

Export Control Data Dictionary

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Authorized Agent

An individual or legal entity physically located in or otherwise under the jurisdiction of the United States that has obtained power of attorney or written authorization from a U.S. Principal Party in Interest or Foreign Principal Party in Interest to act on its behalf to complete and file the Electronic Export Information (EEI).

Bureau of Industry and Security

An agency of the Department of Commerce established by the Export Administration Act (EAA) that is responsible for administering and enforcing export controls on "dual-use" items. BIS administers the EAA by developing export control policies, issuing export licenses, prosecuting violators, and implementing the EAA's anti-boycott provisions. BIS also enhances the defense industrial base, assists U.S. defense firms, and helps other countries develop export control systems.

Category XXI:

Any article not enumerated on the U.S. Munitions List may be included in this category until such time as the appropriate U.S. Munitions List category is amended. The decision on whether any article may be included in this category, and the designation of the defense article as not Significant Military Equipment, shall be made by the Director, Office of Defense Trade Controls Policy. This includes any technology or defense services directly related to the defense articles noted in this paragraph.

Code of Federal Regulations:

The United States Code of Federal Regulations (CFR) is the codification of the general and permanent rules and regulations published in the Federal Register by the executive departments and agencies of the Federal Government. The Export Administration Regulations are in 15 CFR Parts 730- 774. The CFR is amended by rules published in the Federal Register.

Commerce Country Chart:

Listing of countries and designations for reasons for control for items under EAR. Current version found at: <https://www.bis.doc.gov/index.php/documents/regulations-docs/14-commerce-country-chart/file>

The CCL is divided into ten categories:

(0) Nuclear Materials, Facilities and Equipment, and Miscellaneous; (1) Materials, Chemicals, "Microorganisms," and Toxins; (2) Materials Processing; (3) Electronics Design, Development and Production; (4) Computers; (5) Telecommunications; (6) Sensors; (7) Navigation and Avionics; (8) Marine; (9) Propulsion Systems, Space Vehicles, and Related Equipment.

Each category is subdivided into five groups, designated by the letters A through E: (A) Equipment, assemblies, and components; (B) Test, inspection and production equipment; (C) Materials; (D) Software; and (E) Technology

Commerce Control List (CCL):

Inventory and classification of all items controlled under the EAR. Index located at:
<https://www.bis.doc.gov/index.php/documents/regulations-docs/13-commerce-control-list-index/file>

Commodity Jurisdiction (CJ)

A commodity jurisdiction request is made to the US Department of State to determine if an item or service is covered by the U.S. Munition List and is therefore subject to export controls.

Commodity jurisdictions must be requested by the Export Control Program.

Controlled Country:

The United States Department of Commerce publishes a list of each country and its particular export control status in Supplement 1 to Part 738 of the Export Administration Regulations (EAR). The degree of control determines which technologies the U.S. subjects to export control for that country. These lists change over time. The United States Department of the Treasury, Office of Foreign Assets Control (OFAC) publishes a list of Sanctions Programs and Country Information. The Directorate of Defense Trade Controls in the United States Department of State publishes a list of Country Policies. Exports of defense articles and defense services to these countries requires a license.

Controlled Unclassified Information (CUI):

Information the Government creates or possesses, or that an entity creates or possesses for or on behalf of the Government, that a law, regulation, or Government-wide policy requires or permits an agency to handle using safeguarding or dissemination controls. CUI does not include classified information or information a non-executive branch entity possesses and maintains in its own systems that did not come from, or was not created or possessed by or for, an executive branch agency or an entity acting for an agency. Law, regulation, or Government-wide policy may require or permit safeguarding or dissemination controls in three ways:

- Requiring or permitting agencies to control or protect the information but providing no specific controls, which makes the information CUI Basic;
- Requiring or permitting agencies to control or protect the information and providing specific controls for doing so, which makes the information CUI Specified; or
- Requiring or permitting agencies to control the information and specifying only some of those controls, which makes the information CUI Specified, but with CUI Basic controls where the authority does not specify.

Export controlled data is a subset of CUI.

Country of Concern:

Any country that the Secretary [*Commerce*], in consultation with the Secretary of Defense, the Secretary of State, and the Director of National Intelligence, determines to be engaged in conduct that is detrimental to the national security or foreign policy of the United States.

Critical Program Information (CPI):

Information/technologies resident in a particular system or program which, if divulged to unauthorized persons, would likely result in the reduction of a critical U.S. military technological advantage.

Day

Means a calendar day.

Deemed Export:

A deemed export refers to the release or transmission of controlled information or technology to any foreign national in the U.S., including students, post-docs, faculty, visiting scientists, or

training fellows. A deemed export is treated as an export to that person's home country. Deemed exports are a primary area of export control exposure for the university. Export controlled technology is "released" for export when a) it is made available to foreign nationals for visual inspection; b) it is exchanged orally; and/or c) it is made available by practice or application under the guidance of persons with knowledge of the technology. Examples of a "release:"

- Allowing reading of controlled technical specifications, plans, blueprints, etc.
- Providing a tour of a facility that uses controlled technology
- Allowing someone to inspect a diagram of controlled technology
- Instructing someone on how to use controlled technology
- Giving a presentation about controlled technology
- **Specific to the EAR:** Releasing or otherwise transferring "technology" or source code (but not object code) to a Foreign Person in the United States. ([EAR 15 CFR § 734.13 \(2\)](#))
- **Specific to the ITAR:** Releasing or otherwise transferring Technical Data to a Foreign Person in the United States. ([ITAR 22 CFR § 120.17 \(2\)](#))

Deemed Re-Export

Releasing or otherwise transferring "technology" or source code subject to the EAR to a foreign person of a country other than the foreign country where the release or transfer takes place.

Defense Article:

A defense article means any item or technical data designated in the USML (22 CFR 121.1). Examples include specified chemical agents, cameras designated for military purposes, specified lasers, and GPS equipment as noted above. It also means any technical data recorded or stored in any physical form, models, mockups, or other items that reveal technical data directly relating to the particular item or "defense article" listed in the USML. (22 CFR 120.6)

"It also includes forgings, castings, and other unfinished products, such as extrusions and machined bodies, that have reached a stage in manufacturing where they are clearly identifiable by mechanical properties, material composition, geometry, or function as defense articles. It does not include basic marketing information on function or purpose or general system descriptions."

Defense Service:

Defense service means the furnishing of assistance (including training) anywhere (inside the United States or abroad) to foreign nationals in connection with the design, development, engineering, manufacture, production, assembly, testing, repair, maintenance, modification, operation, demilitarization, destruction, processing, or use of defense articles, and the furnishing of any controlled "technical data" to foreign nationals anywhere. (22 CFR 120.9)

Denied Persons List

A list, referenced in Supplement No. 2 to part 764 of the EAR, of specific persons that have been denied export privileges, in whole or in part. The full text of each order denying export privileges is published in the Federal Register.

Development

Means all stages prior to serial production, such as: design, design research, design analyses, design concepts, assembly and testing of prototypes, pilot production schemes, design data,

process of transforming design data into a product, configuration design, integration designs and layouts.

Directorate of Defense Trade Controls (DDTC)

A division of the U.S. Department of State, which controls the export and temporary import of defense articles and defense services covered by the U.S. Munition List. (Formerly known as the Office of Defense Trade Controls)

Document

Means any written, recorded, or graphic matter or other means of preserving thought or expression (including in electronic format), and all tangible things stored in any medium from which information can be processed, transcribed, or obtained directly or indirectly, including correspondence, memoranda, notes, messages, contemporaneous communications such as text and instant messages, letters, emails, spreadsheets, metadata, contracts, bulletins, diaries, chronological data, minutes, books, reports, examinations, charts, ledgers, books of account, invoices, air waybills, bills of lading, worksheets, receipts, printouts, papers, schedules, affidavits, presentations, transcripts, surveys, graphic representations of any kind, drawings, photographs, graphs, video or sound recordings, and motion pictures or other film.

Dual Use Item:

Items, information, and software that are primarily commercial or civil in nature but also have potential military applications (e.g., GPS units). Dual use items that are identified on the Export Administration Regulation's Commerce Control List (CCL) have an Export Control Commodity Number (ECCN) and are of elevated strategic concern. Dual use items that are subject to regulation but are not identified on the CCL are termed "EAR99." Dual use items may require an export license depending on the item, the recipient, the recipient's citizenship or country of destination, and the item's application.

EAR99:

EAR99 is a designation for items that fall under U.S. Department of Commerce jurisdiction and are subject to the Export Administration Regulations (EAR) but are not listed on the Commerce Control List (CCL).

Educational:

Means materials used in instruction in science, math, and engineering taught in courses listed in catalogs and associated teaching laboratories of academic institutions, even if the information deals with controlled commodities or items. Dissertation research must meet the standards for "fundamental research" to qualify as "publicly available."

Educational Information Exception (EAR):

The release of information by instruction in catalog courses and associated teaching laboratories of academic institutions is not subject to EAR. ([EAR 15 CFR §734.3\(b\)\(3\)\(iii\)](#))

Educational Information Exception (ITAR):

Under the ITAR, the definition of Technical Information does not include information concerning general scientific, mathematical, or engineering principles commonly taught in schools, colleges, and universities. ([ITAR 22 CFR § 120.10\(b\)](#))

Empowered Official:

The Empowered Official is the University employee specially designated in writing as having authority to act on the University's behalf, with policy and management authority, in export control matters. The Empowered Official for UoFL is the Executive Vice President, Research and Innovation. An Empowered Official is a U.S. person who:

- is directly employed by the applicant or a subsidiary in a position having authority for policy or management within the applicant organization; and
- is legally empowered in writing by the applicant to sign license applications or other requests for approval on behalf of the applicant; and
- understands the provisions and requirements of the various export control statutes and regulations, and the criminal liability, civil liability and administrative penalties for violating the Arms Export Control Act and the International Traffic in Arms Regulations; and
- has the independent authority to: (i) Enquire into any aspect of a proposed export or temporary import by the applicant, and (ii) Verify the legality of the transaction and the accuracy of the information to be submitted; and (iii) Refuse to sign any license application or other request for approval without prejudice or other adverse recourse. (22 CFR 120.25)

End to End Encryption

Means the provision of cryptographic protection of data such that the data is not in unencrypted form between an originator (or the originator's in-country security boundary) and an intended recipient (or the recipient's in-country security boundary), and (ii) the means of decryption are not provided to any third party. The originator and the recipient may be the same person.

End-Use:

A detailed description of how the ultimate consignee intends to use the commodities being exported.

End-User:

The person abroad that receives and ultimately uses the exported or re-exported items. The end-user is not a forwarding agent or intermediary but may be the purchaser or ultimate consignee.

Exchange Visitor

A foreign national who has been selected by a sponsor to participate in an exchange visitor program, and who is seeking to enter or has entered the United States temporarily on a non-immigrant J-1 visa or who has obtained J status in the United States based on a Form DS-2019 issued by the sponsor. The term does not include the accompanying spouse and dependents of the exchange visitor.

Exchange Visitor Program

The international exchange program administered by the Department of State to implement the Act by means of educational and cultural exchange programs. When "exchange visitor program" is set forth in lower case, it refers to the individual program of a sponsor that has been designated by the Department of State.

Ex Parte Communication

Means any material oral or written communication not on the public record concerning the merits of a proceeding with respect to which reasonable prior notice to all parties is not given, on any material matter or proceeding covered by these rules, that takes place between: A party to the proceeding, a party's counsel, or any other interested individual; and the Administrative Law Judge or Secretary's designee handling that proceeding. A request to learn the status of a proceeding does not constitute an ex parte communication; and settlement inquiries and discussions do not constitute ex parte communications.

Export:

An export occurs whenever any item (i.e., any commodity, software, technology, or equipment) or information is sent from the U.S. to a foreign destination or provided to a foreign national here or abroad. The way the transfer or release of the item or information occurs does not matter. Some examples of export activities include: the shipment of items, written or oral communications, hand-carrying items when traveling, providing access to or visual inspection of equipment or facilities, and providing professional services. Each set of regulations has specific language for the term export:

Export (EAR):

- (a) (1) An actual shipment or transmission out of the [United States](#), including the sending or taking of an item out of the [United States](#), in any manner; (2) Releasing or otherwise transferring “technology” or source code (but not object code) to a foreign person in the [United States](#) (a “deemed export”); (3) Transferring by a person in the [United States](#) of registration, control, or ownership of:
 - (i) A spacecraft subject to the EAR that is not eligible for export under License Exception STA (*i.e.*, spacecraft that provide space-based logistics, assembly or servicing of any spacecraft) to a person in or a national of any other country; or
 - (ii) Any other spacecraft subject to the EAR to a person in or a national of a Country Group D:5 country.
- (b) Any release in the [United States](#) of “technology” or source code to a foreign person is a deemed export to the foreign person's most recent country of citizenship or permanent residency.
- (c) The export of an item that will transit through a country or countries to a destination identified in the EAR is deemed to be an export to that destination. ([EAR 15 CFR § 734.13](#))

Export (ITAR):

- (1) An actual shipment or transmission out of the United States, including the sending or taking of a defense article out of the United States in any manner;
- (2) Releasing or otherwise transferring technical data to a Foreign Person in the United States (a “deemed export”);
- (3) Transferring registration, control, or ownership of any aircraft, vessel, or satellite subject to the ITAR by a U.S. Person to a Foreign Person;
- (4) Releasing or otherwise transferring a defense article to an embassy or to any of its agencies or subdivisions, such as a diplomatic mission or consulate, in the United States;
- (5) Performing a defense service on behalf of, or for the benefit of, a Foreign Person, whether in the United States or abroad; or
- (6) A launch vehicle or payload shall not, by reason of the launching of such vehicle, be considered an export for purposes of this subchapter. However, for certain limited purposes (see §126.1 of this subchapter), the controls of this subchapter may apply to any sale, transfer or proposal to sell or transfer defense articles or defense services. ([ITAR 120 CFR § 120.17](#))

Export Administration Regulations (EAR):

The EAR ([15 CFR §§ 730 – 774](#)) are a set of rules and regulations related to U.S. export control law that govern the exports, re-exports, or transfers of items, technology, and software from the U.S. to a foreign country, foreign entity, or to a Foreign person. The EAR are administered by the Bureau of Industry and Security (BIS) at the Department of Commerce

Export Control Classification Number (ECCN):

Five-character alpha-numeric designations used on the Commerce Control List (CCL) to identify items, technology, or software for export control purposes. An ECCN categorizes items based on the nature of the product and its respective technical parameters.

Export Controls:

Refers collectively to the body of U.S. laws and regulations that govern the transfer of certain materials, devices, and technical information related to such materials and devices to foreign nationals or foreign entities. These include but are not limited to the International Traffic in Arms Regulations (ITAR - [22 CFR §§ 120-130](#)), the Export Administration Regulations (EAR - [15 CFR §§ 730 – 774](#)), and the Office of Foreign Assets Control's Sanctions Regulations (OFAC - [31 CFR §§ 500-599](#)).

Exporter

The person who has authority of a principal party in interest to determine and control the sending of items out of the country.

Export License:

A written authorization provided by the federal government granting permission for the release or transfer of export-controlled information or item under a defined set of conditions.

Foreign Assets Control Regulations:

Economic and trade sanctions regulations administered by the U.S. Department of the Treasury, Office of Foreign Assets Control (OFAC) based on U.S. foreign policy and national security goals. These regulations target foreign countries as well as regimes, terrorists, international narcotics traffickers, those engaged in activities related to the proliferation of weapons of mass destruction, and other threats to the national security, foreign policy or economy of the U.S. Designated individuals and entities considered a threat to national security or participating in activities that are against U.S. foreign policy are placed on one or more restricted parties lists, such as the Specially Designated Nationals and Blocked Persons List (SDN List).

Foreign Direct Product Rule (FDPR):

Foreign-produced items located outside the United States are subject to the EAR when they are a "direct product" of specified "technology" or "software," produced by a complete plant or 'major component' of a plant that itself is a "direct product" of specified "technology" or "software," or, for specified foreign-produced items noted in EAR regulations at <https://www.ecfr.gov/current/title-15/subtitle-B/chapter-VII/subchapter-C/part-734/section-734.9>, contain an item produced by a complete plant or 'major component' of a plant that itself is a "direct product" of specified "technology" or "software." If a foreign-produced item is subject to the EAR, then you should separately determine the license requirements that apply to that foreign-produced item (e.g., by assessing the item classification, destination, end-use, and end-user in the relevant transaction).

Foreign Entity:

Any corporation, business, or other entity that is not incorporated to do business in the U.S. This includes international organizations, foreign governments, or any agency of a foreign government.

Foreign Person(s):

Any natural person who is not a citizen of the United States, a lawful permanent resident, or a protected individual. It also means any foreign corporation, business association, partnership, trust, society, or any other entity or group that is not incorporated or organized to do business in the United States, as well as international organizations, foreign governments and any agency

or subdivision of foreign governments (e.g., diplomatic missions). Also referred to as a Foreign National.

Fundamental Research (EAR)

Research in science, engineering, or mathematics, the results of which ordinarily are published and shared broadly within the research community, and for which the researchers have not accepted restrictions for proprietary or national security reasons. ([EAR 15 CFR § 734.8\(c\)](#))

Fundamental Research (ITAR)

Basic and applied research in science and engineering where the resulting information is ordinarily published and shared broadly within the scientific community, as distinguished from research the results of which are restricted for proprietary reasons or specific U.S. Government access and dissemination controls. University research will not be considered fundamental research if:

- (i) The University or its researchers accept other restrictions on publication of scientific and technical information resulting from the project or activity, or
- (ii) The research is funded by the U.S. Government and specific access and dissemination controls protecting information resulting from the research are applicable. ([ITAR 22 CFR §120.11\(a\)\(8\)](#))

Fundamental Research Exception(EAR)/Exemption(ITAR) (FRE)

The FRE provides that Technology, Technical Data, or software that arises during, or results from, Fundamental Research and is intended to be published is excluded from the export control regulations. ([ITAR 22 CFR §120.11\(8\)](#) and [EAR 15 CFR §734.8](#))

Government Property

All property owned or leased by the government. Government property ([FAR 52.245-1](#)) includes both government-furnished and contractor-acquired property. Government property includes material, equipment, special tooling, special test equipment, and real property. Government property does not include intellectual property or software

International Traffic in Arms Regulations (ITAR)

The ITAR ([22 CFR §§120-130](#)) is a set of the U.S. government regulations that control the export of defense-related articles and services that are listed on the U.S. Munitions List (USML). The ITAR are administered by the Directorate of Defense Trade Controls at the U.S Department of State.

Internet of Things (IoT) or Industrial Internet of Things (IIoT)

Interconnected devices having physical or virtual representation in the digital world, sensing/actuation capability, and programmability features. They are uniquely identifiable and may include smart electric grids, lighting, heating, air conditioning, and fire and smoke detectors

No License Required (NLR)

A designation generally referring to EAR99 items on the Commerce Control List that do not require a license for export. Exports of an EAR99 item to an embargoed country, an end-user of concern or in support of a prohibited end-use may require an export license.

Office of Foreign Assets Control (OFAC):

The OFAC administers and enforces economic and trade sanctions based on US foreign policy and national security goals against targeted foreign countries, regimes, and individuals, who are engaged in activities related to terrorism, narcotics trafficking, the proliferation of weapons of

mass destruction, and other threats to the national security, foreign policy or economy of the United States.

Open Source

Commonly refers to software that for which the original source code is made freely available and may be redistributed and modified. Open Source and Publicly available are commonly confused and used interchangeably. Open Source is available to all users but is restricted by copyright laws as Public Domain Software is not restricted by copyright laws.

Production:

Means product engineering, manufacture, integration, assembly (mounting), inspection, testing and quality assurance.

Proprietary Research Animals:

Means research animals owned by the University or research animals or strains created by the University.

Protected Individual:

Means an individual who— (A) is a citizen or national of the United States, or (B) is an alien who is lawfully admitted for permanent residence, is granted the status of an alien lawfully admitted for temporary residence under section 1160(a) or 1255a(a)(1) of this title, is admitted as a refugee under section 1157 of this title, or is granted asylum under section 1158 of this title; but does not include an alien who fails to apply for naturalization within six months of the date the alien first becomes eligible (by virtue of period of lawful permanent residence) to apply for naturalization or, if later, within six months after November 6, 1986, and (ii) an alien who has applied on a timely basis, but has not been naturalized as a citizen within 2 years after the date of the application, unless the alien can establish that the alien is actively pursuing naturalization, except that time consumed in the Service's processing the application shall not be counted toward the 2-year period.

Publicly Available (EAR)

Refers to “publicly available technology and software”, the EAR does not use the expression “public domain”. Publicly available technology and software are excluded from control under the EAR. Examples of information in the public domain include:

- Books, newspapers, pamphlets
- Publicly available technology
- Software with open source code that is made publicly available
- Information presented at conferences, meetings, and seminars open to the public
- Information included in published patents
- Websites freely accessible by the public

Public Domain (ITAR):

Public domain means information which is published and which is generally accessible or available to the public:

- (1) Through sales at newsstands and bookstores;
- (2) Through subscriptions which are available without restriction to any individual who desires to obtain or purchase the published information;
- (3) Through second class mailing privileges granted by the U.S. Government;

- (4) At libraries open to the public or from which the public can obtain documents;
- (5) Through patents available at any patent office;
- (6) Through unlimited distribution at a conference, meeting, seminar, trade show or exhibition, generally accessible to the public, in the United States;
- (7) Through public release (*i.e.*, unlimited distribution) in any form (*e.g.*, not necessarily in published form) after approval by the cognizant U.S. government department or agency (see also [§ 125.4\(b\)\(13\)](#) of this subchapter);
- (8) Through fundamental research in science and engineering at accredited institutions of higher learning in the U.S. where the resulting information is ordinarily published and shared broadly in the scientific community. Fundamental research is defined to mean basic and applied research in science and engineering where the resulting information is ordinarily published and shared broadly within the scientific community, as distinguished from research the results of which are restricted for proprietary reasons or specific U.S. Government access and dissemination controls. University research will not be considered fundamental research if:
 - (i) The University or its researchers accept other restrictions on publication of scientific and technical information resulting from the project or activity, or
 - (ii) The research is funded by the U.S. Government and specific access and dissemination controls protecting information resulting from the research are applicable. ([ITAR 22 CFR §120.11](#))

Public Information Exclusion:

Information that is already published, publicly available, or in the public domain is considered public information and, under the federal regulations, is NOT subject to export controls.

Examples of information that is publicly available include:

- Books, newspapers, pamphlets
- Publicly available technology and software
- Information presented at conferences, meetings, and seminars open to the public
- Information included in published patents
- Websites freely accessible by the public

Published (EAR):

- (a) Except as set forth in paragraph (b), unclassified “technology” or “software” is “published,” and is thus not “technology” or “software” subject to the EAR, when it has been made available to the public without restrictions upon its further dissemination such as through any of the following:
 - (1) Subscriptions available without restriction to any individual who desires to obtain or purchase the published information;
 - (2) Libraries or other public collections that are open and available to the public, and from which the public can obtain tangible or intangible documents;
 - (3) Unlimited distribution at a conference, meeting, seminar, trade show, or exhibition, generally accessible to the interested public;
 - (4) Public dissemination (*i.e.*, unlimited distribution) in any form (*e.g.*, not necessarily in published form), including posting on the Internet on sites available to the public; or

- (5) Submission of a written composition, manuscript, presentation, computer-readable dataset, formula, imagery, algorithms, or some other representation of knowledge with the intention that such information will be made publicly available if accepted for publication or presentation:
 - (i) To domestic or foreign co-authors, editors, or reviewers of journals, magazines, newspapers or trade publications;
 - (ii) To researchers conducting fundamental research; or
 - (iii) To organizers of open conferences or other open gatherings.
- (b) Published encryption software classified under ECCN 5D002 remains subject to the EAR unless it is publicly available encryption object code software classified under ECCN 5D002 and the corresponding source code meets the criteria specified in § 742.15(b) of the EAR. ([EAR 15 CFR §734.7](#))

Records

Means any information made or normally kept in the ordinary course of business that pertains to any export control related activities. The term includes any information required for the entry of merchandise (the (a)(1)(A) list) and other information pertaining to, or from which is derived, any information element set forth in a collection of information required by the Tariff Act of 1930, as amended, in connection with any export controlled related activity. The term includes, but is not limited to, the following: Statements; declarations; documents; electronically generated or machine-readable data; electronically stored or transmitted information or data; books; papers; correspondence; accounts; financial accounting data; technical data; computer programs necessary to retrieve information in a usable form; and entry records.

Re-Export:

Re-export means an actual shipment or transmission of items subject to export regulations from one foreign country to another foreign country. Ship mentor transmission may occur in any of the following ways: physical transfer, phone, e-mail, in person (e.g., lab tours, meetings), or electronic transmission of data. A re-export also occurs when there is a “release” of technology or software (source code) subject to regulation in one foreign country to a national of another foreign country. The export or re-export of items subject to export control that are intended for a recipient in, or will transit through, one country to another subsequent country are considered to be exports to the subsequent country. Any export regulations triggered by an export to the subsequent country must then be satisfied. Depending upon the item(s), the applicability of export controls may vary according to the destination country.

Release (EAR):

“Technology” and “Software” are “Released” through (1) visual or other inspection by a Foreign Person of items that reveals “technology” or source code subject to the EAR to a Foreign Person; or (2) oral or written exchanges with a Foreign Person of “technology” or source code in the United States or abroad. ([EAR 15 CFR §734.15](#))

Release (ITAR):

Technical Data is released through (1) Visual or other inspection by [foreign persons](#) of a [defense article](#) that reveals [technical data](#) to a [foreign person](#); (2) Oral or written exchanges with [foreign persons](#) of [technical data](#) in the United States or abroad; (3) The use of access information to cause or enable a [foreign person](#), including yourself, to access, view, or possess unencrypted [technical data](#); or (4) The use of access information to cause [technical data](#) outside of the United States to be in unencrypted form. ([ITAR 22 CFR §120.50](#))

Restricted Foreign University:

Degree granting institutions that have been placed on the Department of Commerce Entity List and that are subject to export and transfer restrictions. Research collaborations and the exchange of items or information with any Entity Listed institution, as well as visitors to UofL who are employed by, representatives of, or affiliated with any Entity Listed institution, must be vetted by the ECO.

Restricted Party:

A Restricted Party is an individual, company, organization, or vessel with which US persons/entities (including their subsidiaries and agents in other countries) may not engage without a specific license

Software (EAR):

A collection of one or more “programs” or “microprograms” fixed in any tangible medium of expression. ([EAR 15 CFR §772.1](#))

Software (ITAR):

Software under ITAR includes but is not limited to the system functional design, logic flow, algorithms, application programs, operating systems, and support software for design, implementation, test, operation, diagnosis and repair. ([ITAR 22 CFR § 120.45](#))

Specially Designated Nationals (SDNs):

OFAC maintains a list of individuals and companies owned or controlled by, or acting for or on behalf of, targeted countries. This list also includes individuals, groups, and entities, such as terrorists and narcotics traffickers, designated under programs that are not country-specific. Collectively, such individuals and companies are called "Specially Designated Nationals" or "SDNs." Their assets are blocked and U.S. Persons are generally prohibited from dealing with them.

Technical Data (ITAR):

(a) Technical Data means the following for purposes of ITAR regulations:

- (1) Information, other than software as defined in 22 CFR § 120.10(a)(4), which is required for the design, development, production, manufacture, assembly, operation, repair, testing, maintenance, or modification of defense articles. This includes information in the form of blueprints, drawings, photographs, plans, instructions or documentation.
- (2) Classified information relating to defense articles and defense services on the U.S. Munitions List and 600-series items controlled by the Commerce Control List;
- (3) Information covered by an invention secrecy order; or
- (4) Software (see 22 CFR § 120.45(f)) directly related to defense articles.

(b) The definition in paragraph (a) does not include information concerning general scientific, mathematical, or engineering principles commonly taught in schools, colleges, and universities, or information in the public domain as defined in 22 CFR § 120.11 or telemetry data as defined in note 3 to Category XV(f) of 22 CFR Part 121. It also does not include basic marketing information on function or purpose or general system descriptions of defense articles. ([ITAR 22 CFR §120.10](#))

Technology (EAR):

Information necessary for the “development,” “production,” “use,” operation, installation, maintenance, repair, overhaul, or refurbishing (or other terms specified in ECCNs on the CCL that control “technology”) of an item. ([EAR 15 CFR § 772.1](#))

Technology Control Plan (TCP):

A technology control plan outlines how identified export-controlled items will be handled and secured to prevent access by unapproved foreign persons. TCPs account for the acquisition, possession, and return or destruction of controlled items or information. TCPs address the physical security of labs, offices, and other work areas as well as the security of data on computers and computer networks. TCPs also require the identities of all persons accessing the controlled technology.

United States Munitions List

The list of defense articles, technology and services under the export and temporary import jurisdiction of the State Department. The USML is found in Part 121 of the ITAR. The USML is amended by rules published in the Federal Register.

University Personnel:

UofL faculty, staff, visiting scientists, postdoctoral fellows, students, and anybody else who is paid by or otherwise engaged by UofL to conduct research, teach, or provide services at or on behalf of UofL.

Use

Means operation, installation (including on-site installation), maintenance (checking), repair, overhaul and refurbishing of controlled items. All elements must be present for use technology to be transferred. If an ECCN specifies one or more of the six elements of use in the heading or control text, only those elements must be present to invoke the use control. 500 and 600 series items must be reviewed by commodity.

U.S. Person:

Pursuant to the EAR and the ITAR a U.S. Person includes:

- any individual who is granted U.S. citizenship; or
- any individual who is granted U.S. permanent residence ("Green Card" holder); or
- any individual who is granted status as a "protected person" under 8 U.S.C. 1324b(a)(3); or
- any corporation/business/organization/group incorporated in the United States under U.S. law; or
- any part of U.S. government. ([ITAR 22 CFR § 120.16](#) and [EAR 15 CFR § 772.1](#))

List of Abbreviations

BIS	Department of Commerce Bureau of Industry and Security
CCL	Commerce Control List
CFCS	Commercial and Federal Contract Services
CJ	Commodity Jurisdiction
DDTC	Department of State Directorate of Defense Trade Controls
EAR	Export Administration Regulations
ECCN	Export Control Classification Number
EVPRI	Executive Vice President for Research and Innovation
ITAR	International Traffic in Arms Regulations
ITSR	Iranian Trade Sanction Regulations
OFAC	Department of the Treasury Office of Foreign Assets Control
OSFA	Office of Sponsored Finance Administration
OSPA	Office of Sponsored Programs Administration
PI	Principal Investigator
SDN List	Specially Designated Nationals and Blocked Persons List
TAA	Technical Assistance Agreement
TCP	Technology Control Plan
USML	United States Munitions List
UofL	University of Louisville