

Texas A&M Veterinary Medical Diagnostic Lab Procedures

15.02.99.V1.01 | Export Controls

Revised: August 3, 2020

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PROCEDURE SUMMARY

Because the export of certain items and information is regulated for reasons of national security, foreign policy, prevention of the spread of weapons of mass destruction, and for competitive trade reasons, in accordance with The Texas A&M University System (A&M System) Policy 15.02, *Export Controls*, Texas A&M Veterinary Medical Diagnostic Laboratory (TVMDL) is committed to operating in compliance with the United States (U.S.) Department of Commerce Bureau of Industry and Security (BIS) Export Administration Regulations (EAR), the U.S. Department of State Directorate of Defense Trade Control (DDTC) International Traffic in Arms Regulations (ITAR), as well as those imposed by the U.S. Department of Treasury Office of Foreign Assets Control (OFAC).

All faculty, staff, and students of TVMDL are ultimately individually responsible for ensuring compliance with U.S. export controls laws and regulations, as well as A&M System policies and regulations. This procedure supplements TVMDL Rule 15.02.99.V1, *Export Controls*, and provides guidance for obtaining the required administrative approvals while taking a proactive stance towards compliance with associated federal and A&M System laws, regulations, and policies. There are severe institutional and individual sanctions for violations of export control regulations, including loss of export privileges, criminal and civil penalties, and loss of research funding.

PROCEDURES AND RESPONSIBILITIES

1.0 GENERAL

- 1.1 It is imperative that TVMDL faculty, staff, and students recognize that export control regulations apply broadly—not just to sponsored research projects.
- 1.2 While complying with all applicable laws, regulations, policies, and rules, it is important to foster and maintain open research and educational environments welcoming participation of researchers and visitors from around the world.
- 1.3 Due to the complexity of the U.S. export control regulations, potential export-controlled activities will be evaluated on a case-by-case basis.
- 1.4 TVMDL and the agency's faculty, staff, and students are committed to promoting a culture of compliance in regard to all U.S., A&M System, and agency export control laws, regulations, policies, rules, and procedures.
- 1.5 For purposes of these procedures, terms and definitions are defined parallel to those contained in A&M System Policy 15.02, *Export Controls*.

2.0 INDIVIDUAL RESPONSIBILITY

- 2.1 All TVMDL faculty, staff, and students shall be aware of and are responsible for export control implications associated with their work and institutional responsibilities while acting in accordance with all applicable U.S., A&M System, and agency laws, regulations, policies, rules, and procedures.

- 2.2 It is the individual responsibility of TVMDL faculty, staff, and students to report suspected or known violations to the Empowered Official or designee (Texas A&M AgriLife [AgriLife] Director for Ethics and Compliance).

3.0 EMPOWERED OFFICIAL

The Director of Texas A&M Veterinary Medical Diagnostic Laboratory (TVMDL) will serve as the TVMDL Empowered Official. The Empowered Official or designee is responsible for obtaining approvals required for compliance with export control laws, regulations, policies, and rules, as well as license application acquisitions. Reports of a suspected violation will be investigated by the Empowered Official or designee to the extent deemed necessary. The Empowered Official must coordinate with the Texas A&M Research Security Office and Texas A&M Office of General Counsel prior to communicating with federal regulatory bodies.

4.0 EXPORT CONTROL COMPLIANCE PROGRAM

Procedures, additional instructions, and forms relating to export control compliance are contained in the *AgriLife Export Controls Compliance Program Manual*. This manual defines AgriLife's commitment to upholding the highest standard of ethical conduct and compliance with the legal obligations of the AgriLife components, as well as additional guidance in the area of export controls compliance. If the manual conflicts with A&M System Policy 15.02 or agency rules, the A&M System Policy supersedes the manual. The *AgriLife Export Controls Compliance Program Manual* details the following (but not limited to) procedures:

- research and educational activities;
- international visitors and foreign employees;
- international travel;
- financial transactions, procurement, and contracts;
- foreign external employment requests;
- shipments;
- record keeping; and
- training.

5.0 APPEAL OF DENIED ACTIVITY BASED UPON EXPORT CONTROLS REVIEW

- 5.1 If a proposed activity is denied by the AgriLife Research Associate Director, and the employee would like to appeal the decision, they may do so by completing an AG-725, *Formal Appeal Denied Activity Based Upon Export Controls Review*. This form shall be submitted to AgriLife Ethics and Compliance no later than seven business days of the initial denial.
- 5.2 If the AG-725 is received later than post seven calendar days of the initial denial, AgriLife Ethics and Compliance will notify the submitter of the timeframe compliancy requirements, and that the appeal will not move forward.
- 5.3 If the AG-725 is received in the appropriate timeframe, AgriLife Ethics and Compliance will route the AG-725 and associated documents to the Empowered Official for further consideration. The Empowered Official will review and deny or approve the appeal. This decision is the final decision, and notification to the requestor will be made by AgriLife Ethics and Compliance.

6.0 VIOLATIONS

- 6.1 Suspected violations shall be reported to the Empowered Official or designee, or via the Risk, Fraud, and Misconduct Ethics Point Hotline at Ethics Point.
- 6.2 Suspected violations will be investigated by the Empowered Official or designee to the extent deemed

necessary.

- 6.3 The Empowered Official or designee will self-report known violations on the behalf of the agency to applicable U.S. governmental bodies. The Empowered Official must coordinate with the Texas A&M Research Security Office and Texas A&M Office of General Counsel prior to communicating with federal regulatory bodies.

7.0 TEXAS A&M RESEARCH SECURITY OFFICE (RSO)

- 7.1 The RSO is the responsible office for advising members in export control related matters.
- 7.2 AgriLife Ethics and Compliance will conduct an export controls-specific risk assessment annually before the start of each fiscal year. The risk assessment will be submitted to the RSO and must be included as an attachment to the Texas A&M Veterinary Medical Diagnostic Laboratory annual compliance plan.
- 7.3 Monthly, AgriLife Ethics and Compliance will share applications and all associated documents regarding visiting scholars and employment of non-US 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. The documents are provided to the designated insider threat program senior official, appointed by the chancellor for review.

8.0 RECORD KEEPING

- 8.1 Records required to be maintained by export control laws, regulations, policies, rules, and procedures will be kept for the longer of:
- A. the record retention period required by the applicable export control regulations; or
 - B. the period required for the retention of records as set forth in A&M System and TVMDL policies, regulations, rules, and procedures.
- 8.2 Export control records will be maintained by AgriLife Ethics and Compliance or designated office, and stored primarily in Laserfiche Section 7.20.05.

9.0 TRAINING

The following TVMDL employees are required to complete TrainTraq Course #2111212, *Export Controls and Embargo Training*, basic export control online training course at least once every two (2) years:

- TVMDL employees with managerial or supervisory authority over projects or items of which a Technology Control Plan (TCP) has been implemented;
- TVMDL employees with managerial or supervisory authority of foreign persons;
- TVMDL employees hosting visitors under the visitor exchange program;
- TVMDL section heads; and
- AgriLife Procurement personnel.

Depending on the nature of an individual's activities and/or job functions, a TVMDL employee may be required to take TrainTraq Course # 2111212, basic export control online training and/or supplemental export control training as deemed appropriate by the individual's supervisor and/or the Empowered Official or designee.

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](#)

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

[TVMDL 15.02.99.V1, *Export Controls*](#)

[TVMDL Procedure 61.99.01.V0.01, *Retention of State Records*](#)

[*AgriLife Export Controls Compliance Program Manual*](#)

CONTACT OFFICE

Questions regarding this procedure should be referred to AgriLife Ethics and Compliance at 979-845-7879.

REVISION HISTORY

Approved:	January 24, 2013
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