

Frequently Asked Questions

Q. My freight forwarder handles all my export requirements, so am I required to keep any records?

A. Yes, a freight forwarder is acting as an agent, and you are still required to maintain records.

Q. I don't export anything, do I have to register with the DDTC?

A. Yes.

Q. My company manufactures defense articles that are shipped to U.S. companies in the contiguous United States. What type of record-keeping is required?

A. It is imperative that you retain end use and end user statements, purchase orders, bills of lading, commercial invoices, your registration letter, etc. Just because you do not export does not relieve you of the record-keeping requirements.

Q. How do we know that a component (like an electronic connector or cable, for example) is designed for military use?

A. Check with the manufacturer/designer first. There are other sources, but as a last recourse you can always contact the DDTC and request a CJ (Commodity Jurisdiction).

Q. We have a customer who is banned from exporting for previous violations and wants us to export product on their behalf for processing in the United Kingdom. Is this specifically prohibited?

A. Yes. You should report such requests to the United States Government.

Q. Can I use AS9100 internal audits to satisfy the ITAR audit requirements?

A. Yes, this is permissible if the audits cover the requirements of the regulations and the auditors are properly qualified.

Q. Is someone who has a green card considered a non-U.S. person?

A. No, a green card holder and/or a U.S. citizen are considered U.S. persons.

Q. How do I know if an export license is required?

A. There are a number of factors to consider, including what you are exporting (CCL or USML), how the item or information will be used (restricted end use), where you are exporting (embargoed country) and who will receive the item or information (foreign persons or restricted end users).

Q. I'm not exporting any real parts or products, just information.

A. Technical data is an exportable commodity and is covered under ITAR regulations. This includes information in the form of blueprints, drawings, process specifications, photographs, plans, instructions, and documentation. For example, without a license to permanently export technical data, you could be in violation just for participating in a conference call with a non U.S. person present.

Q. Are a company's marketing brochures considered to be technical data or technology?

A. No. This is generally considered to be information in the public domain.

Q. I am selling my civil item to a foreign military. Does this make it USML and do I need an export license from State?

A. You do not need an export license from Directorate of Defense Trade Controls (DDTC) if your item is not controlled on the USML. That remains true even if you are selling the item to a foreign military. The end-user does not determine export jurisdiction.

Q. What kind of a compliance program does my company need to have in place?

A. Comprehensive operational compliance programs include manuals that articulate the processes, in detail, to be followed in implementing the company program. DDTC has outlined a recommended compliance program at: <http://www.pmdtcc.state.gov/compliance/index.html>

Q. How long does it take to get a license through the Directorate of Defense Trade Controls (DDTC)?

A. Excluding Commodity Jurisdictions (CJs), Government Jurisdictions (GJs), and Electronic Rejection cases, the average processing time ranges from 16-27 days.

Q. Who is required to register with the Directorate of Defense Trade Controls (DDTC)?

A. All manufacturers, exporters, and brokers of defense articles, related technical data and defense services as defined on the United States Munitions List (Part 121 of the ITAR) are required to register with the DDTC. Registration is primarily a means to provide the U.S. Government with necessary information on who is involved in certain

manufacturing, exporting and brokering activities. Registration does not confer any export rights or privileges, but is a precondition for the issuance of any license or other approval for export.