



SCIENCE

Export Control Compliance

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Export Control Compliance: Part of the NASA Mission



- “It is NASA policy to ensure that exports and transfers of commodities, technical data, or software to foreign persons are carried out in accordance with United States export control laws and regulations, and Administration and NASA policy.”
 - » NPD 2190.1, Section 1.a. (May 24, 2001)
- “We want to maximize the benefits of our international efforts while ensuring that we comply with U.S. export control laws and regulations.’ This is the personal responsibility of each employee.”
 - » NPR 2190.1, Section P.1. (April 10. 2003)



Key Export Control & Nonproliferation Principles



- 31 C.F.R. 500-598 – Office of Foreign Assets Control (OFAC) Sanctions
- P.L. 109-112 – Iran, North Korea, & Syria Non-Proliferation Act
 - Restricts extraordinary payments to certain Russian entities in connection with human space flight activities, including the ISS
- U.S. Non-Proliferation and Export Control Policy, National Space Policy, & Space Transportation Policy
- P.L. 106-391 – NASA Authorization Act of 2000
- P.L. 112-10 – Department of Defense and Full-Year Continuing Appropriations Act, 2011
- Compliance with Primary Export Control Laws and Regulations
 - Export Administration Act -- Export Administration Regulations (EAR)
 - **Arms Export Control Act -- International Traffic in Arms Regulations (ITAR)**
- 10 CFR 810 Department of Energy regulations



The International Traffic in Arms Regulations (ITAR)

22 CFR 120-130

Updated via Federal Register Notices

<http://www.pmdtc.state.gov/>

Authorizes the President to control the export and import of defense articles and defense services. Authority delegated to the Secretary of State.



United States Munitions List (USML)

§121



- I - Firearms
- II - Artillery Projectors
- III - Ammunition
- ***IV - Launch Vehicles, etc...***
- *V - Explosives, Propellants, Incendiary Agents and Their Constituents*
- VI - Vessels of War and Special Naval Equipment
- VII - Tanks and Military Vehicles
- VIII - Aircraft and Associated Equipment
- IX - Military Training Equipment
- X - Protective Personnel Equipment
- XI - Military Electronics
- *XII - Fire Control, Range Finder, Optical and Guidance and Control Equipment*
- *XIII - Auxiliary Military Equipment*
- XIV - Toxicological Agents and Equipment and Radiological Equipment
- ***XV - Spacecraft Systems and Associated Equipment***
- XVI - Nuclear Weapons Design and Related Equipment
- XVII - Classified Articles, Technical Data and Defense Services Not Otherwise Enumerated
- XVIII - Directed Energy Weapons
- XIX - Reserved
- XX - Submersible Vessels, Oceanographic and Associated Equipment
- XXI - Miscellaneous Articles



USML Category XV - § 121



- Spacecraft and Associated Equipment (including scientific satellites, research satellites, experimental and multi-mission satellites)
 - All spacecraft (except International Space Station)
 - Certain GPS Receivers, Certain Rad Hard Microprocessors
 - Uniquely Designed, Modified, Configured Systems, Pieces and Parts for Above
 - Technical Data directly related to ¶ (a) thru (e)

*Astrophysics Explorer
Missions*

(e) All specifically designed or modified systems or subsystems, components, parts, accessories, attachments, and associated equipment for the articles in this category, including articles identified in section 1516 of Public Law 105-261: satellite fuel, ground support equipment, test equipment, payload adaptor or interface hardware, replacement parts, and non-embedded solid propellant orbit transfer engines (see also Cat IV and V in this section).



Definitions - ITAR



- Technical Data – § 120.10
- Defense Article – § 120.6
- Foreign Person – § 120.16
- Public Domain – § 120.11
- Defense Service – § 120.9

A Technical Assistance Agreement for performance of a defense service is needed even if all information to be shared is in the public domain. -- § 121.1, Cat XV(f)



Proscribed Countries §126.1



- If a country appears on the “proscribed country” list, it is (generally) U.S. policy to deny licenses, or other approvals, associated with exports and imports of defense articles and defense services, destined for or originating in that country
- **ITAR** License Exemptions are trumped if a “**foreign person**” from any of these countries is involved; i.e., a license must be applied for.



ITAR Proscribed Countries § 126.1



- AFGHANISTAN (Case by Case)
- BELARUS
- BURMA
- CHINA (PRC)
- CONGO (Case by Case)
- CUBA
- CYPRUS
- ERITREA
- FIJI
- GUINEA
- HAITI
- IRAN
- IVORY COAST
- IRAQ (Case by Case)
- KYRGYZSTAN
- LEBANON
- LIBERIA
- LIBYA (Case by Case)
- NORTH KOREA
- PAKISTAN
- SOMALIA
- SRI LANKA
- SUDAN
- SYRIA
- VENEZUELA
- VIETNAM
- ZIMBABWE

List is updated by Federal Register Notice



ITAR License Exemptions



- 123.4(a) & (b) Temporary imports
- 123.16(b) Exports of parts, components, models
- 125.4(b)(1) Technical data exports directed by DOD
- **125.4(b)(3) Technical data exports directed by U.S. Gov** 125.4
- (b)(5) Technical data exports for lawfully exported articles
- 125.4(b)(7) Technical data returned to sender
- 125.4(b)(10) Technical data disclosed to university employees
- 125.4(b)(11) Technical data authorized by State Department Directorate for Defense Trade Controls written exemption
- **125.4(b)(13) Publicly available data about defense articles**
- **125.5(c) Plant visits**
- **126.4(a) Exports by or for U.S. Gov agency**
- 126.4(c) Imports/Exports for use by USG agency abroad
- 126.5 Canadian Exemptions



University Exemptions



- University Exemption §123.16 (10)
 - Articles exported from accredited US institutions of higher learning to institutions of higher learning in NATO, major non-NATO ally, ESA, or EU countries, only nationals exclusively from those countries can be involved
 - Everything published, fundamental research
- University Exemption §125.4(b)(10)
 - Disclosures by universities in the U.S. to bona fide university employees
- University Exemption §125.4(d)(1)
 - Defense services for the items identified in §123.16(b)(10) of this subchapter exported by accredited U.S. institutions of higher learning...(only XV (a) or (e) fundamental research items)



The Export Administration Regulations (EAR)

15 CFR 730-774

Updated via Federal Register Notices

www.bis.doc.gov



Closing



- The Department of State is the regulatory authority for defense articles and defense services. <http://www.pmdtcc.state.gov/>
- The Department of Commerce is the regulatory authority for dual-use items. <http://www.bis.doc.gov/>
- The NASA Export Control Program is at <http://oier.hq.nasa.gov/nasaecp/index.html>