**University of Hawai’i**

**PROJECT-SPECIFIC TECHNOLOGY CONTROL PLAN**

**(Project-Specific Protection Measures)**

**UH Project-Specific Technology Control Plan Number:** UH-PSTCP-XXXX-X

**Project Title:**

**Department:**

**Sponsor:**

**Principal Investigator:**

**Project Synopsis:**

**Project Participants:**

**Background:**

The University of Hawai’i System (“UH”) is subject to United States (“U.S.”) export control laws and regulations (“U.S. Export Control Laws”) that protect national security and trade which includes, but is not limited to, the (1) International Traffic in Arms Regulations (“ITAR”) (22 CFR Parts 120-130), implemented by the U.S. Department of State; (2) Export Administration Regulations (“EAR”) (15 CFR Parts 730-774), implemented by the U.S. Department of Commerce; and (3) Office of Foreign Asset Control (“OFAC”), which is part of the U.S. Department of the Treasury, which is primarily responsible for administering and enforcing economic and trade sanctions against certain nations, entities, and individuals. In sum, U.S. Export Control Laws control the export of strategic information, technology, and services, to foreign countries, as well as to foreign nationals inside the U.S. Failure to comply with these laws may lead to significant civil and/or criminal penalties including, but not limited to, monetary penalties up to $1,000,000.00 per violation; prison term up to 20 years; denial of export privileges; and debarment from U.S. government contracts.

As an institution of higher learning, there are many exceptions/exemptions to U.S. Export Control Laws which exempt the UH (including the Research Corporation of the University of Hawai’i) from having to obtain licenses for many of our foreign national employees. However, under certain circumstances, employment of some foreign nationals will require a license from the U.S. Department of State and/or the U.S. Department of Commerce, before it is legal for a U.S. citizen to release certain technologies and/or technical data to these foreign persons. It is important to note that under both the EAR and the ITAR, release of controlled technology or technical data to foreign persons **within** the U.S. is deemed to be an export to that foreign person's country or countries of nationality.

Principal Investigators/Supervisors conducting work at UH are responsible for ensuring compliance with U.S. Export Control Laws (see UH Executive Policy 12.218 Section III.B.2). The basis of placing the onus of this responsibility on these individuals is that these individuals are in the best position to identify and control their work; and they are best suited to determine whether or not any of their work involves the use of any export-controlled items which generally includes, but is not limited to technical data/information, software, hardware, defense services, articles and/or dual use items (“Export-Controlled Items”). A list of specific Export-Controlled Items governed by ITAR and EAR is available, and must be reviewed, in order for Principal Investigators/Supervisors to make this determination. These lists are found as follows:

* [The EAR-controlled list (Commerce Control List or CCL)](http://www.bis.doc.gov/index.php/regulations/export-administration-regulations-ear)
* [The ITAR-controlled list (U.S. Munitions List or USML)](http://www.pmddtc.state.gov/regulations_laws/documents/official_itar/ITAR_Part_121.pdf)

In addition to the above, UH maintains a Master Technology Control Plan (“Master TCP”) that describes the generally acceptable required minimum safeguards for the handling of Export-Controlled Items at UH, which can be found at <http://www.hawaii.edu/research/wp-content/uploads/2015/06/master-tech-control-plan.pdf>. When there is an expectation of an export taking place at a specific site containing Export-Controlled Items, a Site-Specific Technology Control Plan (“SSTCP”) may be appropriate; and where there is a specific project which involves Export-Controlled Items, a Project-Specific Technology Control Plan (“PSTCP”) may be appropriate. There may also be certain situations in which both an SSTCP and a PSTCP are appropriate.

The purpose of an SSTCP and/or PSTCP is to ensure that Export-Controlled Items are adequately protected from disclosure to foreign persons that do not have an approved license, valid license exception from the U.S. Government and/or other legally valid U.S. Government approval.

**Specific Purpose of this PSTCP:**

This PSTCP was prepared by the Principal Investigator/Supervisor identified herein in order to ensure the safeguarding of export-controlled information/equipment, that is identified herein, which will be used with his/her work.

<Summarize work covered by this PSTCP here>

**Export-Controlled Items:**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Item Description** | **Manufacturer** | **ITAR or EAR**  **Jurisdiction** | **Category No.**  **or ECCN** | **Countries of Control** |
|  |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |

**Project ITAR/EAR Protection Measures:**

**I. Participants:**

**II. Labs and Offices**:

**III. Computers:**

**IV. Conversations:**

**V. Electronic Transmission of Technical Data:**

**VI. Reports:**

**Signatories:**

**Approved by:**

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**Name: Date:**

**UH Principal Investigator/Supervisor**

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**Name: Date:**

**UH Dean/Director**

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**Name: Leonard R. Gouveia, Jr. Date:**

**Director,**

**UH Office of Export Controls**