

# Export Controls Glossary

## **Commerce Control List (CCL)**

The CCL identifies specific item subject to the list-based controls of the Export Administration Regulations, under the export control jurisdiction of the Bureau of Industry and Security in the United States Department of Commerce (10 CFR §774)

## **Commodity**

Any article, material, or supply except technology and software (EAR, Part 770). Generally used synonymously with 'goods,' unless the context indicates otherwise

## **Commodity Classification**

The proper classification of your item is essential to determining any licensing requirements under the Export Administration Regulations (EAR). A key in determining whether an export license is needed from the Department of Commerce is knowing whether the item you are intending to export has a specific Export Control Classification Number (ECCN).

## **Contracted Fundamental Research (See also PUBLIC DOMAIN)**

Research performed under grants or contracts funded by budget category 6.1 (Research), whether performed by universities or industry, or funded by budget category 6.2 (Exploratory Development) and performed on campus at a university. (DoDI 5230, Oct 1987).

## **Debarment**

Debarment refers to the act of prohibiting any person from participating directly or indirectly in the export of defense articles, including technical data, or in the furnishing of defense services for which a license or approval is required.

## **Deemed Export**

Release of technology or source code subject to the EAR to a foreign national in the United States is considered or "deemed" an export to the home country of the foreign national. The ITAR considers any transfer or disclosure of technical data to a foreign national (in the United States or abroad) to be an export.

## **Defense Article**

In the ITAR, a defense article means any item or technical data designated on the United States Munitions List (USML). The 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 on the USML. It does not include basic marketing information on function or purpose or general system descriptions. A defense article includes a wide array of objects, and is not limited to traditional "weapon" or "military" items.

## **Defense Service**

In the ITAR, a defense service means 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 a defense article. The term also includes the

furnishing to foreign persons of any technical data controlled under the ITAR, in either the United States or abroad. Finally, defense services include military training of foreign units and forces, regular or irregular, including formal or informal instruction of a foreign person in the United States or abroad by either correspondence course, technical, educational, or information publications and media of all kinds.

### **Dual Use**

Dual-use items are items which are designed with no intrinsic military function, but may have potential defense applications (such as high-powered computers, optical instruments, and light aircraft). While this term is used informally to describe items that are subject to the EAR, purely commercial items are also subject to the EAR. (EAR Part 772, Part 734.2(a))

### **End-use, End-user**

The EAR controls the export of all items subject to the EAR if they will be received by certain entities or used for certain purposes. Many EAR licenses and exemptions require certified “end use” statements from the receiver of the EAR data or hardware.

### **Exemption**

Specific exports are exempted from license requirements. The criteria for these exemptions is enumerated in EAR Part 740.

### **Export**

The term “export” means (for purposes of the Export Administration Regulations): Actual shipment or transmission of items subject to the EAR out of the United States, or release of technology or software subject to the EAR to a foreign national in the United States. (EAR, 734.2(b))

### **Export Administration Regulations**

The EAR (15 CFR §§730-774), under the jurisdiction of the United States Department of Commerce, controls the export of commodities, software, and technology of certain commercial and “dual-use” items. The items and technology controlled under the EAR are enumerated on the Commerce Control List (CCL)

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

A five-character alphanumeric classification used under the EAR to identify items on the Commerce Control List.

### **Foreign National**

The regulations define foreign national as anyone who is not a U.S. person. The EAR bases this on person's most recent citizenship or permanent residence. The ITAR bases this on the person's country of origin (i.e., country of birth) and all current citizenships. For export control purposes, Foreign Nationals also include foreign governments, foreign corporations, and foreign non-profits.

### **Fundamental Research**

Fundamental research includes basic or applied research in science and engineering at an accredited institution of higher education in the United States where the resulting information is ordinarily published or shared broadly in the scientific community or where the information has been or is about to be published. University research is **not** considered fundamental research if (1) the university accepts any restrictions on publication of the research results, other than limited prepublication



reviews by research sponsors to prevent inadvertent disclosure of the sponsor's proprietary information or to insure that publication will not compromise patent rights of the sponsor; or (2) the research is federally funded and specific controls over the dissemination of the research results have been contractually accepted by the university.

### **International Traffic In Arms Regulations (ITAR)**

The ITAR (22 CFR §120 – 130), under the jurisdiction of the United States Department of State, controls the export of articles, services, and related technical data whose most predominant application is that of defense. The defense articles, services, and technical data are listed on the United States Munitions List (USML).

### **License (Export Authorization)**

The United States Government will authorize certain exports via license authorization. These authorizations are granted after review of the potential exporter's license application. The granting authorities are as follows:

- ITAR authorizations: Directorate of Defense Trade Controls (DDTC), Department of State
- EAR authorizations: Bureau of Industry and Security (BIS), Department of Commerce
- OFAC authorizations: Respective country licensing office, Office of Foreign Assets Control

### **Office of Foreign Assets Control (OFAC)**

An office within the United States Department of Treasury that administers and enforces economic embargoes and trade sanctions based on US foreign policy and national security goals.

### **Public Domain**

Information which is published and which is generally accessible to the public through avenues such as scientific journals, unrestricted subscriptions, USG public releases, and published textbooks. Public domain information is generally excluded from export control regulations.

### **Reexport**

An actual shipment or transmission of an item subject to the EAR from one foreign country to another foreign country. Reexports of controlled items typically require a license or other form of government authorization.

### **Restricted Parties**

Individuals or entities with whom the university and its employees are prohibited by law, or require a license, to engage in export controlled activities. Lists include Denied Parties List (OFAC), Debarred Parties List (ITAR) and Denied Persons List and Denied Entities List (EAR).

### **Restricted Research**

University research, development, or testing subject to: publication restrictions, access or dissemination controls, or contract-specific national security restrictions (usually federally-funded). Restricted research projects are subject to approval by the University of Colorado Boulder's [Restricted Research committee](#) and may be subject to EAR and ITAR controls.

### **Sanctioned and Embargoed Countries**

Countries designated by OFAC, ITAR, and EAR as having limited or comprehensive trade and arms sanctions imposed by the United States for reasons of anti-terrorism, non-proliferation, drug and human trafficking, human rights violations, and other reasons.

## **Technical Data**

Refers to information required for the design, development, production, manufacture, assembly, operation, repair, testing, maintenance, or modification of controlled articles. This information can be in the form of blueprints, instructions, diagrams, photographs, etc.

## **Technology**

In the EAR, technology is specific information necessary for the development, production, or use of a product.

## **United States Munitions List (USML)**

The USML includes articles, services, and related technical data designated as defense articles and services pursuant to the ITAR.

## **US Person**

For purposes of defense and dual-use exports, a U.S. person is defined as a U.S. entity or a U.S. citizen, or a person lawfully admitted for permanent residence in the United States (i.e., green card holder) A U.S. person may be engaged in activities that are export controlled, unless there are some additional restrictions that limit participation to U.S. citizens.

## **Abbreviations**

AECA	Arms Export Control Act
BIS	Department of Commerce Bureau of Industry and Security
CCL	Commerce Control List
CFR	Code of Federal Regulations
DDTC	Department of State Directorate of Defense Trade Controls
EAR	Export Administration Regulations
ECCN	Export Control Classification Number
EO	Empowered Official
ITAR	International Traffic in Arms Regulations
OEC	Office of Export Controls (CU Boulder)
OFAC	Department of the Treasury Office of Foreign Assets Control
OCG	Office of Contracts and Grants / Sponsored Programs (CU Boulder)
ORI	Office of Research Integrity (CU Boulder)
PI	Principal Investigator
SDN	Specially Designated Nationals and Blocked Persons List
TCP	Technology Control Plan
USML	United States Munitions List
VPN	Virtual Private Network

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