

Introduction to U.S. Export Controls for the Commercial Space Industry



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Purpose of this Publication

The *Introduction to U.S. Export Controls for the Commercial Space Industry* provides information to help American commercial space organizations, especially emerging entrepreneurial “NewSpace” firms, that are considering activity in the international market, including overseas operations and any interactions with foreign nationals. These organizations need to consider the relevance of export controls on their activities. This guidebook provides a starting point to assist in the initial preparation for the export control process.

Because most space technologies are subject to export controls, it is the responsibility of companies that might export technology to be aware of the steps necessary to ensure that their operations are lawful. This guidebook will provide an overview of the general responsibilities and procedures, but it cannot encapsulate all regulations or detail all procedures. Reading this document should not replace discussion with the appropriate regulatory bodies or legal counsel prior to any technology or information export. Nor can this guidebook serve as the official or latest source of information.

The State Department’s website (pmddtc.state.gov) is the final authority on International Traffic and Arms Regulations (ITAR).

The Department of Commerce’s website (www.bis.doc.gov) is the final authority on Export Administration Regulations (EAR).

All companies should consult the State Department and Department of Commerce to ensure they have the most recent information.

U.S. Export Controls: ITAR and EAR

The United States government controls the export of launch vehicles, spacecraft, component technologies, and other space-related items for national security reasons. The controls are in place to reduce the possibility of missile-related and other technology spreading to foreign entities that could use it to threaten U.S. interests.

The current export control process in the United States involves two sets of regulations and two lead departments. **The International Traffic in Arms Regulations (ITAR)** process has been developed under the jurisdiction of the Department of State (DoS), and is administered by the **Directorate of Defense Trade Controls (DDTC)**. These regulations support the control of items, information, or activities that could be used for threatening foreign military purposes, be they actual products (“defense articles”), or technical data and support (“defense services”). These are detailed in the ITAR under the **United States Munitions List (USML)**.

Controls also exist under the Department of Commerce (DoC) for technologies that could be used for either military or commercial purposes (“dual-use”). The **Export Administration Regulations (EAR)** is administered by the DoC’s **Bureau of Industry and Security (BIS)**. Some specific items which may be tangentially part of an overall space-related endeavor could be classified a commercial product and would therefore be licensed by the EAR. These items are detailed in the EAR under the **Commerce Control List (CCL)**.

However, virtually all space-related technologies (including launch vehicles, spacecraft, and fuel) fall under the ITAR, not EAR. This predisposition to the ITAR for the space industry was essentially finalized in 1999, when congressional legislation transferred the jurisdiction for controlling all satellite technology from the BIS to the DDTC.

A fundamental difference between ITAR and EAR processes is their inherent presumptions regarding an applicant’s rights to export. With the EAR, there is a “presumption of approval”: The BIS specifically identifies only those items and the countries of destination for which an export license would be required, while still allowing for exceptions under certain circumstances. Conversely, the ITAR proceeds under a

“presumption of denial”: The DDTC makes determination of license applicability and approval, requiring the exporter to prove that their item or service does not pose significant risk to national security.

The ITAR defines a defense article as either:

- A physical object (satellites or subcomponents, a launch vehicle, telemetry equipment for a ground station) or;
- Technical information relating to the object (blueprints, photographs, instructions, software directly related to the item).¹

This is an important focus for space organizations as they begin to consider international activity and non-U.S.-citizen customers at all phases of business development, sales, and operations. In fact, the disclosure of technical information needs to be carefully considered when performing due diligence or legally required disclosures.

For a launch from the United States (or U.S. territory) that is under an FAA commercial launch license, a launch vehicle, reentry vehicle, or payload that is launched or reentered is not considered an export or import.²

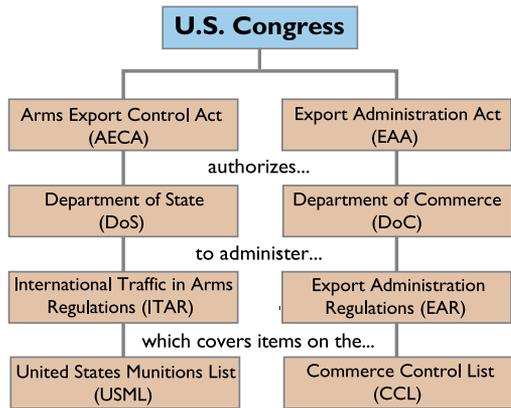


Figure 1: Authorization Hierarchy for U.S. Export Controls

1 This would not include information considered in the “public domain” (which is fully defined in ITAR §120.11), nor does it cover general system descriptions, or basic marketing information on function or purpose of the item.

2 According to Title 49 of the United States Code, Subtitle IX, Section 70117: A launch vehicle, reentry vehicle, or payload that is launched or reentered is not, because of the launch or reentry, an export or import, respectively, for purposes of a law controlling exports or imports, except that payloads launched pursuant to foreign trade zone procedures as provided for under the Foreign Trade Zones Act (19 U.S.C. 81a-81u) shall be considered exports with regard to customs entry.

Getting Started

1) CONDUCT A SELF-ASSESSMENT

Be fully aware of your company's products, services, technology, and plans with respect to communication with foreign organizations and individuals and possible overseas operations. You should know, or be able to ascertain:

- What technology or information are you exporting?
- To where are you exporting?
- Who will receive the item?
- For what purpose will the item be used?
- Prior to export, will you engage in business practices that involve foreign nationals or foreign operations? These activities could take place during design and development, marketing, insurance, customer operations, or facility tours.

These considerations generally determine the extent of the U.S. Government's involvement in approving your business and licensing any exports.

2) BECOME FAMILIAR WITH THE USML AND CCL

You should obtain a working knowledge of export restrictions, especially as they apply to items or services you may potentially send overseas. Items are listed in great detail in the USML and CCL. While it is not necessary to become an expert on these various classifications, you may be able to determine on your own if your product or service falls in either of these lists.

- The State Department's USML:³ There are 21 categories of defense articles or defense services. Most relevant to the space industry are:
 - **Category IV – Launch Vehicles, Guided Missiles, Ballistic Missiles, Rockets** (including missile and space launch vehicle powerplants);

3 The USML is thoroughly detailed in ITAR §121, which can be accessed – along with all other chapters and amendments – at www.pmdotc.state.gov/regulations_laws/itar.html.

- **Category XV – Spacecraft and Associated Equipment** (including satellites – be they communication, remote sensing, scientific, research, navigation, experimental or multi-mission satellites; ground stations and support equipment for telemetry, tracking, and control; fuel).
- The Commerce Department’s CCL: There are 10 categories of items. Most relevant to the space industry is **Category 9 – Aerospace and Propulsion Systems Equipment and Components**. However, almost all of the items listed here are simply referred to as being under the export licensing authority of the Department of State, by way of the ITAR.

You may also make preliminary contacts with the State Department’s DDTC or the Commerce Department’s BIS and seek assistance in determining your company’s specific export situation (contact information can be found in Appendix A).

3) CONSIDER OBTAINING A COMMODITY JURISDICTION

If after reviewing the USML and CCL, you still cannot determine if the export falls under ITAR or EAR jurisdiction, you can request that the DDTC make a Commodity Jurisdiction (CJ) determination.⁴ A CJ officially determines whether an item or service is covered by the USML and who the appropriate licensing authority is. To facilitate the CJ determination, be prepared to submit multiple copies of documents describing the item or service, including its origin, current uses, sales data, and any special characteristics.⁵

Timeline for CJ Determinations

Within two weeks of receipt of the application, the DDTC will inform

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4 The DDTC prefers that the CJ application come from the manufacturer itself. However, it will accept the application from an intermediary if they provide a letter of authorization from the manufacturer to do so, and if they coordinate the provision of any necessary technical information from the manufacturer.

5 A more detailed description of CJ guidelines and mailing addresses can be found at www.pmdrtc.state.gov/commodity_jurisdiction/documents/cj_guidelines.pdf.

the applicant of the assigned CJ number. DDTC will send copies of the CJ request to appropriate U.S. Government agencies for review and recommendations.

DDTC makes the jurisdiction determination, notifies the reviewing agencies, and provides final written notification of the determination to the applicant. DDTC determinations normally take less than 65 business days (95 calendar days). However, after 45 business days the applicant may request for expedited processing by writing to the Director of the Office of Defense Trade Controls Policy.

Appeals of CJ Determinations

A person may appeal a CJ determination by submitting a written request for reconsideration to the Managing Director of the Directorate of Defense Trade Controls.

A further appeal of the Managing Director's decision can be made directly through the Deputy Assistant Secretary for Defense Trade Controls to the Assistant Secretary for Political-Military Affairs.

Remember that the CJ Determination only identifies the proper licensing authority for an item or service. It is **not** a license or approval to export the item or service itself. To obtain a license for items subject to the ITAR, the manufacturer must first register with the DDTC (covered in the next section), and then obtain the appropriate license or approval. To save time, registration may take place while the CJ determination is being reviewed. To obtain a license for items subject to the EAR, the manufacturer would apply to the BIS (see procedures starting on page 9).

The ITAR Process

1) REGISTER WITH THE DDTC

If you have concluded (either via self-assessment or CJ Determination) that the item or service is subject to the ITAR, the next step is to register with the DDTC, if you have not done so already. Your

company can register for a term of one or two years, and must renew your registration to continue applying for export licenses or approvals, or to use export exemptions.

A complete registration or registration renewal package includes:

- Form DS-2032: Statement of Registration⁶
- A Transmittal Letter⁷
- Documentation of Incorporation, or other authorization to do business in the United States (or equivalent for foreign brokers outside the United States)
- Registration Fees (check or money order, made to The Department of State)⁸
- Form and Letter signed in ink by a “senior officer” (one who has been authorized by the intended registrant to sign such documents) who also qualifies as an “empowered official” in such matters (see ITAR §120.25 for full description).

Timeline for Registration Process

Completed registrations are generally reviewed and action taken in 3-4 weeks, assuming the registration submission is complete. If a submission is not complete, the DDTC either will return the submission and fee to the registrant, or will coordinate with the registrant on any missing information, which can delay the process.

2) APPLY FOR LICENSE

The DDTC has set up an electronic licensing system called D-Trade, which a registered U.S. exporter must use for most of their licensing needs. Through D-Trade, the DDTC receives and adjudicates authorization requests regarding all unclassified export and temporary import defense articles (i.e. via Forms DSP-5, DSP-61, or DSP-73 listed above).

6 Available for download at www.pmdtcc.state.gov/registration/documents/ds2032.pdf.

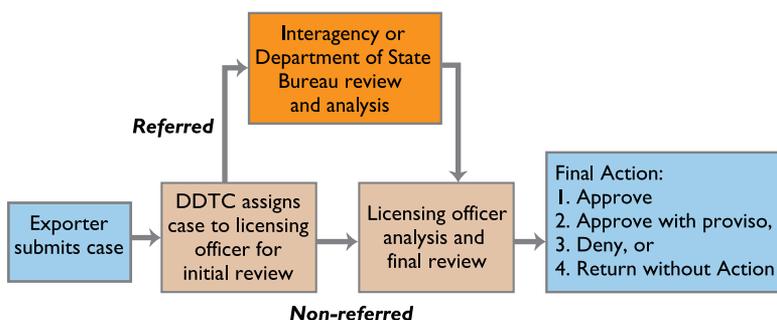
7 Suggested format is available at www.pmdtcc.state.gov/registration/documents/registration_transmittal_letter.doc.

8 In 2008, the fees were \$1,750 for one year, and \$3,500 for two years.

Defense articles can be licensed by use of the following online application forms:⁹

- Form DSP-5: For permanent export of unclassified items
- Form DSP-73: For temporary export of unclassified items (exports of technical data are considered permanent)
- Form DSP-61: For temporary import of unclassified items
- Form DSP-85: For export or temporary import of classified technical data.

Figure 2: ITAR Licensing Process



The D-Trade application is assigned to a licensing officer for the following steps (see Figure 2):

- Initial review against the USML
- Possible forwarding to other agencies, such as the DoC or the Department of Defense (DoD), for their review and comment.
- Screening of names of parties in the application against a watch list of parties who are known or suspected export violators. A match would require a more thorough compliance review by the State Department.
- Clarification of ultimate end-use and end-user of the export, as well as facts related to intermediate handling of the export.

⁹ Guidelines for each of these forms, as well as links and information on the online tool D-Trade can be found at www.pmdetc.state.gov/DTRADE/index.html.

After the other agencies complete their review, they send their recommendation to the DDTC, who passes on to the assigned licensing officer for final review and disposition. If an application is not referred to another agency for review, the officer can decide on the disposition of the application.

The results of the application process are:

- Approved
- Approved with Proviso (i.e. conditions limiting the use of some exported items or technologies)
- Denied¹⁰
- Returned without Action (RWA).¹¹

Congressional Notification

Under Section 36(b) of the AECA, there are certain circumstances where the DoD and the President must notify Congress prior to approving a license application. This additional process must take place if the application represents a total contract value that exceeds the following thresholds for Major Defense Equipment (MDE) or defense articles and services:

- For export to NATO member countries, Australia, New Zealand, or Japan:
 - MDE sales in excess of \$25 million or;
 - Defense articles/defense services in excess of \$100 million.
- For export to all other countries:
 - MDE sales in excess of \$14 million or;
 - Defense articles/defense services in excess of \$50 million.

¹⁰ The most common reasons for denial of licenses or agreements are detailed in ITAR §126.7.

¹¹ RWA usually occurs when a license submission is deemed by the licensing officer to be incomplete, inconsistent, inaccurate, or otherwise substandard. Some tips on avoiding an RWA designation can be found at pmdtcc.state.gov/licensing/low_quality_applications.html.

Timeline for License Applications

Due to likely coordination between agencies, processing for a license averages 30-60 calendar days. For cases requiring Congressional notification, you should budget for an additional 30-90 calendar days.

Appeals of Denied Licenses

If an applicant has received an adverse decision such as “Denied” they may, within 30 days, submit to the DDTC a written request for reconsideration. As part of this request, the applicant is given an opportunity to present additional information for consideration by the DDTC.

3) TAA’S AND OTHER AGREEMENTS

Whereas defense articles require a DDTC-issued license for export or temporary import, defense services require a DDTC-approved “agreement.” Defense services (as described in ITAR §120.9(a)), involve assisting foreign persons in such things as the design, development, manufacture, testing, maintenance, modification, operation, even the destruction of defense articles. They also include giving technical data (see ITAR §120.10) or military training of foreign units and forces.

The agreements that authorize these services are:

- Technical Assistance Agreements (TAA, detailed in ITAR §120.22): The most common type of agreement in the space industry, the TAA is basically a contract for the performance of a defense service or the disclosure of technical data, as opposed to an agreement granting a right or license to manufacture defense articles. For example, the assembly of defense articles would require a TAA, unless the production rights or manufacturing know-how are conveyed. If they are conveyed, then this activity would actually need to be covered by a Manufacturing License Agreement.
- Manufacturing License Agreement (MLA, detailed in ITAR §120.21): An agreement whereby a U.S. person grants a foreign

person an authorization to manufacture defense articles abroad and which involves:

- The export of defense articles or the performance of a defense services or;
- The use by the foreign person of technical data or defense articles previously exported by the U.S. person.
- Distribution Agreement (DA, detailed in ITAR §120.23): An agreement to establish a warehouse or distribution point abroad for defense articles exported from the United States for subsequent distribution to entities in an approved sales territory.

A company wishing to perform any of these defense services must submit a “Proposed Agreement” to the DDTC for its approval. They must also include copies of such items as a Transmittal Letter (described in ITAR §124.12), a Certification Letter (described in ITAR §126.13), and relevant supporting documents.¹²

Congressional Notification

Any TAA or MLA that involves the manufacture abroad of Significant Military Equipment (SME) requires Congressional notification prior to the granting of any approval by the DDTC. Items are considered SME if they have the capacity for substantial military utility or capability, and are designated in the USML with an asterisk. Unlike the Congressional approval condition for export of defense articles, Congress must be notified regardless of dollar value.

Timeline for Agreement Applications

The DDTC is required to complete the review and adjudication of applications within 60 days of receipt, except in cases where national security exceptions apply. For cases requiring Congressional notification, you should budget for an additional 30-90 calendar days.

12 Detailed guidelines and suggested formats for agreements can be found at www.pmdrtc.state.gov/licensing/agreement.html.

Appeals of Denied Agreements

As with the license process, an applicant whose agreement has been denied may submit to the DDTC a written request for reconsideration. As part of this request, the applicant is given an opportunity to present additional information for consideration by the DDTC.

Special Satellite Export Controls

Additional export controls will also apply should a company's export be related to the launch of a satellite, if the launch takes place from a non-NATO country (unless the country is a major non-NATO ally).¹³ Likewise, if the launch is conducted by nationals of such a country, then these additional controls would apply. In these cases, the manufacturer needs to include in the application process a "Technology Transfer Control Plan" (TTCP) approved by the Department of Defense's Defense Technology Security Administration (DTSA).

In general, a TTCP details to the U.S. Government how an exporter plans to maintain appropriate controls during the export process (including documentation control, specific exchanges of information, and physical security of facilities). The TTCP should be devised in tandem with the process of applying for a license or TAA, as the exporter must provide proof of discussions with DTSA regarding the TTCP as part of their application process for the license or TAA.¹⁴

Further, as per ITAR §124.15, the company must arrange for DTSA's monitoring of all aspects of the launch in order to ensure that no unauthorized transfer of technology occurs. The monitoring is comprehensive, and can cover (among other things) technical discussions and

13 Major Non-NATO Allies are defined in ITAR §120.32, and currently include: Argentina, Australia, Bahrain, Egypt, Israel, Japan, Jordan, Kuwait, Morocco, New Zealand, Pakistan, the Philippines, Thailand, and The Republic of Korea. Taiwan is also considered a major non-NATO ally.

14 Detailed guidelines for drafting a TTCP is provided by DTSA at the following location: www.defenselink.mil/policy/sections/policy_offices/dtsa/pages/organization/files/TTCP.pdf. More information on DTSA's Space Directorate and its mission can be found at www.defenselink.mil/policy/sections/policy_offices/dtsa/pages/space/index.html.

activities related to the design, operation, or maintenance of a satellite, a launch vehicle, or launch facilities. Monitoring is also required during transportation of the satellite, launch, and return of equipment to the United States.

The terms of these services must be separately negotiated with DTSA, and the costs of such monitoring services must be fully reimbursed to DTSA by the exporter.

The EAR Process

1) CLASSIFY YOUR EXPORT

If your product is considered commercial or “dual-use” and is on the Commerce Control List, (CCL) then Export Administration Regulations (EAR) apply. The Bureau of Industry and Security (BIS), part of the Department of Commerce, is responsible for implementing and enforcing the EAR, just as the DDTC enforces the ITAR.

The CCL¹⁵ divides items into ten broad categories, with each category further subdivided into five product groups:

Categories	Product Groups
0 = Nuclear Materials, Facilities, and Equipment	<ul style="list-style-type: none"> • Systems, Equipment, and Components • Test, Inspection, and Production Equipment • Material • Software • Technology
1 = Materials, Chemicals, Microorganisms and Toxins	
2 = Materials Processing	
3 = Electronics	
4 = Computers	
5 = Telecommunications and Information Security	
6 = Sensors and Lasers	
7 = Navigation and Avionics	
8 = Marine	
9 = Propulsion Systems, Space Vehicles, and Related Equipment	

15 The CCL is more thoroughly detailed at www.access.gpo.gov/bis/ear/car_data.html, where you can select Part 774 - The Commerce Control List, or any of the 10 categories.

An item that falls into a category and product group is given a specific **Export Control Classification Number (ECCN)**. This alpha-numeric code is also tagged with a **Reason for Control**, a code that explains why the item needs to be regulated. Some reasons include National Security (NS), Short Supply (SS), Anti Terrorism, or UN Sanctions (UN).

The most relevant of the ten categories to the space industry is **Category 9: Propulsion Systems, Space Vehicles, and Related Equipment**. However, the overwhelming majority of exports and technical data that applies to this industry fall under the licensing jurisdiction of the State Department's DDTC, and thus the ITAR. One exception is the International Space Station (ISS), which is not categorized in the USML. Nonetheless, technical data required for the design, development, production, or manufacture of ISS components is subject to ITAR control.

Perhaps the particular item you wish to export is peripherally related to a space endeavor, but is not itself a defense article or service. If so, a CJ Determination may indicate that the proper licensing authority is the BIS, thus requiring you to follow the EAR process.

2) USE THE ECCN TO DETERMINE THE NEXT ACTION

The EAR process allows the exporter to determine the appropriate course of action, based on the classification of the item to be exported. If your item is classified by an ECCN, you can follow the following procedure:

- Note the Reasons for Control code associated with your item. There may be more than one code associated with the item.
- Cross-reference that code against the Commerce Country Chart.¹⁶ You will need an export license if there is an "X" marked in the box that corresponds with:
 - the country of destination and;
 - the Reason for Control code that is associated with the ECCN.

¹⁶ This chart is part of EAR §738, Supplement 1, accessible at www.access.gpo.gov/bis/car/pdf/738spir.pdf.

- See if you are eligible for a License Exception.¹⁷ Some examples of exports that may qualify (along with their designation codes, which you can reference on your export documents) are shipments of limited value (LVS); servicing and replacement of parts and equipment (RPL); and temporary imports, exports and re-exports (TMP).
- Ensure that no proscribed end-users or end-uses are involved with your export transaction by checking against specific lists identified in the EAR.¹⁸ If proscribed end-users or end-uses are involved, you may still need to apply for a license, even if one would not otherwise be required.

No License Required (NLR)

If your item falls under DoC jurisdiction but is not listed on the CCL, it is designated with the ECCN code EAR99. These items generally consist of low-technology consumer goods and do not require a license, unless you find through your check against the EAR §744 lists that you are exporting to an embargoed country, an entity or end user of concern, or in support of a prohibited end-use.

Most exports from the United States that are not under the jurisdiction of the ITAR do not require a license. This is because items either are not on the CCL (EAR99), or the ECCN controls do not apply to the country of destination. In these circumstances, you can export under the designation of “No License Required” and enter “NLR” in your export documents.

License Required

If your product does not qualify for NLR, nor for a License Exception, then you must apply for an export license. For that, you should use the online Simplified Network Application Process (SNAP-R).

17 Details of these exceptions, and the conditions on their use, are covered EAR §740.

18 These lists can be accessed from www.bis.doc.gov/complianceand enforcement/liststocheck.htm. Of particular interest are the Entity List (EAR §744, Supplement 4), Treasury Department Specially Designated Nationals and Blocked Persons List (EAR §764, Supplement 3), and the Unverified List.

3) APPLYING FOR A LICENSE USING SNAP-R

The SNAP-R application enables exporters to submit license applications and supporting documents to the BIS online. You must establish an account to use SNAP-R and obtain a PIN Request package.¹⁹ The BIS will only provide the login and PIN to authorized users by telephone.

Details on submitting a license are covered in the EAR §748. You may also need to provide technical brochures or support documentation as part of the application process.

Figure 3: SNAP-R Online Application Tool

The screenshot displays the SNAP-R Online Application Tool interface. At the top, it shows 'Export License Application' with a 'Reference Number: AAA1112' and 'Status: DRAFT'. A navigation menu on the left includes options like 'SNAP-R Home', 'CREATE WORK ITEM', 'LIST WORK ITEMS', 'SEARCH WORK ITEMS', 'SEARCH DOCUMENTS', 'VIEW MESSAGES', 'MANAGE USER PROFILE', 'HELP', and 'LOGOUT'. The main content area is titled 'Edit Export License Application' and contains instructions: 'Please click **Save Draft** to save your unfinished work. Required fields are marked with an asterisk (*). The numbers (1) next to the fields are only for reference to the paper version of this form and do not need to be considered to complete this application.' Below this, there is a link to 'Delete this Work Item' and a link to 'Manage User Rights'. A 'Collapse All' button is also present. The 'Contact Information' section is expanded, showing a table with the following data:

Contact Information*	
Reference Number*(AAA-9999) (1)	AAA1112
1. Contact Person (First, Last)* (1)	J. L. COOK
2. Telephone Number* (999-999-9999) (1)	111-555-1111
3. Fax Number (999-999-9999) (1)	111-555-1112
Email (1)	jname@domain.com
4. Creation Date (1)	10/31/2006
5. Type Of Application	Export License Application

At the bottom of the form, there is a 'Save Draft' button. Below the form is a 'Document Checklist' section.

¹⁹ Visit the BIS web site www.bis.doc.gov/snap/index.htm for more information on signing up to be a SNAP-R user.

Helpful Hints

WHAT TO DO IF YOU NEED HELP

There is no substitute for direct communication with the organization that will handle your export control issues. There is a DDTC Response Team in place to answer questions regarding the ITAR and your technology issues before and during the licensing process. Additionally, you will be assigned a licensing officer for your case during the ITAR process. If you are following the EAR process, the DoC has specialized export counselors available to answer questions. Any of these official government resources can be contacted if you need help (See Appendix A: Useful Contact Information).

UNDERSTAND THE LANGUAGE AND AGENCIES INVOLVED

To succeed through the export control process, it is useful to understand the language and the government agencies with which you will be dealing. The appendices to this report provide acronym and terminology definitions, as well as important points of contact at various U.S. government agency offices.

PLAN SUFFICIENT TIME AND RESOURCES FOR THE PROCESS

The time required from start to finish for the export control licensing process is case-specific. Therefore, it is helpful to build in a sufficient time period to ensure the process does not hinder your operations.

AVOID DELAYS IN THE APPLICATION PROCESS

The long timeline and process confusion are major concerns with export controls. There are simple actions that can help mitigate these concerns:

- Use the electronic applications that are available online.
- Fill out forms fully and correctly.
- Know who you need to contact throughout the process (see Appendix A).

- Know your company's processes and potential interactions with foreign nationals.
- Check for updates on policies and forms on the websites of the Department of State or Commerce, depending on your situation.

TRAIN YOUR STAFF

The DoS and DoC websites have links to their own training sessions. For instance, the DDTC conducts one day in-house seminars covering export licensing basics. The BIS provides webinars on the subject via their online training room.²⁰

You can contract with outside organizations to evaluate and provide consultation on your company's specific import and export compliance issues. These companies can reduce the need for hiring full-time internal experts. Certain law and consulting firms specialize in export control or trade compliance issues, as well as in space industry regulatory issues.

Other specialized organizations can train personnel at a cost. These groups usually hold scheduled ITAR process-training sessions at various locations throughout the country. Some examples include:

- Focusing on the ITAR: A Defense Trade Seminar, provided by OCR Services, Inc.
- ITAR Compliance and Audits, provided by Federal Publication Seminars, who provide training in all areas of government contracting.

20 The online training room is accessible at www.bis.doc.gov/seminarsandtraining/seminar-training.htm.

APPENDIX A: USEFUL CONTACT INFORMATION

This appendix provides the contact information for organizations that can assist a company engaged in or planning to begin the U.S. export control licensing process.

DEPARTMENT OF STATE, DDTC

- DDTC General Contact Information
 - Office Hours: 8:15 AM - 5:00 PM
 - Receptionist: 202-663-2980
 - General Fax: 202-261-8199
 - Registration/Compliance Fax: 202-261-8695
 - DDTC Contacts Website:
pmddtc.state.gov/about/contact_information.html
- DDTC Response Team: for all general inquiries
 - Telephone: 202-663-1282
 - Fax: 202-261-8199
 - Email: DDTCResponseTeam@state.gov
- DDTC T3D: Missile and Spacecraft Division; reviews license requests
 - Fax: 202-663-3866
- D-TRADE Help Desk
 - Telephone: 202-663-2838
 - Email: dtradehelpdesk@state.gov

DEPARTMENT OF COMMERCE, BIS

- BIS General Contact Information: www.bis.doc.gov
- BIS Office of Exporter Services (OExS): Export Counselors:
 - Outreach & Educational Services Division (Washington DC)
– 202-482-4811 or www.bis.doc.gov/Forms/AskaCounselor.html
 - Western Regional Office (Newport Beach, CA): 949-660-0144 or
www.bis.doc.gov/Forms/biswestinquiry.html
 - Northern California Branch (San Jose, CA) 408-998-8806 or
www.bis.doc.gov/Forms/biswestinquiry.html
- System for Tracking Export License Applications (STELA): 202-482-2752

APPENDIX B: ACRONYMS AND DEFINITIONS

This appendix covers the terms used regularly throughout the U.S. export control licensing process.

AECA - Arms Export Control Act. The statute that authorizes the export and temporary import control activities of the Department of State. The AECA is the basic authority for the DDTC to issue regulations, and to administer and enforce export and temporary import controls for national security and foreign policy.

ACEP - Advisory Committee on Export Policy. An inter-agency dispute resolution committee chaired by the Department of Commerce's Assistant Secretary for Export Administration.

BIS - Bureau of Industry and Security. An agency of the Department of Commerce that is responsible for administering and enforcing export controls on dual-use items. The BIS administers the Export Administration Act by developing export control policies, issuing export licenses, prosecuting violators, and implementing the EAA's anti-boycott provisions. The BIS also enhances the defense industrial base, assists U.S. defense firms, and helps other countries develop export control systems.

CCL - Commerce Control List. A list of items subject to BIS export license requirements.

CFR – Code of Federal Regulations. The official codification of the general and permanent rules published in the Federal Register by the executive departments and agencies of the Federal Government.

CJ - Commodity Jurisdiction. A determination as to whether an item or service is subject to the export licensing authority of the Department of Commerce or the Department of State. The final determination is made by the Directorate of Defense Trade Controls.

Deemed Export - Technical information to be shared with a foreign national, considered a technology export and therefore required to be licensed by either the Departments of State or Commerce. Deemed exports can include communication by telephone, email, fax, as well as photographs, technical specifications, blueprints and drawings, training sessions, tours, and visual inspections.

DDTC - Directorate of Defense Trade Controls. The office in the Department of State that administers licenses for defense services and defense (munitions) articles. This office was formerly known as the Office of Defense Trade Controls.

DTAG - Defense Trade Advisory Group. An advisory committee that provides

the Bureau of Political-Military Affairs with a formal channel for regular consultation and coordination with U.S. private sector defense exporters and defense trade specialists on issues involving U.S. laws, policies, and regulations for munitions exports.

DTSA - Defense Technology Security Administration. An agency of the DoD responsible for the development and implementation of policies on international transfers of defense-related munitions technology. The DTSA is also involved in the review of certain dual-use export license applications.

EAA - Export Administration Act. The statute that authorizes the export control and anti-boycott compliance activities of the DoC. The EAA is the basic authority for the BIS to issue regulations, and to administer and enforce export controls for national security, foreign policy, and short supply.

EAR - Export Administration Regulations. Regulations set forth in parts 730-774 of Title 15 of the CFR, and issued by the DoC to implement the Export Administration Act and other statutory requirements.

ECASS - Export Control Automated Support System. The electronic database of export license information that supports the BIS's export licensing process and enforcement activities.

ECCN - Export Control Classification Number. A unique and categorized identifier for individual items on the CCL.

EMCD - Export Management and Compliance Program. An optional program developed by the BIS to assist companies in complying with the export control provisions of the EAR.

HWA - Hold Without Action. A status that effectively stops the review of an export license application under limited circumstances, for example, while the BIS is waiting for additional information from the applicant.

ITAR - International Traffic in Arms Regulations. Governs the export and temporary import of defense articles and services under State Department jurisdiction. Regulations set forth in Parts 120-130 of Title 22 of the CFR and issued by the Department of State to implement the AECA and other statutory requirements. The ITAR is amended by rules published in the Federal Register.

ITD - Intent to Deny. Status under the EAR by which the BIS notifies the applicant of its intent to deny their license application, and the reasons for the denial. The BIS must give the exporter the opportunity to respond prior to the actual denial.

MTCR - Missile Technology Control Regime. The United States and other nations in this multilateral control regime have agreed to guidelines for restricting the export of dual-use items that may contribute to the development of missiles.

MTEC - Missile Technology Export Committee. An interagency group, chaired by a representative of the Department of State, that reviews export license applications involving items controlled for missile technology reasons.

NewSpace - New approach to space development based on private, commercial entrepreneurial companies that make lowering the cost of space technology their top priority. Also referred to as “Entrepreneurial Space.”

OExS - Office of Exporter Services. The office in the BIS’s Export Administration responsible for administering the licensing process, counseling exporters, conducting export control seminars, and maintaining the EAR.

RWA - Return Without Action. The closing by the BIS of a license application case without approving or denying the license. The BIS may return an export license application to the applicant for one of the following reasons: (a) The applicant has requested the application be returned; (b) A License Exception applies; (c) The items are not under Department of Commerce jurisdiction; (d) Required documentation has not been submitted with the application; or (e) The applicant cannot be reached after several attempts to request additional information necessary for processing of the application.

SCL - Special Comprehensive License. An export license authorizing multiple shipments of pre-approved commodities, software, and/or technical data to pre-approved consignees and/or destinations.

SME - Significant Military Equipment. Articles for which special export controls are warranted because of their capacity for substantial military utility or capability.

SNAP-R - Simplified Network Application Process Redesign. A method of submitting applications over the Internet with a web browser. To use SNAP-R, one must first apply to the BIS for the issuance of a PIN.

STELA - System for Tracking Export License Applications. The DoC’s automated telephone voice response system, providing applicants with the status of their license and classification applications. The phone number for STELA is (202) 482-2752.

TAA - Technical Assistance Agreement. A contract for the performance of a defense service or the disclosure of technical data to a foreign national.

TAC - Technical Advisory Committee. An advisory group made of representatives of industry who advise the DoC and other agencies on technical issues related to export control regulations and policy.

TCP - Technology Control Plan. TCPs are required in cases when foreign nationals are employed at or assigned to security-cleared facilities or facilities that handle export-controlled items or information.

TTCP - Technology Transfer Control Plan. A detailed course of action that the exporter provides to the U.S. Government that explains how the exporter will maintain appropriate controls during the process of exporting items or services on the USML. The plan covers documentation control, specific exchanges of information, and physical security of facilities.

USML - United States Munitions List. The list of defense articles, technology and services under the export and temporary import jurisdiction of the Department of State. The USML is found in Part 121 of the ITAR. The USML is amended by rules published in the Federal Register.

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