

International Traffic in Arms Regulations (ITAR) Reference

22 CFR Part 127.2 – Misrepresentation and omission of facts

- (a) It is unlawful to use or attempt to use any export or temporary import control document containing a false statement or misrepresenting or omitting a material fact for the purpose of exporting, transferring, reexporting, retransferring, obtaining, or furnishing any defense article, technical data, or defense service. Any false statement, misrepresentation, or omission of material fact in an export or temporary import control document will be considered as made in a matter within the jurisdiction of a department or agency of the United States for the purposes of 18 U.S.C. 1001, 22 U.S.C. 2778, and 22 U.S.C. 2779.
- (b) For the purpose of this subchapter, export or temporary import control documents include the following:
 - (1) An application for a permanent export, reexport, retransfer, or a temporary import license and supporting documents.
 - (2) Electronic Export Information filing.
 - (3) Invoice.
 - (4) Declaration of destination.
 - (5) Delivery verification.
 - (6) Application for temporary export.
 - (7) Application for registration.
 - (8) Purchase order.
 - (9) Foreign import certificate.
 - (10) Bill-of-lading.
 - (11) Airway bill.
 - (12) Nontransfer and use certificate.
 - (13) Any other document used in the regulation or control of a defense article, defense service, or brokering activity regulated by this subchapter.
 - (14) Any other shipping document that has information related to the export of the defense article or defense service.

22 CFR Part 120.6 – Defense Article

Defense article means any item or **technical data** designated in § 121.1 of this subchapter. The policy described in § 120.3 is applicable to designations of additional items. This term 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 § 121.1 of this subchapter. It also includes forgings, castings, and other unfinished products, such as extrusions and machined bodies, that have reached a stage in manufacturing where they are clearly identifiable by mechanical properties, material composition, geometry, or function as defense articles. It does not include basic marketing information on function or purpose or general system descriptions.

22 CFR Part 120.9 – Defense Service

Defense service means:

- (a) 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;
- (b) The furnishing to foreign persons of any technical data controlled under this subchapter (see § 120.10), whether in the United States or abroad; or
- (c) 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. (See also § 124.1.)

22 CFR Part 120.9 – Brokering Activities

- (a) Brokering activities means any action on behalf of another to facilitate the manufacture, export, permanent import, transfer, reexport, or retransfer of a U.S. or foreign defense article or defense service, regardless of its origin.
 - (1) Such action includes, but is not limited to:
 - i) Financing, insuring, transporting, or freight forwarding defense articles and defense services; or
 - ii) Soliciting, promoting, negotiating, contracting for, arranging, or otherwise assisting in the purchase, sale, transfer, loan, or lease of a defense article or defense service.
 - (2) Such action does not include:
 - (3) Activities by a U.S. person in the United States that are limited exclusively to U.S. domestic sales or transfers (e.g., not for export);
 - (4) Activities by employees of the U.S. Government acting in an official capacity;
 - (5) Activities by regular employees (see § 120.39 of this subchapter) acting on behalf of their employer, including those regular employees who are dual nationals or third-country nationals that satisfy the requirements of § 126.18 of this subchapter;

22 CFR Part 120.10 – Technical Data

Technical data means, for purposes of this subchapter:

- (1) Information, other than software as defined in § 120.10(a)(4), 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, or documentation.
 - (2) Classified information relating to defense articles and defense services on the U.S. Munitions List and 600-series items controlled by the Commerce Control List;
 - (3) Information covered by an invention secrecy order; or
 - (4) Software (see § 120.45(f)) directly related to defense articles.
- (b) The definition in paragraph (a) of this section 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 § 120.11 of this subchapter or telemetry data as defined in note 3 to Category XV(f) of part 121 of this subchapter. It also does not include basic marketing information on function or purpose or general system descriptions of defense articles.

22 CFR Part 120.16 – Foreign person

Foreign person means any natural person who is not a lawful permanent resident as defined by 8 U.S.C. 1101(a)(20) or who is not a protected individual as defined by 8 U.S.C. 1324b(a)(3). It also means any foreign corporation, business association, partnership, trust, 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 (e.g., diplomatic missions).

International Traffic in Arms Regulations (ITAR) Reference

22 CFR 120.54 – Activities that are not exports, reexports, retransfers, or temporary imports

- (a) The following activities are not exports, reexports, retransfers, or temporary imports:
- (1) Launching a spacecraft, launch vehicle, payload, or other item into space.
 - (2) Transmitting or otherwise transferring technical data to a U.S. person in the United States from a person in the United States.
 - (3) Transmitting or otherwise transferring within the same foreign country technical data between or among only U.S. persons, so long as the transmission or transfer does not result in a release to a foreign person or transfer to a person prohibited from receiving the technical data.

Department of Defense (DoD) Cloud Computing Security Requirements Guide (SRG)

At a minimum, CUI is considered Impact Level 4 (IL4) per the [DoD Cloud Computing SRG](#).

IMPACT LEVEL	INFORMATION SENSITIVITY	SECURITY CONTROLS	LOCATION	OFF-PREMISES CONNECTIVITY	SEPARATION	PERSONNEL REQUIREMENTS
2	PUBLIC or Non-critical Mission Information	FedRAMP v2 Moderate	US / US outlying areas or DoD on-premises	Internet	Virtual / Logical PUBLIC COMMUNITY	National Agency Check and Inquiries (NACI)
4	CUI or Non-CUI Non-Critical Mission Information Non-National Security Systems	Level 2 + CUI-Specific Tailored Set	US / US outlying areas or DoD on-premises	NIPRNet via CAP	Virtual / Logical Limited "Public" Community Strong Virtual Separation Between Tenant Systems & Information	US Persons ADP-1 Single Scope Background Investigation (SSBI)
5	Higher Sensitivity CUI Mission Critical Information National Security Systems	Level 4 + NSS & CUI-Specific Tailored Set	US / US outlying areas or DoD on-premises	NIPRNet via CAP	Virtual / Logical FEDERAL GOV. COMMUNITY Dedicated Multi-Tenant Infrastructure Physically Separate from Non-Federal Systems Strong Virtual Separation Between Tenant Systems & Information	ADP-2 National Agency Check with Law and Credit (NACLC) Non-Disclosure Agreement (NDA)
6	Classified SECRET National Security Systems	Level 5 + Classified Overlay	US / US outlying areas or DoD on-premises CLEARED / CLASSIFIED FACILITIES	SIPRNET DIRECT With DoD SIPRNet Enclave Connection Approval	Virtual / Logical FEDERAL GOV. COMMUNITY Dedicated Multi-Tenant Infrastructure Physically Separate from Non-Federal and Unclassified Systems Strong Virtual Separation Between Tenant Systems & Information	US Citizens w/ Favorably Adjudicated SSBI & SECRET Clearance NDA

