

Deemed Export Management Model

No single organization within NOAA can plan and execute an effective deemed exports compliance program; the success of the program requires the leadership and collaboration of the following four parties:



Overall Program Responsibility. The Office of the Chief Administrative Officer (OCAO) retains overall accountability for establishing and administering the NOAA deemed exports compliance program, including policies and procedures required to execute the program. The OCAO is responsible for maintaining a central inventory of technologies within NOAA that are on the Commerce Control List, and for developing NOAA procedures for implementing any Department Administrative Order relevant to this program. The OCAO is also responsible for ensuring that NOAA Line Offices (LO), Corporate Offices (CO), and Staff Offices (SO) conduct annual assessments of their compliance with EAR controls and requirements.

Foreign Nationals Access Controls. The Department of Commerce (DOC) Office of Security (OSY) has overall responsibility for developing policies and procedures within DOC for control of foreign national access to DOC facilities and platforms, including NOAA's. NOAA's Workforce Management Office (WFMO) is responsible for identifying any foreign nationals who may be hired and for coordinating with NOAA Office of General Council (OGC) to determine necessary compliance steps. NOAA Line Offices are responsible for ensuring that hiring managers or program administrators who may hire foreign nationals into the organization consult with the WFMO and with NOAA OGC to determine and fulfill necessary compliance steps. The CAO, in coordination with the LO/CO/SO, is responsible for reviewing and endorsing foreign national guest sponsor requests as a part of DOC OSY foreign national clearance processes.

Legal and Regulatory Interpretation and Counsel. The NOAA Office of the General Counsel (OGC) is responsible for providing legal advice and guidance to the OCAO, as well as to NOAA management and staff, on legal issues related to the Export Administration Act and regulations, particularly as they apply to NOAA's facilities and activities, including NOAA's preparation of export license applications. Among NOAA OGC's responsibilities are the following:

- Keeping NOAA management and staff apprised of current Federal laws and regulations regarding export controlled technology;
- Responding to requests for legal advice on Export Administration Act and accompanying regulations as well as providing input on the development of NOAA policy;
- Consulting with NOAA management regarding whether an export license is required to authorize access to controlled technologies by foreign nationals; and
- Providing advice to assist in the preparation of formal license applications.

Program Execution. Each Line, Corporate, and Staff Office is responsible for ensuring that DOC and NOAA policies and procedures are adhered to prior to granting access by foreign nationals to NOAA employees, buildings, facilities, property, and/or assets; and for ensuring compliance with deemed export control requirements.

Each AA and CO/SO Director shall designate representatives to serve as Controlled Technology Coordinators (CTC) for his/her LO/CO/SO. The CTCs shall serve as the points of contact for the LO/CO/SO regarding foreign national access and export control matters. The CTCs will assist the Departmental Sponsors/NOAA (DSNs) with sponsoring foreign nationals and will communicate NOAA corporate policies on foreign national access and export compliance and licensing matters. CTCs will be members of the Deemed Export Steering Committee.

In addition, each LO/CO/SO is responsible for:

- Being aware of export control implications of their work;
- Identifying technologies within their organization that are on the Commerce Control List, either with respect to equipment or methods of research;
- Ensuring that appropriate security control measures are documented and implemented to safeguard any controlled technologies from unauthorized release to non-permanent resident foreign nationals;
- Preparing and applying for export control license applications for controlled technologies to enable research participation by foreign nationals when required;
- Complying with DOC (and NOAA) foreign national access control procedures and policies;
- Certifying annually that controlled technology inventories and access control procedures are in place at facilities hosting foreign national guests and at facilities with national critical infrastructure.