

# U.S. EXPORT CONTROL LAWS AND REGULATIONS

This material is intended only as an overview tool and does not provide all substantive information needed to make a responsible export decision. NASA employees may contact your Center Export Administrator or Counsel for assistance in interpreting and applying U.S. export control laws and regulations. Also, refer to the Department of State website at: [www.pmdtcc.state.gov](http://www.pmdtcc.state.gov) for information about the ITAR and the Department of Commerce website at: [www.bis.doc.gov](http://www.bis.doc.gov) for information about the EAR.

## **Paula L. Geisz**

Manager, International Technology Transfer Policy and

NASA Export Administrator

Export Control and Interagency Liaison Division

Office of International and Interagency Relations

NASA Headquarters

<http://oiir.hq.nasa.gov/nasaecp/index.html>

# Contents

- **Introduction to U.S. Export Control Laws and Regulations** (*charts 3-6*)
  - International Traffic In Arms Regulations (ITAR) (*charts 7-28*)
  - Export Administration Regulations (EAR) (*charts 29-40*)
- **Missile Technology Control Regime (MTCR) Overview** (*charts 41-47*)
- **NASA Export Control Program, NPD/NPR 2190 Overview** (*charts 48-54*)
- **Acronyms** (*charts 55-58*)



# Introduction

Just What Is An Export Anyway?

➔ **A Simplified Definition**

- The transfer of anything to a “FOREIGN PERSON” or foreign destination by any means, anywhere, anytime.
- See 22 CFR § 120.17 and
- 15 CFR § 734.2(b)



# U.S. Export Laws and Regulations

- ☞ **Arms Export Control Act (AECA) and ITAR U.S. Munitions List (USML) - 22 CFR § 120 – 130**
  - covers items such as Space Launch Vehicles (e.g., the Space Shuttle), rocket engines, certain spacecraft (including all remote sensing satellite systems), missile tracking systems, etc. (both the hardware and the technology)
- ☞ **Export Administration Act (EAA) and EAR Commerce Control List (CCL) - 15 CFR § 730 - 774**
  - covers what are commonly referred to as “dual-use” items, including the International Space Station (the hardware and certain technology)
- ☞ **Department of Energy & Nuclear Regulatory Commission regulations - 10 CFR § 810, 110, 205**
  - ☞ Covers nuclear materials, nuclear weapons facilities, and nuclear reactor facilities, systems, and materials



# U.S. Government Players

## ☞ State

- DDTC

## ☞ Commerce

- BIS

## ☞ Defense

- DTSA
- JCS
- OSR

## ☞ Treasury

- OFAC

## ☞ Homeland Security

- CBP

## ☞ White House

- OSTP
- NSC
- USTR

## ☞ IC

## ☞ Transportation

- FAA

## ☞ Justice

- FBI
- BATF

## ☞ Energy

## ☞ Nuclear Regulatory Commission (NRC)



# Reasons Certain Exports are Controlled

- National Security (NS)
- Foreign Policy (FP)
- Non-Proliferation (MT, NP, CB)
- Short Supply (SS)
- Anti-Terrorism (AT)
- Crime Control (CC)
- Regional Stability (RS)
- UN Sanctions (UN)





# The International Traffic in Arms Regulations (ITAR)

## 22 CFR § 120-130

- ➔ Administered by the Department of State (Directorate of Defense Trade Controls) <http://www.pmdtc.state.gov/>
- ➔ **The United States Munitions List (USML)**
  - 21 categories of “Defense Articles/Services”
  - If an item is listed, it is subject to the ITAR
    - ◆ Example: Category IV - Launch Vehicles, Guided Missiles, Ballistic Missiles, Rockets, Torpedoes, Bombs and Mines
    - ◆ Example: Category XV - Spacecraft and Associated Equipment



# The United States Munitions List (USML)

## 22 CFR § 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 - Reserved
- ☞ XIX - Reserved
- ☞ XX - Submersible Vessels, Oceanographic and Associated Equipment
- ☞ XXI - Miscellaneous Articles



# ITAR Definition - Export

## ☞ **Export** –

- sending or taking a “**defense article**” out of the U.S. in any manner, except by mere travel outside of the U.S. by a person whose personal knowledge includes “**technical data**”; or transferring registration, control, or ownership to a “**foreign person**” of any aircraft, vessel, or satellite covered by the **USML**, whether in the U.S. or abroad; or disclosing (including oral or visual disclosure) or transferring in the United States any “**defense article**” to an embassy, any agency or subdivision of a foreign government (e.g., diplomatic missions);



# ITAR Definition - Export

## ☞ **Export** (cont'd)

- or disclosing (including oral or visual disclosure) or transferring “**technical data**” to a “**foreign person**”, whether in the U.S. or abroad; or performing a “**defense service**” on behalf of, or for the benefit of, a “**foreign person**”, whether in the U.S. or abroad.
- 22 CFR § 120.17



# ITAR Definitions - Defense Article & Defense Service

- ☞ **“Defense Article”** - any item on the USML, including “technical data”. See 22 CFR § 120.6
- ☞ **“Defense Service”** – 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; furnishing to foreign persons of any technical data; or military training of foreign units and forces, regular and irregular, including formal or informal instruction of foreign persons in the United States or abroad or by correspondence courses, technical, educational, or information publications and media of all kinds  
See 22 CFR § 120.9



# ITAR Definition - Technical Data

## 👉 Technical Data

- information which is **required** for the design, development, production, manufacture, assembly, operation, repair, testing, maintenance, or modification of “**defense articles**”; classified information **related** to “**defense articles**”; information covered by an invention secrecy order; software **directly related** to “**defense articles**”.
- **does not include** information concerning general scientific, mathematical or engineering principles commonly taught in schools, colleges and universities or information in the “**public domain**”. It also **does not include** basic marketing information on function or purpose or general system descriptions of “**defense articles**”. See 22 CFR § 120.10



# ITAR Definition - U.S. Person

## ☞ U.S. Person

- a natural person who is a lawful permanent resident as defined in 8 U.S.C. §1101(a)(20) or who is a protected individual as defined by 8 U.S.C. § 1324b(a)(3). It also means any corporation, business association, partnership, society, trust, or any other entity, organization or group that is incorporated to do business in the U.S. It also includes any governmental (Federal, state or local), entity.

See 22 CFR § 120.15



# ITAR Definition - Foreign Person

## ➤ Foreign Person

- opposite of U.S. Person or any natural person who is not a lawful permanent resident as defined by 8 U.S.C. 1101(a)(20) or who is not a protected individual as defined by 8 U.S.C. 1324b(a)(3). It also means any foreign corporation, business association, partnership, trust, society or any other entity or group that is not incorporated or organized to do business in the United States, as well as international organizations, foreign governments and any agency or subdivision of foreign governments (e.g. diplomatic missions). See 22 CFR § 120.16



# ITAR Definition - Public Domain

- **Public Domain** - information which is published and which is generally accessible or available to the public:
  - through sales at news stands and bookstores;
  - through subscriptions which are available without restriction to any individual who desires to obtain or purchase the published information;
  - through second class mailing privileges granted by the U.S. Government
  - at libraries open to the public or from which the public can obtain documents;
  - through patents available at any patent office;



# ITAR Definition - Public Domain

## ☞ **Public Domain** (cont'd)

- through unlimited distribution at a conference, meeting, seminar, trade show or exhibition,, generally accessible to the public, in the United States;
- through public release (i.e., unlimited distribution) in any form (e.g., not necessarily in published form) after approval by the cognizant U.S. Government department or agency;
- through fundamental research in science and engineering at accredited institutions of higher learning in the U.S., where the resulting information is ordinarily published and shared broadly in the scientific community.



# ITAR Definition - Public Domain

## ☞ **Public Domain** (cont'd)

- Fundamental research is defined to mean basic and applied research in science and engineering where the resulting information is ordinarily published and shared broadly within the scientific community, as distinguished from research the results of which are restricted for proprietary reasons or specific U.S. Government access and dissemination controls.
  - ◆ NASA Export Administrator or CEA concurrence is required to designate research as fundamental



# ITAR Definition - Public Domain

## ☞ **Public Domain** (cont'd)

- University research will **not** be considered “fundamental research” if:
  - ◆ the University or its researchers accept other restrictions on publication of scientific and technical information resulting from the project or activity; or
  - ◆ the research is funded by the U.S. Government and specific access and dissemination controls protecting information resulting from the research are applicable.
- See 22 CFR § 120.11



# ITAR - “Temporary” Vs “Permanent” Exports

- ☞ **Temporary export** is generally less than four (4) years with no transfer of title.
- ☞ **Permanent export** is generally four years or over, or anytime there is a transfer of title.
- ☞ **Temporary imports**
  - **Temporary import** is up to four (4) years
  - See 22 CFR § 120.18



# Examples of “Temporary” vs. “Permanent” Exports Under ITAR

- ➡ The launch of an **ITAR**-controlled satellite or satellite component on a foreign launch vehicle is a **Permanent Export**
- ➡ The transfer of control or ownership of an **ITAR** controlled satellite to a **foreign person** is an export and can be either **Permanent** or **Temporary**



# ITAR Types Of Licenses

## ☞ Export/Import Licenses

- Export and/or Temporary Import licenses are issued by the Dept. of State for the export or temporary import of **defense articles**. Common **ITAR** license types include:
  - ◆ DSP-5 - Permanent Export License (Unclassified)
  - ◆ DSP-73 - Temporary Export License (Unclassified)
  - ◆ DSP-61 - Temporary Import License (Unclassified)
- When required, NASA licenses are obtained per our internal Export Control Program (ECP).



# ITAR - Licenses vs. Exemptions

## ☞ Licenses vs. Exemptions

- As required NASA seeks and obtains **ITAR** export licenses per our internal Export Control Program (ECP)
- As a Government agency, NASA enjoys certain license exemptions not available to others
- Such exemptions do not apply in all circumstances and **never** when dealing with **foreign persons of proscribed countries** (22 CFR § 126.1)



# ITAR License Exemptions

## ☞ License Exemptions

- The **ITAR** contains numerous **exemptions\*** to licensing requirements.
  - ◆ U.S. Government agencies enjoy several unique exemptions not available to others:
    - 22 CFR § 125.4(b)(3) - Technical Data
    - 22 CFR § 125.4(b)(13) - Technical Data
    - 22 CFR § 125.5(c) - Plant Visits and Technical Data
    - 22 CFR § 126.4 - Temporary Exports/Imports of Hardware and Technical Data
- \*Use of these exemptions is pursuant to the specific terms of the **ITAR** and the NASA ECP



# ITAR License Exemptions

- ☞ **ITAR licensing exemptions available to NASA as a U.S. Government agency\***
  - 22 CFR § 126.4(a) - subject to certain requirements, **temporary exports** (and **temporary imports\*\***) for the official use by NASA, or for carrying out any cooperative project of NASA, and exports of technical data and performance of Defense Services
  - 22 CFR § 126.4(c) - subject to certain requirements/circumstances, **temporary export or import** or **permanent export** for end-use by NASA in a foreign country

\*These exemptions **do not apply** to exports destined for “**proscribed countries**”;  
\*\***permanent imports** by NASA of **defense articles** do not require a license pursuant to Department of the Justice’s Bureau of Alcohol Tobacco, Firearms, and Explosives (BATFE) regulations. See 22 CFR § 123.2 and 27 CFR § 447, 478, 479, and 555.



# ITAR License Exemptions

- ☞ **ITAR license exemptions available to NASA as a U.S. Government agency**
  - 22 CFR § 125.4(b)(3) - Subject to certain requirements/restrictions, NASA may authorize its first-tier contractors to export technical data in furtherance of a contract that exists between the contractor and NASA\*.
  - 22 CFR § 125.4(b)(13) - Subject to NASA’s internal review and approval processes (e.g., NASA Scientific and Technical Data Program), technical data under NASA’s cognizance may be released to the public (unlimited distribution).

\* Exemption **does not apply** to exports destined for “proscribed countries”



# ITAR Proscribed Countries

## ☞ Proscribed Countries – 22 CFR § 126.1

- If a country appears on this 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 List

## (22 CFR § 126.1)

- ☞ **AFGHANISTAN (case by case)**
- ☞ **BELARUS**
- ☞ **BURMA**
- ☞ **CHINA (PRC)**
- ☞ **CONGO (case by case)**
- ☞ **CUBA**
- ☞ **CYPRUS**
- ☞ **ERITREA**
- ☞ **\*FIJI**
- ☞ **\*GUINEA (case by case)**
- ☞ **HAITI**
- ☞ **\*INDONESIA (case by case)**
- ☞ **IRAN**
- ☞ **IVORY COAST**
- ☞ **IRAQ (case by case)**
- ☞ **LEBANON**
- ☞ **LIBERIA**
- ☞ **LIBYA (case by case)**
- ☞ **\*NIGER(case by case)**
- ☞ **NORTH KOREA**
- ☞ **\*PALESTINIAN AUTHORITY**
- ☞ **SIERRA LEONE**
- ☞ **SOMALIA**
- ☞ **SRI LANKA**
- ☞ **SUDAN**
- ☞ **SYRIA**
- ☞ **VENEZUELA**
- ☞ **VIETNAM**
- ☞ **YEMEN**
- ☞ **ZIMBABWE**

\*

Department of State has published restrictive guidance regarding these countries/entities, August 2010, ITAR Handbook notes, 22CFR §126.1 and DDTC Country-Related web notice.

Updated via the Federal Register. Refer to Department of State website for current list at [www.pmdtc.state.gov](http://www.pmdtc.state.gov)



# The International Traffic in Arms Regulations (ITAR)

- ☞ Rule of Thumb - NASA seeks and obtains ITAR export licenses for the permanent transfer of USML hardware or for any transfer of USML hardware or technical data involving a foreign person in/from a proscribed country
- ☞ Consult your Center Export Administrator for advice and guidance
  - See <http://oirr.hq.nasa.gov/nasaecp/contacts.html>





# The Export Administration Regulations (EAR) 15 CFR § 730-774

- ☞ Administered by the Department of Commerce  
(Bureau of Export Administration)

<http://www.bis.doc.gov/>

- ☞ **The Commerce Control List (CCL)**
  - Divided into ten (10) categories (0 to 9)
  - Complete listing of items controlled by the **EAR**
    - ◆ Example: Category 9- Propulsion Systems, Space Vehicles and Related Equipment



# The Export Administration Regulations (EAR)

## 15 CFR § 730-774

Category 0 - Nuclear Materials, Facilities and Equipment and  
Miscellaneous

Category 1 - Materials, Chemicals, Microorganisms and Toxins

Category 2 - Materials Processing

**Category 3 - Electronics**

Category 4 - Computers

Category 5 - Communications, Telecommunications

**Category 6 - Optics, Cameras, Lasers, Radar**

Category 7 - Guidance, Navigation, Altimeters, Avionics

Category 8 - Submersible systems, Scuba, Marine Equipment

**Category 9 - Propulsion Systems, Space Vehicles**



# EAR Definition - Export

## ☞ Important EAR Definitions

- Export - an actual shipment or transmission of items subject to the EAR out of the United States; or release of technology or software subject to the EAR to a foreign national in the U.S.
- See 15 CFR § 734.2(b) and § 772



# EAR Definition - Controlled Technology

## ☞ **Controlled Technology**

- specific information required for the development, production, or use of a product which is itself controlled. The information takes the form of **technical data** or **technical assistance**.
- See 15 CFR § 772 and § 774



# EAR Definitions - Technical Data & Technical Assistance

## ☞ **Technical Data**

- May take forms such as 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, or read-only memories.

## ☞ **Technical Assistance**

- May take forms such as instruction, skills training, working knowledge, consulting services. May involve transfer of technical data
- See 15 CFR § 772 and § 774



# EAR Definitions – Reexport & Publicly Available Information

## ☞ **Reexport**

- shipment from one foreign country to another foreign country
- See 15 CFR § 772 and § 734.2(b)

## ☞ **Publicly Available Information** –

- information that is generally accessible to the interested public in any form and, therefore, not subject to the **EAR**
- See 15 CFR § 732



# **EAR Definitions - Publicly Available Technology and Software**

## **☞ Publicly Available Technology and Software**

- technology and software that are already published or will be published; arise during, or result from, fundamental research; are educational; or are included in certain patent applications
- See 15 CFR § 734 and § 772



# EAR Definitions - Items subject to the EAR

## ☞ **Items Subject to the EAR**

- items listed on the **Commerce Control List (CCL)** and those items designated as **EAR 99**
- See 15 CFR § 774



# EAR Export Control Classification Number

- ➔ **Export Control Classification Number (ECCN) - a five character, Alpha-numeric symbol; e.g., 9A004**
  - First Character (Digit)- identifies **CCL** category; e.g., 9 is Propulsion Systems, Space Vehicles and Related Equipment
  - Second Character (Letter)- identifies which of five “groups” the item is associated with; e.g., A is Equipment, Assemblies, and Components
  - Third through Fifth Characters (Digits)- identify the type of control(s)
  - See 15 CFR § 738.2(c) and § 772



# EAR Classification Requests

## ☞ Classification Requests

- If an exporter is unable or uncomfortable in determining the “classification” of the item to be exported, a “classification” can be requested from BIS. BIS is obliged to “classify” an item or advise an exporter that an item is not subject to the **EAR** (and may be subject to the jurisdiction of another agency).
- Typically takes 10 working days from receipt at BIS
- See 15 CFR § 748.3



# EAR License Exceptions

## ☞ License Exceptions – 15 CFR § 740

### – Examples

- ◆ **TMP** (use for certain temporary exports up to one year)
- ◆ **GOV** (U.S. Government official use and use by government agencies of cooperating countries in their national territory)
- ◆ **BAG** (your right to take your personal belongings out of the country on a trip)

– **CAUTION** - Use exceptions with care and read all conditions/provisions.



# Enhanced Proliferation Control Initiative (EPCI)

- Foreign Policy controls requiring individual validated license (IVL) if U.S. exporter knows or is informed that Commodity is destined to a missile activity
  - Origin: Executive Order 12735, Nov. 16, 1990
  - Interim rule announced, Aug. 15, 1991



# Missile Technology Control Regime (MTCR) Overview

- ☞ Objective is to limit proliferation of delivery systems of Weapons of Mass Destruction (WMD)
  - not to impede national space programs
  - Low-tech/old tech included
  - Projects, not nations, are targeted
  - Capability regardless of name/kind
    - ◆ Ballistic missiles
    - ◆ Space launch vehicles
    - ◆ Drones/RPVs



# MTCR

- ☞ The U.S. Government acts in accordance with the MTCR Guidelines for sensitive missile-relevant transfers
  - The U.S. implements the MTCR Guidelines in accordance with national legislation
- ☞ MTCR is a non-binding international accord
  - Began April 16, 1987
  - Original membership (G7 Countries): Canada, France, Federal Republic of Germany, Italy, Japan, United Kingdom, United States



# Criteria For MTCR Membership

- Like-mindedness (notice of adherence)
- Effective export control laws
- Enforcement
- Track record
- Motivation to join: Prestige, Exposure/Visibility, Access to Technology
- Join through sponsorship
- Membership approval through member consensus



# Current MTCR Membership

Argentina	Greece	Republic of Korea
Australia	Hungary	Russia
Austria	Iceland	South Africa
Belgium	Ireland	Spain
Bulgaria	Italy	Sweden
Brazil	Japan	Switzerland
Canada	Luxembourg	Turkey
Czech Republic	Netherlands	Ukraine
Denmark	New Zealand	United Kingdom
Finland	Norway	United States
France	Poland	
Germany	Portugal	

**As of August 10, 2010**



# MTCR Guidelines

## ☞ **Category I Items**

- Unmanned capability to deliver 500kg to 300 km
- No transfers of production facilities
- Strong presumption of denial for other transfers
- If transfer is contemplated: binding Gov't-to-Gov't assurances on end-use/no retransfer; Supplier responsible for all steps necessary to ensure end-use

## ☞ **Category II Items**

- Case-by-case review
- End-use assurances if transfer could contribute to a delivery system for WMD
- Gov't-to-Gov't assurances needed if transfer could contribute to a delivery system for WMD



# MTCR Category I

- **Scope:** unmanned capability to deliver 500kg to 300 km
- **Complete systems**
  - Rockets: Ballistic Missiles, Space Launch Vehicles, Sounding Rockets
  - Air Vehicles: Cruise Missiles, Target and Recon Drones, UAVs
- **Complete subsystems**
  - Rocket stages, Reentry vehicles, Solid or liquid fuel rocket engines, Guidance sets (CEP 10km at 300km), Thrust vector controls, Warhead safing, arming, fusing, and firing mechanisms
  - Specially-designed production equipment and facilities
- **Technology for design and production**



# MTCR Category II

## ☞ **Propulsion components**

– Propellants and constituents, Propellant production and technology and equipment, Missile structural composites: production technology and equipment, Paralytic deposition/densification technology and equipment, Structural materials, Flight instruments, inertial navigation and production,

☞ **Flight control systems**, Avionics equipment, Launch support equipment and facilities, Missile computers, Analog-to-digital converters, Test facilities and equipment, Software and related analog or hybrid computers, Reduced-observables technology, materials and devices, Nuclear-effects protection

☞ **See** <http://www.mtcr.info/english/index.html>





# The NASA Export Control Program (ECP)

- The NASA ECP is an “internal,” Agency-wide program
- Originally published in November 1995; codified in NPR 2190.1
- Centralized Export Policy & Compliance in Single Office at NASA Headquarters – Office of International and Interagency Relations
- Export Administrators and Counsel named at each Field Center - resident “experts” on export control laws/regulations
- Assigns Export Control Responsibilities and Standardizes Agency Procedures
- See <http://oiiir.hq.nasa.gov/nasaecp/index.html>



# 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)



# The NASA ECP: Key Concepts in NPR 2190.1

- No exports of controlled items to any foreign entity under any NASA program unless the exporter is confident that such exports are in conformity with approved contracts or international agreements and U.S. export control laws and regulations
- NASA exports to foreign entities are only conducted in furtherance of NASA international agreements or contracts



# NASA Program and Project Manager Best Practices

- ☞ Coordinate and plan early with NASA export control officials and contractors implementing program
  - Develop a Technology Transfer Control Plan
    - Required for programs with partners from non-NATO or Major Non-NATO Ally countries (NPR 2190)
    - Consider foreign person access to facilities and data
  - Include export milestones in program schedules
  - Address requirement for timely review of publications and briefings
  - Ensure program/project staff get training in compliance with export control laws and regulations
  - Maintain oversight of NASA-directed contractor export activities, concur on
    - use of NASA-authorized Exemptions
    - use of NASA-obtained Licenses



# NASA Program and Project Manager Best Practices

- ☞ Provide for exports, based on international agreements
  - Controlled technical data & commodities shall be marked or identified in accordance with the Transfer of Goods and Technical Data Clause of the relevant international agreement
- ☞ Provide necessary information to HEA/CEA for determination of need for validated export licenses
- ☞ Coordinate designation of programs as fundamental research with CEA/HEA
- ☞ Support export control training for program/project personnel
  - Awareness of all program participants is important



# NASA Contractors and Export Control

- NASA provides review of licenses submitted to the Department of State and the Department of Commerce
- NASA contractors should be coordinating with NASA program in advance of license applications that will further a NASA program
- NFS Clause 1852.225-70 “Export Licenses” – required in all domestic contracts
- Contractors have responsibility to obtain any required licenses, unless otherwise agreed with NASA
- NPR 2190.1 requires export plans and reporting for exports effected in support of NASA programs



# Export Control Compliance: Part of the NASA Mission

- ☞ Compliance with U.S. export-control laws and regulations is a requirement for every NASA employee and contractor
  - Failure to do so could
    - jeopardize NASA export privileges
    - cause program delays
    - result in criminal and/or civil penalties
- ☞ Report errors and violations in compliance to the NASA Export Administrator immediately
- ☞ List of NASA Export Administrators is found at:

– <http://oier.hq.nasa.gov/nasaecp/contacts.html>



# Acronyms

- AECA – Arms Export Control Act
- BAG – EAR exception for baggage, see 15 CFR § 740.14
- BATFE – Bureau of Alcohol Tobacco and Firearms under the Department of Justice <http://www.atf.gov/>
- BIS – Bureau of Industry and Security in the Department of Commerce, administers the EAR
- CCL – Commerce Control List under the EAR, see 15 CFR § 774
- CEA – NASA Center Export Administrator
- CEC – NASA Center Export Counsel
- CFR – Code of Federal Regulations
- DDTC – Directorate of Defense Trade Controls in the Department of State, administers the ITAR
- DOC – Department of Commerce
- DSP – Department of State prefix to license application



# Acronyms

- EAA – Export Administration Act
- EAR – Export Administration Regulations, see 15 CFR § 730-744
- ECCN – Export Control Classification Number, found in the CCL
- ECP – NASA Export Control Program, NPD/NPR 2190
- EPCI – Enhanced Proliferation Control Initiative under the EAR
- FAA – Federal Aviation Administration which licenses U.S. launches
- FBI – Federal Bureau of Investigation under the Department of Justice
- GOV - EAR exception for some U.S. Government shipments, see 15 CFR § 740
- HEA – NASA Headquarters Export Administrator manages the agency-wide export compliance program and is in the Office of International and Interagency Relations
- IC – U.S. Government Intelligence Community



# Acronyms

- ITAR – International Traffic in Arms Regulations 22 CFR § 120-130
- JCS – Joint Chiefs of Staff
- USML – U.S. Munitions List, 22 CFR § 121
- MTCR – Missile Technology Control Regime  
<http://www.mtcr.info/english/index.html>
- MTAG – Missile Technology Advisory Group, interagency committee lead by the Department of State
- MTEC – Missile Technology Export Committee, interagency committee lead by the Department of State
- NPD – NASA Policy Directive
- NPR – NASA Procedures and Requirements
- NRC – Nuclear Regulatory Commission
- NSC – National Security Council



# Acronyms

- OFAC – Office of Foreign Assets Control under the Department of Treasury
- IWG – International Working Group
- OSR – Office of Security Review in the Department of Defense
- OSTP – Office of Science Technology Policy
- TMP – Temporary exception under the EAR, 15 CFR § 740.9
- USTR – U.S. Trade Representative
- WMD – Weapons of Mass Destruction

