



Rule

15.02.99.L1 Export Controls

First Approved: January 31, 2014
Revised: August 5, 2020
Next Scheduled Review: August 5, 2025

Rule Statement and Reason for Rule

It is the policy of Texas A&M International University (TAMIU) to comply with United States (U.S.) export control laws and regulations including, without limitation, those implemented by the Department of Commerce through the Export Administration Regulations (EAR) and the Department of State through the International Traffic in Arms Regulations (ITAR), as well as those imposed by the Department of Treasury through the Office of Foreign Assets Control (OFAC).

In accordance with The Texas A&M University System [\(System\) Policy 15.02, Export Controls Program Management](#), TAMIU has an obligation to implement an export controls compliance program to reduce the risk of potential export control violations. All employees and students must be aware of and 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, loss of export privileges, as well as criminal and civil penalties.

Procedures and Responsibilities

1. RESPONSIBILITIES

1.1 Individual Responsibility

TAMIU employees engage in a broad range of innovative and important research activities that may involve foreign persons, in the U.S. or abroad. When these activities also include the use of controlled information or controlled physical items, TAMIU requires that each individual comply with the applicable requirements of U.S. export control laws and regulations.

TAMIU personnel must be familiar with the U.S. export control laws and regulations, including important exclusions and exemptions, as they relate to their responsibilities. All TAMIU employees and students, visiting scientists, postdoctoral fellows, and other persons retained by or working at or for TAMIU must conduct their affairs in accordance with U.S. export control laws and regulations.

All TAMIU employees with managerial or supervisory authority over foreign persons or projects involving controlled information or controlled physical items should view export controls compliance as an important part of their day-to-day responsibilities.

TAMIU employees and students will comply with the provisions of any export license, governmental approval, certification, technology control plan, and procedures.

1.2 Empowered Official (EO)

The Associate Vice President for Research and Sponsored Projects is TAMIU's "Empowered Official" (EO) for all purposes relating to applicable federal export control laws and regulations. The EO is responsible for license applications and other approvals required for compliance with export control laws and regulations, and serves as TAMIU's representative and point of contact with such agencies. The EO is the TAMIU official authorized to sign license applications and other authorizations required by export control laws and regulations on behalf of TAMIU, and to bind TAMIU in any proceedings before government agencies with export control responsibilities.

2. EXPORT CONTROLS COMPLIANCE PROGRAM

2.1 Research

2.1.1 Research Contract Administration

The Office of Research and Sponsored Projects is responsible for developing and implementing procedures to screen proposals and projects for compliance with export control laws and regulations, and specifically, to identify those that involve the following factors:

- a) In the context of research contracts or grants, restrictions on, or approval rights applicable to, publication or release of research results (beyond the customary brief delay to protect a sponsor's confidential information or to preserve the patentability of an invention);
- b) Contracts which provide that research results will be considered trade secret, confidential, or proprietary information owned by the sponsor;
- c) Foreign persons are excluded from participation in the research, or are subject to approval by the research sponsor;
- d) Incorporation by reference of federal regulations (FAR, DFAR, agency specific regulations) that impose publication or access restrictions, or provisions that state that export control laws apply;
- e) Foreign persons will have access to controlled information or controlled physical items;

- f) Persons or entities involved in the research project or related transactions are identified through RPS as embargoed countries or restricted countries, persons or entities; and
- g) Controlled physical items or controlled information (including laptops containing controlled information) that will be taken or shipped outside the U.S.

2.2 International Visitors

2.2.1 Restricted Party Screening (RPS) for International Visitors

In general, International Visitors intending to visit TAMIU must undergo RPS as a prior condition of their visit to TAMIU as provided below.

2.2.2 Subjected International Visitors

All International Visitors whether present or not in the U.S. must undergo RPS when the International Visitor: (i) will be involved in a research project or collaboration; (ii) will be issued a TAMIU identification card, keys to offices or laboratories, or otherwise be given access to the TAMIU computing system in any manner; or (iii) will be paid an honorarium, will be reimbursed for expenses, or will be provided something of value. It is the responsibility of all employees at TAMIU intending to host an International Visitor to notify and request approval of such visit from the Office of Research and Sponsored Projects before the arrival of the International Visitor, as may be further indicated in TAMIU's Export Controls Compliance Program Manual.

2.2.3 Exempted International Visitors

RPS of an International Visitor, as described in Section 2.2.2, is not required if no honorarium or reimbursement of expenses will occur and if one or more of the following conditions exist with respect to the anticipated visit of the International Visitor: (i) meet with colleagues to discuss a research project or collaboration; (ii) tour labs or research facilities that are not otherwise restricted per se; or (iii) participate in general academic or scientific meetings or presentation. It is the fiduciary responsibility of all employees at TAMIU to comply with the initial terms and intent of the visit as communicated to the International Visitor, and to immediately notify the Office of Research and Sponsored Projects and the Office of International Engagement of any changes in the intent of the visit prior to engaging the International Visitor in any activity that may require RSP as set forth in this Rule, any related procedures, or TAMIU's Export Controls Compliance Program Manual.

2.3 International Activities

In the case TAMIU activities conducted outside the U.S., it is the responsibility of the TAMIU activity organizer and/or responsible International Center official to seek and obtain appropriate export control approvals from the EO, for the following activities without limitation: execution of agreements performable outside the U.S.; non-credit bearing study abroad courses; and making payments to Foreign Person vendors. The Office of International Engagement or other office(s) designated by the President or designee, in coordination with the Office of Research and Sponsored Projects, is responsible for developing and implementing procedures to screen international programs, centers, and activities for compliance with export control laws and regulations.

2.3.1 Students Studying Abroad

The Office of International Engagement, or other office(s) designated by the President or designee, is responsible for performing RPSs on all students enrolled in a TAMIU credit-bearing program outside the U.S. who: (i) are foreign persons; (ii) have not previously attended TAMIU; and (iii) are not enrolled as continuing students at a college or university based in the U.S.

2.3.2 Distance Education

The Director of Instructional Technology, in cooperation with the Office of Research and Sponsored Projects, will screen courses as appropriate for purposes of compliance with export control laws and regulations and in accordance with TAMIU's Export Controls Compliance Program Manual.

2.3.3 Purchasing and Financial Transactions

It is the responsibility of the Division of Finance and Administration, in coordination with the Office of Research and Sponsored Projects, to develop and implement procedures to screen vendors as appropriate for compliance with export control laws and regulations.

2.3.4 Export Controls Compliance Program Manual

The Office of Research and Sponsored Projects, in coordination with other appropriate TAMIU offices, will develop, maintain, and update periodically TAMIU's Export Controls Compliance Program Manual to serve as a guide for identification, administration, and resolution of export control issues.

2.3.5 Training

The Office of Research and Sponsored Projects, in cooperation with other appropriate offices, will develop and implement an appropriate TAMIU training program. All TAMIU employees are required to take the basic course for export controls and embargo training (course number 211212) available through *TrainTraq*. Depending on the individual's activities and/or job functions, a TAMIU employee may be required to take supplemental export controls training as deemed appropriate by the individual's supervisor and/or the EO.

2.3.6 Shipping

It is the responsibility of TAMIU personnel who are shipping items outside the U.S. (including hand-carrying items such as research equipment, materials, data, biological materials) to comply with export control laws and regulations in coordination with the Office of Research and Sponsored Projects and other appropriate offices.

3. OFFICES RESPONSIBLE FOR EXPORT CONTROLS COMPLIANCE

- 3.1 The Associate Vice President for Research and Sponsored Projects has ultimate responsibility for ensuring compliance with the export control laws and regulations for TAMIU.
- 3.2 The Office of Research and Sponsored Projects, in cooperation with other appropriate offices, is responsible for directing and monitoring TAMIU's export controls compliance program, record keeping, and for implementing procedures and/or guidelines to comply with federal export control laws and regulations, including developing, implementing, and updating TAMIU's Export Controls Compliance Program Manual as set forth above.
- 3.3 When requested, the Office of Research and Sponsored Projects will assist other offices and employees in export control assessments to determine compliance obligations with respect to TAMIU activities involving foreign persons or international activities under applicable export control laws and regulations and to determine the applicability of available exclusions as described in [System Policy 15.02, Export Controls Program Management](#). The Office of Research and Sponsored Projects will also assist with and conduct RPSs, and consult with the System Research Security Office (RSO) and the System Office of General Counsel on export control matters as appropriate.
- 3.4 In accordance with [System Policy 15.02, Export Controls Program Management](#), the EO will conduct annual export controls-specific risk assessments before the start of each fiscal year and periodic self-assessments of TAMIU's compliance with export control laws and regulations. The EO will submit the annual risk assessment to the System RSO and report findings to the Provost and/or the President as appropriate.

- 3.5 In accordance with [System Policy 15.02, Export Controls Program Management](#), the EO will provide monthly reporting to the System RSO of visiting scholars and employment of non-U.S. persons from countries of concern.

4. POSSIBLE VIOLATIONS

Each TAMIU employee has the responsibility to report possible violations of U.S. export control laws or regulations. Suspected violations should be reported to TAMIU's EO, together with the details of the suspected violation, or via *EthicsPoint* at <https://secure.ethicspoint.com/domain/media/en/gui/19681/index.html>. Possible violations of U.S. export control laws or regulations will be investigated by the EO or designee to the extent deemed necessary. The EO is authorized to suspend or terminate a research, teaching, testing, or other export activity if the EO determines that the activity is not in compliance or will lead to non-compliance with export control laws and regulations.

5. RECORD-KEEPING

Records required to be maintained by export control laws and regulations shall be kept for the longer of: (i) 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 (ii) the period required for the retention of records as set forth System policies and regulations and TAMIU rules.

Records will be maintained by the Office of Research and Sponsored Projects or as otherwise designated in TAMIU's Export Controls Compliance Program Manual.

Related Statutes, Policies, Regulations, or SAP's

- [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, et seq. and Nuclear Regulatory Commission Regulations, 10 C.F.R. Part 110](#)
- [System Policy 15.02, Export Controls Program Management](#)

Definitions

Each of the following terms used in this Rule is defined in System Policy 15.02, Export Controls Program Management:

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

Other terms used in this Rule have the meanings set forth 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: (1) 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 – International Visitors are Foreign Persons having a residence in a foreign country, who are not employees or enrolled students of TAMIU, and are coming to TAMIU on a temporary basis as a result of a verbal or written invitation made to the Foreign Person by a faculty member, researcher, or administrator of Texas A&M University.
- Restricted Party Screening (RPS) – Determining whether a person or entity is included on U.S. export or denied parties restrictive lists, or any other list included in the screening software made available by the Division of Research.

Contact Office

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