

Export Control Glossary

BIS (Bureau of Industry Security) – The agency in the U.S. Department of Commerce that manages and enforces the EAR.

CCL (Commerce Control List) – The list of items export controlled under the EAR. The items in this list are typically Dual Use items.

Commodity Classification – A determination submitted to the Commerce Department to determine under which ECCN a particular item, technology or software is controlled.

Commodity Jurisdiction – A submission to the State Department to determine whether a particular item, technology or software falls under the control of the ITAR or the EAR.

DDTC (Directorate of Defense Trade Controls) – The agency in the U.S. Department of State that manages and enforces the ITAR.

Deemed Export – The transfer of technical information, data or software to a foreign person within the United States. It is deemed to be an export to that person's home country.

Dual Use – Commercial items with potential military or national security applications.

E:1/E:2 Countries – Countries that are the most highly restricted/embargoed by the U.S. government due to terrorism or national security reasons. As of 3/17/2020, these countries are Cuba, Iran, North Korea, Sudan and Syria.

EAR (Export Administration Regulations) – The export control regulations administered by the U.S. Department of Commerce that controls dual use items, information, data and software.

EAR99 – Items that are subject to the EAR, but not controlled under the EAR's export control categories (ECCNs). EAR99 items are only controlled to restricted/embargoed countries or restricted parties.

ECCN (Export Control Classification Number) – A category in the CCL that defines the items, materials, software and technology that are controlled, the extent to which they are controlled and the license exceptions available. There are 10 category groupings.

Export – Sending or taking anything out of the United States in any manner, including shipping, verbal (i.e., telephone) or electronic (i.e., e-mail, webcasts, social media, fax).

Foreign Person – A person that is not a U.S. Person. This also includes foreign organizations and governments.

Fundamental Research – Research in engineering, technology, science or mathematics the results of which are intended for publication or communicated widely within the research community. Fundamental research is not subject to restrictions.

ITAR (International Traffic in Arms Regulations) – The export control regulations administered by the U.S. Department of State that controls military, national security and space items, information, data and software.

NLR (No License Required) – A determination that a particular activity (i.e., shipping an item or discussing a research collaboration) does not require an export license to proceed. This is typically because the applicable item or information is not export controlled, an exemption/exception applies to the activity, the activity is not with a country where the activity requires a license or the activity is not with a party for which a license is required.

NDA (Non-Disclosure Agreement) – A document between two or more parties agreeing to not communicate private, proprietary, confidential, patentable and/or controlled information or data to persons not included as part of the agreement.

OFAC (Office of Foreign Asset Controls) – The agency in the U.S. Department of Treasury that manages and enforces the Foreign Asset Control Regulations.

Personnel Restriction – A clause placed in an agreement or award that restricts persons from certain or all foreign countries from participating in the research. Research subject to a personnel restriction is typically not considered fundamental research.

Publication Restriction – A clause placed in an agreement or award that restricts the researcher from publishing his/her research until the sponsor or some other party approves the content of the research article. The approver can alter or remove content, methodology or results from the proposed article. Research subject to a publication restriction is not fundamental research.

Publication Review - A clause placed in an agreement or award that allows the sponsor or some other party to review a proposed research article for confidential, proprietary, patentable or private information. It is not an approval and does not impact the publication of the results of the research. Publication review periods of 30-90 days are typically considered acceptable.

Public Domain – Information that is readily available in libraries, magazine/newspaper articles, conference proceedings and/or on-line.

RPS (Restricted Party Screening) – The activity of determining whether a person, company, organization, or vessel (i.e., a party) is on any government lists that places restrictions on activities with that party. RPS usually applies to the use of an on-line tool to conduct the determination.

RWA (Returned Without Action) – This is a designation for an EAR export license that has been returned to the applicant either because of insufficient information or a license is not required.

Service – Work done for hire that is not considered research.

Subject to the EAR – Items that are controlled under the EAR. Fundamental research, information in the public domain and mass media items such as books, magazines and musical recordings are NOT subject to the EAR.

TCP (Technology Control Plan) – A written plan that spells out the security measures needed for a particular project to ensure compliance with the appropriate export control regulations. The TCP may include computer password protection, encryption of data, physical locks on equipment, limiting access to labs through locks/key cards and lock boxes for materials depending upon the needs of the project/lab.

USML (United States Munitions List) – The list of items export controlled under the ITAR. This list contains military, national security and space items.

U.S. Person – A person that is a citizen, national or permanent resident of the U.S., or granted asylum, amnesty or refugee status by the U.S. government. This includes U.S. governments and universities, and companies organized under U.S. law.