

EXPORT CONTROLS

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GUIDELINE STATEMENT

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 University (TAMU) College of Agriculture and Life Sciences (College) 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).

REASON FOR GUIDELINE

All faculty, staff, and students of the College 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 guideline provides guidance for obtaining the required administrative approvals while taking a proactive stance towards compliance with associated federal and A&M System 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 College 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 Texas A&M AgriLife (AgriLife) and the College as well as associated faculty, staff, and students are committed to promoting a culture of compliance in regards to all U.S., A&M System, College, and agency export control laws, regulations, policies, rules, and procedures.
- 1.5 For purposes of these guidelines, terms and definitions are defined parallel to those contained in A&M System Policy 15.02.

2.0 INDIVIDUAL RESPONSIBILITY

- 2.1 All College 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, College, and agency laws, regulations, policies, rules, and procedures.

2.2 It is the individual responsibility of College faculty, staff, and students to report suspected or known violations to the Empowered Official or designee (AgriLife Director for Risk and Compliance).

3.0 EMPOWERED OFFICIAL

The Dean or designee (AgriLife Director for Risk and Compliance) will serve as the AgriLife Empowered Official for the College. The Empowered Official or designee (AgriLife Director for Risk and Compliance) 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 (AgriLife Director for Risk and Compliance) to the extent deemed necessary.

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 AgriLife rules or procedures, 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;
- financial transactions, procurement, and contracts;
- shipments;
- record keeping; and
- training.

5.0 VIOLATIONS

5.1 Suspected violations shall be reported to the Empowered Official or designee (AgriLife Director for Risk and Compliance), or via the Risk, Fraud, and Misconduct Ethics Point Hotline.

5.2 Suspected violations will be investigated by the Empowered Official or designee (AgriLife Director for Risk and Compliance) to the extent deemed necessary.

5.3 The Empowered Official or designee (AgriLife Director for Risk and Compliance) will self-report known violations on the behalf of the agency to applicable U.S. governmental bodies.

6.0 RECORD KEEPING

6.1 Records required to be maintained by export control laws, regulations, policies, and rules 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 AgriLife policies, regulations, rules, and procedures.

6.2 Export control records will be maintained by AgriLife Risk and Compliance or designated office, and primarily stored in Laserfiche Section 7.20.5.

7.0 TRAINING

The following College 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:

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

Depending on the nature of an individual's activities and/or job functions, a College 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 (AgriLife Director for Risk and Compliance).

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*](#)

[AgriLife Export Controls Compliance Program Manual](#)

CONTACT OFFICE

For questions, contact AgriLife Risk and Compliance at 979.845.7879.

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