

# JRSO Export Control Policy

Approved: February 2019

## Introduction

The *JOIDES Resolution Science Operatory* (JRSO) must comply with all United States export control laws and regulations including those implemented by the Department of Commerce through its Export Administration Regulations (EAR), the Department of State through its International Traffic in Arms Regulations (ITAR), the Department of the Treasury through its Office of Foreign Assets Control (OFAC), and Texas A&M System Policy 15.02, *Export Controls*. This policy applies to all JRSO employees and students.

## Definitions

**AMS:** JRSO asset management system

**Cumulus:** JRSO digital asset management system

**Deemed export:** controlled physical items or information released to foreign nationals

**EAR:** Export Administration Regulations (US Department of Commerce)

**ITAR:** International Traffic in Arms Regulations (US Department of State)

**OFAC:** Office of Foreign Assets Control (US Department of Treasury)

## Policy Statement

Export (to locations outside the United States) of items, technologies, software, and services is regulated for reasons of national security, foreign policy, and prevention of the spread of weapons of mass destruction, as well as for competitive trade reasons. Export control laws restrict the shipment, transmission, or transfer of certain items, software, technology, and services from the United States to foreign countries, as well as “deemed exports,” which are releases of controlled physical items or controlled information, to foreign nationals.

Although many activities are likely to be excluded from export control laws, some may be restricted. The application of export control laws involves a fact-specific analysis. Most exports do not require specific approval from the federal government. Certain exports, however, may require a license, whereas others are prohibited.

There are severe institutional and individual sanctions for violations of export control laws including the loss of research funding and loss of export privileges as well as civil and criminal penalties, including imprisonment.

Several federal agencies implement export control rules and regulations. Each agency possesses jurisdiction over specific types of technology or restricted trade activities or controlled physical items:

- US Department of Commerce administers the Export Administration Regulations (EAR) 15 CFR, §§730–774.
- US Department of State regulates exports through the International Traffic in Arms Regulations (ITAR) 22 CFR §§120–130
- Office of Foreign Assets Control (OFAC) of the US Department of the Treasury administers and enforces economic and trade sanctions based on US foreign policy and national security goals against targeted

foreign countries and regimes, terrorists, and those engaged in activities that pose a threat to the national security, foreign policy or economy of the United States.

## Responsibilities

### Empowered Official

The Empowered Official or designee for the JRSO is responsible for license applications and other approvals required for compliance with export control laws and regulations and serves as the representative and point of contact for export control matters. The Empowered Official or designee is authorized to sign license applications and other authorizations binding the JRSO in any proceedings before government agencies with export control responsibilities.

### Individual Responsibility

All JRSO employees, students, visiting scientists, researchers, and other persons retained by or working at or for the JRSO must conduct their affairs in accordance with US export control laws and regulations. All JRSO personnel must be familiar with the US export control laws and regulations, including important exclusions and exemptions, as they relate to their responsibilities. Depending upon the nature of their activities and/or job functions, participation in formal training as determined by the Empowered Official, designee, and/or employee's supervisor may be required. All employees who are responsible for the oversight, management, or supervision of foreign persons involving controlled information or controlled physical items should view export control compliance as an important part of their daily responsibilities. Any suspected violation is to be reported to the Empowered Official or designee.

## Export Control Compliance Program

The Empowered Official, in cooperation with other appropriate offices, is responsible for directing and monitoring the JRSO export control compliance program and implementing procedures to comply with federal export control laws and regulations, including developing, implementing, and updating the *JOIDES Resolution Science Operator Export Control Compliance Program Manual*. This manual details procedures regarding export control compliance actions in the following (but not limited to) areas:

- Research and educational activities;
- International visitors;
- Financial transactions, procurement, and contracts;
- Shipments;
- Recordkeeping; and
- Training.

### Violations

All JRSO employees have the responsibility to report possible violations of United States export control laws or regulations. Suspected violations should be reported to the Empowered Official or designee in writing or to Texas A&M University through the Risk, Fraud and Misconduct Hotline at [EthicsPoint](#). Possible violations of US export control laws or regulations will be investigated by the Empowered Official or designee to the extent

deemed necessary. The Empowered Official is authorized to suspend or terminate an export activity if it is determined that the activity is not in compliance or will lead to noncompliance with export control laws or regulations.

## Recordkeeping

Records required to be maintained by export control laws, regulations, policies, and rules are maintained for the longer of

- The record retention period required by the applicable export control regulations:
  - Export Administration Regulations (EAR), 15 CFR Part 762
  - International Traffic in Arms Regulations (ITAR), 22 CFR Sections 122.5, 123.22, and 123.26
  - Office of Foreign Assets Control (OFAC), 31 CFR 501.601, or
- The period required for the retention of records as set forth in the Texas A&M University System policies and regulations and the JRSO policies and procedures.

Export control records are maintained by the SRS Administrative Export Control Coordinator or designated JRSO departments. Records are primarily stored in Cumulus, the JRSO digital asset management system, and/or AMS, the JRSO asset management system.

## Training

All JRSO employees are required to complete TrainTraq Training Course #2111212, *Export Controls and Embargo Training – Basic Course*, at least once every two (2) years. Some JRSO employees may be required to take additional training as deemed appropriate by the employee’s supervisor and/or the Empowered Official or designee.

## Related Statutes, Policies, or Requirements

International Traffic in Arms Regulations (ITAR) 22 CFR 120–130:

[https://www.pmddtc.state.gov/?id=ddtc\\_public\\_portal\\_itar\\_landing](https://www.pmddtc.state.gov/?id=ddtc_public_portal_itar_landing)

Export Administration Regulations (EAR) 15 CFR 730–774:

<https://www.bis.doc.gov/index.php/regulations/export-administration-regulations-ear>

Office of Foreign Assets Control (OFAC) 31 CFR 500–598:

[https://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title31/31cfrv3\\_02.tpl](https://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title31/31cfrv3_02.tpl)

National Security Decision Directive 189: <https://fas.org/irp/offdocs/nsdd/nsdd-189.htm>

Atomic Energy Act of 1954 and Nuclear Regulatory Commission Regulations to 10 CFR Part 110:

<https://www.nrc.gov/reading-rm/doc-collections/cfr/part110/>

Texas A&M System Policy 15.02, *Export Controls*: <http://policies.tamus.edu/15-02.pdf>

## Contact

The JRSO Export Control Office contact is [export@iodp.tamu.edu](mailto:export@iodp.tamu.edu)