

15.02.99.N1 Export Control Program Management

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Rule Summary

It is the policy of the Texas A&M Engineering Extension Service (TEEX) to fully comply with United States (U.S.) export control laws and regulations including, without limitation, those implemented by the U.S. Department of Commerce through its Export Administration Regulations (EAR), the U.S. Department of State through its International Traffic in Arms Regulations (ITAR), and those imposed by the U.S. Department of the Treasury through its Office of Foreign Assets Control (OFAC).

In accordance with [The Texas A&M University System \(System\) Policy 15.02, Export Control Program Management](#), TEEX is required to implement an export control compliance program in order to reduce the risk of potential export control violations.

Definitions

Definitions of export control statute or regulation terminology, including but not limited to, “export,” “defense service,” “Empowered Official,” “foreign person,” “person,” “technical information,” and “U.S. person” are commensurate to those contained in the Export Administration Regulations (EAR), International Traffic in Arms Regulations (ITAR), or relative Office of Foreign Assets Control (OFAC) sanction program.

Rule

1 GENERAL

TEEX will comply fully with all applicable federal laws and regulations and System policies concerning export controls and embargoed and sanctioned countries, entities, and individuals. In particular, TEEX business units, and all entities in which TEEX business units conduct activities and transactions, shall comply with all applicable federal laws, regulations, and executive orders and System policies concerning export controls and embargoed and sanctioned countries, entities, and individuals and shall only conduct business with countries, entities, and individuals that are fully committed to complying with and assisting TEEX in complying with such laws and regulations.

TEEX business activities or transactions will not be initiated or conducted, nor any goods or services exported or deemed exported, with individuals or entities that are subject to a U.S. government export control related list screened with the Visual Compliance software application until adequate risk assessments are conducted.

2 INDIVIDUAL RESPONSIBILITY

- 2.1 Responsible individuals, with the assistance of the TEEX Ethics and Compliance Office, along with the Export Control Officer (ECO), are responsible for compliance with all federal, System, and TEEX export control laws, regulations, policies, rules, and procedures. Violation of the export control laws can directly affect TEEX employees through potential fines, loss of research funding, loss of export privileges and/or personal criminal liability. To meet this obligation, TEEX employees should:
 - 2.1.1 understand their export control obligations and participate in regular training to be able to identify export control issues;
 - 2.1.2 be aware of export control concerns;
 - 2.1.3 determine-prior to the activity whether any information or technology involved in the educational activity is subject to export control laws or regulations;
 - 2.1.4 periodically review their activities to ensure continuing compliance with export control laws and regulations;
 - 2.1.5 brief those involved in the activity of their export control obligations;
 - 2.1.6 report suspected or known violations to the Empowered Official (EO), the ECO, or via the Ethics Point Hotline; and
 - 2.1.7 contact the ECO with any export control related concerns.

3 EMPOWERED OFFICIAL

- 3.1 The Agency Director is the TEEX EO for all purposes relating to applicable federal export control laws and regulations and System policies.
 - 3.1.1 The EO is responsible for license applications and other approvals required for compliance with export control laws and regulations.
 - 3.1.2 The EO is the TEEX official authorized to sign license applications and other authorizations required by export control laws and regulations on behalf of TEEX.
 - 3.1.3 The EO or designee will coordinate with the System Research Security Office (RSO) and Office of General Counsel (OGC) prior to communicating with federal regulatory bodies.
 - 3.1.4 The EO is TEEX's official with final responsibility for compliance with export control laws and regulations.

4 EXPORT CONTROL COMPLIANCE PROGRAM

- 4.1 TEEX Strategic and Education Services (SES), which houses the TEEX Ethics and Compliance Office, including the TEEX ECO, is responsible for implementing and

monitoring the TEEX export control compliance program and cooperating with other appropriate offices. This includes implementing rules to comply with federal export control laws and regulations. The TEEX ECO is responsible for resources for all export control-related matters within TEEX. The TEEX Ethics and Compliance Director serves as the alternate ECO.

4.2 Training

The following TEEX employees are required to complete TrainTraq course #2111212 at least once every two years:

- 4.2.1 employees submitting a TEEX SES 23 form;
- 4.2.2 Program Managers (PMs) (or managers in positions of equivalent levels of responsibility) who are involved in any business activity or transaction involving foreign persons, entities, and/or countries;
- 4.2.3 employees who travel internationally on TEEX business;
- 4.2.4 any employee involved in the procurement process of an ITAR-controlled item or the purchase of an item from a foreign vendor;
- 4.2.5 employees listed on a TEEX Technology Control Plan (TCP);
- 4.2.6 employees who supervise a foreign person; and
- 4.2.7 employees at the direction of their supervisor.

Depending upon the nature of their activities and/or job functions, employees may be required to participate in additional training as determined by the ECO or designee.

4.3 Guidelines and Training Tools

The TEEX Ethics and Compliance Office, in cooperation with other appropriate offices, will develop, maintain, and periodically update an Export Control Compliance Manual as a guide for identification, administration, and resolution of export control issues. The TEEX Ethics and Compliance Office will also maintain and periodically update the rule related to export control compliance. Additional tools may also be posted on the TEEX intranet on the Export Control page.

4.4 Purchasing and Financial Transactions

The TEEX Ethics and Compliance Office, in coordination with other appropriate offices, will conduct reviews, purchases and financial transactions to ensure export control compliance:

- screen proposals and projects for compliance with export control laws and regulations;
- screen vendors as appropriate for compliance with export control laws; and
- screen purchases that may be subject to the EAR or ITAR.

4.5 International Activities

When TEEX activities are conducted outside the U.S., it is the responsibility of the organizing TEEX Division to seek and obtain appropriate export control approvals from the TEEX Ethics and Compliance Office for the following activities by submitting the required information to the TEEX ECO via TEEX Form SES 23:

- execution of agreements performable outside the U.S. or with foreign entities;
- international travel;

- making payments to foreign person vendors;
- invitation and hosting of foreign person visitors;
- hiring of foreign persons; and
- exporting equipment, commodities, goods, technology, curriculum, or technical assistance (TA) services to foreign countries or parties.

4.6 Shipping

It is the responsibility of TEEX employees who are shipping items outside the U.S. (including hand-carrying items) to comply with export control laws and regulations.

Employees should contact the TEEX ECO for assistance if needed prior to shipping, hand-carrying, or otherwise sending export controlled items or information outside the U.S.

4.7 Reporting

Monthly, the TEEX ECO will report to the System RSO, applications and all associated documents regarding foreign person employees and visitors from countries of concern pursuant to quarterly guidance provided by the System RSO.

4.8 Risk Assessment

In accordance with System Policy 15.02, the TEEX Ethics and Compliance Office will conduct an export control–specific risk assessment annually before the start of each fiscal year and report its findings to the Agency Director prior to the submission to System Ethics and Compliance.

5 VIOLATIONS

- 5.1 Each TEEX employee has the responsibility to report possible violations of U.S. export control laws or regulations.
- 5.2 Suspected violations should be reported to the TEEX EO, TEEX ECO, or via the *EthicsPoint* Hotline.
- 5.3 Possible violations of U.S. export control laws or regulations will be investigated by the TEEX EO, TEEX ECO, or designee to the extent deemed necessary.
- 5.4 The TEEX EO is authorized to suspend or terminate the business activity or transaction, or other export activity if the TEEX EO determines that the activity is not in compliance, or will lead to noncompliance, with export control laws and regulations.
- 5.5 The TEEX EO, TEEX ECO, or designee is responsible for reporting known export control violations to the proper federal agency as prescribed by law and in consultation with System RSO and OGC. Known or suspected violations will be sent to RSO as soon as possible.

6 RECORDKEEPING

- 6.1 All export control decisions and Visual Compliance screening results will be documented, and copies retained by the TEEX ECO or TEEX Ethics and Compliance designees.

- 6.2 Export control records will be maintained and retained for the longer of the record retention period required by the applicable export control regulation (i.e., the ITAR, EAR, or OFAC); or the period required for the retention of these records as set forth in the System Record Retention Schedule and TEEX SAP 61.99.01.N0.01, *Records Management*.
- 6.3 TEEX business units shall be responsible for maintaining all documentation related to the shipment of items, goods, commodities, or technology to a foreign country under General License/NLR or EAR99, e.g., bills of lading, shipping receipts, inventory lists, packing lists, delivery confirmations, etc.

Related Statutes, Policies, or Requirements

[Export Administration Regulations \(EAR\) 15 CFR Parts 700-799](#)

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

[Office of Foreign Assets Control \(OFAC\) 31 CFR Parts 500-599](#)

[System Policy 15.02, *Export Controls*](#)

[System Regulation 15.05.04, *High Risk Global Engagements and High Risk International Collaborations*](#)

[TEEX Rule 15.05.04.N1, *High Risk Global Engagements and High Risk International Collaborations*](#)

[TEEX SAP 61.99.01.N0.01, *Record Management*](#)

[TEEX Form SES 23, *Export Reviews and Assurances*](#)

Contact Office

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