## List of Abbreviations

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<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
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<tr>
<td>AECA</td>
<td>Arms Export Control Act</td>
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<tr>
<td>ATF/BATF</td>
<td>Bureau of Alcohol, Tobacco, Firearms &amp; Explosives</td>
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<tr>
<td>BIS</td>
<td>Department of Commerce Bureau of Industry and Security</td>
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<td>CBP</td>
<td>Customs &amp; Boarder Protection</td>
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<td>CCL</td>
<td>Commerce Control List</td>
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<td>CJ</td>
<td>Commodity Jurisdiction</td>
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<td>DDTC</td>
<td>Department of State Directorate of Defense Trade Controls</td>
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<td>DOC</td>
<td>Department of Commerce</td>
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<td>DOD</td>
<td>Department of Defense</td>
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<td>DSS</td>
<td>Defense Security Service</td>
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<td>DTSA</td>
<td>Defense Technology Security Administration</td>
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<td>EAA</td>
<td>Export Administration Act</td>
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<td>EAR</td>
<td>Export Administration Regulations</td>
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<td>ECCN</td>
<td>Export Control Classification Number</td>
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<td>ITAR</td>
<td>International Traffic in Arms Regulations</td>
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<td>NSC</td>
<td>National Security Council</td>
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<td>OEE</td>
<td>Office of Export Enforcement (DOC)</td>
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<td>OFAC</td>
<td>Department of the Treasury Office of Foreign Assets Control</td>
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<td>OSP</td>
<td>Office of Sponsored Projects</td>
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<td>PI</td>
<td>Principal Investigator</td>
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<td>SDN List</td>
<td>Specially Designated Nationals and Blocked Persons List</td>
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<tr>
<td>TAA</td>
<td>Technical Assistance Agreement</td>
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<td>TCP</td>
<td>Technology Control Plan</td>
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<tr>
<td>TTCP</td>
<td>Technology Transfer Control Plan</td>
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<tr>
<td>UAHuntsville</td>
<td>The University of Alabama in Huntsville</td>
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<tr>
<td>USML</td>
<td>United States Munitions List</td>
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August 17th, 2012

TO: All Principal Investigators, Deans, Research Center Directors, And Department Chairs

FROM: Denise Spiller, Security Administrator, and Research Security Administration

THRU: Dr. Robert Altenkirch, President

SUBJECT: Export Control Policy and Procedure

Export control laws are Federal laws implemented by the Department of State’s International Traffic in Arms Regulations (ITAR) and the Department of Commerce’s Export Administration Regulations (EAR) to control the export of certain information and materials for reasons of national security or protection of trade. Institutions of higher education and their employees are required to comply with these laws and regulations. Violations are subject to criminal sanctions including monetary fines or imprisonment of individuals.

In many instances, educational institutions are exempt from most of the regulations in situations involving fundamental research. In order for a sponsored program award to be considered fundamental research, certain conditions must be met. UAHuntsville has adopted the attached policy for insuring, if possible, that those conditions are met and that the institution and its employees are in compliance with export control laws.

Compliance with the policy will require the Office of Sponsored Programs’ Contract Administrators to add a search for Export Control Regulations to their pre-acceptance review of new contract/grant awards. If, after negotiation, the funding agency’s choice of terms and conditions makes the fundamental research exemption unavailable, the Principal Investigator will be asked to review the ITAR and EAR lists of controlled technologies to determine if the subject matter of their research is included on either of those lists. If so, the Vice President for Research will decide if UAHuntsville will accept the award and the restrictions on research imposed by the export control laws.

All Principal Investigator’s will complete the on-line Export Control Certification prior to submitting a proposal. Once the initial certification is completed there will be a requirement to attend an Annual Refresher Training in person that will be held on campus.

Information, definitions and links to the ITAR and EAR lists can be found at: http://resadmin.uah.edu/RSA/index.asp
WHY THIS MANUAL MATTERS TO YOU!!!

Any equipment, technology, or technical information subject to the U.S. government control that is released to any foreign person in any location in any way is an export. The technical data, service, or commodity need not physically leave the U.S. to be considered to have been exported. That includes face-to-face conversations or meetings, emails, or faxes, or casual conversations in a hallway or at lunch or on an airplane. Exports involving both classified defense information and critical unclassified technical data are controlled by the federal government. Therefore, many of The University of Alabama in Huntsville’s routine international business activities is subject to U.S. export regulations. These regulations matter to YOU because not only will The University of Alabama in Huntsville suffer the consequences of an export violation, individual violators can be subject to millions of dollars in fines and years in prison.

While no summary manual can make you an expert on the complex web of international trade regulations that apply to The University of Alabama in Huntsville’s business activities, this guidebook sets forth The University of Alabama in Huntsville’s export compliance policies and procedures. All The University of Alabama in Huntsville employees need to be aware of the existence of these laws, to know when a work situation poses export control concerns, and where to turn for guidance and assistance when questions arise. The basic knowledge presented in this manual will enable you to assist in maintaining The University of Alabama in Huntsville’s reputation as a good corporate and University citizen. Additionally, knowledge of export regulations can help you avoid the civil and criminal penalties imposed on individuals who violate these strictly-enforced federal laws.

Purpose: The purpose of this manual is to establish the policies of The University of Alabama in Huntsville concerning the export of technical data, services and commodities. This manual provides guidance to UAHuntsville personnel regarding the export of technical data, services and commodities under the ITAR and the EAR and the regulations administered by OFAC, Treasury Department. The export control procedures set forth in this manual are designed to ensure that UAHuntsville complies with all applicable U.S. Export control laws and regulations.

Policy and Commitment: It is the policy of UAHuntsville to comply with all U.S. laws and regulations pertaining to the export of technical data, services and commodities. Compliance is also an integral part of the Institute’s strategic business advantage. UAHuntsville has become internationally competitive in the area of research and development based on our ability to comply with federal regulations and obtain required export approvals in a timely manner.
KEY ISSUES IN UNIVERSITY RESEARCH

I. DEEMED EXPORTS

While exports are commonly associated with the shipment of a tangible item across the U.S. border, export controls have a much broader application. One of the most difficult issues with respect to export controls is the fact that an export is defined to include the transfer of controlled information or services to foreign nationals even when the transfer takes place within the territory of the United States. Though taking place inside the U.S., the transfer is “deemed” to be an export (as if exporting to the country of the foreign national). The term “deemed export” is unique to the EAR.

Both the ITAR and the EAR provide for deemed exports, even though in the case of defense exports the regulations generally speak of exports. While the ITAR distinguishes between the transfer of technical data and defense services, the EAR generally provides for the release of technology. Such transfer or release may be made through oral, visual, or other means. An export may occur through:

1. a demonstration;
2. oral briefing;
3. telephone call or message;
4. laboratory or plant visit;
5. presenting at conferences and meetings;
6. faxes or letters;
7. hand-carried documents, hardware or drawings;
8. design reviews;
9. the exchange of electronic communication;
10. posting non-public data on the Internet or the Intranet;
11. carrying a laptop with controlled technical information or software to an overseas destination; or
12. Collaborating with other universities / research centers through research efforts.

The issue of deemed exports is particularly relevant to university research because of the activities that normally take place at a university. While a university may be involved in the shipment abroad of equipment or machinery to participate in a conference, a joint project, or equipment loan programs, most often faculty and students are engaged in teaching and research. Whenever teaching or research is related to controlled equipment or technology, foreign students’ or researchers’ involvement may trigger export control compliance issues.

II. U.S. AND FOREIGN PERSONS

For purposes of defence and dual-use exports, a U.S. person is defined as a U.S. entity or a U.S. citizen, a person lawfully admitted for permanent residence in the United States (i.e., green card holder), or a person who is
a protected individual under the Immigration and Naturalization Act (8 U.S.C. § 1324b(a)(3) (i.e., certain classes of asylees). A U.S. person may be engaged in activities that are export controlled, unless there are some additional restrictions that limit participation to U.S. citizens.

The regulations define foreign person as anyone who is not a U.S. person. BIS looks at the person's most recent citizenship or permanent residence. DDTC looks at the person's country of origin (i.e., country of birth) and all current citizenships.

III. INFORMATION NOT SUBJECT TO OR EXCLUDED FROM EXPORT CONTROLS

It is important to note that most of the activities that UAHuntsville engages in are fundamental research. As such, most activities are not subject to export controls, or even if controlled, do not require licensing. Both the ITAR and the EAR have special provisions relating to information that is not subject to export controls, including limited exclusions regarding the release of information in the context of university research and educational activities. Additionally, the embargo regulations have exceptions for certain information and informational materials.

A. PUBLICLY AVAILABLE

The ITAR and the EAR do not control information which is published and generally accessible or available to the public. Note that even though the two regimes have similar scope, the ITAR and the EAR vary in the specific information that qualifies as publicly available.

- **ITAR provision**: The ITAR describes such information as information in the *public domain*. The information in the public domain may be obtained through:
  
  - sales at newsstands and bookstores;
  - subscription or purchase without restriction to any individual;
  - second class mailing privileges granted by the U.S. Government;
  - at libraries open to the public;
  - patents available at any patent office;
  - unlimited distribution at a conference, meeting, seminar, trade show or exhibition, generally accessible to the public, in the United States;
  - public release in any form after approval of the cognizant U.S. Government agency; or
  - *fundamental research* in the U.S. (See Key Issues in University Research, Section III.C. Fundamental Research, below.)

- **EAR provision**: The EAR does not control publicly available technology if it is already published or will be published.¹ Information is published when it becomes generally accessible to the interested public in any form, including:

  ¹ See Key Issues in University Research, Section III.C. Fundamental Research, below.
o publication in periodicals, books, print, etc., available for general distribution free or at cost;

o readily available at libraries open to the public or university libraries;

o patents and open patents applications available at any patent office; or

o Release at an open conference, meeting, seminar, trade show, or other gathering open to the public.

The EAR requires that the publication is available for distribution free or at price not to exceed the cost of reproduction and distribution; however, the ITAR does not have such a requirement.

Note also that the EAR does not specify where an open conference, meeting, seminar or trade show must take place, and thus allows, for example, participation at a foreign conference so long as the conference is open to all technically qualified members of the public, and attendees are permitted to take notes. Unlike the EAR, the ITAR limits participation in conferences and similar events to those that are taking place in the United States.

B. EDUCATIONAL INFORMATION

Both the ITAR and the EAR address the issue of general educational information that is typically taught in schools and universities. Such information, even if it relates to items included on the USML or the CCL, does not fall under the application of export controls.

- **ITAR provision:** The ITAR specifically provides that the definition of "technical data" does not include information concerning general scientific, mathematical or engineering principles commonly taught in schools, colleges and universities.

- **EAR provision:** The EAR provides that publicly available "educational information" is not subject to the EAR, if it is released by instruction in catalogue courses and associated teaching laboratories of academic institutions.

Therefore, a university graduate course on design and manufacture of very high-speed integrated circuitry will not be subject to export controls, even though the technology is on the CCL. The key factor is the fact that the information is provided by instruction in a catalogue course. Foreign students from any country may attend this course because the information is not controlled.

The information will not be controlled even if the course contains recent and unpublished results from laboratory research, so long as the university did not accepted separate obligations with respect to publication or dissemination, e.g., a publication restriction under a federal funding.

C. FUNDAMENTAL RESEARCH

During the Reagan administration, several universities worked with the Federal government to establish national policy for controlling the flow of information produced in federally funded fundamental research at colleges, universities and laboratories resulting in the issuance of the National Security Decision Directive 189 ("NSDD"), National Policy on the Transfer of Scientific, Technical and Engineering Information on September 21, 1985. In a letter dated November 1, 2001, President George W. Bush’s administration reaffirmed NSDD 189. NSDD 189 provided the following definition of fundamental research that has guided universities in making licensing decisions relative to fundamental research exclusions provided under both the EAR and ITAR.
Basic and applied research in science and engineering, the results of which ordinarily are published and shared broadly within the scientific community, as distinguished from proprietary research and from industrial development, design, production, and product utilization, the results of which ordinarily are restricted for proprietary or national security reasons.

Research conducted by scientists, engineers, or students at a university normally will be considered fundamental research. University based research is not considered fundamental research if the university or its researchers accept (at the request, for example, of an industrial sponsor) other restrictions on publication of scientific and technical information resulting from the project or activity. Scientific and technical information resulting from the research will nonetheless qualify as fundamental research once all such restrictions have expired or have been removed.

Both the ITAR and the EAR provide that information published and generally accessible to the public through fundamental research is not subject to export controls. However, there are certain restrictions. In order to take advantage of this exemption:

- such information must be produced as part of basic and applied research in science and engineering and must be broadly shared within the scientific community (i.e., no restrictions on publication / dissemination of the research results);
- it is essential to distinguish the information or product that results from the fundamental research from the conduct that occurs within the context of the fundamental research;
- while the results of the fundamental research are not subject to export controls, an export license may be required if during the conduct of the research export controlled technology is to be released to a foreign national. Such export controlled technology may come from the research sponsor, from a research partner institution, or from a previous UAHuntsville research project.

One major difference is that the ITAR requires that, to qualify as fundamental research, research must be performed at accredited institutions of higher learning in the United States. Under the EAR, fundamental research may occur at facilities other than accredited institutions of higher learning in the United States.

Under both the ITAR and the EAR, research performed at universities will not qualify as fundamental if the university (or the primary investigator) has accepted publication or other dissemination restrictions.

- **ITAR provision**: the fundamental research exception does not apply to research the results of which are restricted for proprietary reasons, or specific U.S. Government access and dissemination controls.

- **EAR provision**: the fundamental research is distinguished from proprietary research and from industrial development, design, production, and product utilization, the results of which ordinarily are restricted for proprietary reasons or specific national security reasons. Under the EAR, university-based research is not considered fundamental research if the university or its researchers accept restrictions (other than review to ensure no release of sponsor-provided proprietary or patent information) on publication of scientific and technical information resulting from the project.
The EAR instructs that prepublication review by a sponsor of university research solely to ensure that the publication would not inadvertently divulge proprietary information that the sponsor has initially furnished, or compromise patent rights, does not constitute restriction on publication for proprietary reasons.

The EAR also has provided examples of "specific national security controls" which will trigger export controls. These include requirements for prepublication review and approval by the Government, with right to withhold permission for publication; restriction on prepublication dissemination of information to non-U.S. citizens or other categories of persons; or restrictions on participation of non-U.S. citizens or other categories of persons in the research.

While the ITAR does not contain such descriptive provisions, the EAR is instructive as to interpreting the limitations on fundamental research.

IV. FUNCTIONAL ORGANIZATIONS

A. Office of Sponsored Programs (OSP):

The Office of Sponsored Programs (OSP) must be aware of U.S. export laws in the processing of projects with international elements. OSP is responsible for:

- Informing and coordinating with the Export Compliance Office regarding all export/import activities via the PC-7 process (new contracts).
- Notifying the RSA office of impending contract terminations or amendments; and
- Coordinating with the RSA office on all contract requirements pertaining to Foreign Military Sales (FMS) or foreign direct commercial contracts;
- Notifying the EO of any terms/conditions of any potential contract that violate U.S. anti-boycott regulation.
- Verifying that the PI and Co PI has completed the on-line Export Control Certification

B. Human Resources (HR):

- Human Resources are responsible for coordinating with the RSA office in the interviewing/hiring of foreign persons (either full or part-time employees, consultants, temporary placement agency works, students, or interns).
- Prior to hiring a Foreign Person, decisions must be made regarding the access the employee will require in order to perform his/her duties and responsibilities.

C. International Student and Scholar Office (ISSO):

- The International Student Scholar Office is responsible for coordinating with the RSA office in the processing of foreign persons (either full or part-time employees, consultants, temporary placement agency works, students, or interns)
If the University is hiring a Foreign Person, you’re no doubt sponsoring them for some category of nonimmigrant visa this must be coordinating with the Export Control Officer in the RSA office.

D. **Procurement Services Office:**

The Procurement Services is responsible for:

- Ensuring that international procurements are documented or properly marked when related to USML items or otherwise subject to defense – related requirements.
- Flowing down appropriate terms and conditions to domestic subcontractors, vendors and suppliers to ensure compliance with export laws and regulations; and
- Ensuring that vendors outside the U.S. are screened against appropriate watch lists.

E. **Research Security Administration Office (RSA):**

The RSA office is responsible for the following:

- Forwarding required classified export license documentation to appropriate government agencies (e.g. DSP-85, DSP-5 forms);
- Maintaining records of all transfer of classified documents and foreign visitors on classified programs;
- Providing a written or oral briefing to all UAHuntsville employees traveling overseas on behalf of UAHuntsville, including laptop, media and electronic data precautions; and
- Providing (when applicable) training to assist employees in complying with the National Industrial Security Program Operating Manual (NISPOM) requirements for safeguarding classified information.

V. **Full-time University Employees**

Under a specific exemption (ITAR 125.4(B)(10) – Exemptions of General Applicability), the ITAR allows a university to disclose unclassified technical data in the U.S. to a foreign person who is the university’s *bona fide* and full time regular employee. The exemption is available only if:

- Not defined by ITAR
- Department of Labor (DOL) leaves the decision to the employer – However, DOL website, citing national surveys, indicates full-time generally is a person who work 35 hours or more per week. A test question to ask yourself – do they receive benefits? If yes, they are an employee.
- the employee's permanent abode throughout the period of employment is in the United States;
- the employee is not a national of a country to which exports are prohibited pursuant to ITAR § 126.1 (See current list of countries at [http://www.pmddtc.state.gov/regulations_laws/documents/official_itar/ITAR_Part_126.pdf](http://www.pmddtc.state.gov/regulations_laws/documents/official_itar/ITAR_Part_126.pdf));
• the university informs the individual in writing that the technical data may not be transferred to other foreign persons without the prior written approval of DDTC; and (may want to ask the employee to sign a Non-Disclosure Agreement (NDA)).

• the university documents the disclosure of technical data under the exemption providing: (1) a description of the technical data; (2) the name of the recipient / end-user; (3) the date and time of export; (4) the method of transmission (e.g., e-mail, fax, FedEx); (5) the ITAR reference, i.e., ITAR § 125.4(b)(10), Full-Time University Employee.

Note that the "full-time bona fide employee" requirement will preclude foreign students and postdoctoral researchers from qualifying for access to technical data under this exemption. Generally, a H1B work visa would be required.

This exemption only applies to the transfer of technical data and discussions related to the data. Discussions may occur between the foreign full-time employee and other university employees working on the project. Additionally, the outside company (sponsor of the research) would have to apply for a DSP-5 license to provide technical data directly to the foreign national employee, and if the outside party and the employee are to engage in discussions and interchange concerning the data, then the proper authorization would be a Technical Assistance Agreement (TAA) rather than the DSP-5.
VI. **Commitment To Export Control Compliance**

The University of Alabama in Huntsville conducts focused research to advance knowledge, enhance student learning experiences, and build its reputation in the scientific and technical communities while providing positive returns on sponsoring partners' investments. While UAHuntsville endorses the principles of freedom of inquiry and open exchange of knowledge, it is the university's goal to comply with the export control regulations.

The export of certain technologies, software and hardware is regulated and controlled by Federal law for reasons of national security, foreign policy, prevention of the spread of weapons of mass destruction and for competitive trade reasons. UAHuntsville and all its employees are required to comply with the laws and implementing regulations issued by the Department of State, through its International Traffic in Arms Regulations (ITAR), the Department of Commerce, through its Export Administration Regulations (EAR) and the Department of the Treasury through its Office of Foreign Asset Controls (OFAC).

In the aftermath of September 11, 2001, and the increased security needs of the United States, the importance and scrutiny of compliance with these regulations has increased, and research contracts and agreements received by universities from sponsors, both Federal and industrial, in which export control provisions are contained, have increased significantly. Export controls regulations apply regardless of the source of funding, both external and internal.

While most research conducted on U.S. college and university campuses is excluded from these regulations under the Fundamental Research Exclusion, university research involving specified technologies controlled under the EAR and/or ITAR, or transactions and exchanges with designated countries, individuals and entities may require The University of Alabama in Huntsville to obtain prior approval from the appropriate agency before allowing foreign nationals to participate in controlled research, collaborating with a foreign company and/or sharing research—verbally or in writing—with persons who are not United States citizens or permanent residents. The consequences of violating these regulations can be quite severe, ranging from loss of research contracts and exporting privileges to monetary penalties and jail time for the individual violating these regulations.

The export control regulations affect not only research conducted on campus, but also travel and shipping items outside the U.S. Simply traveling to certain sanctioned countries could require a license from OFAC. OFAC sanctions prohibit transactions and exchange of goods and services in certain countries and with designated persons and entities. Multiple lists of denied individuals and parties are maintained and enforced by federal agencies including the Departments of State, Commerce, and Treasury. Shipping items outside the U.S. as well as taking controlled items on a flight, even if shipping or traveling in the conduct of research, could require a license from these agencies.

UAHuntsville is committed to export controls compliance, and the University Export Control Compliance Officer is located in Research Security Administration. The RSA office is there to advise and assist faculty in conducting activities related to research and sponsored projects. More information and resources regarding these and other regulations that impact university activities can be found at [http://resadmin.uah.edu/RSA/index.htm](http://resadmin.uah.edu/RSA/index.htm) or by contacting the University Export Controls Officer at 256-824-6444.
VII. **Key Actors Responsible for Export Control Compliance**

A. **Empowered Officials**

The President for the University and Director, Research Security Administration are the University of Alabama in Huntsville Empowered Officials for export control matters. In this capacity, the Empowered Officials have the authority to represent the university before the export control regulators in matters related to registration, licensing, commodity jurisdiction requests, or voluntary disclosures. While certain oversight functions may be delegated, only the Empowered Officials have the power to sign such paperwork and bind the university in any proceeding before DDTC, BIS, OFAC, or any other government agency with export control responsibilities.

B. **University Export Controls Officer (UECO)**

The UECO has the authority and the responsibility for the implementing, updating and enforcing the procedures set forth in the Export Compliance Program.

The UECO works closely with the Director of Office of Sponsored Programs in performing his or her responsibilities. The UECO does the following:

1. identifies areas at UAHuntsville relative to research and other activities that are impacted by export control regulations;
2. develops control procedures to ensure the university remains in compliance;
3. recommends procedures to the senior UAHuntsville administration to strengthen UAHuntsville compliance;
4. educates inventors, principal investigators, centers, and academic units about export control regulations and procedures followed at UAHuntsville;
5. educates other units within UAHuntsville such as Accounting, Purchasing, Travel, International Programs, Human Resources, and Technology Commercialization about export control regulations and procedures followed at UAHuntsville;
6. identifies and investigates possible export violations;
7. works with others on campus to facilitate understanding and compliance with export controls;
8. conducts training and outreach on export controls;
9. assists investigators, researchers and offices within UAHuntsville when research or research results are export controlled;
10. seeks legal assistance when uncertain about classification and in filing license applications; and
11. Assist the PI in developing a Technology Control Plan (TCP) for each export-controlled project consistent with these procedures to aid the principal investigator (PI) in meeting his or her export control responsibilities.
12. Submit all export license application and documentation to support TAAs, contracts, etc.
13. Meets regularly with center, directors and deans to ensure compliance with all provisos or limitations associated with licenses, agreements or contracts;

14. Reviews the U.S. export requirements of each contract, agreement, etc.

C. **Office of Sponsored Projects**

The OSP provides assistance and expertise with export controls by working closely with the UECO in identifying export control issues and providing support for their solution. The OSP:

1. provides assistance to PIs in reviewing the terms of a sponsorship agreement or grant to identify restrictions on publication and dissemination of the research results, and to help PIs negotiate out such restrictions;

2. completes Export Control Checklists for every project and sends them to the UECO for review if export controls issues are flagged;

3. is responsible for maintaining a centralized database of all documentation relating to a research project or education activity; and

4. Coordinates with the PI’s and the UECO to ensure that foreign nationals will be isolated from participation in an export-controlled project in accordance with the TCP, unless the university applies for and obtains a license from the relevant agency.

The UECO will conduct trainings for the university community and coordinate the maintenance of an export controls website.

D. **Key University Managers**

Academic deans, directors, and department heads share the responsibility of overseeing export control compliance in their respective schools, departments, centers, or institutes and supporting the UECO in implementing procedures as deemed necessary by the UECO for export control compliance.

In addition, the directors of other offices or units on campus including, but not limited to: Accounting, Environmental Health and Safety, Human Resources, International Programs, Technology Commercialization, and Travel share the responsibility of overseeing export control compliance in their units and supporting the UECO in implementing procedures as deemed necessary by the UECO for export control compliance.

E. **Principal Investigator (PI)**

PIs have expert knowledge of the type of information and technology involved in a research project or other university activity, such as presenting at conferences, and discussing research findings in class with fellow researchers or collaborators. PIs must ensure that they do not disclose controlled information or transfer controlled articles or services to a foreign national without prior authorization as required. To meet his or her obligations, each PI:

1. must understand his or her obligations under export controls, and participate in regular trainings to help him or her identify export control issues;

2. must assist the RSA office to classify the technology involved in the research or other university activity;
3. identify foreign nationals that may be involved and, if export control is likely, initiate the process of clearing foreign national participation well in advance to ensure that a license is obtained in a timely manner, or implement proper measures to isolate foreign nationals from participation;

4. must, if undertaking an export controlled project, brief the students and other researchers involved in the project of their obligations under export controls; and

5. cooperate with the RSA office in developing the TCP of which the PI has the responsibility to follow and implement. [http://resadmin.uah.edu/RSA/index.htm](http://resadmin.uah.edu/RSA/index.htm) under the Export Control Tab.

VIII. **EXPORT CONTROL ANALYSIS**

An export control analysis should be performed when a PI submits a proposal, receives an award, or changes the scope of an existing project.

A. **INITIAL REVIEW**

The OSP performs the initial review by completing the Export Control Checklists in Appendices A and B. The OSP will look for the following red flags indicating possible export control issues:

1. references to U.S. export regulations (beyond a mere statement to comply with the law);
2. restrictions on publication or dissemination of the research results;
3. pre-publication approval from sponsor;
4. proprietary or trade secret claims on project results;
5. restriction of access or participation to U.S. citizens only;
6. involvement of foreign sponsors or collaborators;
7. travel, shipping, or work performed outside the U.S.;
8. military applications of the project results; or
9. funding from the Department of Defense, the Department of Energy, the Army, the Air Force, the Naval Office, NASA, the National Reconnaissance Office, or other U.S. government agencies

XI. **TECHNOLOGY CONTROL PLAN**

A. **DEVELOPMENT**

If the RSA office determines a project is export controlled, the RSA office will work with the PI to develop and implement a TCP to secure the controlled technology from access by unlicensed non-U.S. citizens. The TCP will include:

1. a commitment to export controls compliance;
2. identification of the relevant export control categories and controlled technologies;
3. identification of the project’s sponsors;
4. identification and nationality of each individual participating in the project;
5. appropriate physical and informational security measures;
6. personnel screening measures; and
7. Appropriate security measures for and following project termination.

B. APPROPRIATE SECURITY MEASURES

The TCP will include physical and informational security measures appropriate to the export control categories involved in the project. Examples of security measures include, but are not limited to:

- **Laboratory Compartmentalization.** Project operation may be limited to secured laboratory areas physically shielded from access or observation by unauthorized individuals. These areas must remain locked at all times.

- **Time Blocking.** Project operation may be restricted to secure time blocks when unauthorized individuals cannot observe or access.

- **Marking.** Export controlled information must be clearly identified and marked as export-controlled.

- **Personnel Identification.** Individuals participating in the project may be required to wear a badge, special card, or other similar device indicating their access to designated project areas. Physical movement into and out of a designated project area may be logged.

- **Locked Storage.** Tangible items such as equipment, associated operating manuals, and schematic diagrams should be stored in rooms with key-controlled access. Soft and hardcopy data, lab notebooks, reports, and other research materials should be stored in locked cabinets.

- **Electronic Security.** Project computers, networks, and electronic transmissions should be secured and monitored through User IDs, password controls, 128-bit Secure Sockets Layer encryption or other federally approved encryption technology. Database access should be managed via a Virtual Private Network.

- **Confidential Communications.** Discussions about the project must be limited to the identified and authorized project participants, and only in areas where unauthorized individuals are not present. Discussions with third party sub-contractors must occur only under signed agreements which fully respect the non-U.S. citizen limitations for such disclosures.

C. TRAINING & CERTIFICATION

Training is the foundation of a successful export compliance program. Well-informed employees minimize the likelihood that inadvertent violations of the law will occur. All personnel having access to the controlled information on this project is required to complete the on-line Export Control Certification Web Training and will also have to complete the Briefing and Certification on the Handling of Export-Controlled Information. Additional export control training for this project may be conducted by the Research Security
Administrations Export Controls Officer. The RSA also provides periodic training sessions to members of the University of Alabama in Huntsville community. A yearly Export Control Refresher training will be required for all personnel with access to the controlled information on this.

X. LICENSING

If a project is export controlled and a license is needed to involve a foreign national, an Empowered Official may apply for an export license to allow the disclosure of information to foreign students and researchers. Note that each foreign student must be specifically licensed for each controlled project. Also note that a TCP, as described in Section IV above, must be implemented. The RSA office, in coordination with the legal counsel, will prepare and sign the necessary documentation for obtaining a license.

XII. LICENSE EXCEPTIONS AND EXEMPTIONS RELATED TO TRAVEL OUTSIDE THE U.S.

Travel or transmissions to destinations outside the U.S. can also implicate export control regulations. A license may be required depending on which items are taken, which countries are visited, or whether defense services are provided to a foreign person. However, an exception or exemption from license requirements may exist.

A License Exception may be available for EAR controlled items, technology, or software if the individual travelling outside the U.S. can certify that he or she:

1. will ship or hand-carry the items, technology, or software for UAHuntsville business only;
2. will return or certify the destruction of the items, technology, or software within 12 months of leaving the U.S.;
3. will keep the items, technology, or software within his or her effective control;
4. will take necessary security precautions to protect against the unauthorized export of the technology; and
5. will not ship or hand-carry the items, technology, or software to an Iran, Syria, Cuba, North Korea, or Sudan without first consulting with the UECO.

A License Exemption may be available to ITAR controlled technical data transmitted outside the U.S. if the individual transmitting the technical data can certify that:

1. the technical data is to be used overseas solely by a U.S. person(s);
2. the U.S. person overseas is an employee of UAHuntsville or the U.S. Government and is not an employee of a foreign subsidiary;
3. if the information is classified, it will be sent overseas in accordance with the requirements of the Department of Defense Industrial Security Manual; and,
4. No export will be made to countries listed by 22 C.F.R. § 126.1.

Please note that other exceptions or exemptions may be available.

Any individual intending to travel or transmit controlled data outside the U.S. should first consult with the UECO. All exceptions or exemptions must be documented with the UECO and the record maintained for at least five years after the termination of the project or the travel return date. The certification forms are located online at: http://resadmin.uah.edu/RSA/index.htm under the Export Control Tab.
XIII. **Compliance for Foreign Travel**

The export of items, technology, commercial software, and encryption code is subject to export control regulations (this includes laptops, PDAs and digital storage devices). The Department of Commerce’s Export Administration Regulations (EAR) makes an exception to licensing requirements for the temporary export or re-export of certain items, technology, or software for professional use as long as the criteria to which you are certifying below are met. The exception does not apply to any EAR satellite or space-related equipment, components, or software, or to any technology associated with high-level encryption products. In addition, this exception does not apply to items, technology, data, or software regulated by the Department of State’s International Traffic in Arms Regulations (ITAR). When an individual travels outside the United States and are taking an electronic device with them they must complete one of the Exception Form. There is a form for Personal Items or UAHuntsville Owned Items, your RSA office will provide these forms. The greatest risk of non-compliance of export laws and regulations occurs during casual conversations in person, on the telephone, or via e-mail. The way to prevent these types of violations is through awareness and training. General export control information and presentations will be available for the university community online at the following link: [http://resadmin.uah.edu/RSA/index.htm](http://resadmin.uah.edu/RSA/index.htm). Export Control Web Certification is required prior to travel outside the United States. Also Yearly Refresher training will be required to maintain good standing with the compliance program. The Refresher training will be offered via on-line web training and/or oral presentations that the RSA office will offer throughout the year.

XIV. **Recordkeeping**

UAHuntsville policy is to maintain export-related records on a project basis. Unless otherwise provided for, all records indicated herein shall be maintained consistent with the UAHuntsville record retention policy, and shall be retained no less than five years after the project’s termination date or license termination date, whichever is later.

If ITAR-controlled technical data is exported under an exemption, certain records of the transaction must be kept even beyond UAHuntsville five year retention period. Those records include:

1. a description of the unclassified technical data;
2. the name of the recipient/end-user;
3. the date/time of export;
4. the method of transmission (e.g., e-mail, fax, telephone, FedEx); and
5. The exemption under which the export took place.

Note that information which meets the criteria of being in the public domain, being educational information, or resulting from Fundamental Research is not subject to export controls under the ITAR. Therefore, the special requirement for recordkeeping when using an exclusion, exception, or exemption may not apply. However, it is a good practice to provide such description for each project to establish a record of compliance.

BIS has specific record-keeping requirements. Generally, records required to be kept by EAR must be kept for a period of five years from the project’s termination date. However, if BIS or any other government agency makes a request for such records following a voluntary self-disclosure, the records must be maintained until the agency concerned provides written authorization otherwise.
XV. **MONITORING AND AUDITING**

In order to maintain UAHuntsville export compliance program and ensure consistent adherence to U.S. export laws, the RSA office may conduct internal reviews of TCPs and certain projects. The purpose of the reviews is: (i) to identify possible violations; and (ii) to identify deficiencies in training, procedures, etc., that can be rectified.

XVI. **DETECTING AND REPORTING VIOLATIONS**

It is the policy of UAHuntsville to voluntarily self-disclose violations as required. Since September 11, 2001, government agencies have dramatically increased the investigation in and successful prosecution of export regulation violations. The penalties for these violations can be very severe, including personal liability, monetary fines, and imprisonment. However, government agencies assign great weight to voluntary self-disclosures as a mitigating factor.

Any individual who suspects a violation has occurred must immediately notify the RSA office or an Empowered Official. The RSA office will then send an initial notification about the suspected violation to the appropriate government agency. The RSA office will conduct an internal review of the suspected violation by gathering information about the circumstances, personnel, items, and communications involved. Once the review is complete, the RSA office will provide the government agency with a supplementary letter with a thorough narrative account of:

1. the project’s description and background;
2. a description of the suspected violation;
3. which items and controlled categories were involved;
4. which dates the violations occurred on;
5. which countries were involved;
6. who was involved and their citizehnships;
7. an explanation of why the violation occurred; and
8. any corrective actions taken; and
9. UAHuntsville’s commitment to export controls compliance.

Once the initial notification and supplementary letter have been sent, UECO will follow the government agency’s instructions.

XVII. **DISCIPLINARY ACTIONS**

In recognition of the seriousness of non-compliance with export controls, UAHuntsville will address non-compliance at the discretion of the President of the University and the Export Control Compliance Officer, both Empowered Officials. Further, all UAHuntsville employees responsible for export controls compliance or participating in export-controlled projects must be aware of the substantial criminal and civil penalties imposed for violation of the export regulations including personal liability, monetary fines and imprisonment.
XVIII. Employee Protection

No individual shall be punished solely because he or she reported what was reasonably believed to be an act of wrongdoing or export control violation. However, a UAHuntsville employee will be subject to disciplinary action if the employee knowingly fabricated, knowingly distorted, or knowingly exaggerated the report.

XIV: Definitions:

- **Classified Information:** is official information, access to which is restricted by law or executive order for protection against unauthorized disclosure for national security reasons. Data is grouped by sensitivity into increasing levels of protection. In order to access classified information, an individual must have a security clearance at the appropriate level, a valid need to know and permission to access each level of classified information. This term includes National Security Information, Restricted Data and Formerly Restricted Data.

- **Commerce Control List:** is a listing of all commodities, software and technical data subject to BIS export control under the EAR.

- **Commodity:** means any commercial or dual-use item, material, or supply, except technical data.

- **Consignee in Country of Ultimate Destination:** means the final destination where the exporter intends to export a commodity. The consignee in country of ultimate destination is designated by the exporter on the export license application. Any commodity export to a consignee not designated on the export license application results in a re-export, which requires authorization from BIS or DDTC.

- **Controlled Information:** is any information or material that cannot be released to foreign persons or representatives of a foreign entity without first obtaining an approval or license from the department of state (for ITAR controlled items) or Department of Commerce (for EAR controlled items). Controlled information, as defined, must be treated as sensitive and marked accordingly.

- **Defense Article:** means any item or technical data included on the USML. Defense articles include technical data recorded or stored in any physical form, models, mockups, and any other items that reveal technical data directly relating to the articles included on the USML. Defense article does not include basic marketing information on function or purpose or general system descriptions.

- **Defense Services:** means (a) the furnishing of assistance (including training) to foreign persons, whether in the United States or abroad in the design, development, engineering, manufacture, production, assembly, testing, repair, maintenance, modification, operation, demilitarization, destruction, processing or use of defense articles; or (b) the furnishing to foreign persons of any technical data, whether in the United States or abroad.

- **Denied Party:** refers to an entity debarred by the U.S. Government to protect national security and underpin U.S. foreign policy objectives. U.S. companies are prohibited by federal law from doing business with denied parties, fronts for denied parties, or agents of denied parties.

- **Dual Use:** when used in relation to technical data and commodities, means technical data and commodities that have both civilian and military use.

- **Export Administration Regulations:** The Bureau of Industry and Security’s Export Administration Regulations (EAR) restricts the export of certain technical data and commodities that are dual use.
• **Exemptions/Exceptions:** A variety of exemptions exist under ITAR and exceptions exist under EAR, where an exporter of products, technical data, and/or defense services does not require a specific license. However, the exemptions and exceptions are complicated and generally must be well documented on forms provided by the RSA office, Export Control Officer. Also if a question arises, employees must consult with their management and/or the Export Control Officer to determine whether an exemption or exception exists and how to document its use.

• **Export of Technical Data:** Contrary to the ordinary meaning of the word “export” and “Export of Technical Data” under the United States export laws is not limited to the physical conveyance of technical data to a person or location outside of the national boundaries of the United States. Instead, export in the context of technical data mean “any” release of technical data with the knowledge or intent that the data will be shipped or transmitted from the United States to a foreign country. An export of technical data may occur when technical data is communicated to a foreign person, whether or not the foreign person is located in the United States or in a foreign country. Generally, any communication of technical data likely to end up in the hands of a foreign person constitutes an export of technical data. Moreover, an export of technical data can occur during meetings, telephone conversations, and facilities inspections and through the use of memoranda, letters, faxes, email, and other written materials.

• **Foreign Person:** means any person who is not a U.S. Citizen, national, or a permanent resident alien, temporary resident alien, refugee, or person granted asylum in the United States.

• **International Traffic in Arms Regulations:** ITAR restricts the export of technical data, defense articles, and defense services. An export license for ITAR controlled technical data, defense articles, and defense services must be obtained from DDTC “prior” to export, unless an exemption applies.

• **Manufacturing License Agreement:** is an agreement whereby a United States person grants a foreign person an authorization or a license to manufacture defense articles abroad, and which involves or contemplates (a) the export of technical data or defense articles or the performance of a defense service, or (b) the use by the foreign person of technical data or defense articles previously exported by the U.S. person.

• **Permanent Resident Alien:** means any person who has been lawfully admitted for permanent residence in the United States under the U.S. Immigration and Nationality Act. A Permanent Resident Alien is a U.S. Person.

• **Public Domain:** means information which is published and which is generally accessible or available to the public.

• **Significant Military Equipment/Major Defense Articles:** The USML contains both classified and unclassified items, some of which are designated as “Significant Military Equipment” (SME). Items are considered to be SME because they have the capacity for substantial military utility or capability. In additional, an item is considered to be Major Defense Equipment if it is classified as SME and has a nonrecurring research and development cost in excess of $50 million or a total production cost in excess of $200 million.

• **Technical Assistance Agreement (TAA):** is an agreement for the performance of defense services or the disclosure of technical data, as opposed to an agreement granting a right or license to manufacture defense articles.
Technical Data: means information of any kind that can be used, or adapted for use, in the design, production, manufacture, assembly, operation, repair, testing, maintenance, or medication of defense articles. The data may take a tangible form, such as a model, prototype, blueprint, photograph, or an operating manual; or it may take an intangible form, such as a technical service. All software is technical data. Technical data includes both classified and unclassified information.

Temporary Resident Alien: means any person who has been granted the status of an alien lawfully admitted for temporary residence in the United States under the U.S. Immigration and Naturalization Act.

United States Munitions List (USML): is a listing of articles, services and related technical data that are designated respectively as defense articles, defense services and technical data. Exports of entries on the USML are controlled under ITAR.

U.S. Person: is a citizen of the United States; OR an alien lawfully admitted for permanent residence; OR and unincorporated association with a substantial number of members who are citizens of the U.S. or are aliens lawfully admitted for permanent residence; OR a corporation that is incorporated in the U.S.
APPENDIX A

Contract Administrator: _______________ Date: __________ OSP No: _______________
PI Name: ____________________________

PROPOSAL EXPORT CONTROL REVIEW

A. Visual Compliance Check
Screen all PIs, Co-PIs, consultants and all key individuals who are at UAH and are pertinent
to the proposal at Fuzzy Level 2. (A screening of subcontractors will be done at the award
stage.)
☐ Yes ☐ No
Date Completed:______

B. Is there anything associated with this proposal that has an obviously military nature?
☐ Yes* ☐ No

C. Guidelines reference U.S. export regulations or security restrictions (beyond a mere
adherence to the law)?
☐ Yes* ☐ No

D. Guidelines reference the sponsor’s right to approve/disapprove publication (sponsor
review only is okay; approval is not)?
☐ Yes* ☐ No

E. Foreign Persons
1. Guidelines state sponsor prohibits the involvement of non-U.S. persons or persons from
certain countries.
☐ Yes* ☐ No
2. Guidelines state sponsor approval is required for foreign persons.
☐ Yes* ☐ No
3. Guidelines require additional information on foreign persons.
☐ Yes* ☐ No

* If Yes to any of above for questions C. – E., the fundamental research exclusion may be lost.

F. Does the project involve a foreign sponsor, foreign collaborators, and/or travel outside
of the U.S.?
1. If yes is selected, is the sponsor from, collaborator(s) from, or travel to, Cuba, Iran, Syria,
North Korea, or Sudan?
☐ Yes* ☐ No
☐ Place TBD

* If Yes is selected for F.1., ECO must review. If No or TBD is selected for F.1., the PI will receive an export
control memo at award and no further review is required.

G. Does the P.I. plan to ship or take project equipment/technology outside the U.S.?
☐ Yes* ☐ No

* If yes, please give to ECO for export review – a license may be required.

Unknown

Please note comments below and/or attach any email correspondence to this form:
Use this form for: (1) New proposals/Competitive Renewals, (2) Supplements with a change in SOW, & (3) Supplements/Non-competing Continuations without existing Checklist in file.

Form not needed for: (1) Non-competing Continuations & Supplements (with no change in SOW) with existing Checklists in the award file.

Please check with Export Controls Officer if you have questions.

PI: ____________________________
APPENDIX B

Sponsor: ________________

EXPORT CONTROL REVIEW CHECKLIST FOR NEGOTIATORS
*This form should be completed and kept in file even if all of the answers are “No.”*

B. Does the statement of work, FAR clause(s), or ANY language in the agreement:

1. Give the sponsor the right to approve/disapprove publication (excluding reasonable reviews for possible patents and/or sponsor proprietary information)?
   - Yes □ No □

2. Reference U.S. export regulations or security restrictions (beyond a mere statement to comply with the law)?
   - Yes □ No □

3. Prohibit the involvement of non-U.S. persons or persons from certain countries or requires prior approval from the sponsor?
   - Yes □ No □

4. Require us to identify foreign nationals including their citizenship?
   - Yes □ No □

5. Prohibit access to project materials/data/information by non-U.S. citizens?
   - Yes □ No □

6. Allow the Sponsor to claim resulting information as proprietary or trade secret?
   - Yes □ No □

7. Restrict the dissemination of research results?
   - Yes □ No □

8. Indicate the project has an obvious military nature?
   - Yes □ No □

   * If yes to any of above, the fundamental research exclusion may be lost and an export control issue may exist. Finalize export control review with Export Controls Officer (ECO). Write export control review comments in the box below and/or attach any pertinent emails to this checklist.

C. Does the project involve travel outside the U.S.?

1. If yes, is travel to Cuba, Iran, Syria, North Korea, or Sudan?
   - Yes □ No □
   - * If yes to B.1, contact ECO – a license may be required.

2. If the project has been determined to be export controlled, will any export controlled technologies or information be given to the subcontractor?
   - Yes □ No □
   - * If no (not a U.S. Citizen), contact ECO – a license may be required.

D. Does the P.I. plan to ship or take project equipment/technology outside the U.S.?

   * If yes, contact ECO – a license may be required.

E. If this award includes a SUBCONTRACT, please answer the following questions:

1. Did you screen the subcontract PI, named participants, & entity using Visual Compliance?
   a. If yes, did you receive any negative results on the subcontract PI/entity/participants?
      - Yes □ No □
      - * If yes to D.1.a, please contact ECO.

2. Does the prime award have any export control and/or foreign national restrictions that must be flowed down?
   - Yes □ No □

3. If the project is export controlled, will any export controlled technologies or information be given to the subcontractor?
   a. If yes, is the person receiving the technologies/info a U.S. citizen?
      - Yes □ No □
      - * If no (not a U.S. Citizen), contact ECO – a license may be required.

4. Will any funds be given to an entity in Cuba, Iran, North Korea, Sudan, or Syria?
   - Yes □ No □
   - * If yes, contact ECO – payments to these countries may require a license or may be prohibited.
Please note comments below and/or attach any email correspondence to this form:

Negotiator: ______________________ Date: ______________ OSP No.: ______________

Use this form for: (1) New awards, (2) Amendments with change in SOW or new task order, (3) Teaming agreements & MOU’s with foreign entity, & (4) Actions on awards without existing Checklist.

Form not needed for: (1) Actions on awards with existing Checklist, & (2) VSA’s / MTA’s / NDA’s – however, an export control review is still required for these 3 agreements!
# APPENDIX C

THE UNIVERSITY OF ALABAMA IN HUNTSVILLE  
OFFICE OF SPONSORED PROJECTS  
TECHNOLOGY CONTROL PLAN (TCP) CERTIFICATION

## PART I

<table>
<thead>
<tr>
<th>Individual Requesting and Responsible for TCP:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Telephone Number</td>
</tr>
<tr>
<td>Request Date</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Description of Controls (EAR/ITAR Category)</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Location(s) Covered by TCP (add additional rows if needed)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Project Personnel</th>
</tr>
</thead>
<tbody>
<tr>
<td>List Name(s) below:</td>
</tr>
</tbody>
</table>

Personnel who will have access to export controlled subject matter (add additional rows if needed)

<table>
<thead>
<tr>
<th>Is sponsored research involved?</th>
<th>Yes/No</th>
</tr>
</thead>
<tbody>
<tr>
<td>If yes, identify sponsor:</td>
<td></td>
</tr>
</tbody>
</table>

OSP Number and projected end date of project

<table>
<thead>
<tr>
<th>Is a non-disclosure agreement involved?</th>
<th>Yes/No</th>
</tr>
</thead>
<tbody>
<tr>
<td>If yes, identify the parties:</td>
<td></td>
</tr>
</tbody>
</table>

Contact Information:

<table>
<thead>
<tr>
<th>Attachments:</th>
<th>1. TCP</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2. Export Briefing and Certification Form(s) for each person subject to this TCP</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Approved:</th>
<th>Export Controls Officer &amp; Empowered Official OR:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Robert Altenkirch, President UAHuntsville Empowered Official for Export Controls</td>
</tr>
</tbody>
</table>

Date
PART II
BRIEFING AND CERTIFICATION ON THE HANDLING OF EXPORT-CONTROLLED INFORMATION

This project involves the use of Export-Controlled Information. As a result, the project implicates either the International Traffic in Arms Regulations (ITAR) under the jurisdiction of the Department of State, or the Export Administration Regulations (EAR) under the jurisdiction of the Department of Commerce.

It is unlawful under the ITAR to send or take Export-Controlled Information out of the U.S.; disclose, orally or visually, or transfer export-controlled information to a foreign person inside or outside the U.S. without proper authorization. Under the ITAR or the EAR, a license may be required for foreign nationals to access Export-Controlled Information. A foreign person is a person who is not a U.S. citizen or permanent resident alien of the U.S. The law makes no exceptions for foreign graduate students.

In general, Export-Controlled Information means activities, items, and information related to the design, development, engineering, manufacture, production, assembly, testing, repair, maintenance, operation, modification, demilitarization, destruction, processing, or use of items with a capacity for military application utility. Export-Controlled Information does not include basic marketing information on function or purpose; general system descriptions; or information concerning general scientific, mathematical, or engineering principles commonly taught in schools, colleges and universities or information in the public domain. It does not matter if the actual intended end use of Export-Controlled Information is military or civil in nature.

Researchers may be held personally liable for violations of the ITAR and EAR. As a result, you should exercise care in using and sharing Export-Controlled Information with others. Technical information, data, materials, software, or hardware, i.e.; technology generated from this project, must be secured from use and observation by unlicensed non-U.S. citizens. Both civil and criminal penalties may be imposed for unlawful export and disclosure of Export-Controlled Information up to and including incarceration.

Security measures will be appropriate to the classification involved. Examples of security measures are (but not limited to):

- **Project Personnel** – Authorized personnel must be clearly identified.
- **Laboratory "work-in-progress"** - Project data and/or materials must be physically shielded from observation by unauthorized individuals by operating in secured laboratory spaces, or during secure time blocks when observation by unauthorized persons is prevented.
- **Marking of Export-Controlled Information** - Export-Controlled Information must be clearly identified and marked as export-controlled.
- **Work Products** - Both soft and hardcopy data, lab notebooks, reports, and research materials are stored in locked cabinets; preferably located in rooms with key-controlled access.
- **Equipment or internal components** – Such tangible items and associated operating manuals and schematic diagrams containing identified “export-controlled” technology are to be physically secured from unauthorized access.
- **Electronic communications and databases** – Appropriate measures will be taken to secure controlled electronic information. Such measures may include: User ID, password control, SSL or other approved encryption technology. Database access may be managed via a Virtual Private Network (VPN). Only authorized users can access the site and all transmissions of data over the internet will be encrypted using 128-bit Secure Sockets Layer (SSL) or other advanced, federally approved encryption technology.
- **Conversations** – Discussions about the project or work products are limited to the identified contributing investigators and are held only in areas where unauthorized personnel are not present. Discussions with third party sub-contractors are only to be conducted under signed agreements that fully respect the non-U.S. citizen limitations for such disclosures.

Department(s): _____________________________________________
Research Project Title: ________________________________
----------------------------------
OSP No. ___________
Sponsor:

**Certification**: I hereby certify that I have read and understand this Briefing, and that I understand and agree to follow the procedures outlined in the TCP. I understand that I could be held personally liable if I unlawfully disclose, regardless of form or format, Export-Controlled Information to unauthorized persons.

Signature: _____________________________________________
Date ___________


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PART III
TECHNOLOGY CONTROL PLAN (TCP)

1) COMMITMENT
The University of Alabama in Huntsville (UAHuntsville) is committed to export controls compliance. The Office of Sponsored Projects is responsible for implementation of technology control plans as applicable. The Empowered Official for export controls is Dr. Robert Altenkirch, President, UAHuntsville. The Export Controls Officer, Denise K. Spiller, Research Security Administration is the main contact for export control issues. The individual responsible for and committed to ensuring compliance with this TCP is [INSERT Name of Responsible Party].

2) BACKGROUND AND DESCRIPTION OF THE USE OF CONTROLLED ITEMS AND INFORMATION
[INSERT]

3) PHYSICAL SECURITY
[INSERT description of how equipment, technology, data and other controlled information will be shielded from unauthorized persons including descriptions of relevant security systems such as badges, escorts, visitor logs and other types of building access restrictions.]

4) INFORMATION SECURITY
The University of Alabama in Huntsville rules requires all researchers to ensure that sensitive digital research data is appropriately protected. In accordance with those rules, The University of Alabama in Huntsville will provide guidance on procedures for Protecting Sensitive Digital Research Data that will be followed for protection of controlled information under this TCP. Controlled data are categorized under the Data Classification Standard as Category I data. All project data and other related digital materials will be strongly password-protected and encrypted using commercially available encryption technology. The computer(s) on which this data will be stored shall not be connected to any networks. When this computer has reached its usable life, the hard drive will be forensically erased or destroyed using university hard drive destruction services provided by Research Security Administration, Denise K. Spiller, and Security Administrator/Export Control Compliance Officer.

[INSERT an outline of additional measures that will be taken to ensure information access controls that will be utilized to ensure the requirements are met including use of passwords and encryption protection. The data discard policy and relevant information technology policies and procedures should be included, as well as other plans for controlling access to controlled information. These procedures should address system backup and who will have access, transmission procedures, how computers on which sensitive digital data will be stored will be sanitized upon completion of the project, and other procedures necessary to provide the necessary security. Use of laptops for storage of this data must be justified and will only be approved with additional security procedures.]

5) PERSONNEL SCREENING
All personnel with access to the controlled technology and their nationality are listed in the TCP Certification Form. [Insert any information on the type of background check and any additional required reviews that will be employed beyond the University’s standard background check procedures for all employees.]

6) TRAINING AND AWARENESS
All personnel with access to controlled information on this project will have completed the on-line Export Control Certification Web Training and also have completed the Briefing and Certification on the Handling of Export-Controlled Information. Additional export control training for this project may be conducted by the Research Security Administrations Export Controls Officer. The RSA also provides periodic training sessions to members of the University of Alabama in Huntsville community. A yearly Export Control Refresher training will be required for all personnel with access to the controlled information on this project.

7) COMPLIANCE ASSESSMENT
As a critical component to the University’s ongoing compliance monitoring, self-evaluation is an internal assessment process whereby procedures are reviewed and any findings reported to the Export Controls Officer at denise.spiller@uah.edu (256-824-6444) or to one of the Empowered Official for export controls at dn0003@uah.edu (256-824-6048). The Export Controls Officer may also conduct periodic evaluations and/or training to monitor compliance of the TCP procedures. Any changes to the approved procedures or personnel having access to controlled information covered under this TCP will be cleared in advance by the Export Controls Officer or the Empowered Official for export controls.

8) PROJECT TERMINATION
Security measures, as deemed appropriate, will remain in effect after the project has ended in order to protect the export-controlled information unless earlier terminated when the information has been destroyed or determined to be no longer export-controlled.