

Texas A&M University-San Antonio

15.02.99.01 Export Controls Program Management

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Rule Statement

It is the policy of Texas A&M University-San Antonio (A&M-San Antonio) to comply with United States export control laws and regulations including, but not limited to, those implemented by the Department of Commerce through its Export Administration Regulations (EAR) and the Department of State through its International Traffic in Arms Regulations (ITAR), as well as those imposed by the Treasury Department through its Office of Foreign Assets Control (OFAC).

Reason for Rule

This Rule is required by Texas A&M University System (System) Policy [15.02 Export Controls Program Management](#).

A&M-San Antonio will implement an export control compliance program to reduce the risk of export control violations. All employees and students are responsible for the export control implications of their work and must ensure that their activities conform to export control laws and regulations. There are severe institutional and individual sanctions for violations of export control laws and regulations, including the loss of research funding, the loss of export privileges, and both criminal and civil penalties.

Official Rule

1. RESPONSIBILITY

- 1.1 A&M-San Antonio employees and students engage in a broad range of innovative and important research activities that may involve foreign persons in the United States or abroad. When these activities also include the use of controlled information or controlled physical items, A&M-San Antonio requires that each individual comply with the applicable requirements of United States export control laws and regulations.
- 1.2 All A&M-San Antonio employees with managerial or supervisory authority over foreign persons or projects involving controlled information or controlled physical items should view export control compliance as an important part of their responsibilities.

- 1.3 A&M-San Antonio employees and students will comply with the provisions of any export license, governmental approval requirements, required certifications, technology control plans, and procedures adopted by or granted to A&M-San Antonio.

2. EMPOWERED OFFICIAL

- 2.1 The Vice Provost for Research and Graduate Studies (or designee) is the A&M-San Antonio's Empowered Official (EO) for all purposes relating to applicable federal export control laws and regulations. The Empowered Official (EO) 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 A&M-San Antonio. The EO is authorized to sign license applications and other authorizations binding A&M-San Antonio in any proceedings before government agencies with export control responsibilities.
- 2.2 The EO or designee will conduct an export controls-specific assessment annually before the start of each fiscal year. The risk assessment includes identification of A&M-San Antonio's export control risk portfolio and corresponding risk mitigation strategies. The risk assessment is submitted to the System Research Security Office (RSO), and will be included as an attachment to the annual compliance plan.

3. OFFICES RESPONSIBLE FOR EXPORT CONTROL COMPLIANCE

- 3.1 The EO or designee, in cooperation with other appropriate offices, are responsible for monitoring A&M-San Antonio's export control compliance program and for implementing procedures and/or guidelines to comply with federal export control laws and regulations. This responsibility includes developing, implementing, and monitoring the A&M-San Antonio Export Control Compliance Program Manual, which details A&M-San Antonio's specific procedures regarding export controls compliance actions with regards to the following-but not limited to-facets of compliance: research and educational agreements; international shipments; recordkeeping; internal monitoring; and training. A&M-San Antonio publishes such manual and other relative guidance documents on the Office of Research and Graduate Studies Website.
- 3.2 When requested, the EO or designee will determine or assist other offices and employees in determining compliance obligations and the applicability of particular exclusions as described in System Policy 15.02 Export Controls. The EO or designee will also assist with Restricted Party Screening (RPS) and consult with the System Office of General Counsel (OGC) on export control matters as appropriate.

4. POSSIBLE VIOLATIONS

- 4.1 Each A&M-San Antonio employee and student has the responsibility to report possible violations of export control laws or regulations. Suspected violations and the details of the suspected violation should be reported to the EO or designee. Suspected violations may also be reported via the [Risk, Fraud, and Misconduct](#) hotline at Ethics Point. Possible violations of United States export control laws or regulations will be investigated by the EO or designee, in coordination with the System RSO and System OGC. The EO is authorized to suspend or terminate

a research, teaching, testing, travel or other activity if the EO determines that the activity is not in compliance, or will lead to noncompliance, with export control laws and regulations.

5. RECORD KEEPING

5.1 Records required to be maintained by export control laws and regulations shall be kept for the longer of:

- (a) The record-retention period required by the applicable export control regulations (see 15 C.F.R. Part 762 (ITAR); 22 C.F.R. §§ 122.5, 123.22 and 123.26 (EAR); and 31 C.F.R. §501.601 (OFAC), or
- (b) The period required for the retention of records as set forth in The Texas A&M University System Records Retention Schedule.

Records will be maintained by the Empowered Official and/or the appropriate office responsible for the export or activity.

Related Statutes, Policies, or Requirements

System Regulation [15.02 *Export Controls Program Management*](#)

International Traffic in Arms Regulations (ITAR), 22 C.F.R. §§ 120-130

Export Administration Regulations (EAR), 15 C.F.R. §§ 700-799

Office of Foreign Assets Control (OFAC), 31 C.F.R. §§ 500-599

[National Security Decision Directive 189](#)

Atomic Energy Act of 1954, 42 U.S.C. Section 2011

Nuclear Regulatory Commission regulations, 10 C.F.R. Part 110

Appendix

[Export Controls Program Manual](#)

Definitions

Each of the following terms used in this Rule is defined in System Policy 15.02 *Export Controls Program Management* (Definitions):

- Controlled Information
- Controlled Physical Items
- Export
- Foreign Person

Other terms used in this Rule have the meanings as described below:

Deemed Export – The transfer of Controlled Information or Controlled Physical Items, or the provision of defense services to a Foreign Person in the United States is deemed to be an Export to the home country or countries of the Foreign Person, and is subject to the export control laws and regulations.

Empowered Official – The Empowered Official is defined in 22 C.F.R. §120.25.

The Empowered Official has independent authority to: (i) inquire into any aspect of a proposed export or temporary import by the University, (ii) verify the legality of the transaction and the accuracy of the information to be submitted; and (iii) refuse to sign any license application or other request for approval without prejudice or other adverse recourse.

International Visitors – foreign persons having a residence in a foreign country, who are not A&M-San Antonio employees or enrolled students and are coming to A&M-San Antonio on a temporary basis as a result of an invitation from an A&M-San Antonio faculty member, researcher or administrator.

Restricted Party Screening – The process of determining whether a person or entity is included on the Specially Designated Nationals and Blocked Persons List or any other restricted list maintained by the U.S. government.

Contact Office

Academic Affairs, Office of the Provost and Vice President for Academic Affairs (210) 784-1200
