



## STANDARD ADMINISTRATIVE PROCEDURE

### 15.02.99.M0.01 Technology Control Guidelines at TAMUQ

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### Standard Administrative Procedure Statement

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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).

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### Reason for Standard Administrative Procedure

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United States export control laws and regulations require safeguards to prevent unauthorized access and/or use of export controlled Items by Foreign Persons and/or 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).

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### Definitions

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**Antiterrorism Controls** - are outlined in the EAR in 15 C.F.R. §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. Antiterrorism Controls are currently maintained with respect to exports and reexports to E Controlled Countries, 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.

**E Controlled Countries** - countries that are identified by the federal government as being subject to comprehensive embargoes by OFAC and/or being part of Country Group E defined in the EAR, (see, 15 C.F.R. §740 Supplement No. 1, 15 C.F.R. §746; 22 C.F.R. §126.1, 31 C.F.R. §§500-599). These countries are subject to change, per the regulations.

**End User of Concern** – is 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 Person** - See Definition in System Policy 15.02, Export Controls.

**Informational Materials** – are 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 (i.e. not a Tangible Item).

**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 §744).

**Responsible Individual** – is 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 §772) define “Use” as Operation, installation (including on-site installation), maintenance (checking), repair, overhaul and refurbishing. 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 may also be controlled. NOTE: If an ECCN specifies one or more of the six elements of “use” in the heading or control text, only those elements specified are classified under that ECCN.

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## **Official Procedure / Responsibilities / Process**

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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 items will be identified pursuant to a color category as defined below.

- 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:
  - 1.2.1. storing small Items in locked desks or cabinets with established sign-out procedures to maintain chain of custody logs,
  - 1.2.2. storing large Items in limited access locations where there is an ability to control and track who enters and exits a location,
  - 1.2.3. requiring presentation of security badges as a condition to access or use, and/or
  - 1.2.4. locking doors and limiting access to unattended areas where Items are stored and can be used.
- 1.3. Items subject to export controls should not be removed from TAMUQ campus without prior authorization from the TAMUQ Manager of Quality Assurance. Items subject to export controls that are in the United States, such as at TAMU Main Campus, should not be exported from the United States, even if they are being sent to TAMUQ, without prior authorization from the TAMU Export Controls Office and the TAMUQ Quality Assurance Manager.

## 2. Categories of Control

- 2.1. Green Items – Defined as items that are classified as EAR99. Green Items can be shipped without a license to most destinations under most circumstances. However, shipment of a Green Item to an E Controlled Country, an End User of Concern, or in support of a Prohibited End Use may be prohibited or require an export license.

### 2.1.1. Tangible Items

2.1.1.1. Tangible Items that are marked with a physical label per the TAMU Property Management Procedures Manual will include the word “green” on the label. Green Items will be identified as green on TAMUQ’s inventory list.

2.1.1.2. Green Items can be used at the TAMUQ campus by TAMUQ employees, students and visitors who have been subject to screening in accordance with SAP 15.02.99.M1.01. However, individuals may not use Green Items (without an export license or license exception) if the Responsible Individual knows or has reason to know that the Item will be used for a Prohibited End Use or by an End User of Concern.

### 2.1.2. Servicing of Items

2.1.2.1. Green Items may be serviced at TAMUQ by individuals who have been screened in accordance with SAP 15.02.99.M1.01, and the Responsible

Individual seeking to service the item does not know or have reason to know that the Item will be used for a Prohibited End Use or an End User of Concern.

### 2.1.3. Other Items

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

2.2. Yellow Items - Defined as items that are subject to export controls only for Anti-terrorism (AT). This category also includes encryption items which have been designated by the manufacturer as being eligible for License Exception ENC with encryption note, per 15 C.F.R. §740.17 (items classified under ECCNs 5A002, 5D002 or 5E002). The meeting of this criteria as “ENC” should be confirmed through the manufacturer.

### 2.2.1. Tangible Items

2.2.1.1. Tangible Items that are marked with a physical label per the TAMU Property Management Procedures Manual will include the word “yellow” on the label. Yellow Items will be identified as yellow on TAMUQ’s inventory list.

2.2.1.2. Yellow Items can be used at the TAMUQ campus by TAMUQ employees, students and visitors who have been subject to screening in accordance with SAP 15.02.99.M1.01. However, Yellow Items may not be Used by individuals if 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.

### 2.2.2. Servicing of Item

2.2.2.1. Yellow Items may be serviced at TAMUQ by individuals who have been screened in accordance with SAP 15.02.99.M1.01, and the Responsible Individual seeking to service the Item does not know or have reason to know that the Item will be Used by an End User of Concern or a Prohibited End Use.

### 2.2.3. Physical Security

2.2.3.1. Yellow Tangible Items will be stored in Secure Locations. The Responsible Individual must ensure that reasonable steps are undertaken to safeguard use of such Items at TAMUQ including the return of the Item to its Secure Location when not in use.

#### 2.2.4. Movement from Secure Location

2.2.4.1. Before Yellow Items may be temporarily moved from a Secure Location for use outside of TAMUQ, the “Temporary Removal of Equipment from Texas A&M University at Qatar” form must be completed by the Responsible Individual, in consultation with the TAMUQ Manager of Quality Assurance. Items classified under ECCN 5A992.c or 5D992.c are excluded from this requirement.

2.2.4.2. Yellow Items may be permanently moved (exported, reexported, transferred) from the TAMUQ campus to a non-United States location only after review by the Texas A&M University Export Control Office (ECO). In addition, the item will be removed from TAMUQ inventory list following the proper procedures listed in TAMU Property Management Procedures Manual.

#### 2.2.5. Other Items

2.2.5.1. The Responsible Individual(s) is responsible for ensuring that reasonable steps are undertaken to safeguard access and use of Other Items identified as Yellow Items at TAMUQ including return of the Other Items to their Secure Locations when not in use.

### 2.3. Orange Items: Defined as items that are subject to export controls more restrictive than Yellow Items.

#### 2.3.1. Tangible Items

2.3.1.1. Orange Items will be marked with a physical label indicating their color category and identified as “orange” on TAMUQ’s inventory list.

2.3.1.2. Use or access to Orange Items will be governed by a Technology Control Plan (TCP) that must be approved by the ECO prior to permitting use or access to the Item by Foreign Persons. Individuals must meet all requirements and be added to the applicable TCP prior to receiving access to Orange Items.

#### 2.3.2. Servicing of Tangible Item

2.3.2.1. The process of servicing Orange Items will be outlined in the TCP whenever applicable.

#### 2.3.3. Janitorial Service

2.3.3.1. Restrictions on Janitorial Service in areas with Orange Items will be outlined in the TCP whenever applicable.

#### 2.3.4. Physical Security

2.3.4.1. Orange Items will be stored in Secure Locations. The Responsible Individual is responsible for ensuring that reasonable steps as outlined in the TCP are undertaken to safeguard use of such Items at TAMUQ including the return of the Item to its Secure Location when not in use.

#### 2.3.5. Movement from Secure Location

2.3.5.1. Orange Items may be temporarily moved from a Secure Location subject to the restrictions outlined in the TCP. Before Orange Items may be temporarily moved to a location outside of TAMUQ, the “Temporary Removal of Equipment from Texas A&M University at Qatar” form must be completed by the Responsible Individual in consultation with the TAMUQ Manager of Quality Assurance and reviewed by the ECO.

2.3.5.2. Orange Items may be permanently moved (exported, reexported, transferred) from the TAMUQ campus to a non-United States location only as authorized by the ECO prior to the transfer/move. In addition, the item will be removed from TAMUQ inventory list following the proper procedures listed in TAMU Property Management Procedures Manual and in consultation with the TAMUQ Manager of Quality Assurance.

#### 2.3.6. Other Items

2.3.6.1. The Responsible Individual(s) is responsible for ensuring that steps are undertaken to safeguard access and use of Other Items identified as Orange items at TAMUQ following the TCP.

### 3. ITAR and EAR 500 and 600 Items

3.1. Controls for ITAR and EAR 500 or 600 items are highly restrictive; many activities, such as access by Foreign Persons, are prohibited without an export license. For this reason, if an ITAR or EAR 500 or 600 item is identified, the TAMUQ Quality Assurance Manager and TAMU Export Controls Office should be notified to implement controls prior to procurement or acquisition. In most cases, less-restrictive, lower controlled items should be chosen in place of these highly controlled items.

### 4. Foreign-Origin Items

4.1. Items that are not United States origin, in other words foreign-made items that do not contain a de minimis amount of United States origin content as defined in 15 C.F.R. §734.4, may not be subject to the EAR or other United States export regulations in most cases. However, once an item arrives in the United States, it becomes subject to the United States export regulations, regardless of origin, and should not be exported without first determining the proper classification and export requirements. If TAMUQ

wants to export (ship or hand carry) a foreign-origin item to the United States, the Responsible Individual will notify the TAMUQ Manager of Quality Assurance, who will notify the ECO prior to this transfer. Foreign-origin items will not be labeled with an export control color, except in particular cases where an applicable export control classification has been determined. Foreign-origin items will be identified as such on the TAMUQ inventory.

5. Disposal of Items from the TAMUQ Campus

5.1. Disposal of Items by TAMUQ will be in accordance with all applicable U.S. export control laws and regulations.

6. End Use or End User Agreements

6.1. If a vendor or manufacturer of an item requires TAMUQ to execute an End Use or End User Agreement or Certificate prior to selling the item to TAMUQ, the ECO must review this documentation and provide TAMUQ with a recommendation regarding the execution or amendment.

7. Electronic Security

7.1. 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. Information Resource Owners and Custodians, as defined by [TAMU IT Policy](#), are 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 Persons or individuals from E Controlled Counties.

8. Export Control Certification and Training

8.1. Per the Export Controls Manual and SAP 15.02.99.M1.01, all TAMUQ employees (except Student Workers, as defined in SAP 33.99.08.M0.01 *Student Employment*) and Visiting Scholars, as defined in SAP 15.02.99.M1.01, must complete the on-line export control basic training course specific to TAMUQ 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.

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**Related Statutes, Policies, or Requirements**

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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. §110

[System Policy 15.02 \*Export Controls Program Management\*](#)

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

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

[Export Control Compliance Program Manual](#)

[TAMU Property Management Procedures Manual](#)

[TAMU IT Policy](#)

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## **Contact Office**

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Office of Export Controls, Conflicts of Interest, and Responsible Conduct of Research

[exportcontrols@tamu.edu](mailto:exportcontrols@tamu.edu)