**Export Control Definitions**

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| Term | Acronym | Definition |
| **"Empowered" Official** |  | A United States. person who:  1.      Is directly employed by the applicant or a subsidiary in a position having authority for        policy or management within the applicant organization; and    2.      Is legally empowered in writing by the applicant to sign license applications or other requests for approval on behalf of the applicant; and  3.      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  4.      Has the independent authority to:  a.       Enquire into any aspect of a proposed export or temporary import by the applicant, and  b.      Verify the legality of the transaction and the accuracy of the information to be submitted; and  c.       Refuse to sign any license application or other request for approval without prejudice or other adverse recourse. |
| **Basic Scientific Research** |  | Experimental of theoretical work undertaken principally to acquire new knowledge of the fundamental principles of phenomena or observable facts, not primarily directed towards a specific practical aim or objective - see fundamental research |
| **Bureau of Industry and Security** | BIS | The BIS is part of the US Department of Commerce.  Its mission is to "Advance US national security, foreign policy, and economic objectives by ensuring an effective export control and treaty compliance system and promoting continued US strategic technology leadership". |
| **Code of Federal Regulations** | CFR | Administrative Law (Regulations) published by the US Federal Government |
| **Commerce Control List** | CCL | List of items subject to BIS, used to determine ECCN |
| **Commodity Jurisdiction** |  | Federal agency with jurisdiction over the export:  ·         Department of Commerce  ·         Department of State  ·         Department of the Treasury  ·         Nuclear Regulatory Commission  ·         Department of Energy |
| **Country Groups** |  | For export control, countries are divided into 5 groups (15CFR§740. Supplement 1)  ·         Group A: Regime Members  ·         Group B: Less Restricted (than C,D and E)  ·         Group C: - (currently reserved)  ·         Group D: Countries of Concern  ·         Group E: Terrorist Supporting Countries |
| **Deemed Export** |  | The transfer or disclosure of export controlled, technology, data or software to a "foreign person" inside the US is "deemed" to be an export to the home country of the foreign individual or entity.  "Deemed Export" occurs when both of the following conditions are met:  1.      Parties intend to transfer controlled technologies to foreign nationals in the United States; and  2.      Transfer of the same technology  to the foreign national's home country would require an export license.    Transfer occurs when technology is available to foreign nationals for:  1.      Visual inspection (including reading tech specs, plans, blueprints...)  2.      Oral exchange (briefing, discussion, etc)  3.      When technology is made available by practice or application under the guidance of persons with knowledge of the technology |
| **Deemed Export Rule** |  | The obligation to get a license before releasing controlled technology to a foreign person. |
| **Defense Article** | ITAR 120.6 | Any item designated in the United States Munitions List |
| **Denied Persons** |  | Parties denied export privileges under a denial order (General Prohibition 4) |
| **Dual Use** |  | Items that have both commercial and military applications |
| **Entity List** |  | Foreign persons for which there are concerns regarding, proliferation of weapons of mass destruction and/or acting contrary to the national security or foreign policy interests of the United States |
| **Export** |  | An actual shipment or transmission of items out of the United States |
| **Export Administration Act** | EAA | Law that allows the regulation of exports |
| **Export Administration Regulations** | EAR | Regulations set forth in 15CFR§730-774 |
| **Export Control Classification Number** | ECCN | Alpha-numeric code use in the CCL to classify items for determination of export licensing requirements |
| **Export Control Document** |  | A license; application for a license; any and all documents submitted in accordance with the requirements of EAR. |
| **Foreign person/ Foreign national** |  | Persons who are not US citizens, "lawful permanent residents" (8USC§110(a)(20)) or other "protected individuals" (8USC§1324(a)(3)) designated as an asylee, refugee, or a temporary resident under amnesty provisions.    A foreign person also means any foreign corporation, business association, partnership, or any other entity or group that is not incorporated to do business in the US. |
| **Fundamental Research** |  | "Fundamental research" is basic and applied research in science and engineering where the resulting information is ordinarily published and shared broadly within the scientific community. It is distinguished from proprietary research and from industrial development, design, production, and product utilizations, the results of which ordinarily are restricted for proprietary and/or specific national security reasons. Normally, the results of "fundamental research" are published in scientific literature, thus making it publicly available. Research which is intended for publication, whether it is ever accepted by scientific journals or not, is considered to be "fundamental research." |
| **Fundamental Research Exclusions** |  | Any information, technological or otherwise, that is publicly available is not subject to the Export Administration Regulations (EAR) (except for encryption object code and source code in electronic form or media) and thus does not require a license, "fundamental research" is not subject to the EAR and does not require a license |
| **General Prohibitions** |  | The 10 prohibitions found in part 736 of the EAR that prohibit certain, exports, reexports and other conduct, subject to the EAR, absent a license, a license exception or determination that no  license is required. |
| **International Traffic in Arms Regulation** | ITAR | Controlled by the Department of State- regulates the export and import of  items on the United States Munitions List (USML), including some Dual Use items. |
| **International Trafficking in Arms Regulation** | ITAR | ITAR 22CFR§§10-130, are regulations promulgated and implemented by the Department of State that control the export of articles, services and related technical data that are inherently military in nature as determined by the Department of State. |
| **Item** |  | Commodity, software or technology (includes intellectual property |
| **Know** |  | Under Export Control  to know  includes both a reason to know and a reason "to believe" |
| **License** |  | Authority issued by the Bureau of Industry and Security authorizing the export, reexport or other regulated activity. |
| **License Exception** |  | An authorization that allows you to export or Reexport under state conditions, items subject to the EAR that otherwise require a license (15CFR§740). |
| **Office of Foreign Assets Control** | OFAC | OFAC is part of the Department of the Treasury; it administers and enforces economic and trade sanctions against targeted: foreign governments; individuals; entities and; practices. |
| **Principal Parties in Interest** | PPI | Those persons in the transaction that receive the primary benefit, monetary or otherwise. |
| **Public Domain** |  | Information that is published and generally accessible 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 US 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 (unlimited distribution) in any form  8.      Through fundamental research in science and engineering at accredited institutions of higher learning in the US where the resulting information is published and broadly shared in the scientific community |
| **Publicly Available** |  | Publicly available includes the following groups of information (BE CAREFUL and read the sections of the CFR- it is not as clear as it appears)  Published information and software (15CFR§734.8)  Fundamental Research (15CFR§734.8)  Educational Information (15CFR§734.9);  Patent Information (15CFR§734.10) |
| **Reasons for Control** |  | The reasons for export control are:  ·         Anti-terrorism (AT)  ·         Chemical and Biological Weapons (CB)  ·         Chemical Weapons Convention (CW)  ·         Crime Control (CC)  ·         Encryption Items (EI)  ·         Firearms Convention (FC)  ·         Missile Technology (MT)  ·         National Security (NS)  ·         Nuclear Non-proliferation (NP)  ·         Regional Stability (RS)  ·         Short Supply (SS)  ·         Significant Items (SI)  ·         Surreptitious Listing (SL)  ·         United Nations sanctions (UN) |
| **Red Flags** |  | Possible indicators that an unlawful diversion might be planned by the customer |
| **Reexport** |  | An actual shipment or transmission of items subject to the EAR from one foreign country to another |
| **Release of Technology** |  | Information released to a foreign national, through visual inspection, oral exchange or application of knowledge.  (Does not apply to permanent resident aliens or protected individuals) |
| **Self-blind** |  | Ignoring Red Flags |
| **Specifically Designated National** | SDN | A list of individuals and companies owned and controlled by, or acting for or on behalf of targeted countries.  It includes, individuals groups and entities.  The assets of SDN's are blocked and US persons are generally prohibited from dealing with them.  The list is maintained by the Office of Foreign Assets Control (OFAC) part of the US Department of the Treasury |
| **Subject to the EAR** |  | Items and activities under the regulatory jurisdiction of the EAR  15CFR§734.3-734.5.  Items in the United States, some items located outside of the United States and activities of US and Foreign persons.  Includes all items except (15CFR§734(a)(1)):  ·         Publicly available technology and software-EXCLUDING ENCRYPTION;  ·         Items subject to the exclusive jurisdiction of another federal department or agency;  ·         Literary publications (non-technical in nature) |
| **Subject to the EAR,  Items Outside of the United States** |  | Includes:  ·         US origin times wherever located  ·         Certain foreign made items if-  the value of the US content exceeds the de minimus percentage and/or the foreign product item is the direct product of US technology or software |
| **Subject to the EAR, US Persons and Foreign Persons** |  | Includes:  ·         Certain activities of US persons, especially those related to proliferation  ·         Activities of US or foreign persons prohibited by any other EAR |
| **Technology** |  | Specific information necessary for the "development". "production", or "use" of a product.  This information takes the form of "technical data" or "technical assistance". |
| **Transfer** |  | A shipment, transmission or release to any person of items subject to the EAR, either within the United States or outside the United States. |
| **Unverified List** |  | Foreign parties to transactions, where post-shipment verifications or prelicense checks could not be conducted (note: raises red flags) |
| **US Person** |  | ANY person (includes organizations) in the United States, US citizens, permanent resident aliens, or protected individuals wherever located, and US organized firm and their foreign branches |
| **US Principal Party in Interest** | USPPI | US Person or entity, or primary benefactor (monetary or otherwise), or Foreign entity (if in the US at time goods are purchased or obtained for export) |