



EXPORT CONTROL COMPLIANCE PROGRAM MANUAL

Texas A&M International University
Office of Research and Sponsored Projects
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About | *Export control laws are complex, fact-specific, and analyzed on a case-by-case basis. Laws, regulations, rules, procedures, and lists specifying either who or what is considered export control sensitive and where export controls apply are subject to change.*

Basis of this Program Manual | *The intention of this program manual is to provide the basics in regards to export control information. This program manual should not be relied upon exclusively nor should it be considered or construed as legal advice. For questions, contact Office of Research and Sponsored Projects.*

Acknowledgments | *This manual is adapted from and based upon the Texas A&M Agrilife Export Control Compliance Program Manual with the permission of Texas A&M Agrilife.*

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ABBREVIATIONS

BIS	Department of Commerce Bureau of Industry and Security
CCL	Commerce Control List
CJ	Commodity Jurisdiction
DDTC	Department of State Directorate of Defense Trade Controls
DFAR	Defense Federal Acquisition Regulation
EAR	Export Administration Regulations
ECCN	Export Control Classification Number
FAR	Federal Acquisition Regulations
FRE	Fundamental Research Exclusion
IFSS	International Faculty and Scholar Services – Texas A&M University
ITAR	International Traffic in Arms Regulations
IVRPSF	International Visitor Restricted Party Screening Form
MTA	Material Transfer Agreement
NDA	Non-Disclosure Agreement
OFAC	Department of Treasury Office of Foreign Assets Control
OGC	The Texas A&M University System Office of General Counsel
PI	Principal Investigator
RPS	Restricted Party Screenings
SDNL	Specially Designated Nationals and Blocked Persons List
TAA	Technical Assistance Agreement
TAMIU	Texas A&M International University
TAMUS	The Texas A&M University System
TC	The Texas A&M University System Technology Commercialization
TCP	Technology Control Plan
U.S.	United States
USML	United States Munitions List

Texas A&M International University

EXPORT CONTROL PROCEDURES

Section 1.0 | *A Commitment to Compliance*

Management Commitment Statement: Texas A&M International University (TAMIU) is committed to upholding the highest standard of ethical conduct and compliance with the legal obligations of the TAMIU components. The export of certain items and information is regulated for reasons of national security, foreign policy, the prevention of the spread of weapons of mass destruction, and competitive trade reasons. In accordance with System Policy 15.02, *Export Control*, TAMIU is committed to operating in compliance with the United States (U.S.) export control laws and regulations including those implemented by the Department of Commerce through the Export Administration Regulations (EAR)¹ and the Department of State through the International Traffic in Arms Regulations (ITAR)², as well as those imposed by the Treasury Department through the Office of Foreign Assets Control (OFAC)³. Because of the complexity of the U.S. export control laws and regulations, potential export-controlled activities will be evaluated on a case-by-case basis.

All employees of TAMIU are ultimately individually responsible for ensuring compliance with U.S. export control laws and regulations, as well as System policies and regulations. It is imperative that TAMIU employees maintain open communication with their respective unit/department head and supervisor about these matters and to recognize that export control laws and regulations apply broadly—not just to sponsored research projects or educational activities. This *TAMIU Export Control Compliance Manual* (manual) is designed to assist TAMIU employees in the area of export control compliance. Additionally, this manual supplements corresponding export control rules and procedures at TAMIU, and provides guidance in properly obtaining required administrative approvals while taking a proactive stance towards compliance with associated federal laws, and System policies and regulations. To the extent this manual conflicts with A&M System Policy 15.02, *Export Control*, or TAMIU rules and procedures, the System Policy supersedes. Acronyms are defined in the Abbreviations section. For the purpose of this manual, definitions are contained in Appendix A.

TAMIU ORSP maintains a Web site with export control information and resources located at:

<https://www.tamtu.edu/orsp/ExportControls.shtml>

Questions regarding export control should be directed to exportcontrol@tamtu.edu.

Section 2.0 | *Key Parties Responsible for Export Control Compliance*

¹ The Export Administration Regulations (EAR) 15 CFR 700-799 can be found at <https://www.govinfo.gov/app/details/CFR-2012-title15-vol2/CFR-2012-title15-vol2-subtitleB-chapVII-subchapC>

² The International Traffic In Arms Regulations (ITAR) 22 CFR 120-130 can be found at https://www.pmdtc.state.gov/?id=ddtc_public_portal_itar_landing

³ The Office of Foreign Assets Control (OFAC) 31 CFR 500-599 can be found at https://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title31/31cfrv3_02.tpl

2.1 INDIVIDUAL RESPONSIBILITY

All TAMIU employees must conduct their affairs in accordance with U.S. export control laws and regulations, while being aware of and responsible for export control implications associated with their work and institutional responsibilities. While compliance with all applicable legal requirements is imperative, it is equally important to maintain an open environment that welcomes the participation of individuals from around the world as part of TAMIU’s mission. To maintain this balance, TAMIU personnel must be familiar with the United States export control laws and regulations—including important exclusions and exemptions, as they relate to their responsibilities. Depending upon the nature of their activities and/or job functions, TAMIU personnel may be required to participate in formal training as determined by the TAMIU Empowered Official and/or the employees’ supervisors.

Principal Investigators (PIs) are responsible for compliance with export control requirements in the conduct of their research or educational activities. PIs are encouraged to seek assistance from the University’s Empowered Official, the University’s Export Control Committee or the University’s Compliance Committee. PIs must:

1. Understand his or her export control obligations and participate in regular trainings to be able to identify export control issues
2. Be aware of the export control indicators in Section 3 (but not limited to) below, and note such information on any internal compliance or assurance forms
3. Determine, prior to initiation of research or educational activity, whether any information or technology involved in his or her research or educational activity is subject to export control laws or regulations
4. Periodically review his or her research to ensure continuing compliance with export control laws and regulations
5. If undertaking an export–controlled project, brief those involved in the project of their export control obligations
6. Understand that any informal discussions, agreements, or understandings entered into with sponsors or entities can impose export control obligations on the PI, and may negate the opportunity to claim key exclusions such as the Fundamental Research Exclusion FRE⁴.

TAMIU employees are to report suspected or known violations to the empowered official for TAMIU—the Associate Vice President for Research and Sponsored Projects. Additionally, TAMIU employees shall maintain their commitment to promoting a culture of compliance with all associated laws, regulations, policies, rules, and procedures and discuss any questions or concerns with their department/unit head, supervisor, or the empowered official.

2.2 EMPOWERED OFFICIAL

The Associate Vice President for Research and Sponsored Projects will serve as the TAMIU empowered official. The TAMIU empowered official or designee is responsible for obtaining approvals required for compliance with export control laws, regulations, policies, rules, and procedures, as well as license application acquisitions. The TAMIU empowered official serves

⁴ As defined: Export Controls—and—National Security Decision Directive 189, the Exclusion applies to “basic and applied research in science and/or engineering at an institution of higher education in the U.S. where the resulting information either is ordinarily published and shared broadly in the scientific community, or has been or is about to be published.”

as TAMIU’s representative and point of contact for export control matters involving TAMIU. The TAMIU empowered official has final responsibility for compliance with export control laws and regulations. In the event of the reporting of a suspected violation, the TAMIU empowered official will investigate the suspected violation to the extent deemed necessary.

The TAMIU empowered official or designee 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. All interactions with such government officials relating to TAMIU’s export control compliance program should be forwarded to the TAMIU empowered official for handling. Any communications from government officials relating to TAMIU’s export control compliance program should be forwarded to the TAMIU empowered official.

2.3 OFFICE OF RESEARCH AND SPONSORED PROJECTS

2.3.1 TAMIU Office of Research and Sponsored Projects (ORSP), in cooperation with other appropriate offices, is responsible for directing and monitoring TAMIU’s export control compliance program, record keeping, and monitoring procedures and/or guidelines to comply with federal export control laws and regulations, including developing, implementing, and updating this manual.

When requested, TAMIU ORSP will determine, or 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 the FRE or other exclusions as described in System Policy 15.02, *Export Controls*. The TAMIU Export Control Empowered Official or designee will also assist with and conduct Restricted Party and Technological Screening (RPS)⁵ and consult with the System Office of General Counsel (OGC) on export control matters as appropriate.

2.3.2 TAMIU’s sponsored research activities are administered by the TAMIU Office of Research and Sponsored Projects in accordance with established ORSP procedures.

2.4 TAMIU ADMINISTRATORS

All TAMIU 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 day-to-day responsibilities, and are responsible for overseeing export control compliance in their areas of administrative responsibility and for supporting TAMIU ORSP in implementing the procedures set forth in this manual, and as otherwise deemed necessary by the empowered official or TAMIU ORSP for export control compliance.

Section 3.0 | Identifying Export Control Concerns

3.1 EXPORT CONTROL RED FLAGS

The following—but not limited to—are indicators that an export control review should be conducted to ensure that no violations will occur:

⁵ As defined: “determine[s] whether a person or entity is included on the Specially Designated Nationals and Blocked Persons List or any other list included in the screening software made available by the Division of Research.”

- A. The results of research and educational activities conducted at TAMIU or by TAMIU employees are intended for military purposes or for other restricted end uses under EAR99
<https://www.bis.doc.gov/index.php/regulations/commerce-control-list-ccl>

<https://www.bis.doc.gov/index.php/licensing/commerce-control-list-classification/export-control-classification-number-eccn>

<https://www.bis.doc.gov/index.php/policy-guidance/product-guidance/firearms/fag/484-what-does-ear99-mean-2>
- B. Foreign persons will have access to controlled physical items on campus or TAMIU property.
- C. Software that includes encryption features will be developed or purchased.
- D. TAMIU employees will export or travel abroad with research equipment, chemicals, biological materials, encrypted software, or controlled physical items; or travel abroad with laptops, cell phones, or PDAs containing controlled information.
- E. A proposed financial transaction will involve embargoed countries or entities (such as banks), individuals located in embargoed countries, or who are on prohibited or restricted end-user lists, as determined by RPS.
- F. The sponsor requires pre-approval rights over publications or the participation of foreign persons.
- G. The project requires the shipping of equipment, chemicals, or biologicals to a foreign country.

3.2 RESTRICTED PARTY AND TECHNOLOGY SCREENING

A. Restricted Party Screening

The U.S. Department of Commerce, the U.S. Department of State, and the U.S. Department of Treasury—*along with various other government agencies*—maintain lists of prohibited and restricted end-users (Restricted Party Lists). If not wholly prohibited, licenses are required for exportation to these end-users, or for carrying out a transaction in which a prohibited or restricted end-user is involved.

TAMIU must screen individuals and entities as provided in this manual in order to ensure that TAMIU is not doing business with individuals or entities that have been debarred, denied export privileges, or are otherwise on one of the government restricted party lists. The TAMIU Office of Information Technology (OIT) has licensed export control compliance software that permits authorized users to screen restricted party lists electronically. The export control compliance software performs restricted party screening against all relevant U.S. Government lists, including: OFAC Sanctions, BIS Denied Persons List, BIS Entity List and Unverified List, Department of State Arms Export Control Act Debarred Parties, Department of State Designated Terrorist Organizations, Department of State Nonproliferation Orders. Screening includes exact, fuzzy, and phonetic searches.

B. Technology Screening

The U.S. Department of Commerce, and the U.S. Department of State, along with various other government agencies control what technology, items, goods, services, etc. (technology) may be permissibly exported outside of U.S. territory. In order to ensure that TAMIU is in compliance with all export regulations, TAMIU must screen the technology⁶ that it intends to export. Screening of technology is accomplished using the

⁶ Contact Empowered Official and the Office of Information Technology for assistance in determining controlled items, controlled information, and screening against restricted party lists.

same export control compliance software used to perform restricted party screening. This software allows for a search of the technology TAMIU plans to export via the EAR/Commerce Control List, and ITAR/U.S. Munitions List (USML). The export control compliance software will notify the screener if a cross-match is found on another listing and what applicable licenses may be required.

C. Returned Results (“Hits”)

The TAMIU Export Control Empowered Official or designee will conduct screenings in accordance with their internal procedures. If there is a possible match of the party being screened with a party on a restricted party list (a “hit”), a secondary person within TAMIU ORSP or the Export Control Compliance Committee should verify that it is a possible match by screening with additional detailed information to confirm. If the hit cannot be ruled out, a secondary review will be conducted. TAMIU ORSP is responsible for maintaining records of its determinations, in accordance with Section 11, *Recordkeeping*.

Section 4.0 | *Research and Educational Activities, Material Transfer, and Non-Disclosure Agreements*

Most data and information involved in TAMIU research and educational activities could possibly be excluded from export control regulation under the ITAR or EAR based on several key provisions:

- A. the Public Domain Exclusion
- B. the FRE
- C. the Exclusion for Educational Information

It is imperative for researchers and others involved in research and educational activities to be aware of these key exclusions, and to understand that their benefits can be lost if certain provisions (such as restriction of foreign person access to the research, sponsor controls on publication, or other dissemination of the research results) are present in research and educational activities-related agreements. PIs should seek guidance before entering into informal understandings or “side agreements” with research and educational activities where such provisions are present. It is also important to remember that the restrictions enforced by OFAC are not affected by the ITAR, EAR, or FRE.

4.1 CONTRACT PROVISIONS OF CONCERN

Certain research and educational activities agreement provisions may negate the FRE, and require seeking a license or undertaking monitoring or other activities. Possible provisions of concern are identified on the *TAMIU Export Controls Decision-Making Tree for Administration of Contract Provisions of Concern* in Appendix C of this manual, and are summarized below.

If any of the following provisions are present (and cannot be negotiated away) in a research or educational activities agreement or subcontract, a Material Transfer Agreement (MTA), or Non-Disclosure Agreement (NDA) related to research or educational activities, the agreement should be submitted to the Export Control Empowered Official for further review:

- A. Sponsor maintains the right to restrict or approve publication or release of research or educational activity results (other than TAMIU’s standard customary brief delay to protect a sponsor’s confidential information or to preserve the patentability of an invention).
- B. Research or educational activity data and/or other research or educational activity results will be jointly with TAMIU or solely owned by the sponsor (e.g., as sponsor’s proprietary or trade secret information).

- C. Statements that export control regulations will apply to the research or educational activity.
- D. Incorporation by reference of Federal Acquisition Regulations (FARs), agency-specific FARs, or other federal agency regulations—which impose specific controls on access to or dissemination of research or educational activity results (see Section 4.2, below).
- E. Restrictions on, or prohibitions against, the participation of research or educational activity personnel based on citizenship or national origin.
- F. Statements that the sponsor anticipates providing export-controlled items or information for use in connection with the research or educational activity.
- G. Equipment or encrypted software is required to be delivered as part of the project.
- H. The research project or educational activity will involve the use of export-controlled items or technical information obtained from a third party.
- I. The research or educational activity will take place outside the United States.

4.2 SPECIFIC U.S. GOVERNMENT ACCESS AND DISSEMINATION CONTROLS

Specific access and dissemination controls may be buried within the language of FARs, Defense Federal Acquisition Regulations (DFARs), and other agency-specific regulations included as part of a prime contract, or flowed down in a subcontract. These clauses include, but are not limited to:

- A. FAR 52.227-14 (Rights in Data—General)
Grants the government unlimited rights in data first produced or delivered under the contract. Government approval required to assert copyright in data first produced in the performance of the contract and not published in academic, technical or professional journals, symposia proceedings, or similar works. For basic or applied research suggest requesting Alternate IV to lift this restriction. Alternate IV provides the contractor with the right to copyright data without government permission.
- B. FAR 52.227-17 (Rights in Data—Special Works)
Prevents the release, distribution, and publication of any data originally produced in the performance of the award. This establishes controls for data generated by contractors for the government’s internal use, and represents an absolute restriction on the publication or dissemination of contractor-generated data. It should not apply to basic and applied research, and should be removed from the contract on the basis of exceptions to this clause’s applicability.
Refer to FAR 27.405-1.
- C. DFARS 252. 204-7000 (Disclosure of Information)
States, “Contractor shall not release to anyone outside the Contractor’s organization any unclassified information, regardless of medium (e.g.; film, tape, document), pertaining to any part of this contract or any program related to this contract.” Three exceptions apply:
 - 1) If the contracting officer has given prior written approval
 - 2) Where the information is already in the public domain prior to date of release
 - 3) If the research is determined in writing to be fundamental research by the Contracting Officer

Refer to 27.404(2) & (3) and NSDD-189 as justification for getting the restriction removed. Also, can refer to IRS Ruling 76-296. May also add alternate language that allows for review and comment on publications.

- D. DFAR 252.225-7048 (Export-Controlled Items)
States, “The Contractor shall comply with all applicable laws and regulations regarding export–controlled items, including, but not limited to, the requirement for contractors to register with the Department of State in accordance with the ITAR. The Contractor shall consult with the Department of State regarding any questions relating to compliance with the ITAR and shall consult with the Department of Commerce regarding any questions relating to compliance with the EAR.” May have to require the PI to certify that the project does not involve any items that are subject to export control laws.
- E. ARL 52.004-4400 (Approval of Foreign Nationals)
All foreign nationals must be approved before beginning work on the project. Contractor is required to divulge if any foreign nationals will be working on the project. Provision of name, last country of residence, citizenship information, etc. is required. This clause is commonly found in contracts involving controlled technology, and sponsored by military agencies. In some cases, projects may need to require the PI to certify that no foreign nationals will be working on the project.
- F. ARL 52.005-4401 (Release of Information)
Includes reference to “non-releasable, unclassified information” and a requirement to “confer and consult” prior to release of information. It is unclear what the review entails. Therefore, the sponsor retains publication/information approval, which voids the FRE. Substitute with ARL Cooperative Agreement Language: Prior Review of Public Releases, “The Parties agree to confer and consult with each other prior to publication or other disclosure of the results of work under this Agreement to ensure that no classified or proprietary information is released. Prior to submitting a manuscript for publication or before any other public disclosure, each Party will offer the other Party ample opportunity (not to exceed 60 days) to review such proposed publication or disclosure, to submit objections, and to file application letters for patents in a timely manner.”
- G. AFMC 5352.227-9000 (Export–Controlled Data Restrictions)
Requires an export license prior to assigning any foreign national to work on the project or allowing foreign nationals access to the work, equipment, or technical data generated by the project. Need to ask the PI if the project is basic or applied research. If yes, it may fall under an ITAR exclusion. May also ask the defense contractor if foreign nationals are allowed to work on the project. If yes, obtain confirmation in writing.

4.3 RESOLVING EXPORT CONTROL ISSUES

- A. TAMIU Export Control Committee
When a potential export control issue is identified, the TAMIU Export Control Committee will work with the parties involved, and determine what course of action should be taken to address the issue. In many cases, no license or other authorization may be necessary. In each case, the TAMIU Export Control Empowered Official, in consultation with the PI and the department/unit, will determine whether:
- 1) The conditions merit an application for a license or other authorization,
 - 2) The conditions are such that an exclusion or license exception may be obtained, or
 - 3) A TCP, or other requirements for the conduct of the research, will be necessary to prevent an unauthorized deemed export of the technology from occurring.

The TAMIU Export Control Empowered Official or designee will notify the parties involved of TAMIU’s export control determinations. The TAMIU ORSP will maintain records of its determinations on a project basis, as provided in Section 11, *Recordkeeping*.

B. Technology Control Plan (TCP)

Currently, TAMIU does not have a TCP in operation. TAMIU will be developing one soon.

1) Development

If the TAMIU Export Control Empowered Official determines a project, facility, or item is export-controlled, the members of the Export Control Committee will work with the PI, department/unit representatives, facility managers, and System members—as appropriate—to develop and implement a TCP to secure the controlled technology from access by unauthorized foreign persons.

A TCP will typically include:

- a. a commitment to export control compliance
- b. identification of the relevant export control categories and controlled technologies
- c. identification of the project's sponsors
- d. identification and nationality of each individual participating in the project
- e. appropriate physical and informational security measures
- f. personnel screening measures and training
- g. appropriate security measures for and following project termination

2) Appropriate Security Measures

The TCP will include physical and informational security measures appropriate to the export control categories related to the facility, project, or item. Examples of security measures include, but are not limited to:

- a. *Laboratory Compartmentalization*: Project operation may be limited to secured laboratory areas physically shielded from access or observation by unauthorized individuals. These areas must remain locked at all times.
- b. *Time Blocking*: Project operation may be restricted to secure time blocks when unauthorized individuals cannot observe or access.
- c. *Marking*: Export-controlled items or information must be clearly identified and marked as export-controlled.
- d. *Personnel Identification*: Individuals participating on the project may be required to wear a badge, special card, or other similar device indicating authority to access designated project areas. Physical movement into and out of a designated project area may be logged.
- e. *Locked Storage*: Tangible items such as equipment, associated operating manuals, and schematic diagrams should be stored in rooms with key-controlled access. Soft and hardcopy data, lab notebooks, reports, and other research materials should be stored in locked cabinets.
- f. *Electronic Security*: Project computers, networks, and electronic transmissions should be secured and monitored through User IDs, password controls, 128-bit or greater Secure Sockets Layer encryption, or other federally approved encryption technology. Database access should be managed via a Virtual Private Network⁷.
- g. *Confidential Communications*: Discussions about the project must be limited to the identified and authorized project participants, and only in areas where unauthorized individuals are not present. Discussions with third party sub-contractors must occur only under signed agreements which fully respect the foreign person limitations for such disclosures.

3) Export Licensing

If a license, Technical Assistance Agreement, Manufacturing License Agreement, ITAR Registration, or other authorization is the appropriate method to address an export control issue, the TAMIU Export Control Committee members will consult with the PI and other appropriate parties to

⁷ A mechanism for providing secure, reliable transport over the Internet. A VPN uses authentication to deny access to unauthorized users, and encryption to prevent unauthorized users from reading the private network packets. The VPN can be used to send any kind of network traffic securely, including voice, video or data.

gather all the information needed to submit the appropriate documentation to seek a license. Members of the TAMIU Export Control Committee will inform the empowered official, or designee, of the details of the export control issue and make a recommendation that a license or other authorization should be obtained. The empowered official will request the license or other authorization from the cognizant agency with assistance from TAMIU Risk and Compliance and the OGC as appropriate.

Section 5.0 | Visitors

5.1 RESPONSIBILITY TO REQUEST AUTHORIZATION TO VISIT

All TAMIU employees intending to invite or host international exchange visitors have the responsibility to notify the Office of International Engagement in advance of the proposed visit. All TAMIU employees intending to invite or host international non-student visitors have the responsibility to notify the Office of Budget, Payroll & Fiscal Analysis in advance of the proposed visit.

5.2 NO AUTHORIZATION TO ACCESS CONTROLLED INFORMATION, CONTROLLED PHYSICAL ITEMS

No international visitor may have access (whether verbal, written, electronic, and/or visual) to controlled information or controlled physical items unless expressly permitted via an approved technology control plan, license, or as authorized in writing by the Office of International Engagement. It is the responsibility of the faculty, researcher, staff, or administrator hosting the visitor to ensure compliance with export control restrictions and to promptly disclose and report any violations to TAMIU Empowered Official.

5.3 SCREENING OF INTERNATIONAL VISITORS

Screening is needed whenever a written or verbal invitation to visit TAMIU is made to an international visitor regardless of whether:

- A. The international visitor is present or not in the United States.
- B. TAMIU needs to sponsor the International Visitor for immigration purposes under the J-1 Exchange Visitor Program⁸.
- C. TAMIU does not need to sponsor the international visitor for immigration purposes because he or she is traveling or has entered the United States under the Visa Waiver Program a B-1/B-2 visa or other nonimmigrant visa status as indicated on a properly annotated I-94.

5.4 PROCEDURE TO NOTIFY AND REQUEST AUTHORIZATION TO VISIT

- A. International Visitor Exceptions
TAMIU employees intending to host international student visitors of which are not determined to be subjected international visitors (as defined in Appendix A) should contact the TAMIU Associate Vice President of Student Affairs in advance of the intended visit. TAMIU employees intending to host international non-student visitors of which are not determined to be subjected international visitors (as defined in Appendix A) should contact the TAMIU Office of Budget, Payroll & Fiscal Analysis in advance of the intended visit.

⁸ For example, Foreign Persons may come to visit TAMIU under the J-1 exchange visitor program in the following instances: (a) Sabbaticals with their own funding; (b) Conducting collaborative research funded by their home institution or government; (c) Fulbright or other similar type of sponsorship; and (d) Student internship, paid or unpaid.

Any changes in the initial terms and intent of the visit that would make such exempted international visitor fall under one or more of the conditions subject to the Exchange Visitor Program, require the host employee to immediately notify the Associate Vice President of Student Affairs. The host will be responsible for completing AG-713/5VS, *Approval of Exchange Visitor Program (Visiting Scholars, Scientists, and Interns*, as described below.

B. Subjected International Visitors and Visitor Exchange Visitor Program (Visiting Scholars, Scientists, and Interns)

Prior to the visit, faculty, researchers, and administrators inviting and hosting international visitors as subjected international visitors and visiting scholars, scientists, or interns must complete AG-713/5VS, and/or AG-714, *Approval of Reimbursement/Honoraria for Subjected International Visitor*—or any other form identified from time to time by the TAMIU Office of Grants and Contracts.

These forms must be submitted to TAMIU Human Resources. Submission is required regardless of whether the visit involves or results in a financial disbursement (i.e. honorarium, reimbursement of expenses, and alike) payable to the international visitor. TAMIU Human Resources will forward AG-713/5VS and associated documentation to the Office of Research and Sponsored Projects, who will conduct the screening. Any other export control issues raised in AG-713/5VS will be addressed by TAMIU Risk and Compliance, and the requesting host. TAMIU Risk and Compliance will return AG-713/5VS and any other forms required for export control review to TAMIU Human Resources as notification of the completed screening. If the screening results cause restrictions to be imposed, the Export Control Empowered Official or designee will notify the requestor and TAMIU Human Resources and attempt to resolve if possible. Once approved, a copy of the approval (and associated documents) will be sent to the unit, TAMIU Human Resources to initiate the immigration process for those instances in which TAMIU needs to sponsor the international visitor, as well as for those in which the international visitor is traveling under the Visa Waiver Program, a B-1/B-2 visa, or other nonimmigrant visa status as indicated properly on the annotated I-94. If the hosting faculty, researcher, or administrator is ADLOC'd to TAMIU (02), they will forward the TAMIU Export Control Empowered Official for approval. In the event that payment for services or reimbursement will be made, the Office of Grants and Contracts will set up the individual as a vendor.

Section 6.0 | *Employment of Non-Immigrant Foreign Nationals*

It is imperative for TAMIU hiring departments/units to be aware that the ability to hire non-immigrant foreign nationals for certain positions may be restricted or prohibited by export control laws. For example, non-immigrant foreign nationals may be restricted or prohibited from performing employment responsibilities relating to certain information technology systems positions to the extent the work will involve access to controlled information or items. If non-immigrant foreign nationals are prohibited by export control laws from performing the employment responsibilities associated with a position, the Job Advertisement may be posted in such a way that those individuals are notified ahead of time they cannot be considered. The following statement may be added to the “Comments to Applicant” section of the advertisement: *Non-immigrant foreign nationals are prohibited by export control laws from performing the employment responsibilities associated with this position; sponsorship is not available.*

- 1) HR will review the employee’s I-9 documents for those who are foreign nationals.
- 2) HR will screen the foreign national on Visual Compliance (VC).
- 3) If VC report is clear, HR will proceed with new hire orientation.
- 4) If VC report is not clear, HR will promptly share the information with Export Control Empowered Official or designee in the Office of Sponsored Research for their review.

Any export control issues related to the hiring of nonimmigrant foreign nationals should be referred to the TAMIU Empowered Official for resolution, as appropriate.

Section 7.0 | *International Activities*

In the case of TAMIU activities conducted outside the United States, it is the responsibility of the TAMIU activity organizer to seek and obtain appropriate export control approvals from TAMIU Empowered Official for activities including, but not limited to, the following: execution of agreements performable outside the United States; and making payments to foreign person vendors.

7.1 TRAVEL—GENERAL

TAMIU employees traveling on TAMIU business or traveling with TAMIU property are responsible for complying with export control laws and regulations when traveling outside the U.S. TAMIU employees will complete the TAMIU International Travel Form (see Appendix D).

A license may be required depending on which items are taken, which countries are visited, or whether defense services are provided to a foreign person. The traveler or the traveler's supervisor should contact TAMIU Empowered Official with any potential export control concerns. If appropriate, TAMIU Risk and Compliance will follow RPS procedures as described in Section 3.2 of this manual.

When planning a trip abroad, travelers should review export control regulations and embargoes. Individuals should ensure that any information that will be discussed or any items that will be taken are not controlled, or, if controlled, that appropriate licenses are in place. Not only could TAMIU be held liable, but individuals may also be held liable for improperly transferring controlled information or controlled physical items.

Most travel for conferences will fall under an exclusion to the export control regulations, e.g., the Publicly Available/Public Domain Exclusion, 22 CFR §120.11 and 15 CFR §734.3. Information that is published and is generally accessible to the public through publication in books or periodicals available in a public library or in bookstores or information that is presented at a conference, meeting, seminar, trade show, or other open gathering is considered to be in the public domain. An open gathering is one in which members of the general public are eligible to attend, and attendees are permitted to take notes.

TAMIU employees traveling outside the U.S. with laptops, PDAs, cell phones, or other data storage devices and encrypted software must ensure that there is no controlled information on such devices unless there is a specific license or other authorization in place for the information for that destination. Any individual traveling with or transmitting controlled information outside the U.S. should first consult with TAMIU Empowered Official. There are a number of exceptions and exclusions that may apply depending upon the facts and circumstances of each case.

If personal computers and other storage devices are taken abroad that contain encrypted software (15 C.F.R. Part 742), a government license or other government approval for export may be required when traveling to certain countries.

Temporary exports under the "Tools of Trade" (as defined in Appendix B) license exception apply when the laptop, PDA, cell phone, data storage devices, and encrypted software are:

- 1) Hand-carried with the individual while traveling
- 2) Carried in the luggage or baggage that travels with the individual
- 3) Shipped no more than thirty days prior to the individual's departure or may be shipped to the individual at any time while the individual is outside the country

Generally, no government export license is required so long as an individual:

- 1) Retains his or her laptop computer, PDA, cell phone, data storage devices and encrypted software under their personal custody and effective control for the duration of travel
(*Note: In some instances, personal custody requires the person to have with them during meals, etc.*)
- 2) Does not intend to keep these items in these countries for longer than 1 year

- 3) Is not traveling to an embargoed country¹¹⁹.

Note that this license exception is not available for equipment, components, or software designed for use in/by/with most satellites or spacecraft. “Effective control” means retaining physical possession of an item or maintaining it in a secure environment.

Researchers frequently need to take other TAMIU equipment temporarily outside of the United States for use in TAMIU research or educational activities. Often, but not always, the tools of trade license exception applies. Some equipment (e.g., global positioning systems (GPS), thermal imaging cameras, inertial measurement units, night vision goggles, and specialty software) is highly restricted, and may require an export license, even if one hand carries it. If taking TAMIU equipment other than a laptop computer, PDA, cell phone, or data storage devices, contact TAMIU Empowered Official to determine if an export license or other government approval is required prior to taking the equipment out of the country. Please see Appendix L of this manual for recommended protocols before traveling internationally with laptops.

It is important to note that activities involving teaching or training foreign persons on how to use equipment may require a license. Contact TAMIU Empowered Official for information applicable to travel exemptions and exceptions.

7.2 NON-EMPLOYEES PARTICIPATING IN TAMIU INTERNATIONAL ACTIVITIES

All foreign persons acting on behalf of but not employed by TAMIU (e.g. independent contractors; volunteers; foreign collaborators) and are not currently employed by a college or university based in the United States, should undergo RPS prior to participation in research or educational programs at an international center.

7.3 STUDENT TRAVEL

In accordance with TAMU Rule 13.04.99.M1, *Student Travel*, all students traveling outside the U.S. for academic purposes must register with the Office of International Engagement. TAMIU employees/trip leaders organizing and/or accompanying such travel are required to abide by TAMU Rule 13.04.99.M1. TAMIU International travel is coordinated through the Office of International Engagement.

Section 8.0 | *Financial Transactions, Procurement, and Contracts*

TAMIU (Office and Budget, Payroll & Fiscal Analysis) is responsible for developing and implementing procedures to screen financial transactions as appropriate for compliance with export control laws and regulations.

8.1 FINANCIAL TRANSACTIONS

A. Vendors

TAMIU Office of Budget, Payroll & Fiscal Analysis will conduct RPS on all international non-employee vendors. Once RPS has been conducted, TAMIU will notify TAMIU’s Export Control Empowered Official if any compliance actions may be required. From this point, normal procedures for TAMIU Disbursements/Travel will commence. Records will be kept in accordance with Section 11, *Recordkeeping*.

B. Wire Transfers

RPS will be conducted for all international outgoing wire transfers before the transaction process takes place. TAMIU Office of Budget, Payroll & Fiscal Analysis or other appropriate offices will notify TAMIU

⁹ See OFAC’s Sanctions Program and Country Summaries at <https://www.treasury.gov/resource-center/sanctions/Pages/default.aspx> for the most current list of embargoed countries and U.S. sanctions.

Export Control. From this point, normal procedures for TAMIU Cash Management will commence. Records will be kept in accordance with Section 11, *Recordkeeping*.

C. Accounts Receivables

Only departments and units (other than TAMIU laboratories performing diagnostic services. Records will be kept in accordance with Section 11, *Recordkeeping*.

D. Independent Contractors

RPS will be conducted for foreign independent contractors before the work and transaction processes take place.

E. TAMIU Hosted Conferences Allowing International Participation

TAMIU Event Services Managed Conferences: The TAMIU Conference Host will provide TAMIU Event Services access to conference registration rosters for those conferences offering international participation. TAMIU ORSP will make a determination about the subject matter of the conference and decide on whether or not the conference participants must be subject to RPS.

TAMIU Events Managed by Other Entities: If a TAMIU employee intends to host a conference not managed through TAMIU Event Services and allowing international participation, the host will contact TAMIU Empowered Official to work through any potential export control concerns.

F. AGREEMENTS AND NON-SPONSORED CONTRACTS

RPS will be conducted on all foreign sponsors and vendors. Records will be kept in accordance with Section 11, *Recordkeeping*.

Section 9.0 | *Technology Commercialization*

System Technology Commercialization (TC) has developed, implemented, and maintained procedures to address the export control implications of their work, including procedures related to RPS, invention disclosure screening, etc.

Invention disclosure forms that are submitted to TC should be marked by the inventor as export– controlled or not export–controlled. All new TAMIU technology disclosures will be reviewed by TAMIU Office of Research and Sponsored Projects, and other offices as appropriate.

TC will conduct RPS on parties with whom it contracts. Any potential export–controlled issues will be referred to TAMIU Empowered Official for recommended handling.

Section 10.0 | *Shipments*

It is the responsibility of TAMIU employees who are shipping items outside or inside the U.S. (including hand–carrying items such as research equipment, computers, materials, data, or biological materials) to comply with export control laws and regulations. Any transfer of project information, equipment, materials, or technology out of the U.S. by any method may be subject to export control restrictions, and may require an export license or be prohibited depending on the item, destination, recipient, and end–use. Even if an item is cleared through U.S. Customs, it may still require an export control license. Contact TAMIU Purchasing and Support Services for assistance in shipping.

The simple act of sending a package to a foreign collaborator can result in a violation of export control. Also, shipping to countries subject to embargoes¹⁰ must first be cleared by TAMIU Empowered Official. Department/unit personnel who

¹⁰ See OFAC's Sanctions Program and Country Summaries at <https://www.treasury.gov/resource-center/sanctions/Pages/default.aspx> for the most current list of embargoed countries and U.S. sanctions.

are responsible for shipping packages out of the country should obtain a list of contents before shipping and contact TAMIU Empowered Official with any questions.

Every effort should be made to correctly label a package and accurately represent the classification of the item because mislabeling and misclassification, regardless of intent, is a violation of the law. Under-invoicing or under-valuing an exported item, or reporting an incorrect export value on a Shippers Export Declaration also violates export regulations.

A shipping decision tree is available in Appendix C of this manual for shipping-related questions and concerns. Any potential export control issues regarding shipping should be referred to TAMIU Empowered Official for assistance and resolution.

Section 11.0 | Recordkeeping

Records required to be maintained by export control laws and regulations will 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 (EAR); 22 CFR §§Sections 122.5, 123.22, and 123.26 (ITAR); and 31 CFR §501.601(OFAC), or
- B. the period required for the retention of records as set forth in System policies and regulations, University and agency rules/procedures, and the TAMUS records retention schedule.

Records will be maintained by TAMIU Empowered Official, or other TAMIU Administrative Services offices, as appropriate.

TAMIU's policy is to maintain export-related records on a project basis. Unless otherwise provided for, all records indicated herein will be maintained consistent with the TAMIU record retention policy, and must be retained no less than five (5) years after the project's TCP termination date or license termination date, whichever is later (subject to any longer record retention period required under applicable regulations).

TAMIU export control records will be maintained in the Office of Research and Sponsored Projects.

Section 12.0 | Admissions

12.1 UNDERGRADUATE

If an application is received from a citizen of Iran, Cuba, Syria, Sudan, or North Korea, and the applicant has submitted all paperwork for admission, the folder will be routed to the Associate Director of Admissions to perform a screening through Visual Compliance: <https://www.visualcompliance.com/logon.html>.

The results (if no alerts) will then be printed and placed in applicant's folder and a DS 2019 will be issued if applicable. If there is an alert to the applicant being screened, then the applicant's information will be sent to TAMIU Empowered Official for further review/action.

12.2 GRADUATE

If an application is received from a citizen of Iran, Cuba, Syria, Sudan, or North Korea, and the applicant has submitted all paperwork for admission, the folder will be routed to the Director of Graduate Recruiting, to perform a screening through Visual Compliance: <https://www.visualcompliance.com/logon.html>.

The results (if no alerts) will then be printed and placed in applicant's folder and a DS 2019 will be issued if applicable. If there is an alert to the applicant being screened, then the applicant's information will be sent to the TAMIU Empowered Official for further review/action.

Section 13.0 | *Training*

The System provides an online training course via Single Sign On, TrainTraq Course #2111212, *Export Controls and Embargo Training*. Although this training is currently not required for all employees (except as those instances provided below), TrainTraq Course #2111212 is highly recommended because it is ultimately the individual's responsibility to comply with export control laws, regulations, policies, rules, and procedures.

All TAMIU employees are required to take TrainTraq Course #2111212, basic export control online training course at least once every two (2) years. Depending on the nature of an individual's activities and/or job functions, a TAMIU 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.

Section 14.0 | *Internal Monitoring*

To assist departments/units in complying with export control procedures, the TAMIU Export Control Committee and Compliance Officer will conduct periodic reviews.

Section 15.0 | *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 by one of the following methods:

- 1) TAMIU Export Control Empowered Official;
- 2) through the EthicsPoint website at:
https://secure.ethicspoint.com/domain/en/report_custom.asp?clientid=20488;

Possible violations of U.S. export control laws or regulations will be investigated by the empowered official, or designee, to the extent deemed necessary. The empowered official is authorized by the Provost to suspend or terminate a research, teaching, testing, or other activity if the empowered official, or designee, determines that the activity is not in compliance or will lead to noncompliance with export control laws and regulations. The empowered official may determine whether notification to an appropriate government agency is required. All such decisions will be communicated to the Provost prior to implementation.

Section 16.0 | *Disciplinary Actions*

There are severe institutional and individual sanctions for violations of export control laws, including the loss of research funding, loss of export privileges, as well as civil and criminal penalties up to and including imprisonment. In the event of non-compliance with processes set forth in this manual, notice of non-compliance will be forwarded to the Provost. Additionally, employees may be subject to disciplinary action up to and including termination in accordance with TAMIU rules and System policies and regulations.

Section 17.0 | *Related Statutes, Policies, or Requirements*

[Export Administration Regulations \(EAR\) 15 CFR Parts 700-799](https://www.govinfo.gov/app/details/CFR-2012-title15-vol2/CFR-2012-title15-vol2-subtitleB-chapVII-subchapC)

<https://www.govinfo.gov/app/details/CFR-2012-title15-vol2/CFR-2012-title15-vol2-subtitleB-chapVII-subchapC>

[International Traffic in Arms Regulations \(ITAR\) 22 CFR Parts 120-130](https://www.pmdtc.state.gov/?id=ddtc_public_portal_itar_landing)

https://www.pmdtc.state.gov/?id=ddtc_public_portal_itar_landing

[Office of Foreign Assets Control \(OFAC\) 31 CFR Parts 500-599](https://www.govinfo.gov/app/details/CFR-2004-title31-vol2/CFR-2004-title31-vol2-part500)

<https://www.govinfo.gov/app/details/CFR-2004-title31-vol2/CFR-2004-title31-vol2-part500>

[System Policy 15.02, *Export Controls*](http://policies.tamus.edu/15-02.pdf)

<http://policies.tamus.edu/15-02.pdf>

[TAMTU Rule 15.02.99.L1, *Export Controls*](https://www.tamtu.edu/compliance/documents/15.02.99.L1ExportControls.pdf)

<https://www.tamtu.edu/compliance/documents/15.02.99.L1ExportControls.pdf>

APPENDIX A:

GLOSSARY

Controlled Information: Information about controlled physical items, including information which is required for the design, development, production, manufacture, assembly, operation, repair, testing, maintenance, or modification of controlled physical items, and may be released through visual inspection, oral exchanges, or the application of personal knowledge or technical experience with controlled physical items. It also includes information in the form of blueprints, drawings, photographs, plans, instructions, and documentation. Further included in this definition are non-physical items (software and algorithms, for example) listed under EAR and ITAR. (See 15 CFR Parts 730-774 and 22 CFR Parts 120-130 for further details)

Controlled Physical Items: Controlled physical items are dual-use technologies listed under EAR and defense articles listed on ITAR's USML. (See 15 CFR Parts 730-774 and 22 CFR Parts 120-130 for further details.)

Deemed Export: A release of technology or source code to a foreign person in the United States. A "deemed export" is considered an export to the country of nationality of the foreign person.

Defense Article: Any item or technical data designated on the United States Munitions List See ITAR, 22 CFR §121.1.

Defense Service:

- 1) The furnishing of assistance (including training) to foreign persons, whether in the United States or abroad in the design, development, engineering, manufacture, production, assembly, testing, repair, maintenance, modification, operation, demilitarization, destruction, processing, or use of defense articles;
- 2) The furnishing to foreign persons of any technical data controlled under the USML (see ITAR, 22 CFR §120.10), whether in the U.S. or abroad; or
- 3) Military training of foreign units and forces, regular and irregular, including formal or informal instruction of foreign persons in the U.S. or abroad or by correspondence courses, technical, educational, or information publications and media of all kinds, training aid, orientation, training exercise, and military advice (See also ITAR, 22 CFR §124.1).

ECCN: The Export Control Classification Number (ECCN) is the number assigned to each specific category of items or technology listed specifically on the Commerce Control List maintained by the U.S. Department of Commerce, Bureau of Industry and Security. Commodities, software and technology that do not fit into a specific ECCN are classified as "EAR99" and, while they may be exported to most destinations, may still be controlled for export to certain sanctioned entities or a few prohibited destinations.

Exempted International Visitor: Exempted International Visitors are International Visitors who are visiting 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:

- 1) meet with colleagues to discuss a research project or collaboration,
- 2) tour labs or research facilities that are not otherwise restricted per se, or
- 3) participate in general academic or scientific meetings or presentation.

Export: An export occurs when a controlled physical item or controlled information is transmitted outside the U.S. borders or when a controlled physical item or controlled information is transmitted to a foreign person in the United States. When a controlled physical item or controlled information is transmitted to a foreign person in the United States, it is known as a deemed export. The term “export” is broadly defined. It generally includes:

- 1) actual shipment of any controlled physical items;
- 2) the electronic or digital transmission of any controlled information;
- 3) any release or disclosure, including verbal disclosures and visual inspections, of any controlled information;
- 4) actual use or application of controlled physical items or controlled information on behalf of or for the benefit of a foreign entity or person anywhere. Complete definitions of the term “export” are contained in the federal regulations; or
- 5) viewing an email with controlled information when outside the U.S.

Foreign National/Foreign Person: Any person other than a U.S. citizen, a lawful permanent resident of the United States (i.e., a “green card” holder), or a “protected individual” as defined in 8 U.S.C. §1324b (c) (1 & 2) (e.g., refugees or persons seeking asylum). For export control purposes, a foreign person includes any individual in the U.S. in nonimmigrant status (i.e., H-1B, H-3, L-1, J-1, F-1, B-1, and Practical Training) and individuals unlawfully in the U.S.

A foreign person is also any branch of a foreign government or any foreign corporation or group that is not incorporated or organized to do business in the U.S.

For export control purposes, a foreign person is not an individual who is a U.S. citizen, lawful permanent resident of the U.S., a refugee, a person protected under political asylum, or someone granted temporary residency under amnesty or Special Agricultural Worker provisions.

International Visitor: Foreign persons having a residence in a foreign country, who are not employees or affiliates 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 TAMIU.

Knowledge: When referring to a participant in a transaction that is subject to the EAR, knowledge (the term may appear in the EAR as a variant, such as “know,” “reason to know,” or “reason to believe”) of a fact or circumstance relating to the transaction includes not only positive knowledge that the fact or circumstance exists or is substantially certain to occur, but also an awareness that the existence or future occurrence of the fact or circumstance in question is more likely than not. Such awareness is inferred, inter alia, from evidence of the conscious disregard of facts and is also inferred from a person’s willful avoidance of facts.

Manufacturing License Agreement: An agreement whereby a U.S. person grants a foreign person an authorization to manufacture defense articles abroad and which involves or contemplates:

- 1) the export of ITAR controlled technical data or defense articles; or
- 2) the use by the foreign person of ITAR controlled technical data or defense articles previously exported by a U.S. person. (ITAR, CFR §120.21)

Material Transfer Agreements (MTAs): A contract that governs the transfer and use of tangible research materials.

Non-Disclosure Agreements (NDAs): A contract governing the use and disclosure of confidential and proprietary information.

Re-Export: The transfer of articles or services to a new or different end-use, end-user, or destination.

Release: Technology or software is “released” for export through:

- 1) visual inspection by foreign persons of U.S.–origin equipment, facilities or documentation;
- 2) oral or written exchanges of information in the U.S. or abroad; or
- 3) the application to situations abroad of personal knowledge or technical experience acquired in the U.S.

Subjected International Visitors (Exchange Visitor Program): Subjected international visitors are international visitors who:

- 1) will be involved in a research project or collaboration, and will have access to laboratories of observing or conducting research;
- 2) will be issued a TAMU/TAMIU identification card, keys to offices or laboratories, or otherwise be given access to TAMU/TAMIU computing systems in any way or manner; or
- 3) will be paid an honorarium, will be reimbursed for expenses, or will be provided something of value.

System Member(s): Refers to all members of The Texas A&M University System.

Technology: Specific information necessary for the “development,” “production,” or “use” of a product. The information takes the form of “technical data” or “technical assistance.”

Technical Assistance: May take forms such as instruction, skills training, working knowledge, and consulting services. Technical assistance may involve the transfer of “technical data.”

Technical Assistance Agreement (TAA): An agreement for the performance of ITAR–controlled defense services or the disclosure of ITAR–controlled technical data. (22 CFR § 120.22)

Technology Control Plan (TCP): A Technology Control Plan lays out the requirements for protecting export–controlled information and equipment for projects conducted at TAMIU.

Technical Data: Includes information “required for” the design, development, production, manufacture, assembly, operation, repair, testing, maintenance, or modification of defense articles. It may take the form of blueprints, plans, diagrams, models, formulae, tables, engineering designs and specifications, manuals, and instructions written or recorded on other media or devices such as disk, tape, and read–only memories.

Trip Leader: TAMIU employees who conduct an international field trip or short program abroad and is accompanied by a group of students, either graduate, and/or undergraduate.

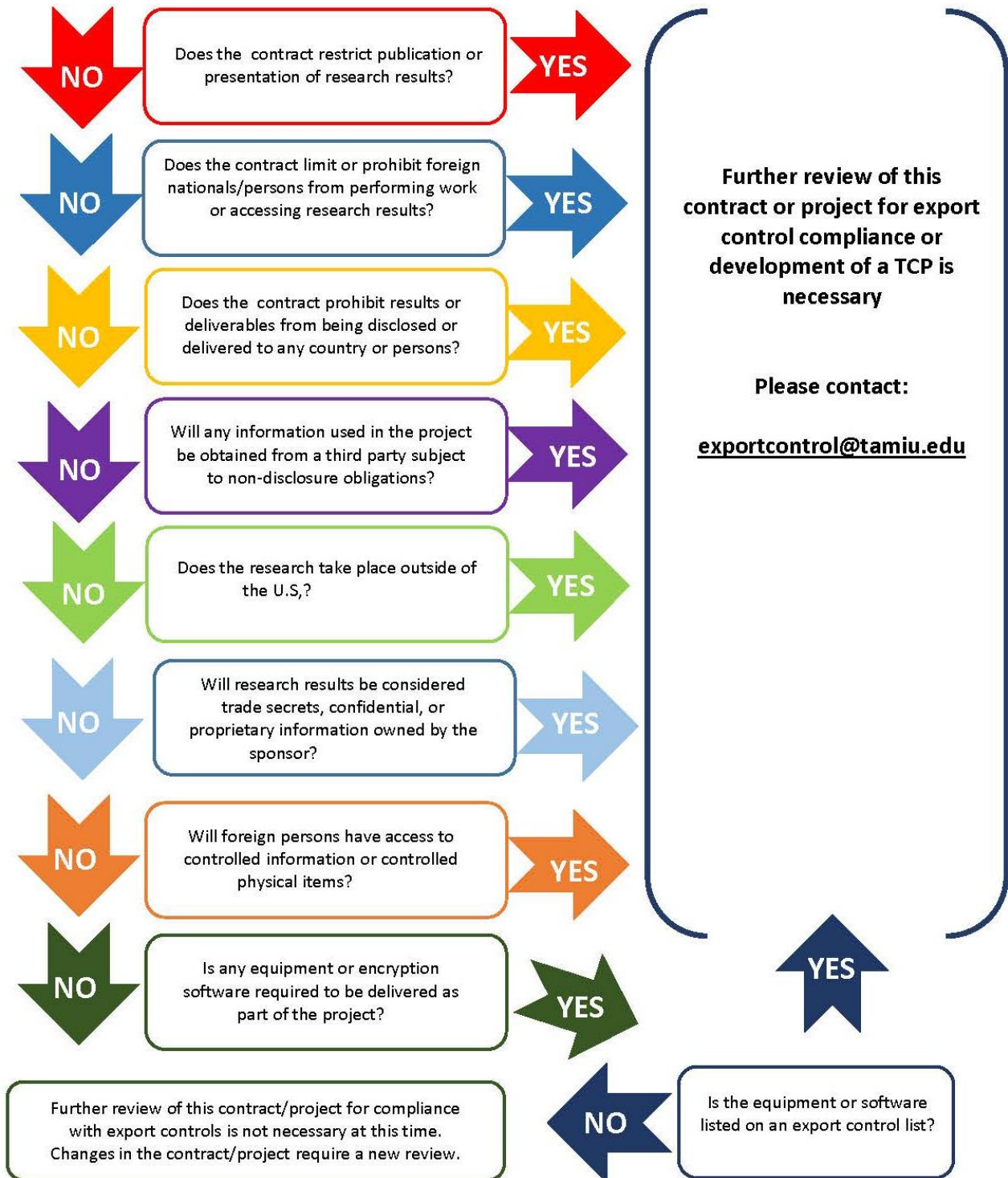
Use: Operation, installation (including on–site installation), maintenance (including checking), repair, overhaul, and refurbishing.

Virtual Private Network: A secure method of connecting to a private network at a remote location, using the internet or any unsecure public network to transport the network data packets privately, with encryption.

Visiting Scholar Host: The individual, who extends the offer, secures approval for, visits and takes responsibility for overseeing and monitoring the visiting scholar when that individual is accessing TAMIU facilities and TAMIU resources.

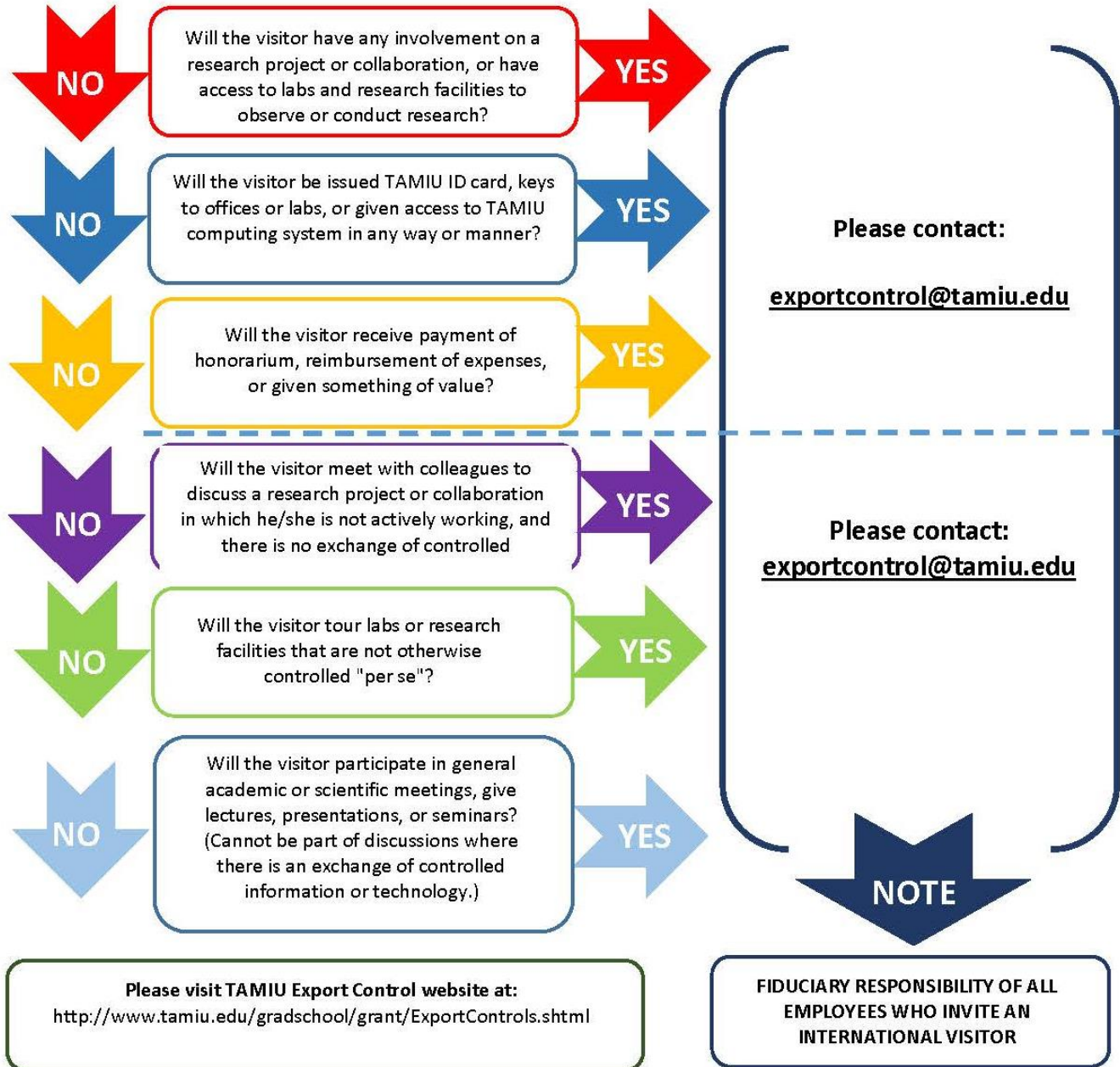
APPENDIX B1: DECISION MAKING TREES

Export Control Decision Making Tree for Administration of Contract Provision of Concern

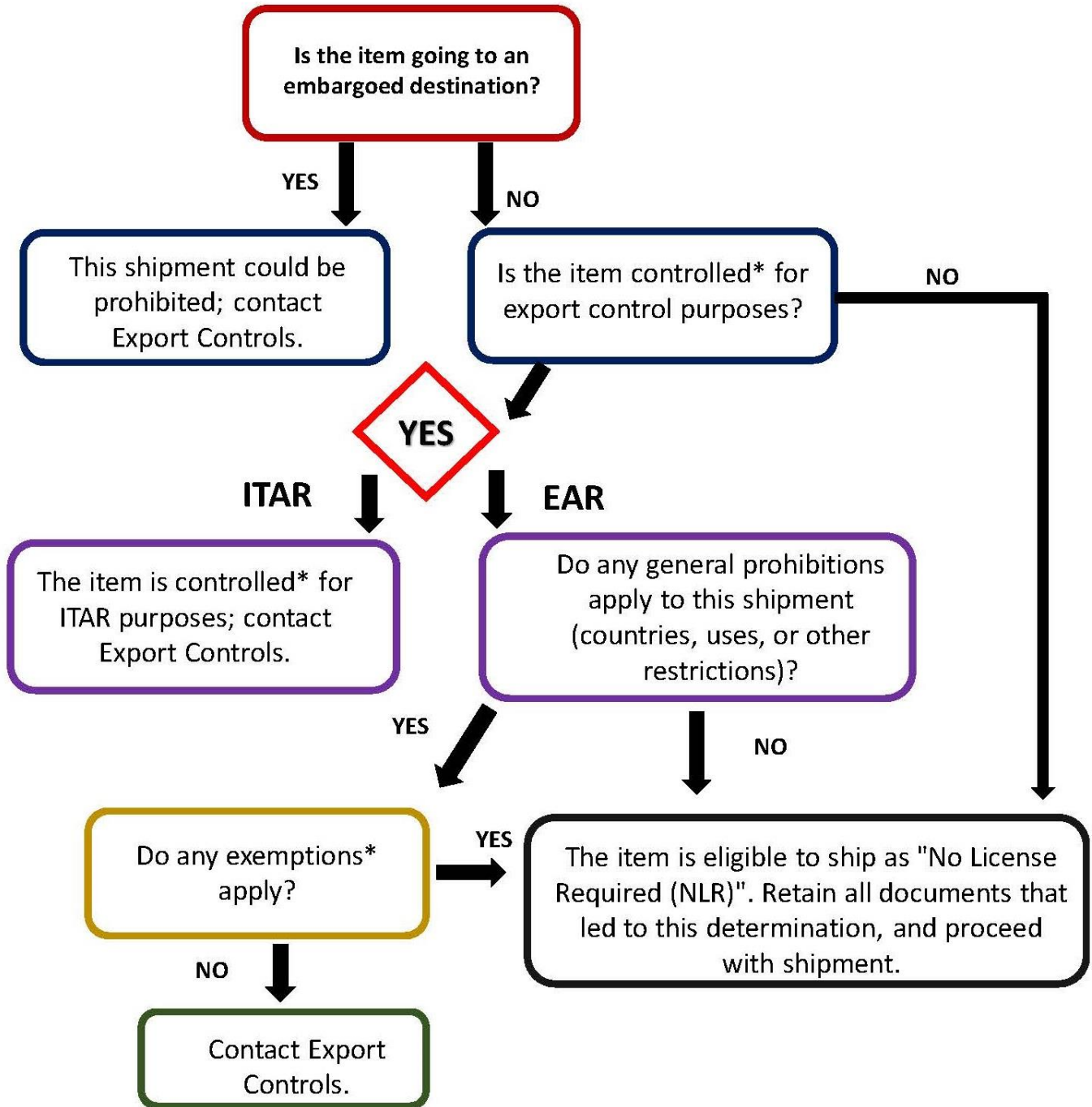


Export Control Decision Making Tree for International Visitors

PURPOSE OF INVITATION



Export Control Decision Making Tree for Shipping



APPENDIX C:

TRAVELING WITH LAPTOPS

Below are recommended protocols when preparing to travel internationally with laptops.

- Avoid taking laptops if possible
- Backup any data, and leave a safe copy of any DATA files at office prior to departure
- taking a laptop is required then password-protect, encrypt or remove all student, personal, and proprietary information stored on your laptop
- Make sure the system patches and antivirus is updated and the laptop FIREWALL is turned on
- Install the TAMIU VPN software by going to the TAMIU Office or Instructional Technology before departure, and utilize a VPN connection at all times while in foreign country.

While traveling, carrying laptops could fall under the temporary license exclusion known as the “tools of the trade” exclusion. EAR makes an exception to licensing requirements for the temporary export or re-export of certain items, technology, or software for professional use as long as the criteria below are met. The exception does not apply to any EAR satellite or space-related equipment, components, or software, or to any technology associated with high-level encryption products. In addition, this exception does not apply to items, technology, data, or software regulated by the ITAR. Note that this license exception is not available for equipment, components, or software designed for use in/by/with most satellites or spacecraft. “Effective control” means retaining physical possession of an item or maintaining it in a secure environment. Temporary exports under the “tools of the trade” license exception (as defined in Appendix B) apply when the laptop, PDA, cell phone, data storage devices, and encrypted software are:

- hand-carried with the individual while traveling;
- carried in the luggage or baggage that travels with the individual; or
- shipped no more than thirty days prior to the individual’s departure or may be shipped to the individual at any time while the individual is outside the country.

Generally, no government export license is required so long as an individual:

- retains his or her laptop computer, PDA, cell phone, data storage devices, and encrypted software under their personal custody and effective control for the duration of travel;
- does not intend to keep these items in these countries for longer than 1 year; and
- is not traveling to an embargoed country.

You may utilize a wiped laptop, as recommended. However, in doing so, please be aware of the extensive process in preparing such laptops. The Office of Information Technology lends compliant laptop computers for foreign travel. TAMIU employees may contact TAMIU Office of Information Technology (956) 326-3221 for more information.

APPENDIX D:

FOREIGN TRAVEL REQUEST FORM

TEXAS A&M INTERNATIONAL UNIVERSITY FOREIGN TRAVEL REQUEST

Employee Name: _____
 Title: _____
 Department: _____

Traveler UIN: _____
 Work Phone #: _____
 Employee Cell #: _____

Funding Account # _____
 Funding Account Name: _____

Purpose of Travel: (Explain purpose and benefit to TAMIU) Attach itinerary and/or conference information.

Are Texas A&M International University students traveling with you on this trip? Yes No

Travel Dates: Departure - _____ Return - _____
 Travel Destination (s): _____

Is the travel to a country currently under a Travel Warning? Yes No

Current Travel Warnings can be found at: <http://assets.system.tamus.edu/files/safety/pdf/travelrisk.pdf>

If country/region is listed as extreme risk, the extreme risk questionnaire MUST be completed. The questionnaire can be found at: <http://www.tamiu.edu/adminis/safety/documents/InternationalTravelQuestionnaire-4.pdf>. Train traq course #2111728 International Travel Safety: Safe Passage MUST be completed for any foreign travel. Proof of completion MUST be attached.

I understand I will be provided a security report containing the current travel warnings in effect for my destination. I understand it is my responsibility to review this information prior to departure and contact the Office of Environmental Health and Safety to discuss any questions I may have regarding potential risks associated with this travel.

 Traveler's Initials

Traveler's Signature: _____
Print Name Signature Date

Travel Approved By:

Supervisor/Dept. Head - _____
Print Name Signature Date

Dean - _____
Print Name Signature Date

Safety/Risk Manager - _____
Print Name Signature Date

Export Control Empowered Official - _____
Print Name Signature Date

Provost/Appropriate VP - _____
Print Name Signature Date

President - _____
Print Name Signature Date

Submit completed form at least 30 days prior to departure to Accounts Payable - Travel: KL152, Fax 326-2139, or email accountspayable@tamiu.edu. Questions? Call 956-326-2817.

Revised 03/2016

APPENDIX E: RISK ASSESSMENT FORM



RISK ASSESSMENT FORM

The Texas A&M University System
System Risk Management
200 Technology Way, Suite 1120
College Station, Texas 77845
(979) 458-6330 Phone (979) 458-6247 Fax <http://tamus.edu> Web

System Member: _____

Requesting Department: _____

Department Contact: _____ Phone #: _____

Title: _____ Email: _____

Type of Concerns
(Liability, Property, etc.): _____

Attached Detailed Information of Concerns: **(Check below if applicable)**

- | | |
|---|---|
| <input type="checkbox"/> Contract/Lease Agreement | <input type="checkbox"/> Housing |
| <input type="checkbox"/> Activity | <input type="checkbox"/> Security |
| <input type="checkbox"/> Premises | <input type="checkbox"/> Attendance |
| <input type="checkbox"/> Sponsor | <input type="checkbox"/> Age of Participants |
| <input type="checkbox"/> Supervision | <input type="checkbox"/> Alcohol |
| <input type="checkbox"/> Transportation | <input type="checkbox"/> Inherently Dangerous |
| <input type="checkbox"/> Other _____ | |

DETAILED Description of Operations/Event/Activity: **(Please use additional sheets if needed)**

Attachments: **(Photographs maybe requested for insuring of property and/or equipment)**

- | | |
|---|-------|
| <input type="checkbox"/> Copy of Contract/Agreement | _____ |
| <input type="checkbox"/> Other Pertinent Details | _____ |

Insurance Liaison Signature _____

Date _____

For Internal Use Only: ACTION/RECOMMENDATION

APPENDIX F: VISITING SCHOLAR INITIAL REQUEST FORM / FOREIGN INDEPENDENT CONTRACTOR



TEXAS A&M INTERNATIONAL UNIVERSITY

Visiting Scholar Initial Request Form /Foreign Independent Contractor

The purpose of this form is to request the services of a foreign Independent Contractor or Visiting Scholar. This request must be submitted for all non-U.S. Citizens (excluding Permanent Residents) 90 days in advance of the proposed contract term. Please submit the completed form with all approval signatures and a copy of the individual's résumé to the Office of International Engagement, SC 124. This form should not be used to hire a foreign employee (i.e. Visiting Professor). Employment requests should be directed and processed thru HR.

Name of Sponsor/Sponsoring Department: _____

FOREIGN NATIONAL INFORMATION				
Last Name		First Name		Month and Year of Birth
Country of Citizenship	(Proposed) Visa Type	Contact Number	Email Address	

Please indicate the starting and ending date of the proposed appointment. _____ to _____

What is the justification/purpose of the appointment? _____

Please list the primary duties of the individual. (Be specific to avoid requests for further information)

Will the individual be granted access to TAMIU's network or databases? NO YES
If 'YES', please indicate what accesses will be requested: _____

Will the individual receive any payment from TAMIU? NO YES: Proposed Paying Account _____
If 'YES', please indicate proposed payment amount: \$ _____ monthly one-time payment

Disclaimer: I have reviewed the scope of the research to be performed and I understand that all Responsible Conduct of Research policies and procedures must be followed. This includes appropriate safety trainings, clearance by IRB and IACUC for human and animal subject's research, as well as Export Controls policies.

Offer Letter: All offer letters must include the required statements regarding work authorization and associated medical insurance, and physical and/or intellectual property ownership.

Prepared by: _____
Host Faculty Member Name (Print) Signature Date

Approved by:			
Department Head	Date	Dean/Director	Date
Appropriate V.P.	Date	Office of International Engagement	Date
Export Control	Date	Office of Budget, Payroll \$ Fiscal Analysis (Required if Individual is Receiving Payment)	Date

5201 University Boulevard, Laredo, TX 78041 TAMIU.EDU



APPENDIX G: INTERNATIONAL SHIPPING FORM



Texas A&M International University

EXPORT CONTROL COMPLIANCE International Shipping

In Compliance with the Texas A&M University System's policy 15.02 Export Controls, all system members, employees, and students must comply with the United States export control laws and regulations put into practice by the Export Administration Regulations (EAR), under the Department of Commerce, and International Traffic in Arms Regulations (ITAR), under the Department of State, as well as, the Office of Foreign Assets Control (OFAC), under the Treasury Department.

Export control laws regulate the export of items, such as technologies, software, and services on the basis of national security, foreign policy, and the prevention of the spread of weapons of mass destruction. International Shipments must be reviewed by the University's Export Control Officer prior to shipment to ensure compliance with export control laws. Please complete this form and submit it to the university's Empowered Official, Dr. John C. Kilburn, at exportcontrol@tamiu.edu for review and approval. Please contact the Dr. Kilburn at (956)326-3221 with any questions.

Name of Recipient: _____

Name of Business Entity: _____

Address: _____

Below, please describe the contents or items you will be sending out internationally (and their intended use):

Export Control Classification Number (ECCN) (if known): _____

I certify that the information provided is true and correct to the best of my knowledge.

Print Name _____ Date: _____

Signature _____

Export Control Officer _____ Date: _____

Shipment is	<input type="checkbox"/>	AUTHORIZED	<input type="checkbox"/>	DENIED
Is export license required?	<input type="checkbox"/>	YES	<input type="checkbox"/>	NO

Mail Room Review _____ Date: _____

Revised 07-2014

