

Definitions

- **Commerce Control List (CCL)**

A detailed list of controlled items as designated by the Department of Commerce's Export Administration Regulations (EAR).

- **Commodity**

Any article, material, or supply except technology and software.

- **Deemed Export (EAR)**

The release of technology or source code subject to the EAR to a foreign national in the United States.

Release is "deemed" to an export to the foreign person's home country - if the person has more than one nationality, use the country of the most recent citizenship or permanent residence.

- **Defense Article (ITAR)**

Any item or technical data on the United States Munitions List (USML) as designated in §121.1 [CFR Title 22, Chapter I, sub-chapter M]. This term includes technical data recorded or stored in any physical form, models, mockups or other items that reveal technical data directly relating to items designated in §121.1. The policy described in §120.3 is applicable to designations of additional items. It does not include basic marketing information on function or purpose or general system descriptions.

- **Defense Service (ITAR)**

- The furnishing of assistance (including training) to foreign persons, whether in the United States or abroad in the design, development, engineering, manufacture, production, assembly, testing, repair, maintenance, modification, operation, demilitarization, destruction, processing or use of defense articles;
- The furnishing to foreign persons of any technical data controlled under subchapter M ([see §120.10](#)), whether in the United States or abroad; or
- Military training of foreign units and forces, regular and irregular, including formal or informal instruction of foreign persons in the United States or abroad or by correspondence courses, technical, educational, or information publications and media of all kinds, training aid, orientation, training exercise, and military advice ([see also §124.1](#)).

- **Development (EAR)**

"Development" is related to 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 design, layouts.

- **Dual Use**

Technology that can be used for both peaceful and military aims.

- **Export - Under EAR**

An actual shipment or transmission of items out of the United States {15 CFR §734.2(b)}.

- **Export - Under ITAR**

- Sending or taking a defense article out of the United States in any manner, except by mere travel outside of the United States by a person whose personal knowledge includes technical data; or
- Transferring registration, control or ownership to a foreign person of any aircraft, vessel, or satellite covered by the U.S. Munitions List, whether in the United States or abroad; or
- Disclosing (including oral or visual disclosure) or transferring in the United States any defense article to an embassy, any agency or subdivision of a foreign government (e.g., diplomatic missions); or
- Disclosing (including oral or visual disclosure) or transferring technical data to a foreign person, whether in the United States or abroad; or
- Performing a defense service on behalf of, or for the benefit of, a foreign person, whether in the United States or abroad.

A launch vehicle or payload shall not, by reason of the launching of such vehicle, be considered an export for purposes of this sub-chapter. However, for certain limited purposes (see §126.1), the controls of this subchapter may apply to any sale, transfer or proposal to sell or transfer defense articles or defense services.

- **Export Administration Regulations (EAR)**

Regulations set forth in 15 CFR 730-799. These regulations are administered by the Department of Commerce and regulate items that have both commercial and military applications found on the Commerce Control List (CCL).

- **Export Control Classification Number (ECCN)**

A detailed list of controlled items as designated by the Department of Commerce's Commerce Control List (CCL). This is an alpha-numeric classification (i.e. 5D992) and describes the items that are controlled and why. Controls vary by country.

- **Foreign Person**

Any natural person who is not a U.S. citizen, U.S. permanent resident (Green Card holder), or "protected individual" as defined by 8 U.S.C. 1324b(a)(3).

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).

- **International Traffic in Arms Regulations (ITAR)**

Regulations set forth in 22 CFR §120-130. These regulations are administered by the Department of State Directorate of Defense Trade Controls (DDTC), and regulate the export of defense articles, defense services, and technical data found on the USML.

Office of Foreign Assets Control (OFAC) within the Department of the Treasury that administers and enforces economic and trade sanctions based on US foreign policy and national security goals against targeted foreign countries and 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 United States. They are responsible for blocking assets of foreign countries subject to economic sanctions, controlling participation by U.S. persons, including foreign subsidiaries, in transactions with specific countries or nationals of such countries, and administering embargoes on certain countries or areas of countries (31 CFR §500-590).

- **National Industrial Security Program Operating Manual (NISPOM)**

Establishes standard procedures for government contractors regarding classified information.

- **Production**

- Production: (General Technology Note) (All Categories) - all production stages, such as: product engineering, manufacture, integration, assembly (mounting), inspection, testing, and quality assurance.
- Production equipment: (MTCR context) - Tooling, templates, jigs, mandrels, molds, dies, fixtures, alignment mechanisms, test equipment, other machinery and components therefor, limited to those specially designed or modified for “development” or for one or more phases of “production”.
- Production Facilities: (MTCR Context only) (Cat 7 and 9) - “production equipment” and specially designed “software” therefor integrated into installations for “development” or for one or more phases of “production”.

- **Reexport**

The shipment or transmission of a U.S. item subject to the EAR from one foreign country (i.e., a country other than the U.S.) to another foreign country. A reexport also occurs when there is "release" of technology or software subject to the EAR in one foreign country to a national of another foreign country.

For the reexport of U.S. origin items from a foreign country, see 15 CFR 732.3(b).

- **Restricted Parties**

Individuals and entities (companies, institutions, etc.) identified on U.S. and international lists that are prohibited by law, or that require a license or other government approval, to export to or engage in certain transactions by US persons or entities. These include the Denied Persons List, Entity List, and Unverified List (Department of Commerce); the Debarred Parties Lists (Department of State); and the Specially Designated Nationals and Blocked Persons List (Department of Treasury) and other international lists.

- **Sanctioned Countries**

Subject to limited or comprehensive trade sanctions imposed by the US that are administered by OFAC. These sanctions are imposed for reasons of anti-terrorism, non-proliferation, narcotics trafficking, etc.

- **Technical Data (ITAR 22 CFR § 120.10)**

Refers to information, other than software as defined in CFR §120.10(a)(4), required for the design, development, production, manufacture, assembly, operation, repair, testing, maintenance, or modification of controlled articles. This includes information in the form of blueprints, drawings, plans, instructions, diagrams, photographs, etc. It may take forms such as blueprints, plans, diagrams, models, formulae, tables, engineering designs and specifications, and manuals and instructions written or recorded on other media or devices such as disk, tape, or read-only memories. 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. Software as defined in CFR §121.8(f) directly related to defense articles.

The ITAR definition 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 CFR §120.11. It also does not include basic marketing information on function or purpose or general system descriptions of defense articles.

- **Technology**

Any specific information and know-how (whether in tangible form, such as models, prototypes, drawings, sketches, diagrams, blueprints, manuals, or software—or in intangible form, such as training or technical services) that is required for the development, production, or use of a good, but not the good itself.

- **Technology Control Plan (TCP)**

A management plan that details the procedures used to safeguard and prevent unauthorized export of sensitive technology.

United States Munitions List (USML) (ITAR 22 CFR §121.1): The USML includes articles, services, and related technical data designated as defense articles and defense services pursuant to the Arms Export Control Act (AECA).

- **TCP for University of Cincinnati**

- **Use**

“Use” is defined in the EAR regulations (excluding 500 & 600 series ECCN) as being able to perform all of the following 6 elements: install (including on-site installation), operate, maintain (check), repair, overhaul and refurbish.

If the item(s) is controlled under a 500 or 600 series ECCN, then only 1 out of the 6 elements will constitute “use” and may require a license.

- **U.S. Person**

A person who is a U.S. citizen, lawful permanent resident (green card holder) as defined by 8 U.S.C. 1101(a)(20) or who is a protected individual as defined by 8 U.S.C. 1324b(a)(3). It also means any corporation, business association, partnership, society, trust, or any other entity, organization or group that is incorporated to do business in the United States. It also includes any governmental (federal, state or local) entity.

- **U.S. Munitions List (USML)**

A detailed list of controlled items as designated by the Department of State's International Traffic in Arms Regulations (ITAR).