



Office of Sponsored Programs

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Certification on the Handling of Export-Controlled Information

BACKGROUND

The sponsored project identified below may involve the use of export-controlled information. The International Traffic in Arms Regulations (ITAR), enforced by the Department of State, and the Export Administration Regulations (EAR), enforced by the Department of Commerce, prohibit sending or taking export-controlled information out of the U.S., and disclosing or transferring export-controlled information to a foreign person inside or outside the U.S. A foreign person is defined as any person who is not a U.S. citizen or a permanent resident alien of the U.S. Verbal and visual disclosures are equally prohibited and there are no exceptions for foreign graduate students.

Generally, export-controlled information includes 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 substantial military application utility. Export-controlled material does not include basic marketing information about 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 whether the actual intended use of export-controlled information is military or civil in nature.

PRINCIPAL INVESTIGATOR RESPONSIBILITIES

Principal investigators may be held personally liable for violations of the EAR and the ITAR, with significant financial and criminal penalties as a result. With that in mind, it is extremely important that PIs exercise care and caution in using and sharing export-controlled information with others. For example, PIs should identify whom among proposed research project personnel and collaborators are foreign persons. If a foreign person does not have security clearance, the State Department or the Department of Commerce (depending on whether the ITAR or the EAR control the technology) must grant a license authorizing that person access to export-controlled information. In the absence of a license or security clearance, PIs should not leave export-controlled information unattended. They should clearly identify export-controlled information and make copies only when absolutely necessary. PIs should securely store export-controlled information in locked file cabinets, locked drawers or under password protected computer files. PIs should also avoid moving export-controlled information from one location to another.

CRIMINAL/CIVIL LIABILITY AND PENALTIES

The penalty for unlawful export and disclosure of export-controlled information under the ITAR is up to two (2) years imprisonment and/or a fine of one hundred thousand dollars (\$100,000). The penalty for unlawful export and disclosure of information controlled under the EAR is the greater of either a fine of up to one million dollars (\$1,000,000) or five times the value of the exports for a corporation and imprisonment of up to ten years and/or a fine of up to two hundred fifty thousand dollars (\$250,000) for an individual. ***It is very important to keep in mind that PIs may be held personally liable for export control violations even when performing a project that is funded through the University.***

P.I.: John/Jane Doe **Log Number:** 06.88888
Sponsor: XXXXXXXXXXXXXXXXXXXX **Department:** XXXXX
Project Title: XXX

CERTIFICATION

I hereby certify that I have read and understand this certification. I understand that I could be held personally liable if I unlawfully disclose, regardless of form or format, export-controlled information to unauthorized persons. I agree to immediately contact Dr. Bill Covington, Associate Vice President for Research and Director of Federal Relations, with any questions I may have regarding the designation, protection, or use of export-controlled information.

Principal Investigator's Signature _____ **Date** ___/___/___