

Agency Rules

15.02.99.N1 Export Controls 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 Controls Program Management](#), TEEX is required to implement an export control compliance program in order to reduce the risk of potential export control violations.

Definitions

Controlled Information – Controlled information is information about controlled physical items. This includes information which is required for the design, development, production, manufacture, assembly, operation, repair, testing, maintenance or modification of controlled physical items and may be released through visual inspection, oral exchanges, or the application of personal knowledge or technical experience with controlled physical items. This includes information in the form of blueprints, drawings, photographs, plans, instructions and documentation. Also included in this definition are non-physical items (software and algorithms, for example) listed under the EAR and ITAR. (See 15 CFR 730-774 and 22 CFR 120-130 for further details.)

Controlled Physical Items – Controlled physical items are dual use technologies listed under EAR and defense articles listed on ITAR's USML. (See 15 CFR 730-774 and 22 CFR 120-130 for further details.)

Export – An export occurs when a controlled physical item or controlled information is transmitted outside the U.S. borders or when a controlled physical item or controlled information is transmitted to a non-U.S. person in the U.S. When a controlled physical item or controlled information is transmitted to a non-U.S. person in the U.S., it is known as a deemed export. The term "export" is broadly defined. It generally includes (1) actual shipment of any controlled physical items; (2) the electronic or digital transmission of any controlled

information; (3) any release or disclosure, including verbal disclosures and visual inspections, of any controlled information; or (4) actual use or application of controlled physical items or controlled information on behalf of or for the benefit of a non- U.S. entity or person anywhere. Complete definitions of the term “export” are contained in the federal regulations.

Non-U.S. Person – For export control purposes, a non-U.S. person includes any individual in the U.S. in nonimmigrant status (i.e., H-1B, H-3, L-1, J-1, F-1, B-1, Practical Training), and individuals unlawfully in the U.S. A non-U.S. person is also any branch of a non-U.S. government or any non-U.S. corporation or group that is not incorporated or organized to do business in the U.S. For export control purposes, a non-U.S. person is not an individual who is a U.S. citizen, lawful permanent resident of the U.S., a refugee, protected political asylee, or someone granted temporary residency under amnesty or Special Agricultural Worker provisions.

Rule

1. GENERAL

TEEX will comply fully with all applicable federal laws and regulations 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 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 on any of the U.S. government lists screened with the Visual Compliance software application until adequate risk-assessments are conducted.

2 EMPOWERED OFFICIAL

2.1 The Deputy Director is the TEEX “Empowered Official” (EO) for all purposes relating to applicable federal export control laws and regulations (22 CFR 120.25).

2.1.1 The EO is responsible for license applications and other approvals required for compliance with export control laws and regulations, and serves as the Agency’s representative and point of contact with such agencies.

2.1.2 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 and to bind TEEX in any proceedings before government agencies with export control responsibilities.

2.1.3 The EO will coordinate with the System Research Security Office (RSO) and Office of General Counsel (OGC) prior to communicating with federal regulatory bodies.

2.1.4 The EO is TEEX’s official with final responsibility for compliance with export control laws and regulations.

3 INDIVIDUAL RESPONSIBILITIES

- 3.1 All TEEEX employees must be aware of, and are responsible for, the export control implications of their work, and must ensure that their activities and transactions comply with export control laws and regulations.
- 3.2 All TEEEX employees with managerial or supervisory authority over Non-U.S. Persons or projects involving Controlled Information or Controlled Physical Items should view export control compliance as an important part of their day-to-day responsibilities.

4 EXPORT CONTROL COMPLIANCE PROGRAM

- 4.1 The Assistant Agency Director responsible for Strategic and Education Services, serving as the Export Control Officer (ECO), is responsible for directing and monitoring the TEEEX export control compliance program, and for implementing the procedures necessary to comply with U.S. export control laws and regulations and the applicable System policies and regulations. The TEEEX Risk and Compliance Manager serves as the Alternate ECO.

4.2 Training

The following TEEEX personnel are required to complete the export control training #2111212 via TrainTraq, at least once every two years:

- 4.2.1 employees submitting a TEEEX FORM SES 23;
- 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 Non-U.S. person, entities, and/or countries;
- 4.2.3 employees who must travel internationally on TEEEX business;
- 4.2.4 employees responsible for reviewing and/or signing an international contract;
- 4.2.5 employees listed on a TEEEX Technology Control Plan (TCP);
- 4.2.6 employees who supervise a non-U.S. person; and
- 4.2.7 employee 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

TEEEX Ethics and Compliance, 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. Additional tools may also be posted on the TEEEX intranet on the Export Control page.

4.4 Purchasing and Financial Transactions

Financial Services or such other appropriate office(s), in coordination with TEEEX Ethics and Compliance, is responsible for developing and implementing procedures to:

- screen proposals and projects for compliance with export control laws and regulations (Contract Services), and
- screen vendors as appropriate for compliance with export control laws (Financial Services).

4.5 International Activities

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

- execution of agreements performable outside the U.S.;
- international travel;
- making payments to Non-U.S. Person vendors; and
- invitation and hosting of Non-U.S. Person visitors.

4.6 Employment

All new hires undergo applicable restricted party screening as a condition of their employment with TEEEX.

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

4.7 Shipping

It is the responsibility of TEEEX 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 ECO for assistance if needed prior to shipping, hand-carrying, or otherwise sending Controlled Physical Items or Controlled Information outside the U.S.

4.8 Risk Assessment

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

5 VIOLATIONS

- 5.1 Each TEEEX 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 TEEEX EO or ECO, together with the details of the suspected violation. Alternatively, suspected violations may also be reported via the System [Risk, Fraud, and Misconduct Hotline](#).
- 5.3 Possible violations of U.S. export control laws or regulations will be investigated by the EO, ECO, or designee to the extent deemed necessary.
- 5.4 The EO is authorized to suspend or terminate the business activity or transaction, or other export activity if the EO determines that the activity is not in compliance, or will lead to noncompliance, with export control laws and regulations.

6 RECORD KEEPING

- 6.1 All export control decisions and Visual Compliance screening results will be documented and copies retained by the ECO or TEEEX Ethics and Compliance designees.
- 6.2 Export control records shall 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 TEEEX SAP 61.99.01.99-1, *Record Retention*.
- 6.3 TEEEX 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

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

[Federal Regulation 15 CFR 730-774, *Export Administration Regulations \(EAR\)*](#)

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

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

TEEX Form SES23 *Export Reviews and Assurance*

Contact Office

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