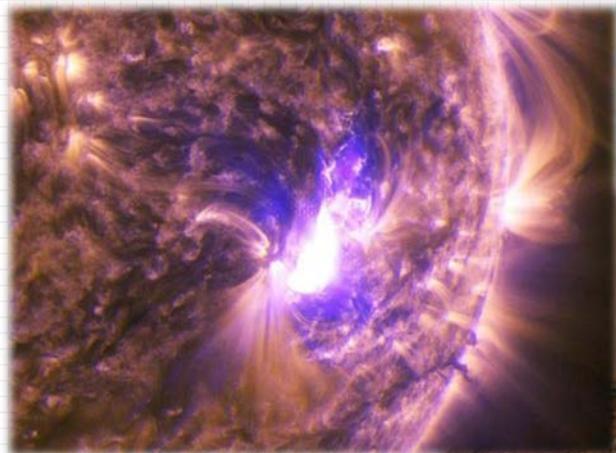




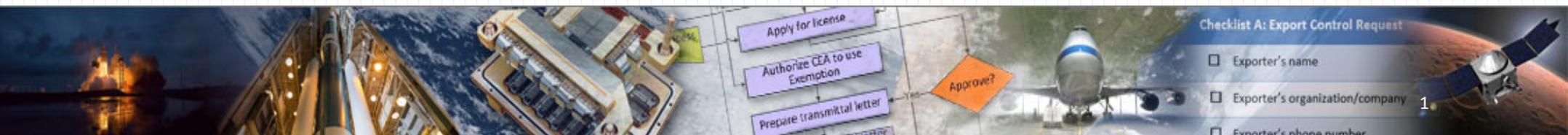
2019 Astrophysics Explorers MIDEX and MO Kickoff



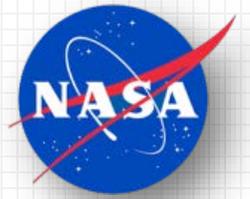
Office of International and Interagency Relations Export Control and Interagency Liaison Division

Juan F. Santos, NASA HQ Export Administrator

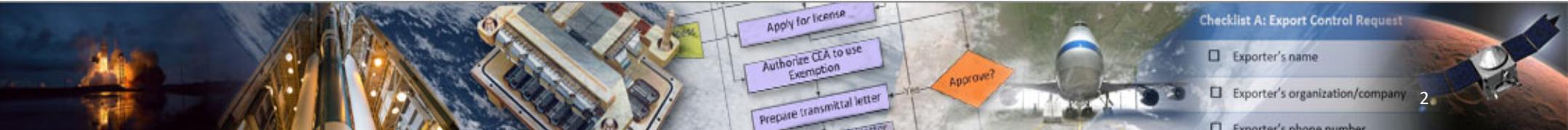
April 23, 2020



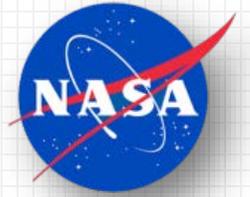
What are Export Controls?



Export controls are restrictions applied by the U.S. Government to the transfer of certain goods, services, software, technical data, and technology to foreign entities.



What is an Export?

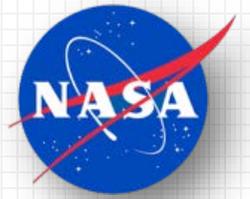


An export is the transfer of *anything* to a foreign person or a foreign destination by *any means, anywhere, anytime*.

- An export can involve a commodity, software, technical data, technology, providing a defense service, and/or providing technical assistance.



Compliance is Part of the NASA Mission



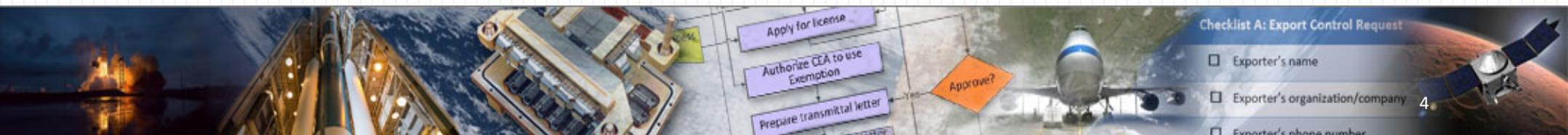
“It is NASA policy to ensure that exports and transfers of commodities, technical data, or software to foreign persons and foreign destinations are carried out in accordance with United States (U.S.) export control laws and regulations, and Administration and NASA policy.”

-NPD 2190.1, Section 1.a.

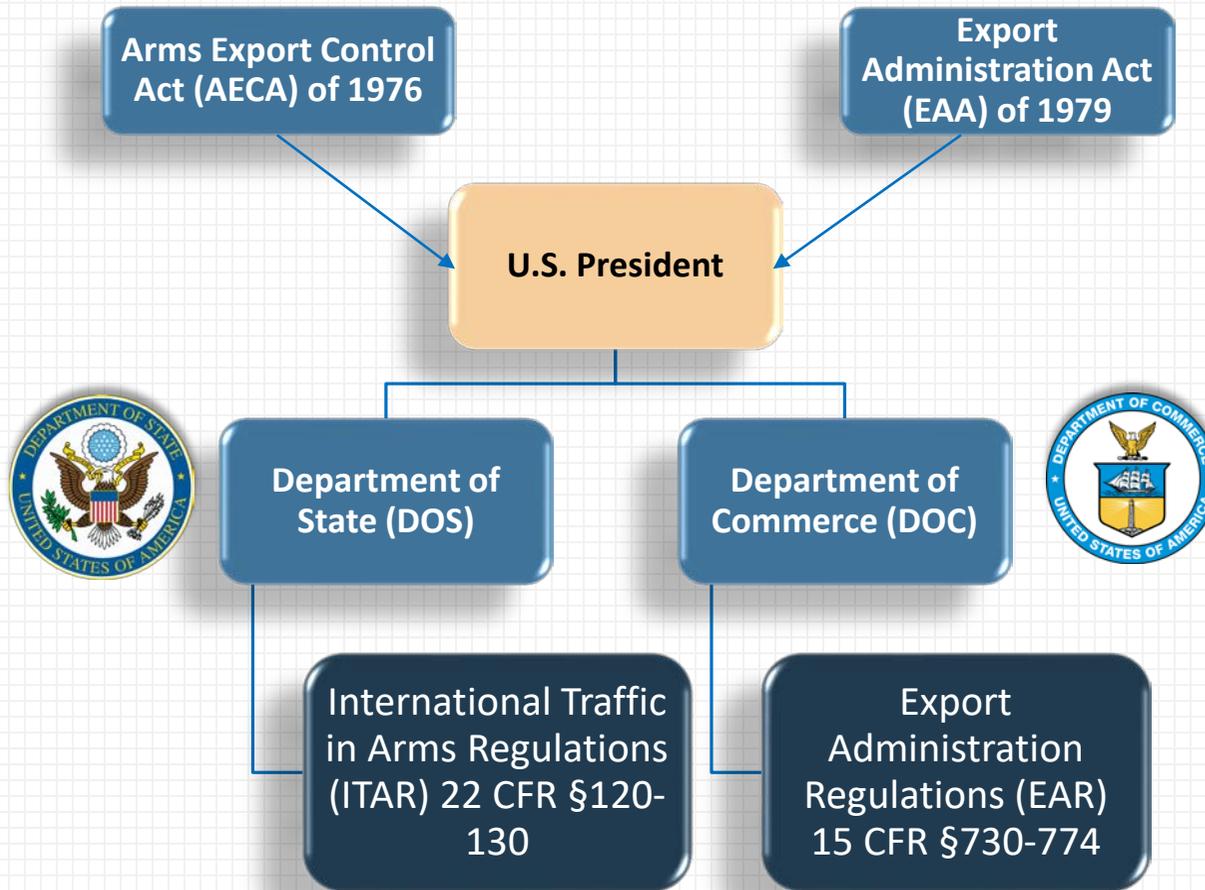
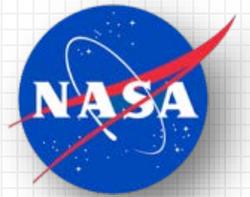
“It is the responsibility of every NASA employee to comply with U.S. export control laws and regulations.”

-NPR 2190.1C, Section 1.1.1.

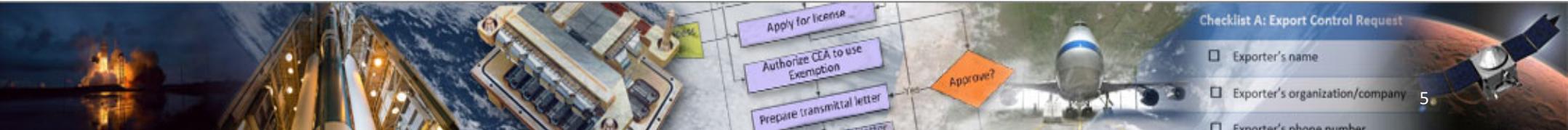
Compliance is everyone’s job at NASA



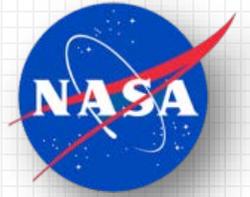
Export Control Laws and Regulations



- The goal of these laws and regulations is to protect our national security and policy interests.
- Both the **ITAR** and the **EAR** include criminal and civil penalties for export control violations that can result in monetary penalties, imprisonment, or both ([22 CFR §127.3](#) and [15 CFR §764.3](#)).



Export Control Laws and Regulations



Dept. of State

The **ITAR** controls the export of goods and technical data that are principally used in military or intelligence applications, including critical defense articles, services, and technologies. These items are identified on the **United States Munitions List (USML)**, and include certain items listed in the **Missile Technology Control Regime (MTCR) Annex**.



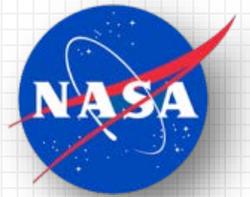
Dept. of Commerce

The **EAR** controls goods and technologies that have civil, commercial, military, and intelligence applications. These items are identified on the **Commerce Control List (CCL)**, including certain items found in the **MTCR Annex**.

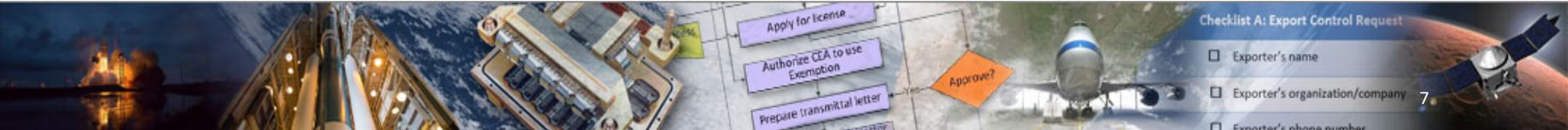
If an item is listed on the USML or the CCL, an export authorization is required.



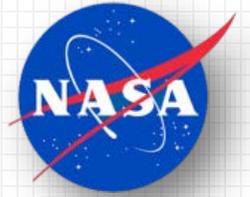
United States Munitions List (USML)



CATEGORY I—FIREARMS AND RELATED ARTICLES	<i>CATEGORY XII—FIRE CONTROL, LASER, IMAGING, AND GUIDANCE EQUIPMENT</i>
CATEGORY II—GUNS AND ARMAMENT	<i>CATEGORY XIII— MATERIALS AND MISCELLANEOUS ARTICLES</i>
CATEGORY III—AMMUNITION AND ORDNANCE	CATEGORY XIV—TOXICOLOGICAL AGENTS, INCLUDING CHEMICAL AGENTS, BIOLOGICAL AGENTS, AND ASSOCIATED EQUIPMENT
<i>CATEGORY IV—LAUNCH VEHICLES, GUIDED MISSILES, BALLISTIC MISSILES, ROCKETS, TORPEDOES, BOMBS, AND MINES</i>	<i>CATEGORY XV— SPACECRAFT AND RELATED ARTICLES</i>
<i>CATEGORY V—EXPLOSIVES AND ENERGETIC MATERIALS, PROPELLANTS, INCENDIARY AGENTS, AND THEIR CONSTITUENTS</i>	CATEGORY XVI—NUCLEAR WEAPONS RELATED ARTICLES
CATEGORY VI—SURFACE VESSELS OF WAR AND SPECIAL NAVAL EQUIPMENT	CATEGORY XVII—CLASSIFIED ARTICLES, TECHNICAL DATA, AND DEFENSE SERVICES NOT OTHERWISE ENUMERATED
CATEGORY VII—GROUND VEHICLES	CATEGORY XVIII—DIRECTED ENERGY WEAPONS
<i>CATEGORY VIII—AIRCRAFT AND RELATED ARTICLES</i>	<i>CATEGORY XIX—GAS TURBINE ENGINES AND ASSOCIATED EQUIPMENT</i>
CATEGORY IX—MILITARY TRAINING EQUIPMENT AND TRAINING	CATEGORY XX—SUBMERSIBLE VESSELS AND RELATED ARTICLES
CATEGORY X—PERSONAL PROTECTIVE EQUIPMENT	CATEGORY XXI—ARTICLES, TECHNICAL DATA, AND DEFENSE SERVICES NOT OTHERWISE ENUMERATED
<i>CATEGORY XI—MILITARY ELECTRONICS</i>	

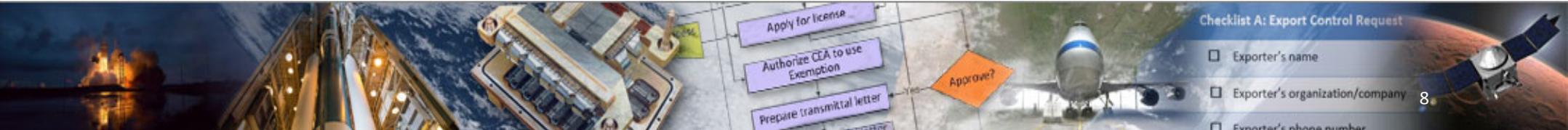


Commerce Control List (CCL)

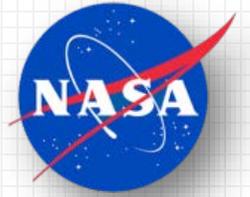


0 – NUCLEAR & MISCELLANEOUS	5 – TELECOMMUNICATIONS AND INFORMATION SECURITY
1 – MATERIALS, CHEMICALS, MICROORGANISMS AND TOXINS	6 – SENSORS AND LASERS
2 – MATERIALS PROCESSING	7 – NAVIGATION AND AVIONICS
3 – ELECTRONICS	8 – MARINE
4 – COMPUTERS	9 – AEROSPACE AND PROPULSION

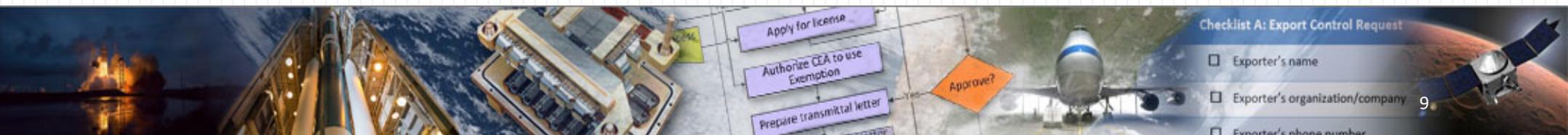
FIVE PRODUCT GROUPS	
A	SYSTEMS, EQUIPMENT AND COMPONENTS
B	TEST, INSPECTION AND PRODUCTION EQUIPMENT
C	MATERIAL
D	SOFTWARE
E	TECHNOLOGY



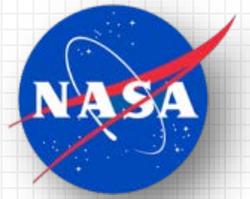
Proposal Best Practices



- Mark or identify export-controlled and proprietary information in proposals
 - Mark either pages, sections, or paragraphs
- Identify all foreign partners and participants
- Understand your responsibilities under the U.S. export control regulations
 - Articulate your export control plans



NASA's International Agreements



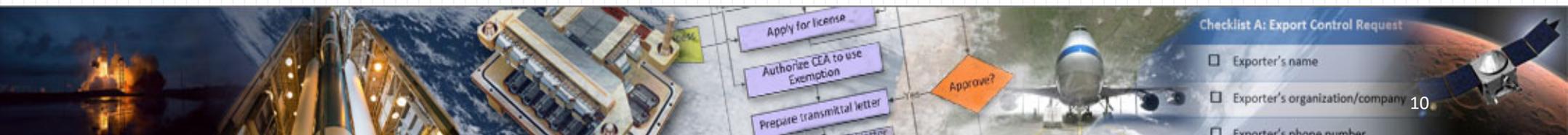
NASA's International Agreements – the basis for NASA foreign cooperative (or reimbursable) activity

- Define the responsibilities of the parties, scope of the work to be performed, and the terms and conditions under which the cooperation will be effected

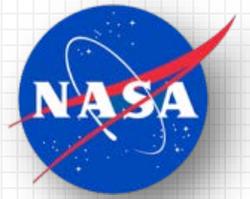
All NASA International Agreements contain a clause on transfers of controlled goods & data

NASA's International Agreements do NOT trump export control laws and regulations

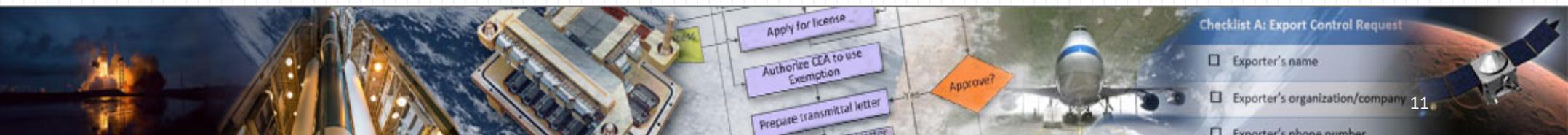
An International Agreement does not replace a contractor's need for a license or other export authorization.



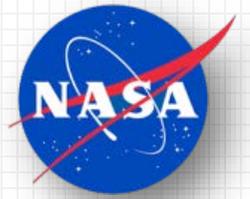
NASA Contractors and Export Control



- NASA provides review of licenses submitted to the Department of State and the Department of Commerce
- NASA contractors should be coordinating with NASA in advance of any license application that will further a NASA program
- NPD/NPR 2190 is applicable to NASA contractors and grantees as required in their contracts or grants
- Contractor is responsible for export compliance in the execution of contracted work (NFS 1825.1103-70 and 1852.225-70)
 - Except when NASA directs or authorizes a contractor to effect exports using a NASA-obtained IVL or GBL
 - 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



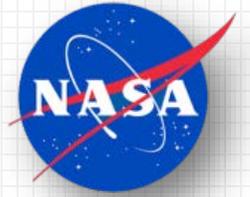
NASA and Contractor Best Practices



- Early coordination among the NASA Program/Project Managers, Contractor(s), and NASA Headquarters or Center Export Administrator will benefit programs/projects.
 - Understand what is controlled
 - Identify international parties involved
 - Add export milestones to program/project schedule
 - Develop technology transfer control plan
 - Coordinate meetings with international partner(s) well in advance
- Mark/determine the export jurisdiction of data/hardware when created or acquired
- Recordkeeping



Important Links



The Department of State is the regulatory authority for defense articles and defense services:

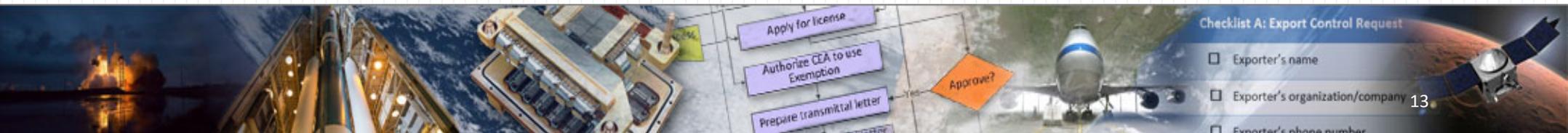
<https://www.pmddtc.state.gov>

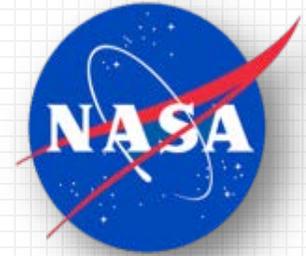
The Department of Commerce is the regulatory authority for dual-use items:

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

The NASA Export Control Program:

<https://www.nasa.gov/oirr/export-control>





Questions?

