

Glossary

Course: Security Support to International Industrial Operations

Alien: A person not a citizen or national of the United States. (8 U.S.C 1101(a)(3)) The term is synonymous with “foreign national”.

Assignment: The placement of a visitor who is a military or civilian employee of a foreign government or international organization on the premises of a DoD Component or DoD contractor facility or the placement of a DoD civilian or military employee on the premises of a foreign government defense installation or defense contractor facility.

Authorized Exemption Official (AEO): A designated senior DoD official, of at least general /flag officer or Senior Executive Service rank, who has the authority to request or direct a contractor to export defense articles or technical data, thus creating an ITAR exemption for the contractor. The AEO’s authority is limited to authorizations in support of a U.S. Government requirement.

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

Board Resolution. An action taken by the vote of a corporation's Board of Directors recognizing minimal foreign involvement in a company under foreign ownership, control or influence. Normally used when a foreign interest does not own voting interests sufficient to elect, or otherwise is not entitled to representation on, the company’s governing board.

Certification. The written acceptance of an 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.

Citizen of the United States. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. (Article 14 of the U.S. Constitution) Individuals born in the United States, Puerto Rico, Guam, Northern Mariana Islands, Virgin Islands, American Samoa, or Swain’s Island; foreign-born children, under age 18, residing in the United States with their birth or adoptive parents, at least one of whom is a U.S. citizen by birth or naturalization; and individuals granted citizenship status through naturalization by the Immigration and Naturalization Services are U.S. Citizens.

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. Any industrial, educational, commercial or other entity that has been granted a facility security clearance (FCL) by a cognizant security agency (CSA).

Cognizant Security Agency (CSA). The Department of Energy, the Department of Defense, the Nuclear regulatory Commission, and the Central Intelligence Agency.

Cognizant Security Office. Government office designated to administer industrial security policy over contractor facilities.

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.

Contact officer. A government civilian or military employee designated in writing to oversee and control all contacts, requests for information, consultations, access, and other activities of foreign nationals who are assigned to a DoD Component or subordinate organization. Also refers to the person appointed at DoD-cleared contractor facilities for the same purpose.

Contracting Officer. A government official who, in accordance with departmental or agency procedures, has the authority to enter into and administer contracts and make determinations and findings with respect thereto, or any part of such authority. The term also includes the designated representative of the contracting officer acting within the limits of his or her authority.

Controlled Unclassified Information (CUI). Information that does not meet the standard for National Security Classification under Executive Order 13526, but is pertinent to the U.S. national interests or to the important interests of entities outside the U.S. Government, and under law or policy requires protection from unauthorized disclosure, special handling safeguards, and prescribed limits on exchange or dissemination.

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). Elements or components of a research, development, and acquisition program that, if compromised, could cause significant degradation in mission effectiveness; shorten the expected combat-effective life of the system; reduce technological advantage; significantly alter program direction; or enable an adversary to defeat, counter, copy, or reverse engineer the technology or capability.

Courier. A person who is trained to carry classified or sensitive material in his or her personal possession as a principal duty (e.g., a Defense Courier Service or Diplomatic Courier Service employee).

Defense Article. Any item or technical data designated in Part 121 of the ITAR; includes technical data recorded or stored in any physical form, models, mockups or other items that reveal technical data directly relating to items designated in Part 121.1

of the ITAR. It does not include basic marketing information on function or purpose or general system descriptions.

Defense Visit Office (DVO). The Offices established by the Departments of the Army (Army Foreign Disclosure Office, DAMI-CD), Navy (Navy International Programs Office, NIPO-01D2), Air Force (Air Force Deputy Under Secretary of the Air Force for International Affairs, (SAF/IA) and DIA (Defense Foreign Liaison Office) to receive, coordinate, and respond to a Request for Visit (RFV). The Military Departments process the requests for their organizations and contractors. The DIA processes the requests for its organizations, as well as the Office of the Secretary of Defense, the Joint Staff, and the Defense Agencies.

Defense Service.

(1) The furnishing of 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; or

(2) The furnishing to foreign persons of any technical data controlled under the ITAR, whether in the United States or abroad.

Delegation of Disclosure Authority Letter (DDL). A letter issued by the appropriate Principal Disclosure Authority (PDA) or DDA describing classification levels, categories, scope, limitations, and procedures related to information under a DoD Component's disclosure jurisdiction that may be disclosed to specific foreign governments or international organizations or their representatives for a specified purpose.

DoD Contractor Facility. Any industrial, educational, or commercial facility or other entity that has been awarded a DoD contract.

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 official with the requisite security clearance, designated in writing, who acts for the sending government to verify the existence of a valid export or disclosure authorization and approve transfer arrangements for classified material, or acts for the recipient government in receipting for and accepting security responsibility of the classified material on behalf of the recipient government or international organization. The U.S. DGR will be a U.S. Government official.

Designated Disclosure Authority (DDA). A military or civilian government official, designated by the Head of a DoD Component or by the DoD Component's PDA, who has been delegated disclosure authority to control disclosures of CMI and CUI to foreign governments or international organizations and their representatives.

Designated Security Authority (DSA). The senior government official responsible for establishing security policy and procedures for international programs.

Diplomatic Note. A formal written means of communication among embassies.

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

Document. Any recorded information, regardless of the nature of the medium or the method or circumstances of recording. This includes any physical medium in or on which information is recorded or stored, to include written or printed matter, audiovisual materials, and electromagnetic storage media.

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) Enquire into any aspect of a proposed export or temporary import by the applicant, and
 - (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.

Escort. A cleared individual who accompanies a shipment of classified material to its destination. The classified material does not remain in the personal possession of the escort, but the conveyance in which the material is transported remains under the constant observation of the escort during loading and unloading of the conveyance and during scheduled and non-programmed stops.

Exemption Certifying Official (ECO). A designated senior DoD official, of at least general/flag officer or Senior Executive Service rank, who has the authority to certify the use of an ITAR exemption by a contractor. The ECO's authority is limited to certifications in support of a U.S. Government requirement.

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 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 (FSCA). A written assurance exchanged between governments of the facility security clearance status of contractor facilities.

Facility Security Clearance Certificate (FSCC). Defense contractors must have the appropriate level FSCC to bid on or participate in a NATO program or contract.

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

Foreign Exchange Personnel. Military or civilian employees of a foreign government or international organization who are assigned to a DoD Component in accordance with the terms of a personnel exchange agreement and who perform prescribed duties for the DoD Components.

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 Interest. Any foreign government or international organization, agency of a foreign government or international organization, or representative of a foreign government or international organization; any form of business enterprise or legal entity organized, chartered, or incorporated under the laws of any country other than the United States or its territories; and any person who is not a citizen or national of the United States.

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. (See alien.)

Foreign Ownership, Control or Influence. A US company is considered to be under FOCI when a foreign interest has the power, direct or indirect, whether or not exercised, to direct or decide matters affecting the management or operations of the company in a manner which may result in unauthorized access to classified information or may affect adversely the performance of classified contracts.

Foreign Person. Any person who is not a lawful permanent resident as defined by 8 U.S.C. 1101(a)(20) or is not a protected individual as defined by 8 U.S.C. 1324b(a)(3). It means a society or any other entity or group that is not incorporated or organized to do business in the United States, as well as international organizations, foreign governments and any agency or subdivision of foreign governments (for example, diplomatic missions). (ITAR, Part 120.16). The term as used herein applies solely to determinations on whether a disclosure constitutes an export under the ITAR. Foreign persons may have access to export controlled information only pursuant to an export authorization. A favorable foreign disclosure decision is required and the person must have a Limited Access (LAA) prior to having access to classified information, if the circumstances satisfy the stringent requirements of DoD 5200.2-R and the NISPOM. The granting of a LAA does not negate the requirement for an export authorization.

Foreign Representative. A foreign national or any other person who represents or is sponsored by a foreign government or international organization.

Foreign Visits System (FVS). The automated system managed by the Office of the Under Secretary of Defense for Policy that provides staffing and database support for processing Requests For Visits by foreign representatives to DoD Component activities and cleared defense contractors.

FVS-Confirmation Module (FVS-CM). An application used to track and confirm visits by foreign nationals who have been approved through the FVS. It may also be used to generate records for locally approved unofficial visits or base access.

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

Form DSP-9. Application for registration.

Form DSP-6. Application/License for temporary import of unclassified defense articles.

Form DSP-7. Application/License for temporary export of unclassified defense articles.

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

Form DSP-8. Application/License for permanent/temporary export or temporary import of classified defense articles and related classified technical data.

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.

Formerly Restricted Data (FRD). Information removed from the Restricted Data category upon a joint determination by the Department of Energy (or antecedent agencies) and the Department of Defense that such information relates primarily to the military utilization of atomic weapons and that such information can be safeguarded adequately as classified defense information. For purposes of foreign disclosure, this information is treated in the same manner as Restricted Data.

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.

Government Program. A program that is initiated by a DoD Component (e.g., a program properly documented by a FMS Letter of Offer and Acceptance (LOA), a cooperative program international agreement, combined military operations and training, or U.S. military operations).

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 Principle. The principle, derived from the Arms Export Control Act, Executive Order 13526, and National Security Decision Memorandum 119, that the foreign disclosure or export of CMI and CUI is based on a decision that the information is authorized for disclosure or export to the government or international organization of the intended recipient or end-user.

Government Contracting Activities (GCAs). DoD Components and non-DoD U.S. Government Components using the Department of Defense as their Cognizant Security Agency (CSA) to ensure maximum uniformity and effectiveness regarding industrial security and procurement matters for the protection of classified information disclosed to or generated by industry under the NISP. These DoD and non-DoD Components are referred to as Government Contracting Activities (GCAs).

Government-to-Government channels. The Defense Transportation System, the Defense Courier Service, the Military Postal Service Registered Mail, the Diplomatic Pouch Service, or other U.S. Government agency service which maintains constant U.S. Government control of the material being transferred; equivalent services provided by a foreign government or international organization.

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 person who occasionally carries classified material small enough to be retained in their personal possession, using a hand carriage plan; such persons must be thoroughly briefed on and acknowledge their responsibilities for protecting the material.

Hosted Visit. A visit by officials of a foreign government under the auspices of an invitation that is extended by a DoD Component official.

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 Program. For the purpose of this Manual, contracts, subcontracts, pre-contract negotiations, agreements, and other programs or projects involving foreign governments and foreign companies. All such initiatives are international programs for the purpose of this Manual. (Draft NISPOM usage for contractor operations)

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.

Joint Certification Office (U.S.-Canada). The office jointly staffed by DoD and Canadian representatives to register qualified contractors from the United States and Canada, located at the Defense Logistics Information Service, Battle Creek, MI.

Lawful and Authorized. The principle that an international program must have a basis in law and involvement in the program must be approved by the responsible U.S. Government official.

Lawfully Admitted for Permanent Residence. Refers to the immigration status of an alien who is lawfully admitted into the United States for permanent residence, which means the status of having been “lawfully accorded the privilege of residing permanently in the United States as an immigrant in accordance with the immigration laws, such status not having changed”. Such persons also are referred to as “lawful permanent resident” (as used in the ITAR) and “green card holder”. (Note: Such status neither bestows “national of the United States” status nor implies “allegiance to the United States”)

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.

Limited Access Authorization (LAA). Authorization for access to Confidential or Secret information granted to non-United States citizens and immigrant aliens, which is limited to only that information necessary to the successful accomplishment of their assigned duties and based on a background investigation scoped for 10 years.

Limited Facility Clearance. A FCL that is used to permit the award of a FCL to a company for a single, narrowly defined purpose when there is involvement in the company by foreign interests.

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.

Multinational Industrial Security Working Group (MISWG). An ad hoc international body currently comprised of the 28 NATO countries (less Iceland), plus Austria, Australia, Finland, Israel, New Zealand, Sweden, and Switzerland. Its purpose is to rationalize each participating country’s national security preactivities and procedures and agree on standard procedures for international programs involving the participating countries. The participating countries have agreed to modify 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 Disclosure Policy. Short title for “National Policy and Procedures for the Disclosure of Classified Military Information to Foreign Governments and International Organizations”; also, NDP-1.

National Disclosure Policy Committee (NDPC. Short title for “National Military Information Disclosure Policy Committee”). The NDPC is the interagency committee established by the Secretaries of State and Defense established pursuant to National Security Decision Memorandum (NSDM) 119 to administer the NDP-1 and consider requests for exceptions to policy.

Nationals and Citizens of the United States. Only the following shall be nationals and citizens of the United States at birth: (i) a person born in the United States, and subject to the jurisdiction thereof; (ii) a person born in the United States to a member of an Indian, Eskimo, Aleutian, or other aboriginal tribe: Provided, That the granting of citizenship under this subsection shall not in any manner impair or otherwise affect the right of such person to tribal or other property; (iii) a person born outside of the United States and its outlying possessions of parents both of whom are citizens of the United States and one of whom has had a residence in the United States or one of its outlying possessions, prior to the birth of such person; (iv) a person born outside of the United States and its outlying possessions of parents one of whom is a citizen of the United States who has been physically present in the United States or one of its outlying possessions for a continuous period of one year prior to the birth of such person, and the other of whom is a national, but not a citizen of the United States; (v) a person born in an outlying possession of the United States of parents one of whom is a citizen of the United States who has been physically present in the United States or one of its outlying possessions for a continuous period of one year at any time prior to the birth of such person; (vi) a person of unknown parentage found in the United States while under the age of five years, until shown, prior to his attaining the age of twenty-one years, not to have been born in the United States; (vii) a person born outside the geographical limits of the United States and its outlying possessions of parents one of whom is an alien, and the other a citizen of the United States who, prior to the birth of such person, was physically present in the United States or its outlying possessions for a period or periods totaling not less than five years, at least two of which were after attaining the age of fourteen years: Provided, That any periods of honorable service in the Armed Forces of the United States, or periods of employment with the United States Government or with an international organization by such citizen parent, or any periods during which such citizen parent is physically present abroad as the dependent unmarried son or daughter and a member of the household of a person (a) honorably serving with the Armed Forces of the United States, or (b) employed by the United States Government or an international organization, may be included in order to satisfy the physical-presence requirement of this paragraph. This proviso shall be applicable to persons born on or after December 24, 1952, to the same extent as if it had become effective in its present form on that date; and (viii) a person born before noon (Eastern Standard Time) May 24, 1934, outside the limits and jurisdiction of the United States of an alien father and a mother who is a citizen of the United States who, prior to the birth of such person, had resided in the United States. (8 U.S.C.1401))

National of the United States. A person who is a United States citizen or, though not a citizen, owes allegiance to the United States. (See also Citizen of the United States and Nationals and Citizens of the United States) (8 U.S.C 1101(a)(22)

National Representative. A military or civilian employee of a foreign government who is assigned at a foreign government’s national embassy or legation in Washington, DC (e.g., a Defense Attaché), occasionally having diplomatic status, and certified to represent his or her government on official matters with the DoD Components.

National Security Authority (NSA): A NATO term 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. The Secretary of Defense is the U.S. NSA. The NSA responsibilities are assigned to the Under Secretary of Defense for Policy.

Official Visit. An occasion when a foreign national visits a DoD Component or DoD contractor facility to perform official business approved by the sponsoring government or the international organization.

Operational FLO. A military or civilian employee of a foreign government or international organization who is assigned to a DoD Component and is certified to coordinate operational matters, such as combined or coalition military operations, planning, exercises, or related training.

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.

Original Classification Authority (OCA). An individual authorized in writing, either by the President, the Vice President in the performance of executive duties, or by agency heads or other officials designated by the President, to originally classify 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.

Personnel security clearance (PCL). A determination that a person is eligible in accordance with the standards of DoD 5200.2-R for access to classified information.

Personnel Security Clearance Assurance (PSCA). A written assurance from a government of a person's eligibility for a specified level of personnel security clearance, under that government's investigative requirements. It is required to grant a U.S. Limited Access Authorization when the 10 years scope of investigation cannot otherwise be satisfied.

Personnel Security Clearance Certificate (PSCC). Employees of cleared U.S. defense contractors must have the appropriate level PSCC to participate in a NATO program or contract, or visit a NATO entity.

Principal Disclosure Authority (PDA). A senior military or civilian government official appointed in writing by the head of an OSD organizational element or a DoD Component as the senior foreign disclosure authority for that OSD organizational element or Component, and who is responsible for the establishment of an effective foreign disclosure program consistent with this Directive.

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 standardize 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 approval of the Defense Security Service.

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.

Protected Individual. A citizen or national of the United States, an alien lawfully admitted for permanent residence, an alien lawfully admitted for temporary residence, an alien admitted to the United States as a refugee, or an alien granted asylum. (8 U.S.C. 1324b(3)) Under 8 U.S.C. 1324b(3)(B)(i) and (ii)), an alien (i.e., a foreign national) may lose his or her “protected” status if he or she (i) does not apply for naturalization when eligible or (ii) does not accept naturalization upon meeting the requirements. However, the foreign national who loses his or her protected status might still be an “alien lawfully admitted for permanent residence”. This is because such persons lose their right to reside permanently in the United States only if they commit certain crimes or otherwise demonstrate that they do not intend to reside permanently in the United States, as stated in 8 U.S.C. 1182 and 1227. Based on the ITAR definition of “export”, an export does not occur when such persons are given access to export controlled articles or technical data, as is the case with “lawful permanent residents”, as the term is used in the ITAR.

Proxy Agreement. A facility clearance arrangement under which a foreign owner’s voting rights in a U.S. company are conveyed to proxy holders who are resident U.S. citizens. Because the company is basically insulated from the foreign owner, the potential adverse effects of foreign involvement in the U.S. company are negated under the Proxy Agreement.

Public Domain. The state of being generally accessible or available to the public, as determined pursuant to Reference (s) or section 552 of title 5, U.S.C. (Reference (an)).

Release. To convey information in material or documentary form to a representative of a foreign government or international organization.

Record of Action (RA). A serially numbered, classified document that records the decision on a issue brought before the NDPC.

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).

Restricted Data (RD). All data concerning design, manufacture or utilization of atomic weapons; the production of special nuclear material; or the use of special nuclear material in the production of energy, but not data declassified or removed from the Restricted Data category pursuant to Section 142 of the Atomic Energy Act of 1954, as amended.

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 Control Agreement SCA). Facility clearance arrangement used when a foreign interest does not effectively own or control a company or corporate family (i.e., U.S. citizens are in a controlling position), but the foreign interest is entitled to representation on the company's board in the form of inside directors. Because the company is not insulated from the foreign interest (i.e., the inside directors are in a position to influence the operations of the company), it is mitigation arrangement.

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.

Special Security Agreement (SSA). Facility clearance arrangement normally used when a foreign interest effectively owns or controls a company or corporate family; there also may be some foreign involvement in the operations of the company, such as the appointment of inside directors. Because of the foreign involvement, the SSA does not provide for total insulation from the foreign interest; therefore it is also a mitigation arrangement.

Technology Control Plan (TCP). A detailed plan to control access by 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.

Transmission. The transfer of information by electronic means.

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. 1324b(a)(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 (LAA) prior to having access to classified information, if the circumstances satisfy the stringent requirements of DoD 5200.2-R 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.

Voting Trust (VT) Agreement. A facility clearance arrangement under which the foreign owner transfers legal title in a U.S. company to Trustees who are resident U.S. citizens. Because the company is basically insulated from the foreign owner, the potential adverse effects of foreign involvement in the U.S. company are negated under the Proxy Agreement.