

Import/Export Video

Continually expanding frontiers, pushing back the limits of human knowledge and capabilities, it's what NASA has been doing since its inception, and it remains at the heart of the agency's mission today, including a new vision that takes us well beyond the bounds of earth. But with this position of leadership comes a unique responsibility. Safeguarding the technologies and know how behind such achievements.

It is time for America to take the next steps. Today I announce a new plan to explore space and extend a human presence across our solar system. NASA's expertise in space launch vehicles, space-based remote sensing, aeronautics and other technologies is a precious national resource, something countries around the globe are eager to acquire. In a world threatened by the spread of weapons of mass destruction and the persistence of rogue states, it is critical that all NASA employees and contractors be aware of and comply with United States export control laws and regulations. Failure to do so could compromise our nation's security. It could also be detrimental to the agency and result in significant penalties for individual employees.

International partnerships are an important part of the vision for space exploration. Our challenge is to ensure that those partnerships are pursued in harmony with the nation's export control laws and policies since the United States and the world continue to be threatened by the spread of missile technologies and weapons of mass destruction. U.S. export control laws and regulations are designed to reduce these risks and it is the responsibility of everyone within NASA to abide by these laws and regulations.

Recognizing the international nature of so many of its activities, NASA established an agency-wide export control program to ensure compliance with U.S. export control laws and nonproliferation policies. As part of this effort, export administrators and counsel are in place at NASA Headquarters and every NASA center.

Their job is to ensure compliance with these laws and policies for all NASA exports and transfers to foreign parties, but they do not work alone.

Every NASA employee and contractor has export control responsibilities. In simple terms, an export is the transfer of anything to a foreign person or foreign destination by any means, anywhere, anytime, or a transfer to a U.S. person with knowledge that the item will be further transferred to a foreign person. The means of transfer can be almost any form of communication, from casual conversation to emails. This is why it is so easy to be participating in an export without even realizing that it is happening. The key is awareness. As in all areas of the law, ignorance is no excuse.

U.S. exports are primarily controlled by two government agencies, the Dept. of Commerce and the Dept. of State. The Bureau of Industry and Security within the Dept. of Commerce controls products and technologies with both civil and military applications, generally referred to as dual-use items through its export administration regulations, or EAR. These dual-use items include the international space station.

Many of NASA's activities, including the international space station, involve the export of dual-use goods, software, and technologies, and these are exports that are controlled by the Dept. of Commerce and bureau of Industry and Security. Successful execution of NASA programs must include adherence to the export administration regulations. We at Commerce stand ready to help NASA and its export control compliance efforts. All

specific commodities, technologies and software controlled by the EAR are identified on the Commerce Control List. For example, category six lists dual-use sensors and lasers, and category nine lists dual-use propulsion systems, space vehicles and related equipment. The directorate for defense trade controls within the Dept. of State controls the export of defense articles and defense services through its International Traffic in Arms regulations, or ITAR. All defense articles controlled by the ITAR are identified on the United States munition list, or USML. Category four, for example, includes launch vehicles and rockets. Category 15 lists spacecraft systems and associated equipment. ITAR controlled defense services include technical assistance or training pertaining to defense articles. It is important to note that defense articles and defense services subject to ITAR control are not exclusively military items. For example, all civil remote sensing satellites are defense articles, as is the space shuttle.

The export of any defense article, defense service, or technical data on the USML requires either prior approval from the Dept. of State in the form of an approved license or use of a license exemption.

Export controlled articles also include technology and technical data, which is information and software required for the design, development, production, manufacture, assembly, operation, repair, testing, maintenance, or modification of defense articles.

Export control technical data does not include information concerning general scientific, mathematical or engineering principles commonly taught in schools, colleges and universities or information in the public domain. It also does not include basic information on the function or purpose or general system descriptions of defense articles or commodities.

As you know, the Dept. of State administers the international traffic and arms regulations. These regulations provide an important basis for the United States export control system and are critical in meeting national security and foreign policy objectives. NASA's compliance with the ITAR is fundamental to achieving these objectives and the Dept. of State is always available to assist NASA and its contractors in this effort.

Inclusion of the defense article, commodity, or technology on either the U.S. munitions list or the commerce control list, means one of three things, depending upon the end use and end user involved. The export of the item might be prohibited altogether. A license might need to be obtained from state or commerce before the transfer can take place, or the transfer may be eligible for a license exemption or exception. Extreme caution should be exercised in determining which of these options applies. Remember, when in doubt, check it out by contacting a NASA export control program official. They can also provide assistance with license requirements and application procedures.

Although export control laws and regulations are broad and complex, they are quite clear in stating that the agency, individual employees, and contractors must comply. Failure to do so could jeopardize the viability of our critical international program. NASA employees and contractors could be subject to fines of up to one million dollars per violation and imprisonment for up to ten years. A common misconception is that NASA's international agreements or contracts are in and of themselves permission to export; they are not. These agreements do not in any way trump export control laws and regulations. Every NASA employee and contractor working under one of these agreements has export control responsibilities. Our nation's superior technology is its best national defense. The goal of the export control regulations is to protect this

valuable resource by safeguarding and ensuring its responsible use around the globe.

Before undertaking any export, understand the authority and the necessity for the export.

Is the export required under a NASA agreement and is it consistent with NASA policies?

Classify the item to be exported. Is it a dual-use commodity or technology controlled by the Dept. of Commerce, or is it a defense article, defense service, or technical data under the Dept. of State's jurisdiction? Determine if the item is eligible for an export license exception or exemption. If not, apply for and obtain an export license through the agency export control administrator at NASA Headquarters. Cite the exception, exemption, or license authority on export paperwork and comply with requirements of relevant regulations, the license, and the NASA international agreement.

Finally, be sure to mark the export with the appropriate destination control statement outlined in the international agreement or specified in the license for export regulations.

Remember, if you have any questions or need help in completing any of these tasks, agency export control officials are always available to provide assistance.

The export processing template they have developed offers a step-by-step decision tree to navigate through the exporting process.

A variety of internal documents can also provide valuable assistance. They include information about NASA policies regarding foreign visitors, release of scientific and technical information, and the dissemination of NASA software. All are available in hard copy or through the world wide web at this address:

www.hq.nasa.gov/office/codei/nasaecp.

In an ever changing international environment, exports can present challenges for NASA employees and contractors. Export controls are not meant to be a hindrance to

conducting NASA's daily business; their purpose is to protect our national interests. It is important to understand that they exist, that compliance with them is mandatory, and that there are people within the agency who can help. The success of NASA's export control program relies upon your commitment to being aware of these laws and regulations, and integrating them into your day-to-day activities and long range strategic plan.

The future of NASA's international mission depends upon it.