for violations of export controls laws including the loss of research funding, loss of export privileges, as well as civil and criminal penalties including imprisonment. Although many member activities could be excluded from export control laws, some activities may be restricted. The application of export control laws involves a fact-specific analysis. While most exports do not require specific approval from the federal government, certain exports require a license and others are prohibited.

2. RESEARCH SECURITY OFFICE (RSO)

In accordance with the system's commitment to upholding the highest ethical standards and conduct regarding export control laws and regulations in carrying out the mission and business standards of the system, the RSO is the responsible office for advising members in export control-related matters. As a shared service resource, the RSO serves as the responsible system office for facilitating development of effective risk-based mitigation strategies, educational and outreach opportunities, risk assessment tools, best practices, potential non-compliance investigations, assistance in federal agency licensing applications, commodity jurisdictions, commodity classifications, voluntary disclosures, and any other export control-related practitioner function. The RSO will establish, maintain, and lead a systemwide affinity group. The member's empowered official must coordinate with the RSO and OGC prior to communicating with federal regulatory bodies.

3. SYSTEM MEMBER RESPONSIBILITY

3.1 Each member must develop a rule implementing an export control compliance program to reduce the risk of export control violations. Compliance programs should include the following elements:

- (a) an export control decision-making tree or similar guideline to use in analyzing export control issues;
- (b) identification of the member's "empowered official(s)" who will have decision making authority for the resolution of export control issues;
- (c) methods to identify and account for ITAR and EAR controlled physical items and controlled information;
- (d) procedures to screen contacts and countries;
- (e) record keeping responsibilities;
- (f) training and educational programs; and
- (g) mechanisms for notification of violations and penalties.

3.2 Each member must conduct an export controls-specific risk assessment annually before the start of each fiscal year. The risk assessment includes identification of the member's export control risk portfolio and corresponding risk mitigation strategies. The member risk assessment is submitted to the RSO and must be included as an attachment to the member's annual compliance plan.

- 3.3 Monthly, each member must share applications and all associated documents regarding visiting scholars and employment of non-U.S. persons from countries of concern pursuant to guidance provided by the RSO quarterly and derived from various federal regulatory bodies in order to satisfy requirements of the federal government's insider threat program. These documents are provided to the designated insider threat program senior official, appointed by the chancellor, for review.

4. INDIVIDUAL RESPONSIBILITY

All faculty, staff and students must be aware of and are responsible for the export control implications of their work and must ensure that their activities conform to export control rules and regulations. Any required license/approval must be in place before exporting anything that is deemed controlled. Each member will provide assistance to faculty, staff and students in assessing the applicability of export control regulations; however, primary responsibility for compliance rests with the individuals involved in the export, including principal investigators and others in supervisory positions.

Related Statutes, Policies, or Requirements

[International Traffic in Arms Regulations \(ITAR\) 22 CFR 120-130](#)

[Export Administration Regulations \(EAR\) 15 CFR 730-774](#)

[Office of Foreign Assets Control \(OFAC\) 31 CFR 500-598](#)

[National Security Decision Directive 189](#)

[Atomic Energy Act of 1954 and Nuclear Regulatory Commission Regulations to 10 CFR Part 110](#)

[System Regulation 16.01.01, Ethics and Compliance Programs](#)

Member Rule Requirements

A rule is required to supplement this policy. See Section 3.

Contact Office

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