



## **Technology Control Plan**

### **I. SCOPE**

The procedures contained in this plan apply to all elements of SMD Inc. located at 1 Oldfield, Irvine, CA 92618, SMD Inc. located at 7B Raymond Ave Unit 14, Salem, NH 03079, SMD Inc. located at 24 Concord St Suite F, El Paso, TX 79906 and SMD Inc. located at 1921 South Alma School Rd Suite 108, Mesa, AZ 85210. Disclosure of classified information to foreign persons in a visitor status or in the course of their employment by SMD Inc. is considered an export disclosure under the International Traffic in Arms Regulations (ITAR) and requires a Department of State license or DoS approval of either a Technical Assistance Agreement or a Manufacturing License Agreement.

### **II. PURPOSE**

To delineate and inform employees and visitors of SMD Inc. the controls necessary to ensure that no transfer of classified defense information or controlled unclassified information (defined as technical information or data or a defense service as defined in ITAR paragraphs 120.9 & 120.10) occurs unless authorized by DoS' Office of Defense Trade Controls (ODTC) I, and to ensure compliance with NISPOM 2-310 and 10-509.

### **III. BACKGROUND**

SMD Inc. is an authorized franchised distributor and provider of electronics and electrical components, services, and logistic solutions for industrial manufacturing companies in North America. We offer both surface mount and through hole technologies specializing in passive, interconnect, discrete, opto-electronic, electro-mechanical, frequency control components and automotive harness and connectors.

### **IV. U.S. PERSON/FOREIGN PERSON**

The NISPOM defines a U.S. person as any form of business enterprise or entity organized, chartered or incorporated under the laws of the United States or its possessions and trust territories, and any person who is a citizen or national of the United States.

A U.S. National is defined in the NISPOM as a citizen of the U.S., or a person who, though not a citizen of the U.S., owes permanent allegiance to the United States. Also see 8 USC 1101(a) (22) or 8 USC 1401 (a) paragraphs 1 to 7 for further clarification on those who may qualify as nationals of the United States.

A Foreign National is any person who is not a citizen or national of the United States. A Foreign Person is defined as any foreign interest, and any U.S. person effectively controlled by a foreign interest. A Foreign Interest is any foreign government, agency of a foreign government, or representative of a foreign government; any form of business enterprise or legal entity organized, chartered or incorporated under the laws of any country other than the U.S. or its possessions and trust territories, and any person who is not a citizen or national of the United States.

#### **A. Foreign Persons**

- 1) No foreign person will be given access to classified material or controlled unclassified information on any project or program that involves the disclosure of technical data as defined in ITAR paragraph 120.10 until that individual's license authority has been approved by ODTC.
- 2) SMD Inc. employees who have supervisory responsibilities for foreign persons must receive an export control/licensing briefing that addresses relevant ITAR requirements as they pertain to classified and controlled unclassified information.



## **B. Foreign Person Indoctrination**

Foreign persons employed by, assigned to (extended visit) or visiting SMD Inc. shall receive a briefing that addresses the following items:

- a) That prior to the release of classified material or controlled unclassified information to a foreign person an export authorization issued by ODTC needs to be obtained by SMD Inc.
- b) That they adhered to the SMD Inc. security rules, policies and procedures and in-plant personnel regulations.
- c) That outlines the specific information that has been authorized for release to them.
- d) That addresses the SMD Inc. in-plant regulations for the use of facsimile, automated information systems and reproduction machines.
- e) That any classified information they are authorized to have access and need to forward overseas will be submitted to the SMD Inc. security department for transmission through government-to-government channels.
- f) That information received at SMD Inc. for the Foreign National and information that the Foreign National needs to forward from SMD Inc. shall be prepared in English.
- g) That violations of security procedures and in-plant regulations committed by Foreign Nationals are subject to SMD Inc. sanctions.

## **V. ACCESS CONTROLS for FOREIGN NATIONALS/Visitor Registers**

- 1) Visitor Badges: All visitors (Not employed by SMD Inc.) are required to wear an identification badge. Such badge identifies the individual wearer by name and must be worn at all times and must be returned upon leaving.
- 2) Escorts: SMD Inc. policy and procedure states that all visitors must be escorted while on the premises. Supervisors of foreign persons shall ensure that Foreign Nationals are escorted in accordance with U.S. government and SMD Inc. regulations.

## **VI. EXPORT CONTROLLED INFORMATION**

No classified access will be granted to a Foreign National, thereby prohibiting access to classified documentation, information, records, as well as prohibiting Foreign Nationals access to DoD approved areas where classified work is in process.

## **VII. NON-DISCLOSURE STATEMENT and ACKNOWLEDGEMENT**

All foreign persons shall sign a non-disclosure statement (attachment A) that acknowledges that classified and controlled unclassified information will not be further disclosed, exported or transmitted by the individual to any Foreign National or foreign country unless ODTC authorizes such a disclosure and the receiving party is appropriately cleared in accordance with its government's personnel security system.

## **VIII. SUPERVISORY RESPONSIBILITIES**

Supervisors of cleared personnel and Foreign National employees and Foreign National visitors shall ensure that the employees and visitors are informed of and cognizant of the following:

- 1) That technical data or defense services that require an export authorization is not transmitted, shipped, mailed, hand carried (or any other means of transmission) unless an export authorization has already been obtained by SMD Inc. and the transmission procedures follows U. S. Government regulations.
- 2) That individuals are cognizant of all regulations concerning the handling and safeguarding of classified information and controlled unclassified information.



- 3) That the individuals execute a technology control plan (TCP) briefing form acknowledging that they have received a copy of the TCP and were briefed on the contents of the plan (Attach. B).
- 4) That U.S. citizen employees are knowledgeable of the information that can be disclosed or accessed by Foreign Nationals.

#### **IX. EMPLOYEE RESPONSIBILITIES**

All SMD Inc. employees who interface with Foreign Nationals shall receive a copy of the TCP and a briefing that addresses the following:

- 1) That documents under their jurisdiction that contain technical data are not released to or accessed by any employee, visitor, or subcontractor who is a Foreign National unless an export authorization has been obtained by SMD Inc. in accordance with the ITAR or the Export Administration Regulations (EAR).
- 2) If there is any question as to whether or not an export authorization is required, contact the Vice President of Operations promptly.
- 3) That technical information or defense services cannot be forwarded or provided to a Foreign National regardless of the Foreign Nationals location unless an export authorization has been approved by DTC and issued to SMD Inc.



## ATTACHMENT A

### NON-DISCLOSURE STATEMENT

I, \_\_\_\_\_ acknowledge and understand that any classified information, technical data or defense services related to defense articles on the U.S. Munitions List, to which I have access to or which is disclosed to me in the course of my employment by/at SMD Inc. is subject to export control under the International Traffic in Arms Regulations (title 22, code of Federal Regulations, Parts 120-130). I hereby certify that such data or services will not be further disclosed, exported, or transferred in any manner to any Foreign National or any foreign country without prior written approval of the Office of Defense Trade Controls, U.S. Department of State and in accordance with U.S. government security (National Industrial Security Program Operating Manual) and customs regulations.

\_\_\_\_\_  
Print name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date



**ATTACHMENT B**

**TECHNOLOGY CONTROL PLAN BRIEFING ACKNOWLEDGEMENT**

I, \_\_\_\_\_ acknowledge that I have received a copy of the Technology Control Plan and a briefing outlining the contents of this TCP. Accordingly, I understand the procedures as contained in this TCP and agree to comply with all SMD Inc. and U.S. government regulations as those regulations pertain to classified information and export-controlled information.

By: \_\_\_\_\_  
Signature

By: \_\_\_\_\_  
Signature

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

Reviewed By:	David Herrera	Date:	06/11/2019
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