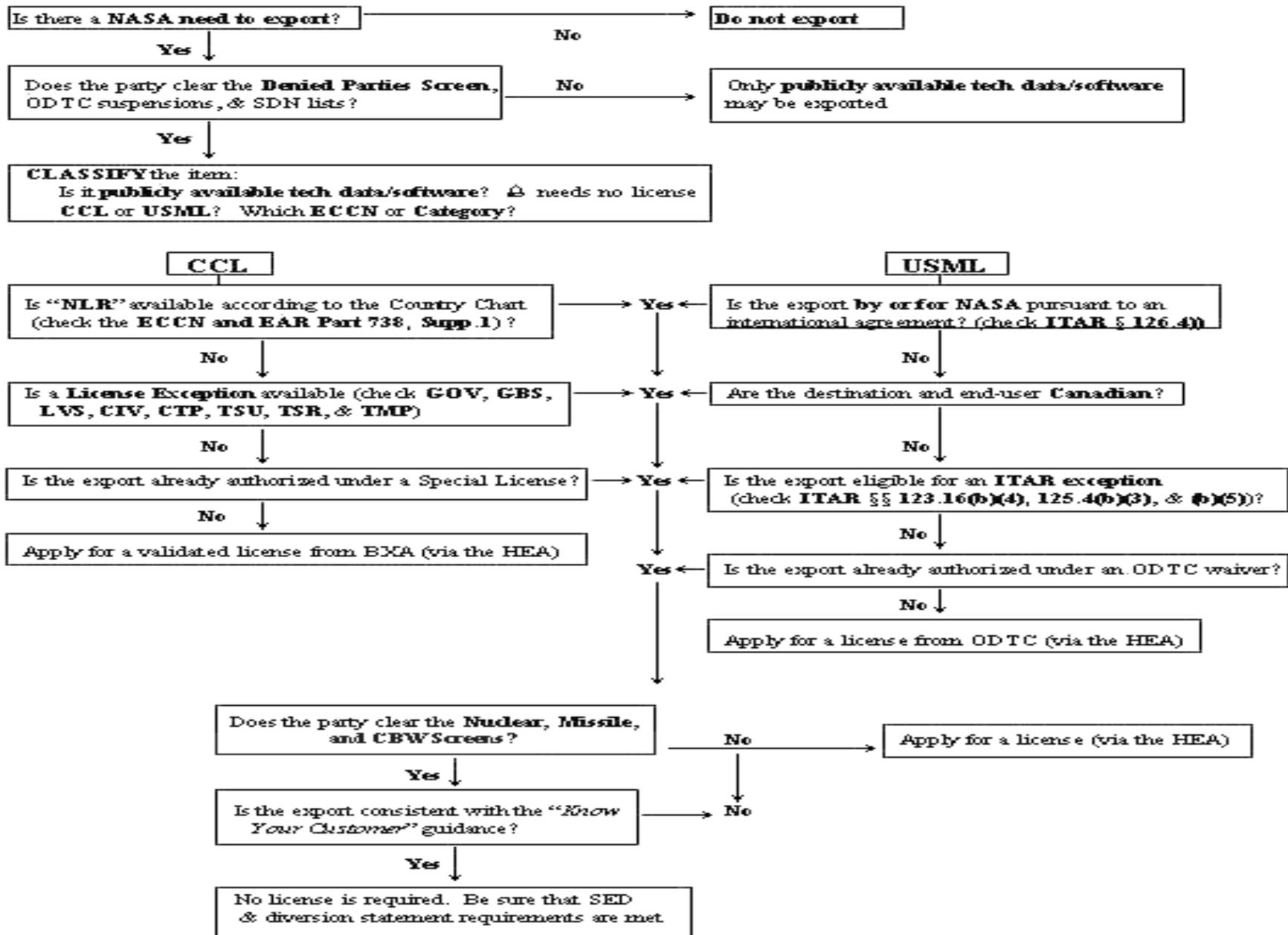




Before Effecting an Export...

- Understand the authority and the necessity for the “export” -- International Agreement, contract, etc.
- “Classify” the item(s) to be exported (hardware, software, technical data) -- is it ITAR or EAR?
- Determine if the item is eligible for an “exception/exemption” to obtaining an export license, and if not,
- Apply for and obtain an export license
- Cite exception/exemption/license authority on export paperwork and comply with requirements of regulations, license and/or agreement.

EPT FLOWCHART



HOW DO I KNOW IF AN ITEM IS SUBJECT TO CONTROL?

■ Nobody said it was easy!

- determine jurisdiction - ITAR or EAR
- check with the source of the product (mfr)
- seek assistance & ask for help

■ Practical Test

- Is it appropriate that our worst enemies have access to the information; i.e., putting it in the public domain?

The International Traffic in Arms Regulations (ITAR)*

22 CFR 120-130

***Updated via Federal Register Notices**

<http://www.pmdtc.org/>

The International Traffic in Arms Regulations (ITAR)

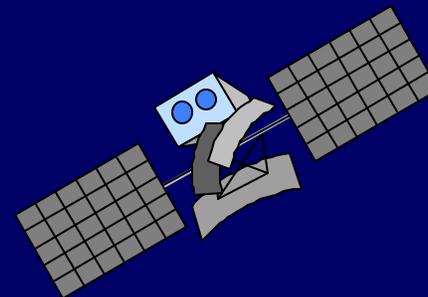
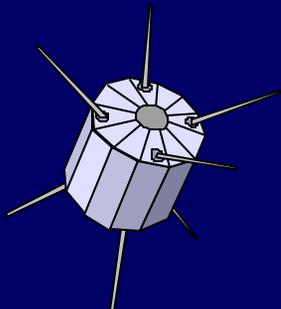
- Regulations which control the export of goods and technical data on the United States Munitions List (USML) and certain items on the Missile Technology Control Regime (MTCR) Annex.
- USML items are mainly “military” in nature, with a limited number of “dual-use” items.

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

USML Cat XV

- Spacecraft and Associated Equipment
 - All spacecraft (except Int'l Space Station)
 - Certain GPS Receivers
 - Certain Rad Hard Microprocessors
 - Uniquely Designed, Modified, Configured Systems, Pieces and Parts for Above
 - Technical Data for Above



The International Traffic in Arms Regulations (ITAR)

■ Important ITAR Definitions

- “Defense Article” - any item on the USML, including “technical data”.

- Note: Contrary to popular opinion, Defense Articles are not exclusively “military” items; e.g., with the exception of the Space Station, all *spacecraft* are “Defense Articles”; the Space Shuttle is a “Defense Article”, etc.



Although they restricted themselves to one drink at lunch time, Howard and Tom still found they were not at their most productive in the afternoons

The International Traffic in Arms Regulations (ITAR)

■ Licenses v. Exemptions

- When required, NASA seeks and obtains **ITAR** export licenses prior to effecting an export
- As a government agency, NASA enjoys certain license exemptions not available to industry
- These exemptions do not apply in all circumstances and **never** when dealing with “**foreign persons**” of **proscribed** countries (22 CFR 126.1)
- ***An agreement must be in place to use licenses or exemptions***

The International Traffic in Arms Regulations (ITAR)

■ License Exemptions

- The ITAR contains numerous **exemptions*** to licensing requirements, but not to the fact that an item is subject to control

- *Use of **exemptions** is pursuant to the specific provisions of the ITAR, the NASA ECP and the NASA/Foreign Partner International Agreement

The International Traffic in Arms Regulations (ITAR)

- **License Exemptions (Gov't Unique)**
 - **22 CFR 125.4(b)(3) - Tech Data Authority Under NASA Contracts**
 - **22 CFR 125.4(b)(13) - Public Domain**
 - **22 CFR 125.5(c) - Tech Data Release and Authority for Plant Visits to NASA Contractors**
 - **22 CFR 126.4 - NASA Authority for Tech Data and Temporary Hardware Exports**

The International Traffic in Arms Regulations (ITAR)

■ Proscribed Countries - 22 CFR 126.1

- If a country appears on the “proscribed country” 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 - 22

CFR 126.1

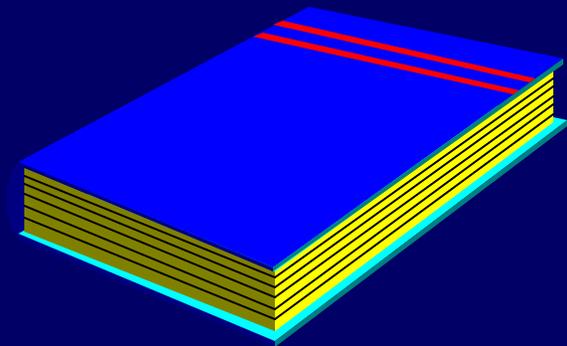
- AFGHANISTAN
- ANGOLA
- ARMENIA
- AZERBAIJAN
- BELARUS
- BURMA
- CHINA (PRC)
- CYPRUS
- CUBA
- HAITI
- INDIA
- INDONESIA
- IRAN
- IRAQ
- LIBERIA
- LIBYA
- NIGERIA
- NORTH KOREA
- PAKISTAN
- RWANDA
- SOMALIA
- SUDAN
- SYRIA
- TAJIKISTAN
- VIETNAM
- YEMEN (case-by-case)
- FEDERAL REPUBLIC OF YUGOSLAVIA
 - SERBIA
 - MONTENEGRO
- ZAIRE

The International Traffic in Arms Regulations (ITAR)

- **Rule of Thumb - NASA seeks and obtains ITAR export licenses for**
 - **the permanent transfer of hardware on the USML,**
 - **for any export of information (technical data) required for the detailed design, development, manufacture or production of a Defense Article**
 - **for any transfer of hardware or technical data involving a “foreign person” in or from a “proscribed country”.**

The International Traffic in Arms Regulations (ITAR)

- Recordkeeping - records must be maintained on most transfers, regardless of whether or not a license was required; i.e., records must be maintained even when using license exemptions



The Export Administration Regulations* (EAR)

15 CFR 730-774

***Updated via Federal Register Notices**

<http://bxa.fedworld.gov>

The Export Administration Regulations (EAR)

- Regulations which control the export of goods and technical data on the Commerce Control List (CCL), including certain items on the Missile Technology Control Regime Annex.
- Items on the CCL are typically referred to as “dual-use” items.

The Commerce Control List (CCL) - 15 CFR 774

- 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

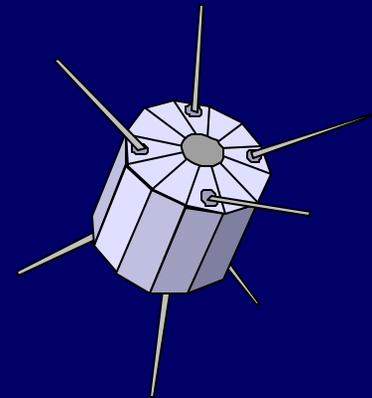
CCL Example

■ ECCN 9A004

■ The International Space Station*

- | *Technical Data at the Detailed Design, Development, Manufacturing and Production Level remain subject to the jurisdiction of the Department of State/ITAR

■ Various Other Pieces and Parts that have been CJ'ed from the USML



The Export Administration Regulations (EAR)

- License Exceptions: There are 15 EAR license exceptions, usable by both Government and industry
- *An agreement must be in place to use licenses or exceptions*

The Export Administration Regulations (EAR)

- **Rule of Thumb for Controlled Exports**
 - Unless a license exception exists for which the export qualifies, NASA seeks and obtains export licenses from BXA

ALMOST DONE



HONEST

Which One are You?

- I'm more confused now than when I got here
- I can't wait to get home and tell my friends about this
- I can't be bothered with this bureaucracy
- Get this guy off the program
- Doesn't apply to me
- My people will take care of it
- Let me at it
- This is fun
- **HELP!**

John's son and a couple of His pals relax after a long day



Bottom Line

- **Everyone working with NASA -- including NASA employees and contractors -- has a responsibility to observe U.S. export laws and regulations, to comply with NASA's Export Control Program, and to be a "responsible" exporter**

Where Can I Get Help?

- Call a NASA Center Export Representative, or
- Call Washington
 - John Hall or Paula Geisz - 202-358-0330



Export Control @ NASA Hqs

Points-of-Contact

- Code AE/Dick Weinstein
- Code AF/Greg Reck
- Code AO/Roland Ridgeway
- Code F/Jim Gorman
- Code H/Patrick Flynn
- Code J/James Hawkins
- Code J/Robert Turner
- **Code M/Barbara Adde**
- Code P/Debbie Rahn
- Code Q/Dale Moore
- **Code R/Bob Luddy**
- **Code S/Marc Allen**
- **Code U/Candy Livingston**
- **Code Y/Greg Williams**
- **Enterprise Codes**

Export Control @ NASA Centers

- **ARC/IVV**
 - Raj Shea/Acting CEA
 - Linda Franklin/CEC
- **DFRC**
 - Joe Ramos/CEA
 - Dave Samuels/CEC
- **GSFC/WFF**
 - J.R. Hedgpeth/CEA
 - Larry Watson/CEC
- **JPL/Caltech**
 - Ed Momjian/CalTech
- **JSC/WSTF**
 - Jennifer Mason-Korecki/CEA
 - Donna Bartoe/CEC
- **KSC**
 - Sam Lewellen/CEA
 - Don Schiller/CEC
- **LaRC**
 - Sam Capino/CEA
 - Mike Mark/CEC
- **GRC**
 - Larry Viterna/Acting CEA
 - Eli Naffah/CEC
- **MSFC**
 - Bob McBrayer/CEA
 - Jim McGroary/CEC
- **SSC**
 - Vince Andres/CEA
 - Ken Human/CEC

Valuable Internal NASA Resources

- NASA International Agreements and/or Contracts (i.e., The NASA “Deal” with the FOREIGN PARTNER)
- The NASA ECP
<http://www.hq.nasa.gov/office/codei/nasaecp>
- NPD 2110.1, Foreign Access to NASA Technology Utilization Material

