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NASA Policy Directive

NPD 2190.1A

Effective Date: May 24, 2001
Expiration Date: November 24,
2011

COMPLIANCE IS MANDATORY[Printable Format \(PDF\)](#)

(NASA Only)

Subject: NASA Export Control Program (Revalidated 5/5/06)

Responsible Office:

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 export control laws and regulations, and Administration and NASA policy. Relevant export control laws and regulations include the Export Administration Regulations (EAR), 15 CFR 730-774, the International Traffic in Arms Regulations (ITAR) 22 CFR 120-130, and regulations governing Assistance to Foreign Atomic Energy Activities, 10 CFR 810.

b. An export is the transfer (by physical, electronic, oral, visual, or other means) of a commodity, software or technical data to a foreign destination, or to a person, or a U.S. person representing a foreign person, either abroad or in the United States. Specific definitions of "export," "U.S. person," and "foreign person" are contained in the ITAR at 22 CFR 120.17, 125.15, and 120.16, respectively, and in the EAR at 15 CFR 734.2 and 772, respectively.

2. Applicability

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

b. This NPD applies to the Jet Propulsion Laboratory (JPL), to the extent specified in the NASA/Caltech contract for the operation of JPL.

3. Authority

a. 42 U.S.C. 2473(c)(1), Section 203(c)(1) of the National Aeronautics and Space Act of 1958, as amended.

- b. 22 U.S.C. Sections 2752, 2778, and 2797, the Arms Export Control Act (Public Law (P. L.) 90-629)), as amended.
- c. 50 U.S.C. Appx, Sections 2401 - 2420, the Export Administration Act of 1979 (P.L. 96-72), as amended.
- d. 50 U.S.C. 1701 et seq., the International Emergency Economic Powers Act (P.L. 95-223), as amended.
- e. Executive Order 11958 (3 CFR at page 79, 1998 (1997 compilation)), as amended.
- f. 15 CFR Parts 730 - 774, Export Administration Regulations.
- g. 22 CFR Parts 120 - 130, International Traffic in Arms Regulations.
- h. PDD 13, Presidential Decision Directive, Nonproliferation and Export Control Policy as amended by NSPD, National Strategy to Combat Weapons of Mass Destruction.
- i. 42 U.S.C. 2011 et seq., Atomic Energy Act of 1954 (P.L. 83-703), as amended.

4. Applicable Documents

- a. NPD 2820.1, NASA Software Policies.
- b. NPR 2210.1, External Release of NASA Software.
- c. NPD 1050.1, Delegation of Authority to Enter into Space Act Agreements.
- d. NPD 1360.2, Initiation and Development of International Cooperation in Space and Aeronautical Programs.
- e. NPD 1371.5, Coordination and Authorization of Access by Foreign Nationals and Foreign Representatives to NASA.
- f. NPR 1371.2, Procedures and Guidelines for Foreign Access to NASA Centers.
- g. NPR 2200.2, Guidelines for Documentation, Approval, and Dissemination of NASA Scientific and Technical Information.
- h. NPD 2110.1, Foreign Access to NASA Technology Transfer Materials.
- i. NPD 2220.5, Management of NASA Scientific and Technical Information (STI).
- j. NPD/NPR 2810.1, Security of Information Technology.
- k. NPD/NPR 2800.1, Managing Information Technology.
- l. NPD 4200.1, Equipment Management.
- m. NPR 4200.1, NASA Equipment Management Manual.
- n. NPR 4200.2, Equipment Management Manual for Property Custodians.
- o. NPR 2190.1, NASA Export Control Program - Procedures and Guidelines.
- p. NPD 9800.1, NASA Office of Inspector General Programs.
- q. 40 U.S.C. 1441 et seq., the Computer Security Act of 1987 (P.L. 100-235), as

amended.

r. NASA FAR Supplement, 48 CFR Parts 1825 and 1852.

5. Responsibility

a. The Assistant Administrator for External 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 CFR 120.25 and 15 CFR 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 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 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 Center Export Counsel (CEC) responsible for providing current legal guidance to the CEA regarding NASA export control matters.

6. Delegation of Authority

None.

7. Measurements/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 Center Export Control Auditors (ECA).

8. Cancellation

None.

/s/ Daniel S. Goldin
Administrator (Revalidated May 5, 2006, original signed by Goldin)

Attachment A: (Text)

None.

(URL for Graphic)

None.

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