

ORC USE ONLY	
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Personnel Acknowledgment and Certification of Responsibilities for Technology Control Plan



Instructions; Overview; Personnel Responsibilities; Civil and Criminal Liability

Instructions

Each personnel that will work with or have access to controlled items or defense articles under an approved Request for Technology Control Plan (TCP) must read and sign a Personnel Acknowledgment and Certification of Responsibilities and Technology Control Plan (Acknowledgment) regarding the applicable export control regulations and individual responsibilities.

Each personnel must certify that he/she is a "**U.S. person**," or if a "**foreign person**," that the Office of Research Compliance (ORC) has determined that either a **license exception** applies or that an **approved license** has been obtained from the appropriate authority in advance of the individual's commencement of the work. Email any questions to the Research Compliance and Export Control Officer.

After completing this Acknowledgment, submit it via email to the Research Compliance and Export Control Officer:

research.compliance@tamucc.edu

Overview

The subject matter of the approved TCP identified below may involve the use of export-controlled information, technology, items, or software. 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 the disclosure or transmission of export-controlled information, items, technology, or software, including verbal or visual disclosures, to a foreign country or a foreign person located inside or outside of the U.S. in the absence of an approved license or applicable exception.

A "foreign person" is defined as any person who is not a U.S. citizen or a legal permanent resident of the U.S. There are **no exceptions** for foreign graduate or doctoral students or visiting scholars.

Generally, an export-controlled item requires an approved license or applicable exception before it may be exported, reexported, or transferred to a foreign country or foreign person. Examples of general categories of export-controlled items include, but are not limited to, information, commodities, technology, or software related to the design, development, engineering, manufacture, production, assembly, testing, repair, maintenance, operation, modification, demilitarization, destruction, processing, or use items with a capacity for military application. Exclusions generally include basic marketing information about function or purpose, general system descriptions, information concerning general scientific, mathematical, or engineering principles commonly taught in schools, colleges, and universities, or information in the public domain.

Personnel Responsibilities

Personnel may be held **personally liable** for violations of the EAR and the ITAR, resulting in civil or criminal liability. Personnel must follow the approved TCP, and they must exercise care and caution in using, disclosing, or transferring export-controlled items. For example, personnel must identify any foreign country or foreign person involved in the work or who may otherwise have access to export-controlled items, then follow the TCP and make an inquiry to the Research Compliance and Export Control Officer regarding a license or exception. Personnel must restrict access to export-controlled items to authorized personnel only. Personnel must mark or otherwise identify export-controlled items. Personnel must securely store export-controlled items to prevent unauthorized access. Participants should avoid moving export-controlled items from one location to another, if possible.

Civil Liability; Criminal Liability

EAR

Civil Liability includes personal liability: up to \$120,000 per violation; seizure or forfeiture of item; denial of export privileges. Criminal Liability includes personal liability: up to \$1 million per violation; imprisonment up to 10 years.

ITAR

Civil Liability includes personal liability: up to \$500,000 per violation; seizure or forfeiture of item; debarment or denial of export privileges.

Criminal Liability includes personal liability: up to \$1 million per violation; imprisonment up to 20 years.

Responsible Party/Requestor Name:

TCP #: Email:

Maestro # (if funded):

Personnel Certifications and Signature

By signing this Acknowledgment, the Personnel below certifies that he/she has read, understood, and met any requirements, as applicable, of the following:

1. He/she is a "U.S. person;" or if he/she is a "**foreign person**," that the Office of Research Compliance (ORC) has determined that either a **license exception** applies or that an **approved license** has been obtained from the appropriate authority in advance of the Personnel's commencement of the work;
2. this Acknowledgment, including the potential for personal liability for violation of applicable export control regulations;
3. the approved Request for Technology Control Plan (TCP); and
4. will abide by any and all applicable federal, state, and/or institutional regulations, including any requirements from ORC.

Personnel

Name:

Signature:

Date:

ORC Approval

Name:

Signature:

Date: