

Glossary

Course: Security Support to International Programs in Cleared Defense Industry

Assignment: The placement of a military or civilian official of a foreign defense establishment on the premises of a DOD Component or cleared contractor facility.

Bilateral Security Agreements. Collectively, the General Security Agreements and General Security of Information Agreements (GSOIAs), which pertain to the safeguarding of all classified information; the General Security of Military Information Agreements, which pertain to the safeguarding of classified information generated by or for the DoD or which is under its jurisdiction or control; and the industrial security annexes to the General Security Agreements, GSOIAs, and General Security of Military Information Agreements. .

Certification. The written acceptance of a request for visit authorization by a DOD Defense Visits Office which identifies the DOD Component(s) to be visited and the classified military information that is authorized for disclosure to the visitor or assignee.

Classified Military Information (CMI). Classified information that is under the control or jurisdiction of the Department of Defense, its departments or agencies, or is of primary interest to them; it may be embodied in oral, visual, or other form; and requires protection in the interest of national defense and security in one of three classification categories - TOP SECRET, SECRET, or CONFIDENTIAL - as described in Executive Order 13526 or successor orders. It includes eight categories of information as described in the National Disclosure Policy (NDP-1).

Cleared Contractor Facility. Any industrial, educational, commercial facility or other entity that has been granted a facility security clearance under the U.S. National Industrial Security Program.

Cleared Defense Contractor (CDC). A subset of contractors cleared under the National Industrial Security Program (NISP) who have classified contracts with the DOD.

Commercial program. A program that is based on the initiative of a contractor with no U.S. Government involvement (e.g., direct commercial sales).

Compromise. An unauthorized disclosure of classified information.

Controlled Unclassified Information (CUI). Information the United States Government (USG) creates or possesses, or that an entity creates or possesses for or on behalf of the USG, that a law, regulation, or USG-wide policy requires or permits an agency to handle using safeguarding or dissemination controls. However, CUI does not include classified information or information a non-executive branch entity possesses and maintains in its own systems that did not come from, or was not created or possessed by or for, an executive branch agency or an entity acting for an agency.

Cooperative Program. A program that comprise one or more specific cooperative projects with a foreign government or international organization whose arrangements are defined in a written agreement between the parties covering research, development, test, and evaluation, and joint production, including follow-on support.

Cooperative Program Personnel (CPP). Military or civilian employees of a foreign government or international organization who are assigned to a cooperative program at a DOD Component or DOD contractor facility.

Critical Program Information (CPI). U.S. capability elements that contribute to the warfighters' technical advantage, which if compromised, undermines U.S. military preeminence. U.S. capability elements may include, but are not limited to, software algorithms and specific hardware residing on the system, its training equipment, or maintenance support equipment.

Courier. A cleared employee, designated by the contractor, whose principal duty is to transmit classified material to its destination, ensuring that the classified material remains under their constant and continuous protection and that they make direct point-to-point delivery.

Defense articles. Those articles, services, and related technical data, including software, in tangible or intangible form, which are listed on the United States Munitions List (USML) of the International Traffic in Arms Regulations (ITAR), as modified or amended. Defense articles exempt from the scope of ITAR section 126.17 are identified in Supplement No. 1 to Part 126 of the ITAR.

Defense Service.

- (1) Furnishing assistance (including training) to foreign persons, whether in the United States or abroad, in the design, development, engineering, manufacture, production, assembly, testing, repair, maintenance, modification, operation, demilitarization, destruction, processing or use of defense articles;
- (2) Furnishing to foreign persons any controlled technical data, whether in the United States or abroad; or
- (3) Providing military training of foreign units and forces, regular and irregular, including formal or informal instruction of foreign persons in the United States or abroad or by correspondence courses, technical, educational, or information publications and media of all kinds, training aid, orientation, training exercise, and military advice.

DOD Component. The Office of the Secretary of Defense (OSD), the Military Departments, the Chairman of the Joint Chiefs of Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DOD Field Activities, and all other organizational entities within the Department of Defense.

Designated Government Representative (DGR). An individual serving as a DOD or other United States Government (USG) transmittal authority overseeing the transfer of classified defense articles and technical data through official government-to-government channels, or through other channels agreed upon by both governments.

Designated Security Authority (DSA). The senior government official responsible for establishing security policy and procedures for international programs. For the United States, the Designated Security Authority is the Office of the Undersecretary of Defense (Policy), Defense Technology Security Administration (DTSA).

Direct Commercial Sales (DCS). A direct contractual arrangement between a commercial company and a foreign government or international organization or another commercial company.

Empowered Official. A U.S. person who:

- (1) Is directly employed by the applicant or a subsidiary in a position having authority for policy or management within the applicant organization; and
- (2) Is legally empowered in writing by the applicant to sign license applications or other requests for approval on behalf of the applicant; and
- (3) Understands the provisions and requirements of the various export control statutes and regulations, and the criminal liability, civil liability and administrative penalties for violating the Arms Export Control Act and the International Traffic in Arms Regulations; and
- (4) Has the independent authority to:
 - (i) Inquire into any aspect of a proposed export, temporary import or brokering activity by the applicant;
 - (ii) Verify the legality of the transaction and the accuracy of the information to be submitted; and
 - (iii) Refuse to sign any license application or other request for approval without prejudice or other adverse recourse.

Export.

- (1) Sending or taking a defense article out of the United States in any manner, except by mere travel outside of the United States by a person whose personal knowledge includes technical data; or
- (2) Transferring registration, control or ownership to a foreign person of any aircraft, vessel, or satellite covered by the U.S. Munitions List, whether in the United States or abroad; or
- (3) Disclosing (including oral or visual disclosure) or transferring in the United States any defense article to an embassy, any agency or subdivision of a foreign government (e.g., diplomatic missions); or
- (4) Disclosing (including oral or visual disclosure) or transferring technical data to a foreign person, whether in the United States or abroad; or
- (5) Performing a defense service on behalf of, or for the benefit of, a foreign person, whether in the United States or abroad.
- (6) A launch vehicle or payload shall not, by reason of the launching of such vehicle, be considered an export for purposes of this subchapter. However, for certain limited purposes (see § 126.1 of this subchapter), the controls of this subchapter may apply to any sale, transfer or proposal to sell or transfer defense articles or defense services.

Export Authorization. An approved numbered license or agreement or an authorized exemption under the ITAR.

Extended Visit Authorization. Permits a single visit for an extended period of time. Extended visit authorizations are to be used when a foreign national is to be assigned a DOD Component or a DOD contractor facility.

Facility. A plant, laboratory, office, college, university, or commercial structure with associated warehouses, storage areas, utilities, and components, that, when related by function and location, form an operating entity.

Facility (Security) Clearance (FCL). An administrative determination that, from a security viewpoint, a company is eligible for access to classified information of a certain category (and all lower categories).

Facility Security Clearance Assurance (FCLA). A written certification by government industrial security authorities, which certifies the FCL level and storage capability level of a facility under the U.S. government or applicable foreign government's security jurisdiction.

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

Foreign Government Information (FGI). Information provided to the United States Government by a foreign government or governments, an international organization of governments, or any element thereof, with the expectation that the information, the source of the information, or both, are to be held in confidence; information produced by the United States Government pursuant to or as a result of a joint arrangement with a foreign government or governments, or an international organization of governments, or any element thereof, requiring that the information, the arrangement, or both, are to be held in confidence; or information received and treated as "Foreign Government Information" under the terms of a predecessor order to E.O. 13526.

Foreign Liaison Officer (FLO). A military or civilian employee of a foreign government or international organization who is authorized by his or her government or by an international organization, and certified by a DOD Component for specified purposes, to conduct business with a DOD Component on behalf of the foreign government or international organization. FLOs that are stationed with a DOD Component shall be assigned in accordance with the terms of a FLO agreement. There are three types of FLOs: National Representative, Operational, and Security Assistance.

Foreign Military Sales (FMS). The government-to-government method for selling U.S. defense equipment, services, and training. It is an element of Security Assistance authorized by the Arms Export Control Act (AECA) and conducted using formal contracts, called Letters of Offer and Acceptance, or agreements between the U.S. Government and an authorized foreign purchaser.

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

Form DSP-5. Application/License for permanent export of unclassified defense articles and related technical data.

Form DSP-83. Non-transfer and use certificate.

Form DSP-94. Authority to Export Defense Articles and Defense Services sold under the Foreign Military Sales program. The export authorization is comprised of the Form DSP-94 and a copy of the Letter of Offer and Acceptance.

Freight Forwarder. Any agent or company facility designated to receive, process, and transship U.S. material to foreign recipients. In the context of this manual, an agent or company facility cleared specifically to perform these functions for the transfer of U.S. classified material to foreign recipients.

General Security Agreement. An international agreement negotiated in diplomatic channels requiring each party to the agreement to afford classified information provided by the other party substantially the same degree of security protection afforded to the information by the providing party. Some of the agreements cover all classified information exchanged by the parties and are referred to generally as General Security

of Information Agreements, while others are limited to classified military information and are referred to as General Security of Military Information Agreements.

Government-to-Government Transfer. The principle that classified information and material will be transferred by government officials through official government-to-government channels (e.g., Military Postal Service, Defense Courier Service, Diplomatic Pouch Service) or through other methods expressly agreed upon, in writing, by the governments involved. (Note: The other methods are usually a transportation plan, hand carry plan, or secure communications plan).

Hand Carrier. A cleared employee, designated by the contractor, who occasionally hand carries classified material to its destination in connection with a classified visit or meeting. The classified material remains in the personal possession of the hand carrier except for authorized overnight storage.

Information. Any knowledge that can be communicated or documentary material, regardless of its physical form or characteristics.

International Agreement (IA). An agreement concluded with one or more foreign governments (including their agencies, instrumentalities, or political subdivisions) or with an international organization, that: (i) is signed or agreed to by personnel of a Department or Agency of the U.S. Government and (ii) signifies the intention of its parties to be bound in international law and (iii) is denominated as an international agreement or as a memorandum of understanding, memorandum of agreement, memorandum of arrangements, exchange of notes, exchange of letters, technical arrangement, protocol, note verbal, aide memoire, agreed minute, contract, arrangement, statement of intent, letter of intent, statement of understanding or any other name connoting a similar legal consequence. The following are not considered international agreements: (i) Contracts made under the Federal Acquisition Regulations (FAR), (ii) Foreign Military Sales Credit Agreements, (iii) Foreign Military Sales Letters of Offer and Acceptance and Letters of Intent, (iv) Standardization Agreements, (v) Leases under 10 U.S.C. 2667, 2675 and 22 U.S.C. 2796, (vi) Agreements solely to establish administrative procedures, and (vii) acquisitions or orders pursuant to cross-servicing agreements made under the authority of the NATO Mutual Support Act.

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 Program. Any program, project, contract, operation, exercise, training, experiment, or other initiative that involves a DOD Component or a DOD contractor and a foreign government, international organization, or corporation that is located and incorporated to do business in a foreign country.

International Transfer. The transfer of material to a foreign government or international organization or their duly appointed representative in the United States, in the intended recipient country, or in a third country.

International Visits Program (IVP). The program established to process visits and assignments of foreign representatives to the DOD Components and DOD contractor facilities. It is designed to ensure that CMI and CUI to be disclosed to such visitors has been properly authorized for disclosure to their governments, to ensure that the requesting foreign government provides a security assurance for the proposed visitor

when CMI is involved in the visit or assignment, and to facilitate administrative arrangements (e.g., date, time, and place) for the visit or assignment.

Letter of Offer and Acceptance (LOA). A contract, signed by the U. S. Government and the purchasing government or international organization, which provides for the sale of defense articles and defense services (to include training) from DOD stocks or through purchase under DOD-managed contracts with defense contractors.

Manufacturing License Agreement (MLA). An agreement (e.g., a contract) whereby a U.S. person grants a foreign person an authorization to manufacture defense articles abroad and which involves: (i) the export of technical data or defense articles or the performance of a defense service, or (ii) the use by the foreign person of technical data or defense articles previously exported by the U.S. person.

Material. Any product or substance on or in which information is embodied.

Military Assistance Program Address Directory (MAPAD): The document used for FMS exports which contains the address of country representatives, freight forwarders, and customers within country required for releasing FMS and Military Assistance Grant Aid shipments, and addresses required for forwarding related documentation.

Multinational Industrial Security Working Group (MISWG). An ad hoc international body currently comprised of security authorities from NATO and Non-NATO countries. Its purpose is to rationalize each participating country's national security practices and procedures and agree on standard procedures for international programs involving the participating countries. The participating countries have agreed to modify or otherwise harmonize their national procedures to accommodate the requirements of specific programs.

MISWG Documents. Documents developed by the MISWG which provide a suggested format and sample language for executing procedural security arrangements for international programs. The documents must be tailored for specific programs.

National Security Authority (NSA): A term, historically used in NATO, that identifies the official of each member nation who is responsible for the security of NATO classified information within his or her country and national agencies abroad. The NATO member nations have adopted this term to apply to the senior national official responsible for all international security matters related to cooperative programs, but through the years, has now been applied to such Authorities from non-NATO nations. The Secretary of Defense is the U.S. NSA. The NSA responsibilities are assigned to the Under Secretary of Defense for Policy.

One-time Visit Authorization. Permits contact by a foreign national with a DOD Component or DOD contractor facility for a single, short-term occasion (normally less than 30 days) for a specified purpose.

Personnel (Security) Clearance (PCL). An administrative determination that an individual is eligible, from a security point of view, for access to classified information of the same or lower category as the level of the personnel clearance being granted.

Program Agreement. An international agreement which is negotiated to establish the parameters and responsibilities for a specified cooperative program.

Program Protection Plan. A risk-based, comprehensive, living plan to protect CPI that is associated with an RDA program.

Program Security Instruction (PSI). A security document, negotiated between the security officials of governments participating in a cooperative program, which is used to harmonize and provide advance government approval for the specific security arrangements to be used in support of the program, i.e., a program security standard operating procedure (SOP). The PSI is comprised of agreed procedures to be used in the program (e.g., visit procedures, hand carry procedures, transportation plans). It also may be used to levy Program Protection Plan countermeasures requirements on foreign participants in a cooperative program. A PSI may be used for commercial programs, subject to coordination with and concurrence by the Defense Counterintelligence and Security Agency (DCSA).

Program Specific Security Agreement. An international agreement which is negotiated to establish the security responsibilities for a specified program. Normally used in the absence of a bilateral security agreement with a foreign government.

Recurring Visit Authorization. Permits intermittent visits by a foreign national to a DOD Component or DOD contractor facility over a specified period of time for a government-approved license, contract, or agreement, or other program when the information to be disclosed has been defined and approved for disclosure in advance by the U.S. Government.

Request for Visit (RFV). The formatted information sent by a foreign government or international organization that proposes a date and place of visit and its purpose, and identifies the proposed visitor(s).

Security Assistance FLO. A military or civilian employee of a foreign government who represents his or her government with the DOD components on official matters related to foreign military sales LOAs. They may operate from their embassy or be assigned to a DOD Component or a DOD cleared contractor facility under an international agreement.

Security Assurance (SA). A written confirmation, requested by and exchanged between governments, that contains the following elements: verification of the personnel security clearance level of the providing government's citizens or nationals; a statement by a responsible official of the providing government that the recipient of the information is approved by the government for access to information of the security classification involved on behalf of the government; and an obligation that the government will ensure compliance with any security agreement or other security requirements specified by the U.S. Government.

Security Classification Guide (SCG). A documentary form of classification guidance issued by an original classification authority that identifies the elements of information regarding a specific subject that must be classified and establishes the level and duration of classification for each such element.

Security Survey. The process used by the National Disclosure Policy Committee, based on National Security Council direction, to evaluate the security programs of governments with which the United States shares classified information. It involves an evaluation of the other government's security laws and regulations, on-site surveys at military installations and defense industrial facilities, and discussions with the other government's security officials.

Significant Military Equipment (SME). Significant military equipment means articles for which special export controls are warranted because of their capacity for substantial military utility or capability. Significant military equipment includes:

- (1) Items in Part 121.1 of the ITAR which are preceded by an asterisk; and
- (2) All classified articles enumerated in Part 121.1 of the ITAR.

Technology Control Plan (TCP). A detailed plan to control access by long-term foreign national employees, visitors, and assignees at a DOD contractor facility holding a facility security clearance.

Technical Assistance Agreement. An agreement (e.g., contract) for the performance of a defense service(s) 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 section, provided production rights or manufacturing know-how are not conveyed. Should such rights be transferred, a MLA is required.

Technical Data.

- (1) Information, other than software as defined in Part 120.10(d) of the ITAR, 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.
- (2) Classified information relating to defense articles and defense services;
- (3) Information covered by an invention secrecy order;
- (4) Software as defined in Part 121.8(f) of the ITAR directly related to defense articles;
- (5) 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 as defined in Part 120.11 of the ITAR. It also does not include basic marketing information on function or purpose or general system descriptions of defense articles.

Training. Formal or informal instruction of foreign personnel in the United States or abroad (including instruction at civilian institutions) by officers or employees of the Department of Defense, contract technicians, or contractors; correspondence courses; technical, educational, or information publications and media of all kinds; training aids, orientations, training exercises; and military advice for foreign military units and forces (including their civilian and military personnel).

Transfer. The physical conveyance of material from one location to another.

United States. When used in the geographical sense, includes the several states, the Commonwealth of Puerto Rico, the insular possessions of the United States, the District of Columbia, the Commonwealth of the Northern Mariana Islands, any territory or possession of the United States, and any territory or possession over which the United States exercises any powers of administration, legislation, and jurisdiction. (ITAR)

U.S. Person. A natural person who is a lawful permanent resident as defined by 8 U.S.C. 1101(a) (20) or who is a protected individual as defined by 8 U.S.C. 13(3). It also means any corporation, business association, partnership, society, trust, or any other entity, organization, or group that is incorporated to do business in the United States. It also includes any governmental (federal, state or local) entity. The term as used herein applies solely to determinations on whether a disclosure constitutes an

export under the ITAR. A foreign national who is a lawful permanent resident or protected individual is a U.S. person for export control purposes. No export authorization is required under the ITAR for such persons to have access to export controlled technical data; i.e., based on the definition of “export”, an export does not occur. However, they may not unequivocally have access to unclassified technical data. There may be contract restrictions based on the fact that certain unclassified information is be protected by law, executive order, regulation, or contract (8 U.S.C. 1324b(a)(2)(C) applies). Moreover, a favorable foreign disclosure decision is required and the person must have a Limited Access Authorization (LAA) prior to having access to classified information, if the circumstances satisfy the stringent requirements of DODM 5200.01, Volume 1 and the NISPOM. The granting of a LAA does not negate the requirement for an export authorization.

Unofficial visit. An occasion when a person who is not a representative of a foreign government or international organization visits for unofficial purposes, or to conduct business that will entail access to information in the public domain.