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## RULE SUMMARY

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Texas A&M AgriLife Extension Service (AgriLife Extension) must comply with United States (U.S.) export control laws and regulations as promulgated by the U.S. Department of State through its International Traffic in Arms Regulations (ITAR) and the U.S. Department of Commerce through its Export Administration Regulations (EAR), as well as those imposed by the U.S. Treasury Department through its Office of Foreign Assets Control (OFAC). This rule applies to all AgriLife Extension faculty, staff, and students.

This rule is required by The Texas A&M University System (System) Policy 15.02, *Export Control Program Management*, and is developed to ensure compliance with all related federal, state, and A&M System laws, policies, regulations, and rules, as well as to establish formal procedures and guidelines related to export controls.

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## PROCEDURES AND RESPONSIBILITIES

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### 1.0 EMPOWERED OFFICIAL

The Director is the Empowered Official (EO) for AgriLife Extension. The EO or designee (Texas A&M AgriLife [AgriLife] Ethics and Compliance Director) must be a U.S. person and is in a position of authority for policy or management. The EO or designee is responsible for license applications and other approvals required for compliance with export control laws and regulations and serves as the representative and point of contact for export control matters involving AgriLife Extension. The EO must understand provisions and requirements of export control statutes and regulations, as well as criminal liability, civil liability, and administrative penalties for export control-related violations. The EO has authority to inquire into any proposed export control-related activity by the member, verify the legality of the transaction and accuracy of the information, and refuse to sign any export control-related license application or other requests for approval without prejudice or other adverse recourse.

### 2.0 INDIVIDUAL RESPONSIBILITY

All AgriLife Extension faculty, staff, and students must act in accordance with all applicable U.S. export control laws, regulations, and rules, and report any suspected violation to the EO or designee. Additionally, all employees who are responsible for the oversight, management, or supervision of foreign persons or projects involving controlled information or controlled physical items must view export control compliance as an important part of their day-to-day responsibilities.

### 3.0 EXPORT CONTROL COMPLIANCE PROGRAM

3.1 AgriLife Ethics and Compliance is responsible for directing and monitoring the AgriLife export control compliance program and implementing procedures to comply with federal export control laws and regulations, including developing, implementing, and updating the *AgriLife Export Control Compliance Program Manual*. The *AgriLife Export Control Compliance Program Manual* details specific procedures regarding export control compliance actions in the following (but not limited to) areas:

- research and educational activities;
- foreign person visitors and employees;
- international travel;
- financial transactions, procurement, and contracts;

- external employment requests with foreign entities;
- international shipments;
- record keeping;
- training;
- acquisition of gifts, good and services; and
- appeal procedures.

- 3.2 AgriLife Ethics and Compliance will publish information via its website and the *AgriLife Export Control Compliance Program Manual* to help guide in the identification, administration, and resolution of export control issues.
- 3.3 In accordance with System Policy 15.02, AgriLife Ethics and Compliance will conduct an export controls–specific risk assessment annually before the start of each fiscal year.
- 3.4 In accordance with System Policy 15.02 and on a monthly–basis, AgriLife Ethics and Compliance will report to the System RSO applications and all associated documents regarding non-U.S. person visiting scholars and employees from countries of concern as defined in System Regulation *15.05.04, High Risk Global Engagements and High Risk International Collaborations*, to satisfy the requirements of the federal government’s insider threat program.
- 3.5 In accordance with System Policy 15.02, AgriLife Ethics and Compliance will provide the System RSO courtesy copies of any export-control related license application, commodity jurisdiction request (application and determination), commodity classification request (application and determination), documentation of general license use, or advisory opinion.

#### 4.0 VIOLATIONS

Suspected violations may be reported to the EO or designee in writing, or via the Risk, Fraud & Misconduct hotline at [Ethics Point](#). The EO or designee is authorized to suspend or terminate an export activity if he or she determines the activity is not in compliance with export control laws or regulations. Violations will be reported to the cognizant federal agency in consultation with the System RSO and Office of General Counsel (OGC). The System RSO will notify appropriate system officials. All activities associated with voluntary self-disclosure notifications, internal reviews, and coordination with federal regulatory bodies must be coordinated with System RSO.

#### 5.0 RECORD KEEPING

Records required by export control laws and regulations shall be maintained by AgriLife Ethics and Compliance or designated unit for the longer of requirements set by the applicable export control regulations or the System.

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### RELATED STATUTES, POLICIES, OR REQUIREMENTS

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[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 Policy 15.02, \*Export Control Program Management\*](#)

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

[AgriLife Extension Procedure 15.02.99.X1.01, \*Export Controls\*](#)

[AgriLife Extension Procedure 61.99.01.X0.01, \*Retention of State Records\*](#)

[AgriLife Export Control Compliance Program Manual](#)

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## CONTACT OFFICE

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

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## REVISION HISTORY

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Approved: February 8, 2013  
Revised: February 20, 2015  
Reviewed: February 28, 2017  
Revised: May 8, 2019  
August 3, 2020  
April 3, 2024

Next Scheduled Review: April 3, 2029