

## APPENDIX LL

### DEFINITIONS

**Attaché.** A diplomatic official or military officer attached to an embassy or legation, especially in a technical capacity.

**Bill of Lading (BL).** A document listing and acknowledging the receipt of goods for shipment.

**Bureau of Industry and Security (BIS).** The office in the Department of Commerce responsible for the administration of the Export Administration Regulations (*reference u*).

**Certification.** Formal recognition by a DoD Component of a working relationship with a representative of a foreign government (i.e., a Liaison Officer) for specified purposes and on a recurring basis over an agreed period of time.

**Classification Guide.** A document issued or approved by an authorized original classification authority or the senior component or agency official that explicitly prescribes the level of classification and appropriate downgrading and declassification instructions for a specific element information to be classified on derivative basis. The guidance also may be included in, or appended to, the DD Form 254, "Contract Security Specifications" for classified contracts.

**Classification Marking.** A marking affixed to classified documents or material to indicate the classification level and category of information contained therein, as well as handling instructions if required. The designation "unclassified" is considered a classification marking.

**Classified Contract.** Any contract that requires or will require access to U.S. or foreign government classified information by a contractor or contractor employees in the performance of a contract. A contract may be a classified contract even though the contract document is not classified.

**Classified Material.** Any combination of documents, products, substances or items that has been assigned a classification either individually or as a group.

**Classified Military Equipment.** Equipment that is itself classified; contains classified information that may be derived from or revealed by its operation or testing; or will require the disclosure of classified information for operation, employment, maintenance or training.

**Classified Military Information (CMI).** Information originated by or for the Department of Defense or its Agencies or is under their jurisdiction or control and that requires protection in the interests of national security. It is designated TOP SECRET, SECRET and CONFIDENTIAL as described in E.O. 12356 (*reference j*). Classified military information may be in oral, visual or material form and is in eight categories (for a description of the categories see Chapter 3).

**Classified Program.** Any program that involves the use of or access to classified information.

**Classified Visit.** A visit that requires or is expected to require access to, or release of, classified information to or by the visitor.

**Code of Federal Regulations (CFR).** A systematically arranged codification of the general and permanent regulations issued by the Executive Departments and Agencies of the Federal Government and published in the Federal Register.

**Cognizant Security Office.** The office of the DSS, Director of Industrial Security that has industrial security jurisdiction over the geographical area in which a contractor is located.

**Commodity.** Any article, material or supply except technical data. EAR (15 CFR 768-799) (*reference u*)

**Commerce Control List (CCL).** The list of commodities under the export control jurisdiction of the Bureau of Industry and Security (BIS), U.S. Department of Commerce. EAR (15 CFR 768-799) (*reference u*)

**Commercial Sales.** The sale of defense articles or defense services by a U.S. firm directly to a foreign interest pursuant to the ITAR. (22 CFR 120-130) (*reference c*)

**Committee on Foreign Investment in the U.S. (CFIUS).** A committee, under the jurisdiction of the Department of the Treasury, that is charged with the responsibility of reviewing proposed mergers, acquisitions or takeovers of U.S. companies by a foreign interest to determine whether there is credible evidence to believe that the foreign investor might take action that threatens to impair the national security of the United States through such actions.

**Communications Security (COMSEC).** Measures and controls that deny information derived from telecommunication to unauthorized persons and ensure the authenticity of such telecommunications. This includes crypto security, transmission security, emissions security and physical security of COMSEC material.

**Compromise.** Disclosure of classified information to an unauthorized person(s).

**Conclusion.** The act of signing, initialing, responding or otherwise indicating the acceptance of an international agreement by the United States.

**Constant Surveillance Service.** A transportation protective service provided by a commercial carrier qualified to transport CONFIDENTIAL shipments. The service requires constant surveillance of the shipment by a qualified carrier representative. The carrier must maintain a signature and tally record for the shipment.

**Contact Officer.** A DoD official designated in writing to oversee and control all contacts, requests for information, consultations and other activities of foreign representatives who are assigned to, or are visiting, a DoD Component or subordinate organization. In the case of personnel exchange programs, the host supervisor may be the contact officer.

**Controlled Unclassified Information (CUI).** Unclassified information to which access or distribution limitations have been applied in accordance with national laws, policies and regulations of the originating country. It includes U.S. information that is determined to be exempt from public disclosure in accordance with DoD Directives 5230.25 and 5400.7-R (*references l and i*) or that is subject to export controls in accordance with the ITAR (22 CFR 120-130) (*reference c*) or the EAR (15 CFR 768-799) (*reference u*).

### **Coproduction Programs.**

- a. Those programs in which the U.S. Government enables an eligible foreign government, international organization, or designated commercial producer to acquire the technical data and know-how to manufacture or assemble in whole, or in part, an item of U.S. defense equipment for use in the defense inventory of the foreign government.
- b. Coproduction programs, so defined, may be implemented through any one, or a combination, of international agreements, FMS arrangements, and direct commercial agreements subject to U.S. Government export licenses.
- c. Coproduction programs, as defined in definition 27.a., above, EXCLUDE the following:
  - (1) Overseas or domestic production under license, based on direct commercial arrangements with U.S. contractors in which the U.S. Government is involved, only on the basis of U.S. export or import licensing.
  - (2) Provision of technical data for maintenance, repair, overhaul, or operation of a defense item, without permission to manufacture the item or its components.

**Country Clearance.** Clearance granted by foreign authorities through U.S. Embassies (Defense Attaché, Office of Defense Cooperation, etc.) for official travel to that country.

**Critical Technology.** Critical technology, as defined by DoD Directive 5230.25 (*reference l*) consists of:

- a. Arrays of design and manufacturing know-how (including technical data);

- b. Keystone manufacturing, inspection and test equipment;
- c. Keystone materials; and
- d. Goods accompanied by sophisticated operation, application or maintenance know-how that would make a significant contribution to the military potential of any country or combination of countries and that may prove detrimental to the security of the United States (also referred to as militarily critical technology).

**COSMIC.** A NATO marking applied to all copies of TOP SECRET documents prepared for circulation within NATO.

**Courier.** An individual designated to handcarry classified material on a regular basis.

**Defense Acquisition Process.** An integrated framework for translating broadly stated mission needs into stable, affordable acquisition programs that meet the operational user's needs and can be sustained, given force constraints; through a rigorous, event-oriented management process that emphasizes effective planning, improved communications with users and aggressive risk management by both Government and industry.

**Defense Article.**

- a. Any weapon, weapons system, munition, aircraft, vessel, boat, or other implement of war,
- b. Any property, installation, commodity, material, equipment, supply, or goods used for the purposes of making military sales,
- c. Any machinery, facility, tool, material, supply, or other item necessary for the manufacture, production, processing, repair, servicing, storage, construction, transportation, operation, or use of any article listed in this paragraph, and
- d. Any component or part of any article listed in this paragraph, but does not include merchant vessels or (as defined by the Atomic Energy Act of 1954) source material (except uranium depleted in the isotope 235 which is incorporated in defense articles solely to take advantage of high density or special nuclear material, pyrophoric characteristics unrelated to radioactivity), byproduct material, production facilities, utilization facilities, or atomic weapons or articles involving Restricted Data.

**Defense Service.** Includes any service, test, inspection, repair, training, publication, technical or other assistance, or defense information (as defined in section 644(e) of the Foreign Assistance Act of 1961) used for the purposes of making military sales, but does not include design and contraction services under section 29 of this Act.

**Defense Transportation System (DTS).** Military controlled transportation terminal facilities, Air Mobility Command-controlled aircraft, Military Sealift-controlled or arranged sealift and Government-controlled air or land transportation.

**Delegation of Disclosure Authority Letter (DDL).** A letter issued by the appropriate designated disclosure authority explaining classification levels, categories, scope, and limitations of information under a DoD Component's disclosure jurisdiction that may be disclosed to a foreign recipient. It is used to delegate disclosure authority to subordinate disclosure authorities.

**Designated Disclosure Authority.** An official, at subordinate component level, designated by the Head of a DoD Component or the Component's Principal Disclosure Authority to control disclosures of classified military information by his or her organization.

**Designated Government Representative.** A person with the requisite security clearance designated in writing, by a U.S. Government agency or by a foreign government agency to act on its behalf for purposes of transferring custody or accepting custody by signing a receipt for and assuming security responsibility for classified material.

**Designated Security Authority (DSA).** Government agency officials authorized to act for their respective governments in overseeing international security programs. The DSA for the DoD is the Deputy Under Secretary of Defense (Technology Security Policy and National Disclosure Policy).

**Directorate of Defense Trade Controls (ODTC).** The Directorate within the Bureau of Politico Military Affairs, Department of State, responsible for administration of the International Transfer of Arms Regulations (*reference c*). (Formerly called the Office of Munitions Control.)

**Disclosure.** Conveying classified information, in any manner, to an authorized representative of a foreign government or international organization.

**Distribution Statement.** A statement used in marking a technical document to denote the extent of its availability for distribution, release and disclosure without additional approvals or authorizations.

**DoD Components.** Consists of the Office of the Secretary of Defense, the Military Departments, the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Unified and Specified Commands, the Defense Agencies, and the DoD Field Activities.

**Downgrade.** A determination that classified information requires, in the interest of national security, a lower degree of protection against unauthorized disclosure than currently provided, together with a changing of the classification designation (level) to reflect a lower degree of protection.

**Dual-use Goods.** Goods (and related technology) that are capable of being used either for legitimate civilian purposes or capable of being used or diverted to increase a nation's military potential.

**Escort.** An individual assigned the responsibility to accompany visitors within a secure area or an individual or common carrier employee assigned the responsibility to accompany personnel, matter or material while in transit.

**Executive Agent.** The office or organization designated to negotiate and sign agreements establishing personnel exchange programs.

**Export.** The ITAR (22 CFR 120-130) (*reference c*) defines export as:

- a. Sending or taking a defense article out of the U.S. in any manner, except by mere travel outside the U.S. by a person whose personal knowledge includes technical data; or
- b. Transferring registration or control to a foreign person of any aircraft, vessel, or satellite covered by the U.S. Munitions List, whether in the U.S. or abroad; or
- c. Disclosing (including oral or visual disclosure) or transferring in the U.S. any defense article to an embassy, any agency or subdivision of a foreign government (e.g., diplomatic mission); or
- d. Disclosing (including oral or visual disclosure) or transferring technical data to a foreign person, whether in the U.S. or abroad; or
- e. Performing a defense service on behalf of, or for the benefit of, a foreign person, whether in the U.S. or abroad.

**Export Administration Regulations (EAR).** Regulations (15 CFR 768-799) (*reference u*) issued by the Secretary of Commerce pursuant to the EAA (Pub. L. No. 96-72 (1979)) (*reference e*) to regulate, with few exceptions, exports of all items not covered by the AECA/ITAR (Pub. L. No. 94-329 (1976)) (*reference b*), and 22 CFR 120-130) (*reference c*).

**Export Control Classification Number (ECCN).** A four digit number which corresponds to the international COCOM export control structure format and a code letter which is the key to documentation requirements and indicates the country group level of control for CCL entries. EAR (15 CFR 768-799) (*reference u*)

**Facility Security Clearance (FCL).** An administrative determination that, from a security viewpoint, a facility is eligible for access to classified information.

**Facility Security Officer (FSO).** The individual at the facility assigned with the responsibility of administering the requirements of the Industrial Security Program/National Industrial Security Program within the facility.

**Foreign Disclosure and Technical Information System (FORDTIS).** An automated system to assist decision makers and analysts in reviewing, coordinating and reaching decisions concerning proposals to release classified military information, material and technology to foreign governments and international organizations.

**Foreign Classified Contract.** A classified contract awarded to a U.S. contractor by a foreign government or foreign contractor.

**Foreign Contractor.** A contractor or subcontractor organized or existing under the laws of a country other than the United States.

**Foreign Exchange Personnel.** Military or civilian officials of a foreign defense establishment (i.e., a DoD equivalent) who are assigned to a DoD Component in accordance with the terms of an exchange agreement and who perform duties, prescribed by a position description, for the DoD component.

**Foreign Government Information.** Foreign government information is:

- a. Information provided to the United States by a foreign government or international organization of foreign governments or an element thereof with the expectation, expressed or implied, that the information, its source or both are to be held in confidence; or
- b. Information produced by the United States under an arrangement with a foreign government or international organization of foreign governments or any of their elements, requiring that the information, the arrangement or both be held in confidence.

**Foreign Government Representative.** Any foreign interest or representative of a foreign interest.

**Foreign Interest.** Any foreign government, agency of a foreign government, or representative of a foreign government; any form of business enterprise or legal entity organized under the laws of any country other than the United States or its possessions, and any foreign national.

**Foreign Military Sales (FMS).** That portion of U.S. security assistance authorized by the AECA, as amended, (Pub. L. No. 94-329 (1976)) (*reference b*) and conducted on the basis of formal contracts or agreements between the U.S. Government and an authorized recipient of a foreign government or international organization. FMS includes government-to-government sales of defense articles and defense services, from DoD stocks or through purchase under DoD-managed contracts, regardless of the source of funding.

**Foreign National.** Any person who is not a citizen or national of the United States.

**Foreign Ownership, Control, or Influence (FOCI).** A facility shall be considered to be under foreign ownership, control or influence when a reasonable basis exists to conclude that the

nature and extent of the FOCI is such that foreign dominance over the management or operations of the facility may result in the compromise of classified information or adversely impact the performance on classified contracts.

**Foreign Person.** Any natural person who is not a protected individual as defined by 8 U.S.C. 1324b(a)(3). It includes foreign corporations, business associations, partnerships, trusts, societies or any other group or entity that is not incorporated or organized to do business in the U.S., as well as international organizations, foreign governments, and any agency or subdivision of foreign governments (e.g., diplomatic missions). ITAR (22 CFR 120-130) (*reference c*)

**Formerly Restricted Data (FRD).** Classified information jointly determined by the Department of Energy or its predecessors and the Department of Defense to be related primarily to the military use of atomic weapons, and removed from the RD category pursuant to section 142d of the AEA of 1954, as amended, (Pub. L. No. 83-703 (1954)) (*reference g*) and safeguarded as National Security information, subject to the restrictions on transmission to other countries and regional defense organizations that apply to Restricted Data.

**General License.** A License established by the U.S. Department of Commerce for which no application is required and for which no document is granted or issued. It permits export within the provisions of the license as prescribed in the EAR (15 CFR 768-799) (*reference u*)

**Freight Forwarder.** A commercial firm which makes arrangements for the transfer of freight. In the context of this publication, it would be a firm under contract to the U.S. or foreign government to transfer classified material.

**Government-to-Government Channels.** A term used to describe the principle that classified information and material will be transferred by government officials through official channels or through other channels expressly agreed upon by the governments involved. In either case, the information or material may be transferred only to a person specifically designated in writing by the foreign government or international organization as its representative.

**Hardened Container.** A container used for transportation that has the strength and durability to provide security protection by preventing items from breaking out of the container and to facilitate the detection of any tampering with the container. Some examples are banded or wired boxes, wooden boxes and closed cargo transporters.

**Individual License.** Any validated Department of Commerce license, other than special licenses, authorizing the export of specific technical data or a specified quantity of commodities during a specified period to a designated consignee.

**Intelligence.** The product resulting from the collection, processing, integration, analysis, evaluation and interpretation of available information concerning foreign countries or areas.

**Intending Citizen.** An alien who falls into one of the following four categories under the Immigration Reform and Control Act of 1986:

- a. Permanent residents;
- b. Temporary residents (individuals who have gone through or are in the process of going through the amnesty legalization program);
- c. Individuals admitted as refugees; and
- d. Individuals granted asylum. DoD 5220.22-M (*reference z*)

**International Agreement.** An international agreement is:

- a. Any agreement concluded with one or more foreign governments (including their agencies, instrumentalities or political subdivisions) or with an international organization, that:
  - (1) Is signed or agreed to by personnel of any DoD Component or by representatives of the Department of State or any other Department or Agency of the U.S. Government;
  - (2) Signifies the intention of its parties to be bound in international law;
  - (3) Is denominated as an international agreement or as an MOU, MOA, memorandum of arrangements, exchange of notes, exchange of letters, technical arrangement, protocol, note verbal, aide memoir, agreed minute, contract, arrangement, statement of intent, letter of intent, statement of understanding or any other name connoting a similar legal consequence.
- b. Any oral agreement that meets the criteria of paragraph 1.a., above.
- c. A NATO Standardization Agreement (STANAG) under the NATO Mutual Support Act (10 U.S.C. 2341 et seq.) (*reference aaa*) that provides for mutual support or cross-servicing of military equipment, ammunition, supplies and stores or for mutual rendering of defense services, including training.

**International Organization.** An entity established by recognized governments pursuant to an international agreement which, by charter or otherwise, is able to acquire and transfer property, make contracts and agreements, obligate its members and pursue legal remedies.

**International Traffic in Arms Regulations (ITAR).** Regulations issued by the Secretary of State to regulate exports of defense articles and defense services pursuant to section 38 of the Arms Export Control Act (22 U.S.C. 2778) (*reference b*). 22 CFR 120-130 (*reference c*)

**Intransit Shipment.** A temporary import into the U.S. of a defense article.

**Joint Information.** Military information over which two or more DoD Components or two or more Federal Departments or Agencies, exercise control, jurisdiction or security awareness.

**Liaison Officer.** A foreign government official, either a military or civilian employee, who is certified by his or her government to act as a representative of that government to a DoD Component in connection with bilateral or multinational programs or projects.

**License.** A document bearing the word "license" issued by the Director of the Office of Defense Trade Controls, or his authorized designee, which permits the export or temporary import of a specific defense article or defense service. ITAR (22 CFR 120-130) (*reference c*)

**Licensed Production.** Overseas or domestic production based on direct commercial arrangements between U.S. and foreign contractors in which the U.S. Government is involved solely on the basis of U.S. export or import licensing.

**Limited Access Authorization (LAA).** Security access authorization to CONFIDENTIAL or SECRET information granted to non-U.S. citizens requiring such limited access in the course of regular duties.

**Limited Rights (DFARS 227.401(15)).** Rights to use, duplicate or disclose technical data, in whole or in part, by or for the Government, with the express limitation that such technical data shall not, without the written permission of the party asserting limited rights, be: released or disclosed outside the Government; used by the Government for manufacture, or in the case of computer software documentation, for preparing the same or similar computer software; or used by a party other than the Government, except that the Government may release or disclose technical data to persons outside the government, or permit the use of technical data by such persons, if:

a. Such release, disclosure, or use--

(1) Is necessary for emergency repair and overhaul; or

(2) Is a release or disclosure of technical data (other than detailed manufacturing or process data) to, or use of such data by, a foreign government that is in the interest of the Government and is required for evaluational or informational purposes;

b. Such release, disclosure, or use is made subject to a prohibition that the person to whom the data is released or disclosed may not further release, disclose, or use such data; and

c. The contractor or subcontractor asserting the restriction is notified of such release, disclosure, or use.

**Major Defense Acquisition Program.** A program not classified as highly sensitive by the Secretary of Defense that has:

- a. Been designated by the Under Secretary of Defense (Acquisition) as an acquisition category I program or is
- b. Estimated by the Under Secretary to require:
  - (1) An eventual expenditure for RDT&E of more than \$365 million in fiscal year 2000 constant dollars; or
  - (2) An eventual expenditure for procurement of more than \$2.190 billion in fiscal year 2000.

**Major Defense Equipment (MDE).** Any item of significant military equipment on the USML having a nonrecurring research and development cost of more than \$50,000,000 or a total production cost of more than \$200,000,000. AECA (Pub. L. No. 94-329 (1976)) (*reference b*)

**Manufacturing License Agreement (MLA).** An agreement (e.g., contract) whereby a U.S. person grants a foreign person an authorization to manufacture defense articles abroad and which involves or contemplates:

- (a) the export of technical data or defense articles or the performance of defense services, or
- (b) the use by the foreign person of technical data or defense articles previously exported by the U.S. person. ITAR (22 CFR 120-130) (*reference c*)

**Meeting.** A conference, seminar, symposium, exhibit, convention, training course or other gathering during which classified or controlled unclassified information is disclosed.

**Milestone.** A decision point. In the context of the Defense Acquisition process, there are three major milestone decision points (A through C).

**Military Export Sales.** See Foreign Military Sales and Commercial Sales.

**Militarily Critical Technologies List (MCTL).** See Critical Technology definition above.

**National Security Authority (NSA).** An official of a NATO member nation who is responsible for the security of NATO classified information within his or her country and national agencies abroad. The Secretary of Defense is the United States National Security Authority.

**NATO Classified Information.** All classified information, military, political and economic circulated within NATO, whether such information originated in NATO or is received from member nations or from international organizations.

**NATO Contract.** A contract awarded by an NPLO or by a NATO Management Agency in support of a NATO system, project or operation, or by a NATO member nation in support of a NATO infrastructure project to be undertaken by a NATO nation. Contracts awarded by a U.S. Government agency or by a NATO member nation in support of a national requirement that entails access to NATO information are not NATO contracts.

**NATO Documents.** Documents marked as NATO or COSMIC in conjunction with a security classification, that are the property of NATO. (U.S. documents that contain NATO information are not NATO documents.)

**NATO Information.** Information bearing NATO markings, indicating the information belongs to NATO, access to which is limited to representatives of NATO and its member nations unless NATO authority has been obtained to release it outside of NATO.

**NATO Management Agency or Office.** A subsidiary organization of NATO responsible for the administration of a NATO Production and Logistics Organization project or, in some cases, a NATO infrastructure project.

**NATO Production and Logistics Organization (NPLO).** A subsidiary organization of NATO responsible for the implementation of tasks for which the North Atlantic Council has granted clearly defined organizational, administrative and financial independence. NPLOs are established to meet the collective needs of some or all nations of the Alliance in the fields of production and logistics or other related fields, usually related to the procurement of weapons or a weapons system.

**Negotiation (DoDD 5530.3; Encl. 2).** Communication by any means of a position or an offer, on behalf of the United States, the Department of Defense or on behalf of any officer or organizational element thereof, to an agent or representative of a foreign government (including its agencies, instrumentalities or political subdivisions) or of an international organization, in such detail that the acceptance in substance of such a position or offer would result in an international agreement. The term "negotiation" includes any such communication even though conditioned on later approval by the responsible authority. The term "negotiation" also includes provision of a draft agreement or other document, the acceptance of which would constitute an agreement, as well as discussions concerning any U.S. or foreign government or international organization draft document whether or not titled "agreement". The term "negotiation" does not include preliminary or exploratory discussions or routine meetings where no draft documents are discussed, so long as such discussions or meetings are conducted with the understanding that the views communicated do not, and shall not, bind or commit any side, legally or otherwise.

**Nominee Shares.** Securities which are transferred by agreement in the name of an official of a bank or trust company, or an appointed agent. Such an arrangement could be used to disguise the true owner.

**Operations Security (OPSEC).** An analytic process that systematically examines, from an adversarial point of view, information generally available to the public about an activity and its detectable actions that could reveal the existence of, and some details about, classified or sensitive information or undertakings.

**Originating DoD Component.** The DoD Agency that exercises original classification jurisdiction for classified information.

**Person.** A natural person as well as a corporation, business association, partnership, society, trust, or any other entity, organization or group, including governmental entities. ITAR (22 CFR 120-130) (reference c)

**Person or Firm.** An individual, corporation partnership, association, company or any other kind of organization, situated, residing or doing business in the U.S. or any foreign country, including any government or agency thereof, as well as a citizen or national of the U.S. or any foreign country. EAR (15 CFR 768-799) (*reference u*)

**Primary Distribution.** The initial targeted distribution of or access to technical documents authorized by the controlling DoD Component.

**Principal Disclosure Authority.** A senior official appointed in writing by the Head of a DoD Component as the principal disclosure authority for that Component.

**Program Executive Officer.** A military or civilian official who has primary responsibility for directing several acquisition category I programs and for assigned acquisition category II, III and IV programs. A Program Executive Officer has no other command or staff responsibilities within the component, and only reports to and receives guidance and direction from the DoD Component Acquisition Executive.

**Protective Security Service.** A transportation protective service provided by a cleared commercial carrier qualified by the MTMC to transport SECRET shipments.

**Public Domain.** Information which is published and which is generally accessible or available to the public:

- a. Through sales at news stands and bookstores;
- b. Through subscriptions which are available without restriction to any individual who desires to obtain or purchase the published information;
- c. Through second class mailing privileges granted by the U.S. Government; or
- d. At libraries open to the public or from which the public can obtain documents;
- e. Through patents available at any patent office;

- f. Through unlimited distribution at a conference, meeting, seminar, trade show or exhibition, generally accessible to the public, in the U.S.;
- g. Through public release (i.e., unlimited distribution) in any form (e.g., not necessarily in published form) after approval by the cognizant U.S. Government department or agency;
- h. 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 within the scientific community. Fundamental research is defined to mean basic and applied research in science and engineering where the resulting information is ordinarily published and shared broadly within the scientific community, as distinguished from research the results of which are restricted for proprietary reasons or specific U.S. Government access and dissemination controls. University research will not be considered fundamental research if:
  - (1) The University or its researchers accept other restrictions on publication of scientific and technical information resulting from the project or activity, or
  - (2) The research is funded by the U.S. Government and specific access and dissemination controls protecting information resulting from the research are applicable. ITAR (22 CFR 120-130) (*reference c*)

**Qualified Canadian Contractor.** A private individual or enterprise located in Canada whose eligibility to obtain U.S. unclassified export-controlled technical data has been established under the TDCR (*reference ww*) and registration with the JCO.

**Qualified U.S. Contractor.** A private individual or enterprise located in the United States whose eligibility to obtain unclassified export-controlled technical data has been established under DoD Directive 5230.25 (*reference l*).

**Representative of a Foreign Interest.** A citizen or national of the United States, or an intending citizen to the United States, who is acting on behalf of a foreign interest.

**Restricted Data (RD).** All data concerning the design, manufacture or use of atomic weapons, the production of special nuclear material or the use of special nuclear material in the production of energy, but not including data declassified or removed from the RD category pursuant to section 142 of the AEA of 1954, as amended (Pub. L. No. 83-703 (1954)) (*reference g*).

**Secondary Distribution.** Release of technical documents provided after primary distribution by other than the originator or controlling office. It includes loaning, allowing the reading of or releasing a document outright, in whole or in part.

**Security Aspects Letter.** A document issued by the appropriate authority as part of a NATO classified contract, establishing the security classification of these elements thereof requiring security protection for a NATO classified project. In addition it may contain the obligatory security provisions required for the performance of the contract.

**Security Assurance.** The written confirmation, requested by and exchanged between governments, of the security clearance level or eligibility for clearance, of their employees, contractors and citizens. It includes a statement by a responsible official of a foreign government that the original recipient of U.S. classified military information possesses the requisite security clearance and is approved by his or her government for access to information of the security classification involved on behalf of the foreign government and that the recipient will comply with any security requirements specified by the United States. In case of industrial facilities, the security assurance should include a statement concerning the level of storage capability.

**Security Requirements Checklist.** A list of the NATO security classifications allocated to NATO classified information connected with the various aspects of a NATO classified contract, annexed to a Security Aspects Letter.

**Sensitive Compartmented Information (SCI).** Information and material that requires special controls for restricted handling within compartmented intelligence systems and for which compartmentation is established.

**Shippers Export Declaration.** Any declaration required under regulations issued by the Departments of Commerce or State or any other U.S. Government Department or Agency in connection with exports. Department of Commerce Form No. 7525-V.

**Significant Military Equipment (SME).** All classified articles and those identified by an asterisk in section 121.1, ITAR (22 CFR 120-130, *reference c*) for which special export controls are warranted because of their capacity for substantial military utility or capability. Significant combat equipment is an equivalent term. SME includes:

- a. items in Section 121.1 of this subchapter which are preceded by asterisk; and
- b. all classified articles enumerated in Section 121.1 of this subchapter.

**Single Line Service.** Freight that moves from point of origin to destination over the lines of only one carrier.

**Software.** Software includes but is not limited to the system functional design, logic flow, algorithms, application programs, operating systems and support software for design, implementation, test, operation, diagnosis and repair.

**Strategic War Plan.** A plan for the overall conduct of a war.

**"Street Names"**. When securities are held in the name of a stock broker instead of the name of the customer, the securities are said to be held in the "street name." This could be used to hide the true identity of the owner.

**Technical Assistance Agreement (TAA)**. An agreement (e.g., contract) for the performance of defense services or the disclosure of technical data, as opposed to an agreement granting a right or license to manufacture defense articles. Assembly of defense articles is included under this definition, provided production rights or manufacturing know-how are not conveyed. ITAR (22 CFR 120-130) (*reference c*)

**Technical Information**. Information, including scientific information, which relates to research, development, engineering, test, evaluation, production, operation, use, and maintenance of munitions and other military supplies and equipment. DoD Directive 5200.21 (*reference uu*)

**Technical Data**. Technical data is:

- a. Information, other than software as defined above, which is required for the design, development, production, manufacture, assembly, operation, repair, testing, maintenance or modification of defense articles. This includes information in the form of blueprints, drawings, photographs, plans, instructions and documentation.
- b. Classified information relating to defense articles and defense services;
- c. Information covered by an invention secrecy order;
- d. Software as defined above, directly related to defense articles;
- e. This definition does not include information concerning general scientific, mathematical or engineering principles commonly taught in schools, colleges and universities or information in the public domain. It also does not include basic marketing information on function or purpose or general system descriptions of defense articles. ITAR (22 CFR 120-130) (*reference c*) NOTE: For security assistance and government contracting purposes, the SAMM (para 140104.B) and the DFARS (Section 227.401(18)) define "technical data" differently.

**Technical Data Package (TDP)**. The most prominent category of technical data. The TDP normally includes technical design and manufacturing information sufficient to enable the construction or manufacture of a defense item, component, modification, or to enable the performance of certain maintenance or production processes. It may include blueprints, drawings, plans, or instructions that can be used or adopted for use in the design, production, manufacture or maintenance of the defense item or technology.

**Technical Assistance**. May take forms such as: instruction, skills training, working knowledge, consulting services. EAR (15 CFR 768-799) (*reference u*)

**Technology.** Specific information necessary for the "development", "production", or "use" of a product. Information usually takes the form of "technical data" or "technical assistance". EAR (15 CFR 768-799) (*reference u*)

**Technology Assessment and Control Plan (TA/CP).** The principal document used to develop the security requirements, disclosure guidelines and the control plan for phasing of technical data releases for a proposed international project. It assists various security and technology transfer elements in the Department of Defense in reaching decisions on the transfer of CMI and CUI to foreign governments in support of cooperative projects and the sale of military equipment. The format for a TA/CP is found in Enclosure 7 at DoDD 5530.3.

**Technology Control Plan (TCP).** A plan to control access to CMI and CUI by foreign nationals employed by or on extended visits to U.S. contractor facilities. The TTCP shall include, as a minimum:

- a. Measures (e.g., unique badges, escorts, separate work area) to control access to the specific information for which Government disclosure authorization has been obtained.
- b. A description of the elements of export controlled information to which the foreign person may have access and disclosure guidelines.
- c. Indoctrination of the foreign person and company personnel who will be in contact with the foreign person on government security and technology transfer policies, disclosure guidance and the provisions of the TTCP. The disclosure guidance shall be emphasized to those other employees who will have frequent contact with the foreign national.
- d. A requirement that the foreign national sign a certificate, witnessed by the FSO, certifying that he or she acknowledges, understands and shall comply with U.S. Government requirements regarding access to, use, and retransfer of technical data, and shall comply with applicable provisions of the TTCP.
- e. Identification of a company employee who shall be responsible for monitoring the activities of the foreign national at the facility.

**Theater Clearance.** Clearance granted by a Unified Command (through Component Commanders or other designated authorities) for official travel to military installations (headquarters and subordinate elements) within the geographical area of responsibility (theater) of the Unified Command.

**Training (AECA Section 47(5)).** Formal or informal instruction of foreign nationals in the United States or overseas by officers or employees of the United States, contract technicians or by contractors (including instruction at civilian institutions) or by correspondence courses, technical, educational, or information publications and media of all kinds, training aid, orientation, training exercise, and military advice to foreign military units and forces.

**Transfer.** Passing of custody and control of one party's material to another party.

**Transmission.** The sending of information from one place to another by radio, microwave, laser or other nonconnective methods, as well as by cable, wire, or another connective medium. Transmission also includes the transfer of custody and responsibility for a document or other classified material from one authorized addressee to another.

**Transportation Protection Services.** Commercial carrier services performed according to DoD standards that provide intransit physical security for shipments of classified material. The two services used for shipments of SECRET and CONFIDENTIAL are Protective Security Service and Constant Surveillance Service, respectively.

**Transportation Plan.** A comprehensive plan covering the movement of classified material between participants of an international program or project. The required contents of this plan are listed in SAMM Table 503.4, and in DoD 5200.1-R (*reference oo*) and the NISPOM (*reference z*).

**Transshipping Activity.** A Government activity to which a carrier transfers custody of freight for reshipment by another carrier to the consignee.

**Unauthorized Disclosure.** A communication or physical transfer of classified information to an unauthorized person.

**United States.** Includes the several states, the Commonwealth of Puerto Rico, the insular possessions of the U.S., the District of Columbia, the Commonwealth of the Northern Mariana Islands and any territory or possession over which the U.S. exercises any powers of administration, legislation and jurisdiction. ITAR (22 CFR 120-130) (*reference c*)

**United States and Its Territories.** The 50 States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands (also called Micronesia), Midway Island, Wake Island, Johnson Atoll, Kingman Reef, Swain's Island and Palmyra Island. DoD 5220.22-M (*reference z*)

**United States Munitions List (USML).** A list of articles, services and related technical data designated as defense articles and defense services pursuant to sections 38 and 47(7) of the AECA (Pub. L. No. 94-329 (1976)) (*reference b*). See Section 121.1 of the ITAR (22 CFR 120-130) (*reference c*).

**United States Code (U.S.C.).** A systematically arranged collection of U.S. laws.

**Unlimited Rights.** Rights to use, duplicate, release or disclose technical data or computer software in whole or in part, in any manner and for any purpose whatsoever, and to have or permit others to do so.

**U.S. Person (ITAR 120.15).** A natural person who is a protected individual as defined by the Immigration and Nationality Act (8 U.S.C. 1324b(a)(3)). It also means any corporation, business association, partnership, society, trust, or any other entity, organization, or group that is incorporated or organized to do business in the U.S. It also includes any governmental (federal, state, or local) entity. It does not include any foreign person as defined in the ITAR. ITAR (22 CFR 120-130) (*reference c*)

**U.S. Criminal Statutes (ITAR 120.27).** For the purposes of the ITAR (22 CFR 120-130) (*reference c*), U.S. criminal statutes means:

- a. Section 38 of the Arms Export Control Act (22 U.S.C. 2778);
- b. Section 11 of the Export Administration Act of 1979 (50 U.S.C. App. 2410);
- c. Sections 793, 794, or 798 of Title 18, U.S.C. (relating to espionage involving defense or classified information);
- d. Section 16 of the Trading with the Enemy Act (50 U.S.C. App. 16);
- e. Section 206 of the International Emergency Economic Powers Act (relating to foreign assets controls; 50 U.S.C. 1705);
- f. Section 30A of the Securities Exchange Act of 1934 (15 U.S.C. 78dd-1) or section 104 of the Foreign Corrupt Practices Act (15 U.S.C. 78dd-2);
- g. Chapter 105 of Title 18, U.S.C. (relating to sabotage);
- h. Section 4(b) of the Internal Security Act of 1950 (relating to communication of classified Information; 50 U.S.C. 783(b));
- i. Sections 57, 92, 101, 222, 224, 225, or 226 of the Atomic Energy Act of 1954 (42 U.S.C. 2077, 2122, 2131, 2134, 2272, 2274, 2275, 2276);
- j. Section 601 of the National Security Act of 1947 (relation to intelligence identities protection; 50 U.S.C. 421);
- k. Section 603(b) or (c) of the Comprehensive Anti-Apartheid Act of 1968 (22 U.S.C. 5113(b) and (c)); and
- l. Section 371 of Title 18 U.S.C. (when it involves conspiracy to violate any of the above statutes).

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