

Export Controls Key Terms

The definitions listed below are summarized and/or paraphrased for the sake of brevity. For the full definition please consult the appropriate set of federal regulations. For questions or for assistance understanding a particular definition, please contact the University's Export Control Officer at 334-844-5962

Commerce Control List (CCL)

The Commerce Control List is a list that includes commodities, software and technology subject to the export licensing authority of the Bureau of Industry and Security. The CCL is contained in Supplement No. 1 to Part 774 of the EAR.

Deemed export

"Deemed export" is a term commonly used by the Department of Commerce. An export of technology or source code (except encryption source code) is "deemed" to take place when it is released to a foreign national within the United States. This term is commonly used to describe a release of controlled technology or source code to a foreign national, regardless of the physical location involved.

Defense article

"Defense article" is a term used by the State Department. It is defined as any item or technical data found in §121.1 of the ITAR (the United States Munitions List). This term includes technical data recorded or stored in any form, models, mock ups or other items that reveal technical data directly relating to items designated in §121.1. It does not include basic marketing information on function or purpose or general system descriptions.

Defense service

"Defense service" is a term used by the State Department. It is defined as 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.

"Defense service" also includes the furnishing of technical data controlled by the ITAR to foreign persons, whether in the United States or abroad. Additionally, it includes the provision of military training to foreign units and forces, regular and irregular, including formal or informal instruction of foreign persons in the United States or abroad by correspondence courses; technical, educational or informational publications and media of all kinds; training aid; orientation; training exercise; and military advice.

Dual use

"Dual use" describes tangible items, software, and/or technology that have both a civilian and military use.

Educational information

"Educational information" is a phrase used by the Department of Commerce in §734.9 of the EAR. "Educational information" is not subject to the EAR if it is released by instruction in catalog courses and associated teaching laboratories of academic institutions. Certain types of information related to encryption software cannot be considered "educational information" and therefore are subject to the EAR even if they are released "by instruction in catalog courses and associated teaching laboratories of academic institutions."

Export

"Export" means to send or take controlled tangible items, software or technology out of the United States in any manner, to transfer ownership or control of controlled tangible items, software or technology to a foreign person, or to disclose information about controlled items, software or information to a foreign government or foreign person. The controlled tangible item, software or technology being sent or taken out of the United States is also referred to as an "export."

Export Administration Regulations (EAR)

The Export Administration Regulations are a set of federal regulations that regulate the export and re-export of most commercial items.

Export controls

"Export controls" generally describes federal regulations that restrict the release of certain items, information and software to foreign nationals in the United States and abroad. Those regulations are the Export Administration Regulations (EAR) and International Traffic in Arms Regulations (ITAR), as well as regulations administered by the Office of Foreign Assets Control (OFAC).

Export control classification number (ECCN)

An export control classification number is an alpha-numeric code, e.g., 3A001, used by the Department of Commerce to classify most commercial items. An ECCN describes a particular item or type of item, and shows the controls placed on that item. All ECCNs are listed in the Commerce Control List (CCL) (Supplement No. 1 to Part 774 of the EAR).

Foreign national

A "foreign national" is anyone who is not a "U.S. person." A "U.S. person" is any one of the following:

- U.S. citizen
- lawful permanent resident alien (green card holder)
- refugee
- protected political asylee or someone granted temporary residency under the amnesty provision.

NOTE: Any foreign entity not incorporated or organized to do business in the United States falls within the definition of a foreign national. This includes any branch of a foreign government and also can include universities and research laboratories in other countries.

Fundamental research

"Fundamental research" is defined by the Department of Commerce as basic and applied research in science and engineering where the resulting information is ordinarily published and shared broadly within the scientific community.

The State Department has a similar definition, although it can be interpreted more narrowly. Under the narrower interpretation, "fundamental research" can only describe information and technology that already is in existence and in the public domain.

International Traffic in Arms Regulations (ITAR)

The ITAR is a set of federal regulations used primarily to control the import and export of defense articles and defense services.

Missile (EAR)

Rocket systems (including ballistic missile systems, space launch vehicles, and sounding rockets) and unmanned air vehicles systems (including cruise missile systems, target drones, and reconnaissance drones) capable of delivering at least 500 kilograms payload to a range of at least 300 meters.

Missile Technology Control Regime Annex

The Missile Technology Control Regime Annex is a list of guidelines and equipment. All items on the MTCRA are included in the United States Munitions List.

Open meeting

“Open meeting” can be used to describe a conference, seminar or other gathering where all technically qualified members of the public are eligible to attend and attendees are permitted to take notes or otherwise make a personal record of the proceedings and presentations.

Patent information

“Patent information” describes information contained in a patent application, or an amendment, modification, supplement or division of an application. Such information is not subject to the EAR pursuant to §734.10 and §734.7(a) 3.

Published information and software

“Published information and software” can be used to describe information that has become generally accessible to the interested public in any form. Pursuant to §734.7 this type of information is not subject to the EAR.

Examples of published information and software include the following:

- Information published in print or electronic media available for general distribution
- Information readily available at public or university libraries
- Information released at an open conference, meeting or seminar

Re-export

"Re-export" means an actual shipment or transmission of controlled tangible items, software or information from one foreign country to another foreign country. The export or re-export of controlled tangible items, software or information that will transit through a country or countries, or will be unloaded in a country or countries for reloading and shipment to a new country, or are intended for re-export to the new country, are deemed to be exports to the new country.

Technical data

“Technical data” is a term used by the State Department to describe information required for the design, development, production, manufacture, assembly, operation, repair, testing, maintenance or modification of defense articles. Technical data includes information in the form of blueprints, drawings, photographs, plans, instructions and documentation, as well as information covered by an invention secrecy order or certain kinds of classified information.

The term “technical data” can include software directly related to defense articles, but does not include information concerning general scientific, mathematical or engineering principles commonly taught in schools, colleges and universities. It also does not include information in the public domain or basic marketing information on function or purpose or general system descriptions.

United States Munitions List (USML)

The United States Munitions List includes articles, services and related technical data designated as defense articles and defense services. The State Department has stated that the USML is illustrative only, meaning that the absence of an item on the USML does not conclusively rule out the possibility of it being a defense article or defense service.