

System Policy 15.02, Export Controls Program Management

Definitions

Controlled Information – Controlled information is information about controlled physical items. This includes information which is required for the design, development, production, manufacture, assembly, operation, repair, testing, maintenance or modification of controlled physical items and may be released through visual inspection, oral exchanges, or the application of personal knowledge or technical experience with controlled physical items. This includes information in the form of blueprints, drawings, photographs, plans, instructions and documentation. Also included in this definition are non-physical items (software and algorithms, for example) listed under EAR and ITAR. (See 15 CFR 730-774 and 22 CFR 120-130 for further details.)

Controlled Physical Items – Controlled physical items are dual use technologies listed under EAR and defense articles listed on ITAR’s USML. (See 15 CFR 730-774 and 22 CFR 120-130 for further details.)

Export – An export occurs when a controlled physical item or controlled information is transmitted outside the United States borders or when a controlled physical item or controlled information is transmitted to a foreign person in the United States. When a controlled physical item or controlled information is transmitted to a foreign person in the United States, it is known as a deemed export.

The term “export” is broadly defined. It generally includes (1) actual shipment of any controlled physical items; (2) the electronic or digital transmission of any controlled information; (3) any release or disclosure, including verbal disclosures and visual inspections, of any controlled information; or (4) actual use or application of controlled physical items or controlled information on behalf of or for the benefit of a foreign entity or person anywhere. Complete definitions of the term “export” are contained in the federal regulations.

Foreign Person – For export control purposes, a foreign person includes any individual in the United States in nonimmigrant status (i.e., H-1B, H-3, L-1, J-1, F-1, B-1, Practical Training), and individuals unlawfully in the United States.

A foreign person is also any branch of a foreign government or any foreign corporation or group that is not incorporated or organized to do business in the United States.

For export control purposes, a foreign person is not an individual who is a United States citizen, lawful permanent resident of the United States, a refugee, protected political asylee or someone granted temporary residency under amnesty or Special Agricultural Worker provisions.