

STANDARD ADMINISTRATIVE PROCEDURE

15.02.99.M0.01 Technology Control Guidelines at TAMUQ

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Standard Administrative Procedure Statement

Texas A&M University (TAMU) is committed to export control compliance; and it is the policy of TAMU to comply with United States export control laws and regulations including, without limitation, those implemented by the Department of Commerce through the Export Administration Regulations (EAR), the Department of State through the International Traffic in Arms Regulations (ITAR), and the Treasury Department through the Office of Foreign Assets Control (OFAC).

Reason for Standard Administrative Procedure

United States export control laws and regulations require safeguards to prevent unauthorized access and/or use of export-controlled technical information, data, items, software, hardware, biological materials, and chemicals (collectively referred to as “Items”) by foreign nationals and other restricted parties. This standard administrative procedure sets forth the mechanisms to protect against unauthorized access or use of such Items at Texas A&M University at Qatar (TAMUQ).

Definitions

Antiterrorism Controls - are outlined in the Export Administration Regulation in 15 C.F.R. Part 742. The controls are intended to prevent acts of terrorism and to distance the United States from nations that have repeatedly supported acts of international terrorism and from individuals and organizations that commit terrorist acts. Anti-terrorism controls are currently maintained with respect to exports and re-exports to Cuba, Iran, North Korea, Sudan, and Syria, as part of broader U.S. embargoes.

EAR99 - is a designation for Items that are covered by the Export Administration Regulations (see 15 C.F.R. § 732.3) but not specifically on the Commerce Control List. EAR99 Items can be shipped without a license to most destinations under most circumstances. However, exports of an EAR99 Item to an Embargoed Country, an End User of Concern or in support of a Prohibited End Use may be prohibited or require an export license.

Embargoed Countries - Countries identified by the federal government as being subject to comprehensive embargos, including, Cuba, Iran, North Korea, Sudan and Syria (see, 31 C.F.R. §§500-599; 15 C.F.R. §732.3; 22 C.F.R. §126.1).

End User of Concern - An individual or entity appearing on a restricted party list(s) generated by the federal government with whom a transaction would be prohibited or prohibited without a license.

Foreign National - For purposes of this procedure, Foreign National includes anyone who is not a United States citizen.

Prohibited End Use - An end use of an Item prohibited or prohibited without a license under federal export control regulations; for example, a use to support the design, development, production, stockpiling or use of weapons of mass destruction (i.e., nuclear, biological, chemical) and the missiles to deliver them (see 15 C.F.R Part 744).

Informational Materials - Materials associated with Tangible Items such as manuals and schematic diagrams containing controlled technology or information.

Item - Export-controlled technical information, data, items, software, hardware, biological materials, and chemicals (collectively referred to as “Items”).

Other Items - Items for which affixing an inventory label is not reasonably possible or practical.

Responsible Individual - The individual responsible for ensuring that reasonable steps are taken to safeguard an Item(s) so that the Item(s) is not accessed or used by unauthorized individuals or removed from the TAMUQ campus without appropriate authorization.

Secure Location - A location at TAMUQ that is locked and physically secured from unauthorized access.

Tangible Item - An Item that can be marked with an inventory label.

Use - Export Administration Regulations (15 C.F.R Part 772) define use technology as specific information necessary for the “operation, installation (including on-site installation), maintenance (checking), repair, overhaul and refurbishing” of a product. If the technology at issue meets all of these attributes, then it constitutes “use” technology and the export of “technology” that is “required” for the “use” of items on the Commerce Control List is controlled.

Official Procedure / Responsibilities / Process

1. GENERAL

- 1.1. Items subject to export controls will be safeguarded from unauthorized use or access based on the export control classification for the Item. Export-controlled Tangible

Items will be marked with a colored label corresponding with the level of controls to be employed to safeguard the Tangible Item from unauthorized access or use and similarly color coded on TAMUQ's property database.

- 1.2. Reasonable steps to safeguard Items, from unauthorized access and use will depend on the nature of the Item and the level of control. Reasonable steps may include, without limitation:
 - a. storing small Items in locked desks or cabinets with established sign-out procedures to maintain chain of custody logs
 - b. storing large Items in limited access locations where there is an ability to control and track who enters and exits a location
 - c. requiring presentation of security badges as a condition to access or use; and/or
 - d. locking doors and limiting access where Items are stored and can be used.

2. EAR99 Items: Green

2.1. Tangible Items

- 2.1.1. Tangible Items identified as EAR99 will be marked with a green color coded label and colored green on TAMUQ's inventory list. Green Tangible Items can be used at the TAMUQ campus by TAMUQ employees, students and visitors who have been subject to Restricted Party Screening in accordance with SAP 15.02.99.M1.01 without restriction, unless the Responsible Individual knows or has reason to know that the Tangible Item will be used for a Prohibited End Use or by an End User of Concern in which case TAMU's Export Control Office should be contacted for guidance before permitting access or use of the Item by such individual(s).

2.2. Servicing of Item

- 2.2.1. Except where a Green Tangible Item is owned by a third party, Green Tangible Items may be serviced at TAMUQ by individuals who are not End Users of Concern. Green Tangible Items located at TAMUQ that are owned by third parties will be serviced in accordance with the terms of the third party's agreement with TAMU.

2.3. Other Items

- 2.3.1. The Responsible Individual(s) is responsible for ensuring that reasonable steps are undertaken to safeguard access and use of Other Items identified as EAR99 at TAMUQ and to limit or restrict removal of Other Items from the TAMUQ campus.

3. Antiterrorism Items: Yellow

3.1. Tangible Items

3.1.1. Tangible Items identified as exported controlled for Antiterrorism (AT) will be marked with a yellow coded label and colored yellow on TAMUQ's inventory list. Yellow Tangible Items are controlled when an embargo applies. Yellow Items can be used at the TAMUQ campus by TAMUQ employees, students and visitors who have been subject to Restricted Party Screening in accordance with SAP 15.02.99.M1.01. However, yellow Tangible Items may not be Used by individuals who are citizens of an Embargoed Country as defined in this procedure, or by individuals the Responsible Individual knows or has reason to know will be accessed or used by an End User of Concern or for a Prohibited End Use.

3.2. Physical Security

3.2.1. Yellow Tangible Items will be stored in Secure Locations at TAMUQ. The Responsible Individual is responsible for ensuring that reasonable steps are undertaken to safeguard access and use of such Items at TAMUQ including the return of the Item to its Secure Location when not in use.

3.3. Temporary Movement from Designated Location

3.3.1 Yellow Tangible Items may be temporarily moved from a Secure Location for use elsewhere at TAMUQ subject to the restrictions outlined above in Section 3.1.1.

3.4. Servicing of Yellow Items

3.4.1. Except where a Yellow Tangible Item is owned by a third party, Yellow Tangible Items may be serviced at TAMUQ by individuals who are not End Users of Concern. Yellow Tangible Items located at TAMUQ that are owned by third parties will be serviced in accordance with the terms of the third party's agreement with TAMU.

3.5. Janitorial Service

3.5.1. Janitorial services will only be allowed at times when the Item is locked and in an off position and when all Informational Materials are locked away and secured. Only authorized individuals may have access to Informational Materials.

3.6. Other Items

3.6.1. The Responsible Individual(s) is responsible for ensuring that reasonable steps are undertaken to safeguard access and use of Other Items identified as controlled for Antiterrorism at TAMUQ including return of the Other Item to its Secure Location when not in use.

4. Items Subject to More Restrictive Controls: ORANGE

4.1. Tangible Items subject to export controls more restrictive than EAR99 or Antiterrorism will be marked with an orange color coded label and color coded orange on TAMUQ's inventory list. Orange Items are generally not maintained or used at TAMUQ. However, if an Orange Item is maintained at TAMUQ, general use or access will be prohibited and a specific Technology Control Plan must be approved by TAMU's Export Control Office prior to permitting use or access to the Item by Foreign Nationals.

5. Disposal and Removal of Items from the TAMUQ Campus

5.1. All Items will be disposed of in accordance with all applicable U.S. export control laws and regulations.

5.2. Employees seeking to remove an Item(s) from the TAMUQ campus are required to present an approved Asset Removal Form to the security guard before exiting the TAMUQ campus.

5.3. Items located at TAMUQ that are owned by third parties may be removed from TAMUQ campus in accordance with the terms of the third party's agreement with TAMU.

6. Electronic Security

6.1. Data, software and information subject to export controls that is maintained on TAMUQ computers, computer systems, and/or networks must be secured and/or monitored via User IDs, password controls, or appropriate encryption technology to prevent access by unauthorized individuals. TAMUQ's Director of Research Computing is responsible for implementing reasonable safeguards to secure such access and use at TAMUQ, including measures to address remote access by authorized users and measures to prohibit unauthorized access or use by Foreign Nationals or individuals from Embargoed Countries.

7. Export Control Certification and Training

7.1. All TAMUQ employees (except student workers, as defined in 15.02.99.M1.01) and visiting scholars having access to Items must complete the on-line export control basic training course and certify, electronically via the on-line export control training course, that they have read and understand this SAP and agree to comply with the requirements for safeguarding export controlled Items.

Related Statutes, Policies, or Requirements

International Traffic in Arms Regulations (ITAR) 22 C.F.R. §§ 120-130

Export Administration Regulations (EAR) 15 C.F.R. §§ 700-799

Office of Foreign Assets Control (OFAC) 31 C.F.R. §§ 500-599

National Security Decision Directive 189

<http://www.fas.org/irp/offdocs/nsdd/nsdd-189.htm>

Atomic Energy Act of 1954 42 U.S.C Section 2011, et seq. and Nuclear Regulatory Commission Regulations, 10 C.F.R. Part 110

[System Policy 15.02 *Export Controls*](#)

[University Rule 15.02.99.M1 *Export Controls*](#)

[University SAP 15.02.99.M1.01 *Export Control Screening of TAMUQ Personnel Actions and Requests for Authorization for Visiting Scholars*](#)

Appendix

[Export Control Compliance Program Manual](#)

Contact Office

Office of the Vice President for Research
(979) 845-8585