

**CERTIFICATION ON THE HANDLING OF EXPORT-CONTROLLED ITEMS/INFORMATION**

*NOTE: this form is not a blanket form for all activities, and must be submitted with each instance of request/certification.*

**Overview.** This NDSU project/activity involves the use of export-controlled information. As a result, the project/activity comes under the purview of either the State Department’s International Traffic in Arms Regulations (ITAR) at [http://pmdtdc.state.gov/regulations\\_laws/itar\\_official.html](http://pmdtdc.state.gov/regulations_laws/itar_official.html), or the Department of Commerce’s Export Administration Regulations (EAR) at [http://www.access.gpo.gov/bis/ear/ear\\_data.html](http://www.access.gpo.gov/bis/ear/ear_data.html), or both. Under the EAR, the ITAR, and other export control regulations, it is unlawful to send or take export-controlled items or information out of the U.S. This includes transferring or disclosing information orally or visually, or transferring export-controlled items or information to a foreign person inside or outside the U.S. without proper Federal authorization. Export licenses 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. (Note: the laws make no exceptions for foreign graduate or post-doctoral students.) Pertinent technical information, data, materials, software, or hardware (etc.) generated from this project/activity must be secured from use and/or observation by unlicensed non-U.S. citizens. Security measures will be appropriate to the classification involved, and include, but are not limited to, the execution of a Technology Control Plan (TCP).

**Reasonable Care.** Faculty, students, researchers, and other NDSU personnel may be held personally liable for violations of the ITAR and the EAR. Individuals who will have access to export-controlled information must exercise all reasonable care when handling and sharing export-controlled information/items, and ensure (when/where applicable) that they follow and enforce the TCP enacted for this project/activity. **Contact NDSU’s Export Control Administrator (ECA) immediately if you anticipate, suspect, or have knowledge of any NDSU non-compliance (past, present, or future) with U.S. export controls laws and regulations.**

**Penalties.** Each Federal agency has its own procedures for enforcement, but violations (unlawful export and disclosure of export-controlled information and items) of any of these regulations can result in significant institutional and personal penalties, including fines of up to \$1,000,000 per violation; incarceration for up to 20 years; and the loss of future exporting privileges. By working with NDSU’s Export Control Administrator and striving for export control compliance, risk can be minimized for both individuals and NDSU.

|                                  |                    |
|----------------------------------|--------------------|
| Responsible Individual:<br>Name: | Date:              |
| Department/Unit:                 | Telephone:         |
| Mailing Address:                 | Email:             |
| Project<br>Title:                | Project<br>Number: |
| Sponsor (if applicable):         |                    |

**CERTIFICATION:** By signing below, I hereby certify that I have read and understand this certification, and that I understand my overall export compliance responsibilities hereto (as described in this document and in “NDSU’s Export Controls Compliance Manual,” available at [www.ndsu.edu/research/exportcontrols](http://www.ndsu.edu/research/exportcontrols)). I understand that I may be held personally liable if I unlawfully export and/or transfer/disclose, in any form or format, export-controlled information and items to unauthorized persons. I agree to address any questions or concerns I have regarding the classification, designation, protection, or use of export-controlled items/information with NDSU’s ECA.

|   |            |
|---|------------|
| /s/ _____<br>Signature of Certifying Individual (E-Signatures Legal and Enforceable)                        | _____ Date |
| <b>RETURN TO NDSU’s EXPORT CONTROL ADMINISTRATOR: VIA E-MAIL / ONLINE / TO DEPT. 4000, RESEARCH 1 BLDG.</b> |            |
| /s/ _____   | _____      |

|  |      |
|--|------|
| Signature of Export Control Administrator/Designated Authority | Date |
|--|------|

Current Version: 4/19/17.  
*Export control laws are complex and fact-specific. Regulations, rules, and lists for specifying who or what is considered export-sensitive – and where export controls apply – are subject to change. The information contained herein is intended to provide a very brief outline of basic export control information. It should not be taken as formal legal advice, and NDSU cannot – and does not – warrant the legal sufficiency of the information contained herein.*