

MEMORANDUM FOR: NOAA Employees

FROM: Richard W. Spinrad, Ph.D.
Chair, NOAA Research Council

William F. Broglie

NOAA Chief Administrative Officer

SUBJECT: Deemed Export Controls and Research Activities at
NOAA

On May 19, 2006, the NOAA Chief Administrative Officer (CAO) issued an e-mail to all NOAA employees on the recent promulgation of the NOAA Administrative Order (NAO) 207-12 on Technology Controls and Foreign National Access. NOAA is committed to complying with applicable export control laws and regulations, including those that the Department of Commerce's Bureau of Industry and Security (BIS) is charged with administering, the [Export Administration Regulations, 15 C.F.R. Parts 730-774 \(EAR\)](http://www.access.gpo.gov/bis/ear/ear_data.html). (http://www.access.gpo.gov/bis/ear/ear_data.html) The NOAA policy is designed to implement export control laws and regulations that serve a critical function in helping to promote national security and foreign policy interests.

While this policy most directly affects employees who work with or host foreign national guests or visitors, or work at a national critical infrastructure site, there has been heightened awareness of the need for a particular understanding of export control laws and regulations by individuals who conduct or oversee NOAA-sponsored research in collaboration with foreign nationals. To promote greater understanding and awareness of these issues among the NOAA research community, we have developed the attached "Tool for Researchers" to assist researchers in determining whether aspects of their research could be subject to export control laws, and whether or not their research activities may result in a controlled technology transfer.

The tool highlights the responsibility of the researcher to determine whether any aspect of their research is subject to Export Administration Regulations (EAR). The researcher must determine **upfront** whether the input (e.g., technical data, technology acquired from the use of controlled equipment, research data) is subject to the EAR, the intended destination of research results, and whether there are any restrictions affecting publication.

Thank you very much for your cooperation.

For additional questions, please contact Terry Schaefer and Kristen Laursen at (301) 713-2465 or Ann Murphy and Melanie Caesar at (301) 713-9808.