

Definitions:

Commerce Control List (CCL) - A list of items under the export control jurisdiction of the Bureau of Industry and Security, U.S. Department of Commerce.

Deemed Export – The EAR defines a deemed export as the release of an EAR-controlled technology or item to a foreign national in the United States. Such a release is “deemed” to be an export to the country of citizenship of the foreign national.

Situations that can involve release of U.S. technology or software include:

- Tours of laboratories
- Foreign national scholars, students, or employees involved in regulated research, development, and manufacturing activities
- Hosting of foreign scientists

Defense Article - means any item designated in the USML. Examples include specified chemical agents, cameras designated for military purposes, specified lasers, and GPS equipment as noted above. It also means any technical data recorded or stored in any physical form, models, mock-ups, or other items that reveal technical data directly relating to the particular item or “defense article” listed in the USML.

Denied Persons List - a list of specific persons that have been denied export privileges, in whole or in part. As part of compliance to the EAR and/or ITAR, the Office of Research Administration cross-checks names of individuals that are participating or have access to EAR- or ITAR-regulated objects and data to this list.

Dual-use - items that have both commercial and military or proliferation applications. While this term is used informally to describe items that are subject to the EAR, purely commercial items are also subject to the EAR (see §734.2(a) of the EAR).

Export - in export control regulations, there are several meanings which include any of the following:

- 1) actual shipment of any covered goods or items;
- 2) the electronic or digital transmission of any covered goods, items or related goods or items;
- 3) any release or disclosure, including verbal disclosures or visual inspections, or any technology, software or technical data to any foreign national; or

4) actual use or application of covered technology on behalf of or for the benefit of any foreign entity or person anywhere.

Export Administration Regulations (EAR) - means the regulations promulgated and implemented by the Department of Commerce that regulate the export of goods and related technology identified on the Commodity Control List (CCL). Goods and technology on the CCL are not inherently military in nature; they are primarily and inherently commercial or potentially commercial in nature.

Export control - The set of laws, policies, and regulations that govern the export of sensitive items for a country or company.

Export Control Classification Number (ECCN) - Identifies items on the Commerce Control List that are subject to the export licensing authority of the Bureau of Industry and Security.

Export license - The approval documentation issued by an export agency authority authorizing the recipient to proceed with the export, reexport, or other regulated activity as specified on the application.

Foreign National - any person who is not a citizen or Permanent Resident Alien of the U.S. The term applies to “persons lawfully admitted for permanent residence in the United States and does not apply to persons who are protected individuals (i.e. has been admitted as a refugee or granted asylum). The term also applies to any foreign corporation, partnership, trust, non-profit organization, or any other organization not incorporated to do business in the U.S., international organizations, foreign governments, or diplomatic entities.

Fundamental Research - (as defined by EAR and ITAR) means basic or applied research in science and engineering performed or conducted at an accredited institution of higher learning in the United States where the resulting information is ordinarily published and shared broadly in the scientific community. Fundamental research is distinguished from research that results in information that is restricted for proprietary reasons or national security reasons (EAR) or pursuant to specific U.S. government access and dissemination controls (ITAR).

Fundamental Research Exclusions - The EAR provides that university research normally will be considered as fundamental research unless the university or its researchers accept sponsor restrictions on publication of scientific and technical information resulting from the project or activity. The EAR specifically permits limited prepublication reviews by research sponsors to prevent inadvertent divulging of proprietary information provided to the researcher by the sponsor or to insure that publication will not compromise patent rights of the sponsor.

The ITAR states that university research will not be deemed to qualify as fundamental research if: (1) the university or its researchers accept any restrictions on publication of scientific and technical information resulting from the project or activity; or (2) the research is federally funded and specific access and dissemination controls protecting information resulting from the research have been accepted by the university or the researcher.

International Trafficking in Arms Regulations (ITAR) – is a set of U.S. government regulations that control the export and import of defense-related articles and services on the U.S. Munitions List (USML). These regulations implement the provisions of the Arms Export Control Act. The Department of State interprets and enforces ITAR. Its goal is to advance national strategic objectives and U.S. foreign policy via the trade controls.

For practical purposes, ITAR regulations dictate that information and material pertaining to inherently defense and military-related technologies may only be shared with U.S. persons unless approval from the Department of State is received or a special exemption is used. Heavy fines can be levied on institutions and individuals who are convicted of a violation for sharing ITAR-protected products, information (such as designs, test data, processes, software code, etc.) to non-U.S. persons. Even some articles and technologies that are not readily identifiable as inherently military in nature—for example, research satellites—are included on the USML.

Munitions List (USML) - articles, services and related technical data designated as defense articles and defense services pursuant to the Arms Export Control Act.

Public Domain - means information that is published and that is generally accessible or available 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 U.S. 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 (i.e., unlimited distribution) in any form (e.g., not necessarily in published form) after approval by the appropriate U.S. government department or agency; and (8) through fundamental research in science and engineering at accredited institutions of higher learning in the U.S. where the resulting information is ordinarily published and shared broadly in the scientific community.

Office of Foreign Asset Controls (OFAC) – The Office of Foreign Asset Control is an agency of the U. S. Department of the Treasury under the auspices of the Under Secretary of the Treasury for Terrorism and Financial Intelligence. OFAC administers and enforces economic and trade sanctions based on U.S. foreign policy and national security goals against targeted foreign states, organizations, and individuals.

Reexport - "Reexport" means an actual shipment or transmission of items subject to export regulations from one foreign country to another foreign country. For the purposes of the EAR, the export or reexport of items subject to the EAR that will transit through a country or countries to a new country, or are intended for reexport to the new country, are deemed to be exports to the final destination country.

Technical data - means information required for the design, development, production, manufacture, assembly, operation, repair, testing, maintenance, or modification of controlled articles. This includes information in the form of blueprints, drawings, plans, instructions, diagrams, photographs, etc. May take forms such as blueprints, diagrams, models, formulae, tables, engineering designs and specifications, manuals and instructions written or recorded on other media or devices such as disk, tape, or read-only memories.

Technology - Any specific information and know-how (whether in tangible form, such as models, prototypes, drawings, sketches, diagrams, blueprints, manuals, software, or in intangible form, such as training or technical services) that is required for the development, production, or use of a physical object, but not the object itself.

Technology Control Plan (TCP) - The Technology Control Plan is a vehicle which Purdue uses to manage access to EAR- and ITAR-controlled objects, services, and technical data. The TCP must be kept current while the controlled objects, research, or data is at Purdue University.

U.S. person - an individual who is a citizen of the United States or a foreign national with a visa status of Legal Permanent Resident (LPR). An LPR is also known as a Permanent Resident Alien (PRA).