



The Texas A&M University System
Texas A&M Engineering Extension Service

Standard Administrative Procedure

15.02.99.N1.01 – Export Control Screenings, Review and Assurances

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Summary

This document outlines responsibilities and procedures for employees to remain in compliance with Export Controls regulations and reduce the risk of violations.

Requirements

It is the responsibility of TEEX employees who conduct business activities and transactions with foreign countries, entities, and persons to be aware of and comply with all applicable federal laws, regulations, and executive orders and the Texas A&M University System (TAMUS) Policy 15.02 (Export Controls). Under no circumstances shall TEEX employees engage in activities or transactions in violation of U.S. export control laws.

1. Roles and Responsibilities

Although the agency provides export control advice and assistance to its business units, the primary responsibility for export control compliance rests with the individuals involved in the international business activity or transaction, in particular, program managers and other individuals in similar supervisory positions.

- 1.1. **Empowered Official.** The Deputy Director has the authority to verify the legality of business transactions, apply for export licenses if required, and stop export transactions. Only the Empowered Official has the executive authority to bind TEEX in any proceedings before government agencies with export control authority.
- 1.2. **Export Control Officer (ECO).** The Director of Strategic and Education Services is responsible for: the implementation, oversight, and monitoring of the agency's EMCP; the establishment and maintenance of a centralized record storage system; export control awareness training; assisting business units with export, and deemed export, risk assessments and determinations; the Visual Compliance software application screening process; serving as the agency primary point of contact for export control matters; consulting with the TAMUS Office of General Counsel (OGC) and the Research Security Office (RSO) on export control matters; appointing Alternate ECOs to fulfill the ECO

responsibilities in the absence of the ECO; and, receiving and properly acting upon notification of the occurrence of any event delineated in Section 6 of this SAP.

1.3. IT Security & Chief Technology Officer. Responsible for:

- 1.3.1. tracking and screening of all software applications in which TEEX has a license and determining if there are any license provider proprietary prohibitions against exporting the software application out of the U.S; and
- 1.3.2. acquiring Equipment Control Classification Numbers (ECCN) from vendors, either at the time of purchase or subsequent to a purchase, and storing the ECCNs for all equipment and software purchases made by the Network and Information Service (NIS) department.

1.4. Division Director (DD). Responsible for:

- 1.4.1. in consultation with the Export Control Coordinator or ECO, identifying and resolving export issues and managing export compliance within the division;
- 1.4.2. in consultation with the Export Control Coordinator or ECO, determining the legality or appropriateness of all exports, and deemed exports, to foreign countries, entities, and persons when the Visual Compliance screening process identifies potential export, or deemed export, issues; and,
- 1.4.3. ensuring that the TEEX employees within their respective divisions comply with the provisions of this SAP.

1.5. Division Program Managers (PM) (or managers in positions of equivalent levels of responsibility). Responsible for:

- 1.5.1. Primary programmatic and budgetary management export compliance responsibility for the TEEX business activity or transaction that will be exported or deemed exported.
- 1.5.2. Ensuring the steps necessary are taken to ascertain the ultimate destination, end use(s), and end user(s) of TEEX products and services
- 1.5.3. Drafting the proposal or letter of agreement to include the customer, the points of contact, the parameters of the service provided or received, the start and end dates, the location, the benefit to the Agency and the amount of the contract for review by Contract Services.

1.6. Contract Officer. Responsible for:

- 1.6.1. Reviewing the proposal or letter of agreement along with the completed TEEX form SES 23 Visual Compliance results.
- 1.6.2. Based on the SES Visual Compliance screening results, Contract Services will work with the Export Control Coordinator or ECO for assistance with any questions.

1.7. Purchasing Agent: Responsible for:

- 1.7.1. Division purchases above \$10,000 dollars must include a purchase order to Financial Services that will be submitted to TAMU (as the buyer). Purchases of

less than \$10,000 will be done at the Division level by personnel with purchasing authority.

- 1.7.2. Export Control Classification numbers attached to items or products purchased must be included on the purchase documents for compliance & inventory purposes.
- 1.7.3. Prior to purchase, if an ITAR items is identified, the Export Control Coordinator should be contacted so appropriate measures can be taken.

2. Screenings, Export Compliance, Reviews and Assurances

2.1. It is important to identify and manage export control matters as soon as possible.

2.2. **Restricted Party Screenings.** To ensure that TEEEX does not conduct business with persons or entities that have been debarred, denied export privileges, identified as a risk, or are otherwise identified in one of the numerous U.S. government lists, TEEEX must screen persons, entities, and countries involved in the export, or deemed export, of a business activity or transaction:

- 2.2.1. in the consideration of business activities and proposals involving international deliverables;
- 2.2.2. prior to submitting proposals or signing contracts for any business activities and transactions involving international deliverables or deliverables in the U.S. if foreign persons or entities are involved in the activity or transaction;
- 2.2.3. in the planning of international travel; and,
- 2.2.4. in the invitation and hosting of foreign visitors to TEEEX.

2.3. **Major Export Compliance Steps.** The following are the major steps to accomplish in order to comply with export laws and regulations. The Visual Compliance software application is able to assist in the accomplishment of most of these steps.

- 2.3.1. Determine the nature of the export and the jurisdiction of the export, i.e., ITAR/USML or EAR/CCL.
- 2.3.2. Classify the item (ECCN) to be exported or purchased (self-classify or obtain ECCN from manufacturer).
- 2.3.3. Cross-reference against the EAR Country Chart (Reason for Control).
- 2.3.4. Determine if license is required; if so, determine if any export exclusions or exceptions apply.
- 2.3.5. Screen all parties to the proposed export or deemed export (i.e., foreign persons, entities, and countries that are prospective customers, vendors, suppliers, subcontractors, sales representatives, consultants or any party to a proposed export, or deemed export, activity and transaction).
- 2.3.6. Ensure there are no prohibited uses of the export.
- 2.3.7. Record and retain records that demonstrate the accomplishment of the above steps

2.3.8. Export to authorized destinations under appropriate authorizations.

3. TEEEX form SES 23, Export Reviews and Assurances

When TEEEX employees plan to travel internationally or TEEEX curriculum/training courses or technical assistance (TA) services will be delivered outside of the U.S. or in the U.S. to foreign entities or persons, the PM (or a manager in a position of equivalent level of responsibility) responsible for the curriculum or TA service to be exported, or deemed exported, shall accomplish the following actions related to the form.

The form should be submitted no less than five (5) business days prior to the trip, scheduled visit or business discussions. Submitting the form earlier allows for any issues to be resolved expeditiously. TEEEX form SES23 is available online on TEEEXConnect (access via Export Controls page).

3.1. Complete Section I. *Purpose of This SES Submission* of TEEEX form SES 23.

The purpose is designated as either travel or non-travel related. Based on the designated purpose, all applicable section(s) must be completed and signed as required by the form. At a minimum, Section II must always be completed.

3.2. Complete and electronically sign Section II. *Request for Restricted Party Screening*.

In order to enhance screening accuracy, provide complete and full names of persons and complete names and addresses for entities being screened.

3.2.1. **International Travel Requests.** All TEEEX employees who will be traveling outside of the U.S. shall complete Section II to request the Visual Compliance Restricted Party Screening of foreign persons, entities, and countries, with whom they will be conducting business activities or transactions during the international travel and submit the form electronically to exportcontrol@teex.tamu.edu.

3.2.1.1. The Export Control Coordinator shall conduct the Visual Compliance screening and electronically sign the submitted SES 23 once restricted party screenings are satisfactorily made. The ECO's office will retain the TEEEX form SES 23 and the Visual Compliance screening results for the required record retention period. A copy of the Visual Compliance screening results will be sent electronically to the requesting PM. **The traveler must submit the ECO- or Alternate ECO-signed Visual Compliance Results through the agency's travel management system (Concur) when requesting approval to travel internationally.**

3.2.2. **Non-Travel Related Requests.** To request Visual Compliance Restricted Party Screening of foreign persons, entities, and countries that will be parties to a TEEEX visit, proposal or contract for delivering or distributing course content and materials or TA services complete TEEEX form SES 23 and submit the form electronically to exportcontrol@teex.tamu.edu.

3.2.2.1. The Export Control Coordinator shall conduct the Visual Compliance screening and retain the TEEX form SES 23 and the Visual Compliance screening results for the required record retention period. An electronically signed copy of the Visual Compliance screening results will be electronically sent to the requesting PM. This copy of the Visual Compliance screening results will be submitted with the contract to the TEEX Office of Contract Services as proof of the required screening.

- 3.3. **If any of the Visual Compliance Restricted Party Screening results in a match(es) of persons, entities, or embargoed or sanctioned countries, the business activity or transaction shall be placed in an “export hold” status by the ECO. The DD responsible for the respective business activity or transaction, in consultation with the ECO, shall assess the risk involved with the match(es) and determine whether the activity or transaction may proceed and, if the activity or transaction can proceed, ensure that all necessary authorizations are obtained.**
- 3.4. If a TEEX business unit provides another TEEX business unit with a prospective international business opportunity, it is the responsibility of the business unit that receives the business opportunity to comply with the Restricted Party Screening requirements and other provisions of this SAP.
- 3.5. TEEX business units are not required to individually screen each TEEX foreign student or participant in TEEX courses or TA services delivered in the U.S. or in a foreign country. However, when foreign students or participants will receive TEEX training or TA services as a result of a proposal and/or contract, the responsible PM (or a manager in a position of equivalent level of responsibility) shall ensure that the foreign persons, entities, and countries involved in the proposal and/or contract are screened according to the provisions of 8.2.4 above.
- 3.6. When entering into any business collaborations or negotiations with U.S. persons and entities that will result in a TEEX contract, the responsible PM (or a manager in a position of equivalent level of responsibility) shall ascertain that the end use(s) and end user(s) of any TEEX products or services are not foreign. If the end use(s) or end user(s) of such a contract are foreign persons or entities, the PM shall acquire the end use country(ies) and primary end user(s) information in order to request Restricted Party Screening in accordance with the provisions of 3.2.2 above.
- 3.7. **Section III, *Certification of Items Accompanying TEEX International Travelers*.** Complete and electronically sign if directed by Section I of the form.
- 3.7.1. Depending on the destination of the international travel and the items accompanying international travelers, an export license or other government authorization may be required for laptop computers, software, and other electronic and digital devices. There are temporary export (TMP) license exceptions to the EAR for “tools of trade,” but these exceptions depend on the equipment, software, and country of destination. Encryption software is always subject to regulation and control and usually requires more stringent license requirements.

- 3.7.2. TEEEX employees traveling outside of the U.S. with TEEEX-issued items of equipment considered to be “tools of trade” (e.g., laptop computers, tablets, media storage devices, cameras, GPS, etc.), whether they are hand-carried or shipped, shall ensure that there is no export-controlled information contained or stored in such items or devices unless they have a specific license or authorization for such information for the specific country they intend to visit
- 3.7.3. TEEEX employees shall complete and electronically sign Section III of TEEEX form SES 23 and submit the form electronically to the Export Control Coordinator.
- 3.7.4. The Export Control Coordinator shall review the form for completeness and electronically sign the form. The signed form will be sent to the traveler and the TEEEX form SES 23 will be retained for the required record retention period.
- 3.8. **Section IV. *Export of Curriculum and Technical Assistance (TA) Services.*** Complete if directed by Section I of the form. Review the course and TA content and associated materials that will be exported, or deemed exported, to confirm that it is not controlled under the jurisdiction of the ITAR or EAR.
- 3.8.1. If any of the course or TA content is controlled by the ITAR or EAR, the PM in consultation with the Export Control Coordinator shall determine if the export-controlled content is eligible for a public domain, publicly available, or educational information exclusion.
- 3.8.2. Once the determinations in 3.8.1 above are satisfactorily made, the PM shall complete and electronically sign Section IV of TEEEX form SES and submit the form electronically to exportcontrol@teex.tamu.edu.
- 3.8.3. The Export Control Coordinator shall review the form for completeness and electronically sign the form. The signed form will be sent to the traveler and the TEEEX form SES 23 will be retained for the required record retention period.
- 3.9. **Section V. *Request for Screening Equipment, Commodities, Goods, and Technology for Export or Deemed Export.*** Complete and electronically sign if directed by Section I of the form. Review the course and TA content and associated materials that will be exported, or deemed exported, to confirm that it is not controlled under the jurisdiction of the ITAR or EAR.
- 3.10. **Section VI. *Request for Purchasing from a Foreign Entity.*** Divisions draft a letter of agreement to include all the pertinent information needed in the contract. A Letter of Authorization (LOA) will need to be signed by the Division Director or the Associate Division Director. Federal and foreign contracts are signed by the CFO. Should the primary signer be unavailable, delegation of authority can be found on TEEEX Form CS-22.

4. Export Control Red Flags

The following abnormal or suspicious circumstances are red flag indicators of a possible unlawful export or diversion. If any of these red flag indicators appear, TEEEX employees should obtain as much information as possible without alerting the client, customer, or end user to the suspected indicator.

TEEX employees shall immediately report the occurrence of any of these red flag indicators to the ECO first, and then to their direct report supervisor (unless the direct report supervisor may be an accessory to the red flag indicator). Until the red flag indicator is cleared by the ECO, the activity and/or transaction shall be placed in an “export hold” status by the ECO.

- 4.1. The end user information provided is incompatible with the customary purpose for which the goods or service is designed.
- 4.2. The customer is reluctant to provide information on the end use or end user of the goods or service.
- 4.3. The customer is willing to pay well in excess of the market value of the goods or services.
- 4.4. The final consignee is a trading company, freight forwarder, export company, or other entity with no apparent connection to the customer.
- 4.5. The customer appears unfamiliar with the goods and service being provided.
- 4.6. The customer desires to purchase goods and services that do not correspond with their stated line of business.
- 4.7. The customer is acting as the purchaser of goods and services for other parties. Note: this is an indicator that a “re-export” is occurring.
- 4.8. The international deliverable order is placed by entities or individuals from foreign countries other than the country of the stated end user. Note: this is an indicator that a “re-export” is occurring.
- 4.9. The goods and/or services are being processed or shipped via circuitous or economically illogical routing, i.e., through Canada to a non-Canadian end user. Note: this is an indicator that a “re-export” is occurring.
- 4.10. The customer claims to be from a particular public or private entity but business emails from him/her are sent from a personal Yahoo, Hotmail, etc. account.
- 4.11. The customer requests any accounts payable funds be transferred to or deposited a financial institute in an embargoed or sanctioned country form

5. Export Control Officer (ECO) Notifications

The following are mandatory notifications and TEEX employees will immediately notify the ECO if any of the following events occur:

- 5.1. any non-routine contact (via telephone, email, or in person) by a U.S. government official or agency concerning any export matter;
- 5.2. a shipment from TEEX is detained or seized by U.S. Customs;
- 5.3. receipt of a subpoena or other criminal procedure notification related to U.S. export laws and/or regulations;
- 5.4. any red flag indicator (see Procedure 9.);
- 5.5. any violation, or suspected violation, of the U.S. anti-boycott laws and regulations (see Procedure 10.);

- 5.6. a suspected violation of U.S. export control laws and/or regulations or TAMUS export control policy (see Procedure 7.); or,
- 5.7. any requirement for U.S. government export licenses/approvals.

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 Rule 15.02.99.N1 *Export Management and Compliance Program \(EMCP\)*](#)

[TEEX SAP 61.99.01.99-1 *Record Retention.*](#)

[TEEX form SES23SES *Export Reviews and Assurance*](#)

Office of Responsibility

Strategic and Education Service (SES)

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