

15.02.99.K1 Export Control Program Management



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Rule Summary

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

This rule was developed to ensure compliance with all related federal and state laws, Texas A&M University System (System) policies and regulations, and TAMUK rules and procedures.

Definitions

Definitions are commensurate to System Policy 15.02.

Rule

1. EMPOWERED OFFICIAL

The president or provost is the Empowered Official (EO) for TAMUK. The 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 the university. The EO is authorized to sign license applications and other authorizations binding TAMUK in any proceedings before government agencies with export control responsibilities. The EO will coordinate with the System Research Security Office (RSO) and Office of General Counsel (OGC) prior to communicating with federal regulatory bodies.

2. INDIVIDUAL RESPONSIBILITY

All 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 in writing or via the System Risk, Fraud, and Misconduct EthicsPoint Hotline. Additionally, all employees who are responsible for the oversight, management, or supervision of Foreign Persons or projects involving Controlled Information or Controlled Physical Items should view export control compliance as an important part of their day-to-day responsibilities.

3. EXPORT CONTROL COMPLIANCE PROGRAM

3.1. In coordination with other appropriate university offices, the TAMUK Office of Academic Affairs and the Office of Compliance are responsible for directing and monitoring the TAMUK export control compliance program, as well as developing and maintaining the TAMUK Export Controls Compliance Program Manual. Specific procedures related to compliance with federal export control laws and regulations and System policies and regulations are contained within the TAMUK Export Controls Compliance Program Manual, and specific procedures regarding export controls compliance actions in the following (but not limited to) areas:

- (a) International Travel
- (b) Procurement
- (c) Research and Sponsored Programs
- (d) Business Functions
- (e) International Visitors and Visiting Scholars
- (f) Employment
- (g) International Students and Student Activities
- (h) Distance Learning
- (i) Restricted Party Screenings
- (j) Training

3.2. Pursuant to System Policy *15.02*, the TAMUK Office of Academic Affairs in conjunction with the Office of Compliance will conduct an export controls-specific risk assessment annually before the start of each fiscal year.

3.3. Pursuant to System Policy *15.02*, the TAMUK Office of Academic Affairs in conjunction with the Office of Compliance will provide the System RSO with applications and associated documents regarding visiting scholars and employment of non-U.S. persons from countries of concern monthly.

4. TRAINING

4.1. All TAMUK employees are required to complete the “Export Controls and Embargo Training” (course number 2111212) via TrainTraq at least once every two years.

- 4.2. Employees who are responsible for the oversight, management, or supervision of Foreign Persons or projects involving Controlled Information or Controlled Physical Items are required to complete supplemental export control training as deemed appropriate by the individual's supervisor and/or the EO.

5. VIOLATIONS AND PENALTIES

- 5.1. Suspected violations may be reported to the EO in writing, or via the System Risk, Fraud, and Misconduct EthicsPoint Hotline.
 - 5.1.1. The EO is authorized to suspend or terminate research, teaching, testing, or other export activity if the EO determines the activity is not in compliance or will lead to noncompliance, with export control laws and/or regulations.
 - 5.1.2. There are institutional and individual penalties for violations of export control laws including the loss of research funding, loss of export privileges, as well as civil and criminal penalties including imprisonment and/or fines.

6. RECORD KEEPING

- 6.1. Records required by export control laws and regulations shall be maintained by the EO's office or designated unit 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 System policies and regulations and university rules and procedures.

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](#)

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

Appendix

[Texas A&M University – Kingsville Export Controls Compliance Program Manual](#)

Contact Office

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