

Chapter 1 : Export of cryptography from the United States - Wikipedia

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CoCom was organized to coordinate Western export controls. Two types of technology were protected: Since in the immediate post WWII period the market for cryptography was almost entirely military, the encryption technology techniques as well as equipment and, after computers became important, crypto software was included as a Category XIII item into the United States Munitions List. The multinational control of the export of cryptography on the Western side of the cold war divide was done via the mechanisms of CoCom. By the s, however, financial organizations were beginning to require strong commercial encryption on the rapidly growing field of wired money transfer. Generally these were dealt with through case-by-case export license request proceedings brought by computer manufacturers, such as IBM , and by their large corporate customers. PC era[edit] Encryption export controls became a matter of public concern with the introduction of the personal computer. The growth of electronic commerce in the s created additional pressure for reduced restrictions. Netscape developed two versions of its web browser. A similar situation occurred with Lotus Notes for the same reasons. Legal challenges by Peter Junger and other civil libertarians and privacy advocates, the widespread availability of encryption software outside the U. The Commodity Jurisdiction process was replaced with a Commodity Classification process, and a provision was added to allow export of bit encryption if the exporter promised to add "key recovery" backdoors by the end of In , the Department of Commerce implemented rules that greatly simplified the export of commercial and open source software containing cryptography, including allowing the key length restrictions to be removed after going through the Commodity Classification process. Please update this article to reflect recent events or newly available information. October As of [update] , non-military cryptography exports from the U. Militarized encryption equipment, TEMPEST -approved electronics, custom cryptographic software, and even cryptographic consulting services still require an export license [10] pp. Furthermore, encryption registration with the BIS is required for the export of "mass market encryption commodities, software and components with encryption exceeding 64 bits" 75 FR In addition, other items require a one-time review by, or notification to, BIS prior to export to most countries. Encryption items specifically designed, developed, configured, adapted or modified for military applications including command, control and intelligence applications are controlled by the Department of State on the United States Munitions List. Terminology[edit] Encryption export terminology is defined in EAR part Encryption Component is an encryption commodity or software but not the source code , including encryption chips, integrated circuits etc. Encryption items include non-military encryption commodities, software, and technology. Open cryptographic interface is a mechanism which is designed to allow a customer or other party to insert cryptographic functionality without the intervention, help or assistance of the manufacturer or its agents. Ancillary cryptography items are the ones primarily used not for computing and communications, but for digital right management ; games, household appliances; printing, photo and video recording but not videoconferencing ; business process automation ; industrial or manufacturing systems including robotics , fire alarms and HVAC ; automotive , aviation and other transportation systems. For the purposes of encryption, groups B, D: B is a large list of countries that are subject to relaxed encryption export rules D: Notable countries on this list include China and Russia E: For the purposes of encryption, the following three reasons for control are important: An item can be either self-classified, or a classification "review" requested from the BIS.

Chapter 2 : SP Loading page

Enumeration of Articles Â§ *The United States Munitions List. (a) U.S. Munitions List. In this part, articles, services, and related technical data are designated as defense articles or defense services pursuant to sections 38 and 47(7) of the Arms Export Control Act and constitute the U.S. Munitions List (USML).*

Note 1 to paragraph a: The maximum capability based on the design characteristics of the system, when fully loaded with fuel or propellant, will be taken into consideration in determining range. The range for rocket systems will be determined independently of any external factors such as operational restrictions, limitations imposed by telemetry, data links, or other external constraints. For rocket systems, the range will be determined using the trajectory that maximizes range, assuming International Civil Aviation Organization ICAO standard atmosphere with zero wind. Note 2 to paragraph a: Note 3 to paragraph a: This paragraph does not control model and high power rockets as defined in National Fire Protection Association Code and kits thereof made of paper, wood, fiberglass, or plastic containing no substantial metal parts and designed to be flown with hobby rocket motors that are certified for consumer use. Such rockets must not contain active controls e. Note 4 to paragraph a: Note 1 to paragraph b: Note 2 to paragraph b: Note 3 to paragraph b: This paragraph does not control parts and accessories e. Note 1 to paragraph c: This paragraph includes specialized handling equipment transporters, cranes, and lifts specially designed to handle articles enumerated in paragraphs a and b of this category for preparation and launch from fixed and mobile sites. The equipment in this paragraph also includes specially designed robots, robot controllers, and robot end-effectors, and liquid propellant tanks specially designed for the storage or handling of the propellants controlled in USML Category V, CCL ECCNs 1C, 1C, and 1C, or other liquid propellants used in the systems enumerated in paragraphs a 1 , a 2 , or a 5 of this category. Note 2 to paragraph c: Note to paragraph d: This paragraph does not control model and high power rocket motors, containing no more than 5 pounds of propellant, that are certified for U. This paragraph does not control spacecraft. This paragraph also includes electrical connectors installed between the systems specified in paragraph a 1 or a 2 of this category and their payload. Note to paragraph h Defense services include the furnishing of assistance including training to a foreign person in the integration of a satellite or spacecraft to a launch vehicle, including both planning and onsite support, regardless of the jurisdiction, ownership, or origin of the satellite or spacecraft, or whether technical data is used. It also includes the furnishing of assistance including training to a foreign person in the launch failure analysis of a launch vehicle, regardless of the jurisdiction, ownership, or origin of the launch vehicle, or whether technical data is used. MT for technical data and defense services related to articles designated as such. Note to paragraph x: Note to Category IV: If a Missile Technology Control Regime Category I item is included in a system, that system will also be considered as a Category I item, except when the incorporated item cannot be separated, removed, or duplicated.

The Department of State, pursuant to its regulations and in the interest of the security of the United States, temporarily modifies Category XI of the United States Munitions List (USML). ; vol. 82 # 9 - Friday, January 13,

Final rule; notice of temporary modification. Amendatory instructions 1 and 2 are effective August 30, Temporary Modification of Category XI. That final rule, consistent with the two prior proposed rules for USML Category XI 78 FR , July 25, and 77 FR , November 28, , revised paragraph b of Category XI to clarify the extent of control and maintain the existing scope of control on items described in paragraph b and the directly related software described in paragraph d. The Department has determined that exporters may read the revised control language to exclude certain intelligence-analytics software that has been and remains controlled on the USML. This temporary revision clarifies that the scope of control in existence prior to December 30, for USML paragraph b and directly related software in paragraph d remains in effect. The Department published a final rule on December 16, 80 FR that continued the July 2, modification to August 30, This final rule extends the July 2, modification to August 30, to allow the U. Regulatory Findings Administrative Procedure Act The Department is publishing this rule as a final rule based upon good cause, and its determination that delaying the effect of this rule during a period of public comment would be impractical, unnecessary and contrary to public interest. In addition, the Department is of the opinion that controlling the import and export of defense articles and services is a foreign affairs function of the United States Government and that rules implementing this function are exempt from sections rulemaking and adjudications of the Administrative Procedure Act APA. This rulemaking does not impose or revise any information collections subject to 44 U. Unfunded Mandates Reform Act of This rule is not subject to the requirements of EO 82 FR , February 3, because it is issued with respect to a foreign affairs function of the United States. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of Executive Order This rulemaking does not have sufficient federalism implications to require consultations or warrant the preparation of a federalism summary impact statement. The regulations implementing Executive Order regarding intergovernmental consultation on Federal programs and activities do not apply to this rulemaking. The authority citation for part continues to read as follows: This rulemaking is not an economically significant rule under the criteria of Executive Order , and is consistent with the provisions of Executive Order Accordingly, the requirements of Executive Order do not apply to this rulemaking. Tillerson, Secretary of State, U. Executive Orders and transmission medium , or for counteracting such activities. Notice of deviation from drawbridge regulation. The deviation is necessary to repair the bridge for safe continued operation. This deviation allows the bridge to remain in the closed-to-navigation position for approximately three 3 hours on one day until the repair is completed. This deviation is effective from 6 a. The docket for this deviation, USCGâ€™â€™ is available at [http:](http://) If you have questions on this temporary deviation, call or email Eric A. The bridge has a vertical clearance of This bridge is governed by 33 CFR This deviation allows the bridge to remain in the closed-to-navigation E: Executive Orders and This rulemaking does not have sufficient federalism implications to require consultations or warrant the preparation of a federalism summary impact statement. Executive Orders and The Department believes that benefits of the rulemaking outweigh any costs, which are estimated to be insignificant. Executive Order The Department of State has reviewed this rulemaking in light of sections 3 a and 3 b 2 of Executive Order to eliminate ambiguity, minimize litigation, establish clear legal standards, and reduce burden. Executive Order The Department of State has determined that this rulemaking will not have tribal implications, will not impose substantial direct compliance costs on Indian tribal governments, and will not preempt tribal law. Paperwork Reduction Act This rulemaking does not impose or revise any information collections subject to 44 U. Executive Order This rule is not subject to the requirements of EO 82 FR , February 3, because it is issued with respect to a foreign affairs function of the United States.

Chapter 4 : The United States Munitions List: When Guns Come Off of the ITAR | The National Law Review

The United States Munitions List: When Guns Come Off of the ITAR By Lisa Mays and Reid Whitten on September 14, Posted in Export Control Reform (ECR), ITAR and Defense Exports In our blog shop, most of the news we scan is the nerdy minutia of regulatory nuance.

Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on https: All submissions received must include the Docket No. You should submit two copies total. Submit both copies to the Division of Dockets Management. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover VerDate Sep Only those isolated or synthetic nondigestible carbohydrates that meet the definition can be declared as a dietary fiber on a Nutrition and Supplement Facts label. We provided a day comment period that was scheduled to close on January 23, Elsewhere in this issue of the Federal Register, we have published a notice to reopen the comment period for a related notice that appeared in the Federal Register of November 23, 81 FR We requested scientific data, information and comments in the related November 23, , notice to help us evaluate the potential beneficial physiological effects on human health of PO Frm Fmt Sfmt 26 specific isolated or synthetic nondigestible carbohydrates that are added to food so that we may determine whether any of them should be added to our definition of dietary fiber in our Nutrition Facts and Supplement Facts label final rule. The original comment period for this notice closed on January 9, We have received requests to extend the comment period for the isolated or synthetic non-digestible carbohydrates draft guidance. The requests conveyed concern that the current day comment period does not allow sufficient time to develop meaningful or thoughtful comments to the draft guidance. We have considered the requests and are extending the comment period for the draft guidance until February 13, We believe that this extension allows adequate time for interested persons to submit comments without significantly delaying finalizing the guidance. The extended comment period deadline February 13, , for the draft guidance also coincides with the reopened comment period for our related request for scientific data, information, and comments for the November 23, , notice. Leslie Kux, Associate Commissioner for Policy. Notice of Inquiry, request for comments. Interested parties may submit comments by one of the following methods: Comments submitted through www. Therefore, commenters are cautioned not to include proprietary or other sensitive information in their comments. As a practical matter, this meant revising USML categories so that, with some exceptions, the descriptions of defense articles that continued to warrant control under the USML did not use catch-all phrases to control unspecified items. As a general matter, the defense articles that warranted control under the USML were those that provided the United States with a critical military or intelligence advantage. All other items were to become subject to the Export Administration Regulations. Since that time, the Department has published final rules setting forth revisions for eighteen USML categories, each of which has been reorganized into a uniform and more positive list structure. VerDate Sep This approach, however, requires that the lists be regularly revised and updated to account for technological developments, practical application issues identified by exporters and reexporters, and changes in the military and commercial applications of items affected by the list. In addition, the USML and the Commerce Control List require regular revision in order to ensure that they satisfy the national security and foreign policy objectives of the reform effort, which are to improve interoperability of U. In the final rule, the Department adopted control text in seven subparagraphs that controls specific items when they are specially designed for a military end user. The term military end user is defined in the new Note to Category XII, as the national armed services army, navy, marine, air force, or coast guard , national guard, national police, government intelligence or reconnaissance organizations, or any person or entity whose actions or functions are intended to support military end uses. As the Note further states, an item is not specially designed for a military end user if it was developed for both military and nonmilitary end users, or if the item was created for no specific end user. The Note also provides that contemporaneous documents are required to support the design intent; otherwise, use by a military end user establishes that the item is specially designed for a military end user. As stated in the final rule, the

Department adopted this control based PO Frm Fmt Sfmt on original design intent because the Department and its interagency partners cannot yet articulate objective technical criteria that would establish a bright line between military and commercial and civil systems. The Department is soliciting additional public input, asking for suggested control parameters for these seven entries in the final rule: B Specially designed for articles in this subchapter or specially designed for a military end user. Comments on Scope of Paragraph b 1: Paragraph b 1 includes all laser target designators and coded target markers that can mediate the delivery of ordnance to a target. This includes a laser target designator or coded target marker that may also be used for other purposes, including battlefield target handoff or communication of battlefield intelligence information. The Department requests that the public comment on this provision. The Department is also evaluating several potential parameters. The Department is requesting that the public comment on these parameters to aid in its evaluation. Specifically, the Department requests comment on E: Free-space laser communication systems specially designed for articles in this subchapter. Binoculars, bioculars, monoculars, goggles, or head or helmet-mounted imaging systems including video-based articles having a separate near-to-eye display, having any of the following: Infrared imaging systems, as follows: Mobile reconnaissance, mobile scout, or mobile surveillance systems, that provide real-time target geolocation VerDate Sep Gimbaled infrared systems e. Image intensifier tubes having all the following, and specially designed parts and components therefor: Image intensifier tubes having all of the following, and specially designed parts and components therefor: Infrared focal plane arrays or dewars specially designed for optical augmentation reduction. Infrared focal plane array dewar assemblies with peak response in the wavelength range greater than 3, nm but not exceeding 14, nm, and having a variable aperture mechanism. Infrared focal plane arrays having all of the following: Infrared focal plane arrays having greater than 81, but not exceeding, detector elements, a peak response in the wavelength range 1, nm but not exceeding 1, nm, and any of the following: Noise equivalent irradiance is defined as a ratio with the numerator comprised of the focal plane noise floor in units of electrons at a focal plane array temperature of K and the denominator as the multiplied value of detector area in square centimeters, spectral quantum efficiency at 1, nm, and an integration time of 0. Infrared focal plane arrays having greater than, detector elements, a peak response in the wavelength range exceeding 1, nm but not exceeding 1, nm, and any of the following: Noise equivalent irradiance is defined as a ratio with the numerator comprised of the focal plane noise floor in units of electrons at a focal plane array temperature of K and the denominator as the numerator to the multiplied value of detector area in square centimeters, spectral quantum efficiency at 1, nm, and an integration time of 0. Infrared focal plane arrays having greater than, detector elements, a peak response in the wavelength range exceeding 1, nm but not exceeding 3, nm, and any of the following: Infrared focal plane arrays having an internal quantum efficiency exceeding 10 percent anywhere in the wavelength range exceeding 3, nm but not exceeding 7, nm and any of the following: Infrared focal plane arrays having a peak response in the wavelength range exceeding 7, nm but not exceeding 30, nm, and all of the following: Infrared focal plane arrays having a peak response in the wavelength range exceeding 7, nm but not exceeding 14, nm and all of the following: Microbolometer focal plane arrays having an unfiltered response in the wavelength range exceeding 7, nm but not exceeding 14, nm and any of the following: Infrared focal plane arrays specially designed to provide distinct outputs corresponding to more than one spectral band, and having all the following: Digital low-light-level sensors incorporating a photocathode and a focal plane array within the vacuum space, with a peak response in the wavelength range exceeding nm but not exceeding 2, nm, and having any of the following: Analog readout integrated circuits specially designed for articles in this subchapter. Digital readout integrated circuits specially designed for focal plane arrays having a peak spectral response in the wavelength band exceeding 1, nm but not exceeding 30, nm, a digital signal output, and any of the following: The Department will review all comments from the public. If a rulemaking is warranted based on the comments received, the Department will respond to comments received in a proposed rulemaking in the Federal Register. Notice of proposed rulemaking. The Coast Guard proposes to establish a safety zone for all waters of the Tennessee River, beginning at mile marker High water flow is determined by flow rates that have reached or exceeded, cubic feet per second at Chickamauga lock and dam on the Tennessee River at mile marker This proposed safety zone is necessary to provide safety for mariners

transiting on the Tennessee River during periods of high water flow. Entry into this area will be prohibited unless specifically authorized by the Captain of the Port Ohio Valley or designated representative. We invite your comments on this proposed rulemaking. Comments and related material must be received by the Coast Guard on or before January 30, United States Code II. There have been temporary final rules issued in the past establishing a safety zone on the Tennessee River beginning at mile marker This proposed rulemaking is also necessary to more efficiently effect necessary safety measures during emergent high water events in the future by reducing administrative burden and the amount of paperwork required for multiple individual rulemakings. The Tennessee River beginning at mile marker A high water flow determination for this area is established when flow rates reach or exceed , cubic feet per second at Chickamauga lock and dam on the Tennessee River at mile marker The Captain of the Port Ohio Valley has determined that additional safety measures are necessary to protect all mariners during periods of high water flow. Therefore, the Coast Guard E: The advantage of revising the USML into a more positive list is that its controls can be tailored to satisfy the national security and foreign policy objectives of the U. As the Note further states, an item is not specially designed for a military end user if it was developed for both military and non- military end users, or if the item was created for no specific end user. As stated in the final rule, the Department adopted this control based on original design intent because the Department and its interagency partners cannot yet articulate objective technical criteria that would establish a bright line between military and commercial and civil systems. Specifically, the Department requests comment on [[Page]] whether any civil or commercial items are described by the following parameters, including items for which civil or commercial use is anticipated in the next five years: Binoculars, bioculars, monoculars, goggles, or head or helmet- mounted imaging systems including video-based articles having a separate near-to-eye display , having any of the following: Mobile reconnaissance, mobile scout, or mobile surveillance systems, that provide real-time target geolocation at ranges greater than 3 km e.

Chapter 5 : US “ State temporarily modifies Category XI of Munitions List

Temporary Modification of Category XI of the United States Munitions List, [] Download as PDF Federal Register / Vol. 82, No. / Wednesday, August 30, / Rules and Regulations Â§ Determinations for specified plastics.

Chapter 6 : 22 CFR - The United States Munitions List. | US Law | LII / Legal Information Institute

The May 13 rule added controls to the Export Administration Regulations (EAR) for spacecraft and related items that the President has determined no longer warrant control under United States Munitions List (USML) Category XV“spacecraft and related items.

Chapter 7 : Modification of Category XI, Munitions List | KPMG | US

The Department acknowledges this comment and that aperture technology is evolving, and has revised (a)(7)(i) to m to reflect the current status of technology that provides the United States with a critical military or intelligence advantage and warrants control on the USML.

Chapter 8 : 22 CFR Part - THE UNITED STATES MUNITIONS LIST | US Law | LII / Legal Information Insti

The United States Munitions List (USML) is a list of articles, services, and related technology designated as defense- and space-related by the United States federal government.

Chapter 9 : United States Munitions List - Wikipedia

The Department of State, pursuant to its regulations and in the interest of the security of the United States, temporarily

modifies paragraph (b) in Category XI of the United States Munitions List (USML).