

Export Control Glossary

T5 Country: These are sanctioned countries in which any interaction of any type is highly controlled and scrutinized by the U.S. federal government. The countries currently include Cuba, Iran, North Korea, Sudan, & Syria.

Controlled exports: These are specific types of exports regulated by the federal government (e.g., commodity, biologics, equipment, software, encryption, technology, or technical information) sent from the U.S. to a foreign person or destination.

Controlled Unclassified Information (CUI): Controlled Unclassified Information is any information that law, regulation, or government wide policy requires to have safeguarding or disseminating controls, excluding information that is classified under Executive Order 13526, Classified National Security Information, December 29, 2009, or any predecessor or successor order, or the Atomic Energy Act of 1954, as amended.

Deemed export: The release or transmission of controlled exports to any foreign person in the U.S. Such a release of information is considered to be an export to the foreign national's home country or country of current citizenship.

Defense Advanced Research Projects Agency (DARPA): An agency of the U.S. Department of Defense responsible for the development of emerging technologies for use by the military.

Defense Federal Acquisition Regulation (DFAR): A well-known example of an agency supplement of the FAR, Federal Acquisition Regulations. DFARs are used by the Department of Defense.

Dual Use: Technology or items that are designed or suitable for both civilian and military purposes are considered dual use and fall within the Export Administration Regulations.

Export (noun): An export is goods or services transferred across national borders for the purpose of selling or realizing foreign exchange.

Export (verb): This is the act of transferring controlled exports (see definition above), transferring funds, contracting, and/or providing services to foreign persons or entities. Examples include the shipment of goods as well as the transfer of written documents or information via email, phone, fax, internet, and verbal conversation.

Export Administration Regulations (EAR): The Export Administration Regulations (EAR) is a set of United States government regulations on the export and import of most commercial items and dual-use items and technologies. The U.S. Department of Commerce is responsible for implementing and enforcing EAR.

Export Control Classification Number (ECCN): A five character alpha-numeric designation used on the Commerce Control List (CCL) to identify items and technologies for export control purposes. An ECCN categorizes items based on the nature of the product, i.e. type of commodity, software, or technology and its respective technical parameters.

Export License: An export license is a written authorization provided by the appropriate regulatory authority detailing the specific terms and conditions allowing the export or re-export of controlled exports.

Federal Acquisition Regulation (FAR): The FAR System governs the acquisition process by which executive agencies of the United States federal government acquire (i.e., purchase or lease) goods and services by contract with appropriated funds.

Foreign national: Anyone who is not a citizen of the host country in which they are residing is considered a foreign national.

Foreign person or entity: Anyone who is not a U.S. person (see definition below) is considered a foreign person. Any foreign corporation, business association, partnership, trust, society, or any other foreign entity or group as well as international organizations and foreign governments are considered foreign entities.

Fundamental Research Exclusion (FRE): Any “basic and applied research in science and engineering, the results of which are ordinarily published and shared broadly within the scientific community...” is not subject to export control regulations under the Fundamental Research exclusion. See National Security Decision Directive 189 (NSDD 189). Research that contains publication restrictions or that contains access or dissemination restrictions does not qualify as Fundamental Research. See 15 CFR §734.8 “Information Resulting from Fundamental Research,” 22 CFR §120.10 “Technical Data,” and 22 CFR §120.11 “Public Domain.”

Intelligence Advanced Research Projects Activity (IARPA): An organization within the Office of the Director of National Intelligence responsible for leading research to overcome difficult challenges relevant to the United States Intelligence Community. IARPA funds academic and industry research across a broad range of technical areas. IARPA transfers successful research results and technologies to other government agencies.

Intelligence Agency: A governmental unit responsible for the collection, analysis, and exploitation of information in support of law enforcement, national security, military, and foreign policy objectives. There are 17 intelligence agencies. Any awards from these entities are likely to have export control red flags.

- Office of the Director of National Intelligence
- Central Intelligence Agency
- National Security Agency
- Defense Intelligence Agency
- Federal Bureau of Investigation
- Department of State – Bureau of Intelligence and Research
- Department of Homeland Security – Office of Intelligence and Analysis
- Drug Enforcement Administration – Office of National Security Intelligence
- Department of the Treasury – Office of Intelligence and Analysis
- Department of Energy – Office of Intelligence and Counterintelligence
- National Geospatial-Intelligence Agency
- National Reconnaissance Office
- Air Force Intelligence, Surveillance and Reconnaissance
- Army Military Intelligence
- Office of Naval Intelligence

- Marine Corps Intelligence
- Coast Guard Intelligence

International Traffic in Arms Regulations (ITAR): The International Traffic in Arms Regulations (ITAR) is a set of United States Government regulations on the export and import of defense related articles and services. The U.S. Department of State is responsible for implementing and enforcing ITAR.

Material Transfer Agreement (MTA): A contract that governs the transfer of tangible research materials between two organizations, when the recipient intends to use it for his or her own research purposes. The MTA defines the rights of the provider and the recipient with respect to the materials and any derivatives.

National Geospatial Intelligence Agency (NGA): The nation's primary source of geospatial intelligence, or GEOINT for the Department of Defense and the U.S. Intelligence Community. As a DOD combat support agency and a member of the IC, NGA provides GEOINT, in support of U.S. national security and defense, as well as disaster relief.

National Institute of Standards and Technology (NIST): This non-regulatory agency of the U.S. Department of Commerce with a mission to promote U.S. innovation and industrial competitiveness by advancing measurement science, standards, and technology in ways that enhance economic security and improve our quality of life. Relevant to restricted sponsored research, NIST Special Publication (SP) 800-171 Protecting Controlled Unclassified Information in Nonfederal Information Systems and Organizations is referenced in DFARs 252.204-7012.

National Security Agency (NSA): A national-level intelligence agency of the United States Department of Defense, under the authority of the Director of National Intelligence. It is responsible for global monitoring, collection, and processing of information and data for foreign intelligence and counterintelligence purposes, specializing in a discipline known as signals intelligence (SIGINT). It is also tasked with the protection of U.S. communications networks and information systems.

Non-Disclosure Agreement (NDA): A non-disclosure agreement (NDA), also known as a confidentiality agreement (CA), confidential disclosure agreement (CDA), proprietary information agreement (PIA) or secrecy agreement (SA), is a legal contract between at least two parties that outlines confidential material, knowledge, or information that the parties wish to share with one another for certain purposes, but wish to restrict access to or by third parties. It is a contract through which the parties agree not to disclose information to any party not covered by the agreement.

Office of Foreign Assets Control (OFAC): A department of the U.S. Department of Treasury that enforces economic and trade sanctions against countries and groups of individuals involved in terrorism, narcotics, and other disreputable activities.

Prohibited party: An individual or entity who is on one of the lists published by the Departments of Commerce, State or the Treasury.

Sanctioned and/or embargoed entities: Certain individuals, entities, and countries with whom the U.S. government actively restricts U.S. persons or entities from conducting interactions for a variety of reasons.

The following departments all maintain and enforce separate blocked and sanctioned lists:

- Department of Commerce, see Export Administration Regulations, 15 CFR (B)(VII)(C) §746 “Embargoes and other Special Controls”;
- Department of State, see International Traffic in Arms Regulations, 22 CFR (I)(M) §126.1;
- Department of the Treasury, see Office of Foreign Assets Control sanctions information.

Sanctioned transaction(s): Exporting 1) to or within a sanctioned or embargoed country, or 2) to entities or individuals from a sanctioned or embargoed country.

S3 Private Data: Private data is institutional data classified as private due to legal, regulatory, administrative, or contractual requirements; intellectual property or ethical considerations; strategic or proprietary value; and/or other special governance of such data. Access to and management of private data requires authorization and is only granted to those data users as permitted under applicable law, regulation, contract, rule, policy, and/or role. Examples of S3 Restricted Data are student education records, student directory information, trade secrets, and export controlled data that falls under the EAR99 classification.

S4 Restricted Data: Restricted data is institutional data that requires the highest level of protection due to legal, regulatory, administrative, contractual, rule, or policy requirements. Access to and management of restricted data is strictly limited as unauthorized use or disclosure could substantially or materially impact the university’s mission, operations, reputation, finances, or result in potential identity theft. Examples of S4 Restricted Data are Social Security Numbers in combination with names, credit cardholder data, Protected Health Information (PHI), passwords, and export controlled data (not including EAR99).

Technology Control Plan (TCP): This is a document generated by the Office of Research Compliance – Export Compliance (ORCEC) outlining the physical, information, and personnel security measures required to safeguard controlled exports.

U.S. person or entity: Anyone who is a U.S. citizen, a lawful permanent resident of the U.S., or has refugee or asylum status in the U.S., wherever that person is located is considered a U.S. person. This also includes U.S. incorporated or organized firms and their foreign branches.

United States Munitions List (USML): This appears in the ITAR outlining articles, services, and related technology designated as defense and space related by the U.S. Department of State.

Visual Compliance: A software used to screen people and entities against mandatory Restricted and Denied Parties lists maintained by the U.S. government and its allies, world organizations and law enforcement agencies.