15.99.99.E0.01 Export Controls

Approved: August 30, 2002

This Standard Administrative Procedure and related Form Office of Sponsored Research (OSR) No. 150 is used as a guide for issues concerning export control.

1. PREFACE

The Texas Engineering Experiment Station (TEES) is committed to operate in compliance with the International Traffic in Arms Regulation and Export Administration Regulation promulgated by the Department of State and Department of Commerce, respectively.

This Standard Administrative Procedure (SAP) applies to all individuals affiliated with the TEES including, but not limited to faculty members, research staff, students, visiting scholars or collaborators and addresses the transfer of information or articles that is militarily sensitive or would result in the transfer of patentable technology. This SAP is independent of funding source.

2. MILITARY OR DEFENSE RELATED TECHNOLOGY - INTERNATIONAL TRAFFIC IN ARMS REGULATIONS (ITAR)

2.1 For items on the U.S. Munitions List the researcher is forbidden by ITAR export controls regulation from:

- sending or taking defense articles out of the United States
- transferring ownership of defense articles to foreign nationals including students
- transferring data or information in the United States to a foreign entity including informal discussions
- disclosing technical data to a foreign national including students
- performing defense service for the benefit of a foreign national including students - in the United States or abroad without approval (license) from the Department of Defense.

2.2 There is a list of prohibited parties (sometimes referred to as
the T-7 countries) for which no license will be provided. The Office of Sponsored Research will provide a current list.

2.3 Fundamental research, defined as basic and applied research, the results of which will be published and disseminated without restrictions from government or corporate sponsors, is excluded from coverage of the ITAR and no license is required. However, since some fundamental research relies on technologies that are on the munitions list, it is best to contact the Office of Sponsored Research for a ruling.

2.4 Currently, no license is required for interactions with universities in nations that are part of NATO plus some major non-NATO allies. However, the list of nations is dynamic and the researcher is encouraged to contact the Office of Sponsored Research to see if a given nation is exempt from requiring a license.

2.5 When traveling abroad, Form OSR No. 150 needs to be completed certifying that the above requirements are being met.

2.6 Individuals or the Agency found to have violated the ITAR are subject to criminal penalties, including fines and imprisonment.

3. COMMERCIAL TRANSFERS - EXPORT ADMINISTRATION REGULATIONS (EAR)

3.1 The researcher is forbidden to transfer commercial/nonmilitary articles or information to a foreign corporation or foreign government without approval.

3.2 To engage in export of any item to a foreign country, a license must be obtained from the Department of Commerce.

3.3 As in 2.3 above, no license is required for information that is fundamental research and in the public domain. This includes data, technology, software which is educational, previously published, included in patent application, and results of fundamental research (with no restrictions on publication).
3.4 When traveling abroad, Form OSR No. 150 needs to be completed certifying that the above requirements are being met.

4. LICENSE APPROVAL

Approvals (i.e., licenses) for ITAR and EAR reportedly take several weeks to several months. No travel and leave notices will be approved or funds may not be spent until all necessary licenses have been received and/or Form OSR No. 150 certifying exemption has been submitted.

**EXPORT CONTROL CERTIFICATION**

**OFFICE OF RESPONSIBILITY**: TEES Office of Sponsored Research

**HISTORY**: New Standard Administrative Procedure