

Foreign Travel Export Awareness Briefing



*Prepared by
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What is Export and Import Compliance?

■ U.S. Government Regulations

- International Traffic in Arms Regulations (I TAR)

<http://www.pmddtc.state.gov/reference.htm#ITAR>

- Export Administration Regulations (EAR)

http://www.access.gpo.gov/bis/ear/ear_data.html

- Bureau of Alcohol, Tobacco, Firearms, and explosives (ATF)

<http://www.atf.gov/index.htm>

Why Adhere to Regulations?

- *National security interests*
- *Foreign policy concerns*
- *Company proprietary data*

Why Does the Government Control Exports and Imports?

- Law passed by U.S. Congress to promote non-proliferation
 - *Nuclear technology*
 - *Missile technology*
 - *Weapons of mass destruction*
- Arms Export Control Act (AECA)
 - <http://pmddtc.state.gov/aeca.htm>
- Export Administration Act (EAA)
 - <http://cnie.org/NLE/CRSreports/international/inter-22.cfm>



Non-Compliance Adversely Affects NASA!

- U.S. Customs enforces compliance, conducts seizures and detentions
- Interim suspension of licenses and/or export privileges up to 60 days
- Administrative debarment from business with foreign governments
- Civil penalty - \$500,000 for each violation
- Criminal penalty - \$1 Million/10 years imprisonment each violation

What is an Export?

- **Transfer of goods, services or technical data to a foreign national, foreign entity or foreign destination.**
 - “Goods” include products, components and parts.
 - “Services” include repairs, maintenance services, technical assistance and manufacturing know-how.
 - “Technical data” includes information of any kind that can be used or adapted for use in the design, production, manufacture, utilization or reconstruction of articles or materials.
 - Abstracts and papers (SP1.021-A91)

- **Examples of Exports:**
 - Meetings with customers
 - Mailing technical data to a foreign destination
 - Providing computing access to an on-site foreign national
 - Talking on the phone
 - Faxing technical data
 - E-mailing information
 - Shipping hardware

Who Governs Exports?

Department of State ITAR

- Controls hardware of a military nature
- Defense services
- Technical Data and software related to hardware
- Items categorized on the U.S. Munitions List

Department of Commerce EAR

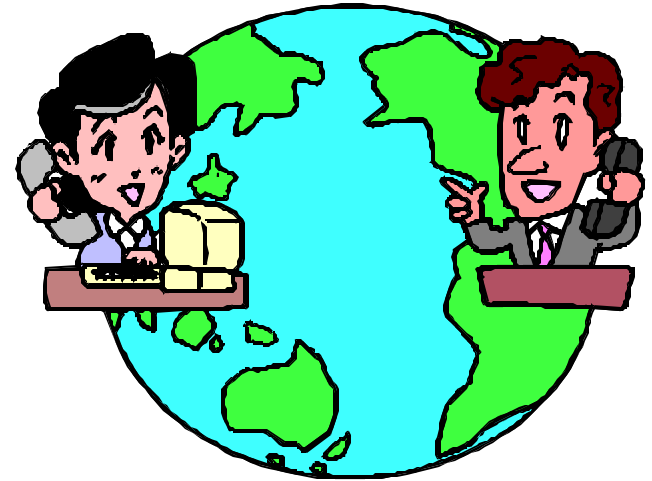
- Controls all dual use items
- Items listed on the Commodity Control List

NASA Systems – KSC Operations

- Space Shuttle Hardware & Technology
- Constellation Hardware & Technology
- International Space Station
 - Payload Processing/PR, WADs, FECs (DOS)
 - Hardware, 9A004 and Interface Data, EAR99 (DOC)
 - Technical Data (design, development, manufacturing, production) (DOS)
 - GSE supporting ISS & Shuttle (DOS)

Methods of Exporting

- Internet
- Telephone
- Facsimile
- Documents
- Plant visits
- Meetings
- Presentations (**DAA Required**)
- Traveling abroad with Laptop Computers



Presentations Off the Center or to Foreign Persons (DAA Process)

- NPR 2200.2B Requirements for Documentation, Approval, and Dissemination of NASA Scientific and Technical Information
- chapter 1, paragraphs 1.2.1-1.2.3, "STI is defined as the results (facts, analyses, and conclusions) of basic and applied scientific, technical, and related engineering research and development. STI also includes management, industrial, and economic information relevant to this research...STI [is] derived from NASA activities...where NASA has the right to publish or otherwise disseminate the STI...may be produced directly by NASA or under NASA contracts...[and]...is published or disseminated using mechanisms that include...NASA [public] websites...professional society journals, conference presentations, or conference proceedings."
- If you are seeking the OK to publish or present what you are working on to a non-NASA, non-mission oriented audience, or in the case where the information may be posted to a non-controlled audience, then you must go through the DAA process. This includes **civil servants, and contractors** where the information is even partially derived from a government contract.

Presentations Off the Center or to Foreign Persons (DAA Process)

- For the NASA Launch Services Program, you do **NOT** need to go through the DAA process for MIWGs, GOWGs, Readiness Reviews, TIMs, other mission related activities, such as telecons, CRDs, PDRs, DCRs, GORs, PMRs, Monthly/Quarterly status meetings to mission partners, or any other directly mission related activities where the audience is strictly controlled to mission partners only **AND** the presentation is not made publicly available.

Presentations Off the Center or to Foreign Persons (DAA Process)

■ You **DO** need to go through the DAA process before you publish a White Paper, or other article to a scientific journal or the like, or you present at a seminar or conference where the audience is outside of our normal mission partners, or where the public has access, or the information is either published, or there is a right to publish the information, or to otherwise make the information freely available. Outreach presentations must also be reviewed. If you are invited to speak on behalf of your position in the NASA Launch Services Program, and the audience is not limited to our mission partners only, you must go through the DAA process with your presentation.

What Is The DAA Process?

KDP-KSC-P-1212

- Document Availability Authorization (DAA)
 - <https://tdksc.ksc.nasa.gov/servlet/dm.web.Fetch/KDP-KSC-P-1212RevA.pdf?gid=24658>
- All presentations and briefings that are not part of the MOA's/MOU's associated with the processing of a specific mission must be processed through the STI , completing the DAA NASA Form 1676 prior to departing For travel
- KSC DAA POC: Rose Austin, 321-867-6481

Voluntary Disclosure

- If you think you may have given out export controlled information
 - Contact your Export Control Representative (ECR)
- Voluntary disclosure may mitigate administrative penalties, if any
 - Gather all data (minutes, names, all info related to the export) and give to your ECR
- Even voluntary disclosure might merit penalties, sanctions or referrals to Department of Justice

Who has Responsibility?

- **Everyone- NASA and Contractors**

- Program Management
- Engineering
- Contracts and Finance
- Marketing
- Transportation and Shipping

Public Domain Definition

- Information which is published and is generally accessible or available to the public:
 - Sales at newsstands and bookstores
 - Subscriptions, second class mailings
 - Public libraries
 - Unlimited distribution at conferences or seminars
 - Basic and applied research in science and engineering that is published and shared broadly in the scientific community

Technical Data Definition

- Design, development, production, manufacturing, assembly, operation, repair, testing, maintenance or modification of the commodity
- Blueprints, drawings, photos, plans, instructions, documents, software

NOT INCLUDED:

- **General scientific, math or engineering principles taught in school**
- **Basic marketing information on function/purpose/general system descriptions**

Foreign Person Definition

- Any natural person who is not a lawful permanent resident as defined by 8 U.S.C. 1101(a)(20) or who is not a protected individual as defined by 8 U.S.C. 1324b(a)(3). It also means any foreign corporation, business association, partnership, trust, society or any other entity or group that is not incorporated or organized to do business in the United States, as well as international organizations, foreign governments and any agency or subdivision of foreign governments (e.g., diplomatic missions).
- Foreign Visitor Meetings
 - The Export Control Representative reviews all information to be discussed between foreign visitors and NASA, a copy of the information must be approved by your ECR

Points of Contact at KSC - When doubt



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Your Directorate ECR

<http://exportcontrol.ksc.nasa.gov/contacts.cfm>



Export Control Help Desk: 867-9209

Summary

- Export compliance is everyone's responsibility. Failure to comply with U.S. laws relating to exporting can result in severe penalties and can lead to the suspension of our export privileges.
- Export Control Website for more information or training
 - <http://exportcontrol.ksc.nasa.gov/>
- ***Overseas Travel Warnings***
 - http://travel.state.gov/travel/cis_pa_tw/tw/tw_1764.html