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NPD 2190.1B
Effective Date: June 20, 2012
Expiration Date: June 20, 2017

COMPLIANCE IS MANDATORY

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Request Notification of Change (NASA Only)

Subject: NASA Export Control Program

Responsible Office: Office of International and Interagency Relations

1. POLICY

a. It is NASA policy to ensure that exports and transfers of commodities, technical data, or software to foreign persons and foreign destinations are carried out in accordance with United States (U.S.) export control laws and regulations, and Administration and NASA policy. Relevant export control laws and regulations include the Export Administration Regulations (EAR), 15 C.F.R. Pts. 730-774, the International Traffic in Arms Regulations (ITAR) 22 C.F.R. Pts. 120- 130, and regulations governing Assistance to Foreign Atomic Energy Activities, 10 C.F.R. Pt. 810.

b. An export is the transfer of anything to a "Foreign Person" or foreign destination by any means anywhere, anytime. An export can be any shipment, mail, transfer, or transmission of commodities, technology, or software, regardless whether it occurs in the U.S., overseas, or in space, including:

(1) Transfer to any person by physical, electronic, oral, or visual means with the knowledge or intent that the items will be shipped, transferred, or transmitted outside of the United States.

(2) Disclosure of technical data to a foreign person by physical, electronic, oral, or visual means within or outside of the United States (disclosure to U.S. nationals representing foreign interests are not exports unless there is knowledge or reason to know that the technical data will be further disclosed to a foreign party).

(3) Transfer to a foreign country, embassy, or affiliate.

(4) Transfer of control over a satellite or instrument on orbit. Specific definitions of "export," "U.S. person," and "foreign person" are contained in the ITAR at 22 C.F.R. §§ 120.17, 125.15, and 120.16, respectively, and in the EAR at 15 C.F.R. § 734.2 and Pt. 772, respectively.

2. APPLICABILITY

a. This NPD is applicable to NASA Headquarters and Centers, including Component Facilities and Technical Service Support Centers.

b. This NPD applies to the Jet Propulsion Laboratory (JPL), a Federally Funded Research and Development Center (FFRDC), to the extent specified in the NASA/Caltech contract for the operation of JPL.

3. AUTHORITY

a. The National Aeronautics and Space Act, as amended, 51 U.S.C. 20101 et seq.

b. The Arms Export Control Act, as amended, 22 U.S.C. §§ 2752, 2778, and 2797.

c. The Export Administration Act of 1979, as amended, 50 U.S.C. §§ 2401 et seq.

d. The International Emergency Economic Powers Act, as amended, 50 U.S.C. §§ 1701 et seq.

e. Administration of Arms Export Controls, as amended, Exec. Order 11958, 3 C.F.R. 79 (1977 Comp.).

- f. Export Administration Regulations, 15 C.F.R. Pts. 730 - 774.
- g. International Traffic in Arms Regulations, 22 C.F.R. Pts. 120 - 130.
- h. Presidential Decision Directive (PDD) 13, Nonproliferation and Export Control Policy.
- i. National Security Presidential Directive (NSPD) 17, National Strategy to Combat Weapons of Mass Destruction.
- j. Atomic Energy Act of 1954, as amended, 42 U.S.C. 2011 et seq.

4. APPLICABLE DOCUMENTS AND FORMS

- a. NPD 4300.1, NASA Personal Property Disposal Policy.
- b. NPD 7120.4, NASA Engineering and Program/Project Management Policy.
- c. NPR 2190.1, NASA Export Control Program.
- d. NPR 4300.1, NASA Personal Property Disposal Procedures and Requirements.
- e. NPR 7120.5, NASA Space Flight Program and Project Management Requirements.

5. RESPONSIBILITY

a. The Associate Administrator for International and Interagency Relations is responsible for the overall management of this policy, and will appoint a senior-level Headquarters Export Administrator (HEA) who will be responsible for the following:

(1) Ensuring the compliance of all NASA program activities and exports with U.S. export control laws and regulations and NPR 2190.1.

(2) Serving as NASA's Empowered Official for purposes of 22 C.F.R. § 120.25 and 15 C.F.R. § 758.1(a), in certifying and approving all NASA export license applications.

(3) Serving as the Headquarters point of contact with Center Export Administrators.

(4) Serving as the Agency's interagency interface for export control matters with the Departments of State and Commerce, and others as appropriate, for all export licensing matters.

b. The NASA General Counsel will appoint a Headquarters Export Counsel (HEC) who will provide current legal guidance to the HEA, assist in reviewing specific exports and transfers, and serve as the Headquarters point of contact for Center Export Counsel on legal matters.

c. The Mission Directorate Associate Administrators and other Officials- in-Charge of Headquarters are responsible for ensuring that all international projects under their purview comply with U.S. export control laws and regulations, this policy, and NPR 2190.1. Mission Directorate Associate Administrators also appoint Export Control Representatives within their respective programs.

d. The Center Directors are responsible for ensuring that all international projects under their purview comply with U.S. export control laws and regulations, this policy and NPR 2190.1. Center Directors also appoint senior-level Center Export Administrators (CEA) responsible for ensuring compliance of all Center activities with U.S. export control laws and regulations, this policy, and NPR 2190.1. The CEAs will maintain Export Control Program (ECP) awareness and training programs for their Centers, coordinate necessary export licensing, and exemption or exception actions, consult with the Center Export Counsel (CEC), Transportation Officers, and Project Managers on export control matters, and serve as the Center point of contact for the HEA. The Center Director shall also designate a qualified individual as an Export Control Auditor (ECA) to annually review the operation of the NASA ECP at that Center.

e. The Center Chief Counsel will appoint a CEC responsible for providing current legal guidance to the CEA regarding NASA export control matters.

6. DELEGATION OF AUTHORITY

None.

7. MEASUREMENT/VERIFICATION

Adherence to this policy will be measured by whether exports are executed in a timely manner sufficient to meet NASA program objectives, by the extent to which NASA exports are compliant with U.S. laws and regulations, and by annual reviews conducted by the ECA.

8. CANCELLATION

NPD 2190.1A, NASA Export Control Program, May 24, 2001.

/s/ Charlie F. Bolden
Administrator

ATTACHMENT A: (TEXT)

None

(URL for Graphic)

None

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