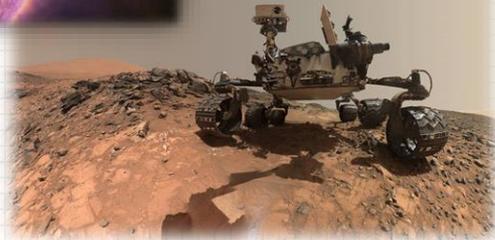
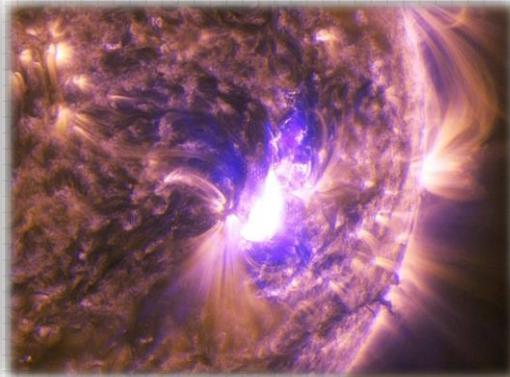


2016 Astrophysics Explorers MIDEX and MO Kickoff



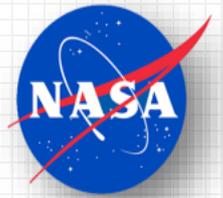
Office of International and Interagency Relations
Export Control and Interagency Liaison Division

Juan F. Santos, NASA HQ Export Administrator

August 28, 2017



What are Export Controls?



Export controls are restrictions applied by national governments to the transfer of items to foreign persons and destinations.

A collage of images related to space exploration and export controls. On the left, a rocket launch is shown with a large plume of fire. In the center, a satellite is in orbit above Earth. On the right, a checklist titled "Checklist A: Export Control Request" is displayed. The checklist includes the following items:

- Exporter's name
- Exporter's organization/company
- Exporter's phone number

The number "2" is visible in the bottom right corner of the checklist area.

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 are carried out in accordance with United States export control laws and regulations, and Administration and NASA policy.”

-NPD 2190.1, Section 1.a.

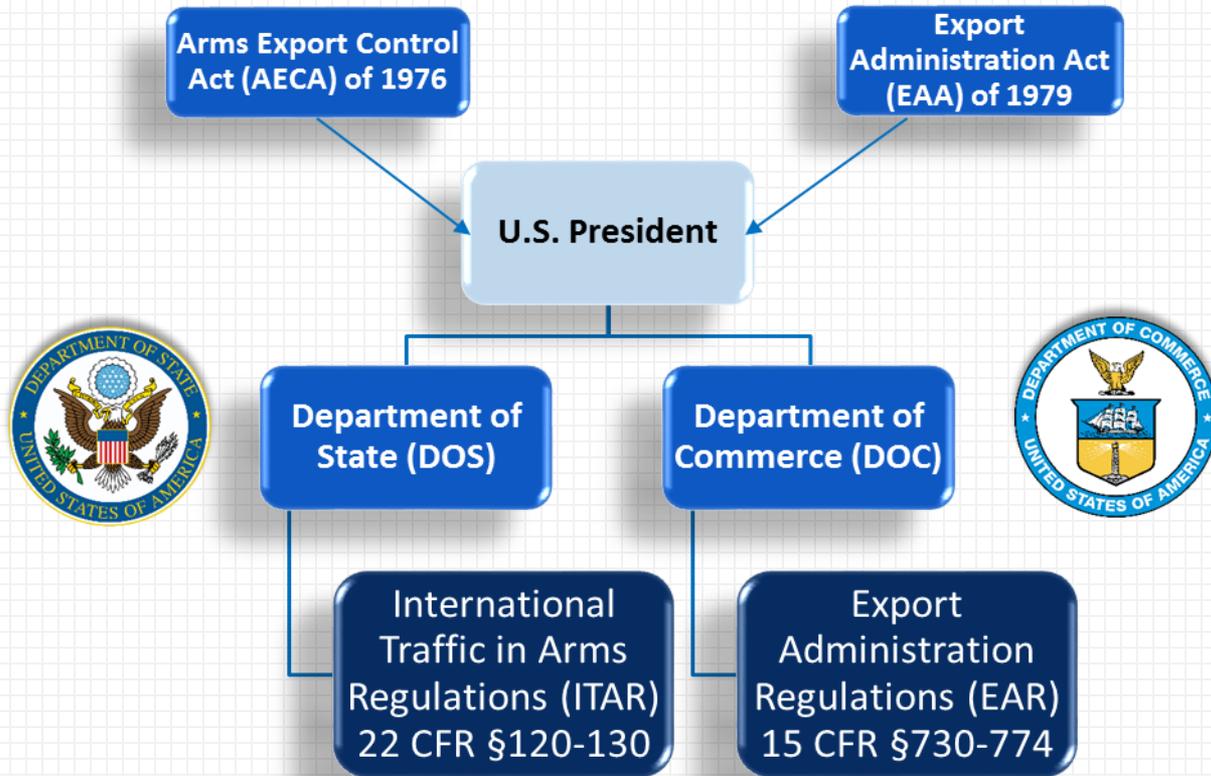
“We want to maximize the benefits of our international efforts while ensuring that we comply with U.S. export control laws and regulations. This is the personal responsibility of each employee.”

-NPR 2190.1B, Section P.1.

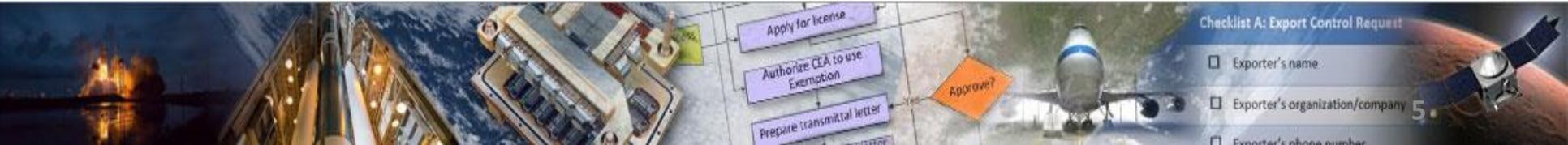
Compliance is everyone’s job at NASA



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.



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**.



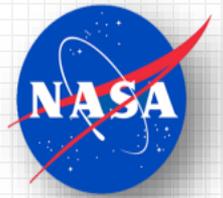
Dept. of Commerce

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)



I - Firearms, Close Assault Weapons, and Combat Shotguns

II - Guns and Armament

III - Ammunition/Ordnance

IV - Launch Vehicles, Guided Missiles, Ballistic Missiles, Rockets, Torpedoes, Bombs, and Mines

V - Explosives and Energetic Materials, Propellants, Incendiary Agents and Their Constituents

VI – Surface Vessels of War and Special Naval Equipment

VII - Ground Vehicles

VIII - Aircraft and Related Articles

IX - Military Training Equipment and Training

X - Personal Protective Equipment

XI - Military Electronics

XII - Fire Control, Range Finder, Optical and Guidance and Control Equipment

XIII - Materials and Miscellaneous Articles

XIV - Toxicological Agents, Including Chemical Agents, Biological Agents, and Associated Equipment

XV - Spacecraft and Related Articles

XVI - Nuclear Weapons Related Articles

XVII - Classified Articles, Technical Data and Defense Services Not Otherwise Enumerated

XVIII - Directed Energy Weapons

XIX - Gas Turbine Engines and Associated Equipment

XX - Submersible Vessels and Related Articles

XXI - Articles, Technical Data, and Defense Services Not Otherwise Enumerated



Commerce Control List (CCL)



Category 0 - Nuclear Materials, Facilities and Equipment and Misc.

Category 1 - Materials, Chemicals, Microorganisms and Toxins

Category 2 - Materials Processing

Category 3 - Electronics

Category 4 – Computers

Category 5 - Telecommunications and Information Security

Category 6 - Lasers and Sensors

Category 7 - Navigation and Avionics

Category 8 - Marine

Category 9 - Propulsion Systems, Space Vehicles and Related Equipment



Proposal Best Practices



- Mark or identify export-controlled and proprietary information in proposals
 - Marking 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

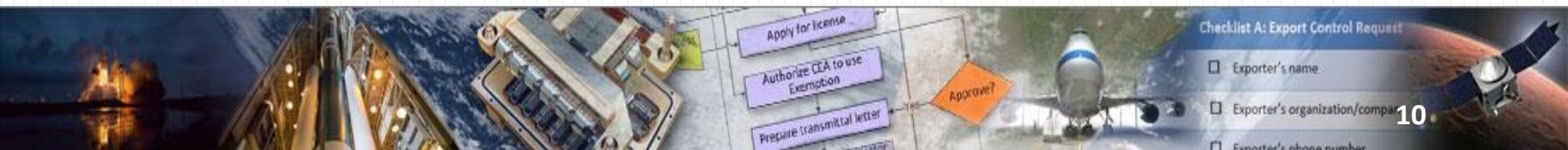
NASA's International Agreements - the basis for NASA foreign cooperative (or reimbursable) activity

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

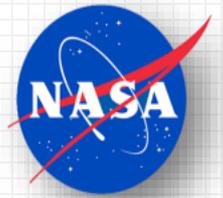
All NASA International Agreements contain a clause on transfers of controlled goods & data

NASA's International Agreements do **NOT** trump export control laws & 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 & 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. <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://oiiir.hq.nasa.gov/nasaecp/index.html>.



