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MILITARY STANDARD

MARKING TECHNICAL
DATA PREPARED BY
OR FOR THE DEPARTMENT
OF DEFENSE



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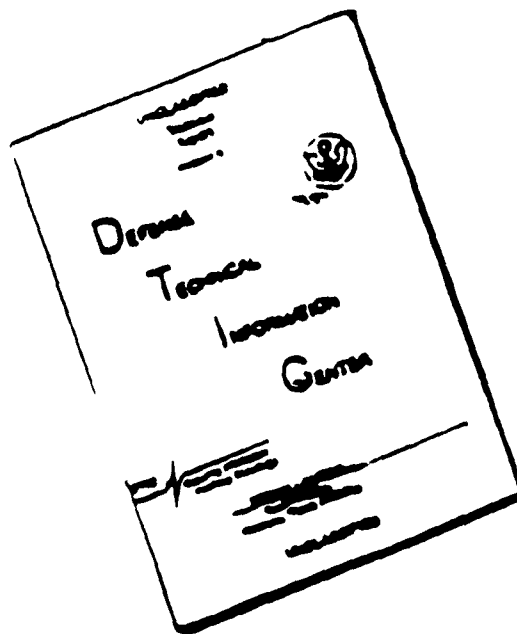
FOREWORD

Marking Technical Data Prepared by or for the Department of Defense

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1. SCOPE

1.1 Purpose. This standard provides procedures for marking scientific, technical, engineering, production, and logistics technical data, to denote the extent to which they are available for secondary distribution. It provides a system to facilitate the sharing of technical data within the government, and with the defense industrial community by authorizing dissemination of technical data by organizations other than the DoD controlling office.

1.2 Scope. All DoD components responsible for technical data shall determine the distribution availability and arrange to mark them appropriately before primary distribution. Distribution statements and export-control statements, supplemental to any security markings, shall be marked on all data to denote the intended audience to authorize secondary distribution without additional specific approval of the controlling office. This standard establishes the procedures for marking technical data.

1.2.1 Applicability. This standard applies to all technical data generated by or for the Department of Defense. This standard usually does not apply to financial and management data unless such data contains critical technology information.

2. APPLICABLE DOCUMENTS

2.1 Government documents.

2.1.1 Standards.

STANDARDS

MILITARY

- | | |
|-------------|--|
| MIL-STD-100 | - Engineering Drawing Practices |
| MIL-STD-961 | - Military Specifications and Associated Documents, Preparation of |
| MIL-STD-962 | - Military Standards, Handbooks, and Bulletins, Preparation of |

2.1.2 Other Government documents.

- | | |
|-------------------------|--|
| DOD Directive 5230.24 | - Distribution Statements on Technical Documents. |
| DOD Directive 5230.25 | - Withholding of Unclassified Technical Data from Public Disclosure. |
| DOD Regulation 5200.1-R | - Information Security Program Regulation. |

Copies of federal and military specifications, standards, and handbooks are available from the Naval Publications and Forms Center, (ATTN: NPODS), 5801 Tabor Avenue, Philadelphia PA 19120-5099.)

Contractors should contact the contracting officer for these documents.

2.2 Non-government publications.

AMERICAN NATIONAL STANDARDS INSTITUTE (ANSI)

ANSI PH5.9, Specification for
Microfiche Input

(Application for copies should be addressed to the American National Standards Institute, 1430 Broadway, New York, NY 10018.)

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3. DEFINITIONS

3.1 Acronyms used in this Standard. The acronyms used in this standard are defined as follows:

- a. AECA - Arms Export-Control Act
- b. CCL - Commodity Control List
- c. DoD - Department of Defense
- d. EAA - Export Administration Act
- e. EAR - Export Administration Regulations
- f. ECCN - Export Commodity Control Number
- g. EO - Executive Order
- h. FOIA - Freedom of Information Act
- i. IEP - International Exchange Program
- j. ITAR - International Traffic in Arms Regulations
- k. MCTL - Military Critical Technology List
- l. ML - Munitions List
- m. STINFO - Scientific and Technical Information

3.2 Arms Export-Control Act (AECA). The law set out in 22 U.S.C. 2751-2794. This requires obtaining an approval from the Department of State for exporting defense articles and services, including technical data related to munitions and military equipment. It is implemented by the International Traffic in Arms Regulations (ITAR) set out in 22 CFR 121-130.

3.3 Commodity Control List (CCL). The list of items in the Export Administration Regulations at 15 CFR 399. Licenses from the Department of Commerce are required to export such items and the technical data relating to them.

3.4 Computer Software. Computer programs and computer data bases.

3.5 Controlling DoD Office. The DoD activity sponsoring the work that generates technical data, or receives technical data on behalf of the DoD and therefore has the responsibility for determining the distribution of a document containing such technical data.

3.6 Critical Technology. Technologies that consist of (a) arrays of design and manufacturing know-how (including technical data); (b) keystone manufacturing, inspection, and test equipment; (c) keystone materials; (d) goods accompanied by sophisticated operation, application, or maintenance know-how that would make a significant contribution to the military potential of any country or combination of countries and that may prove detrimental to the security of the US. Also referred to as militarily critical technology.

3.7 Distribution Statement. A statement used in marking a technical document to denote the extent of its availability for distribution, release, and disclosure without need for additional approvals and authorizations from the controlling DoD office.

3.8 Export Administration Act (EAA). Any of the laws which have been codified at 50 U.S.C. Appendix 2401-2420. These laws were the original basis for the Export Administration Regulations (EAR) (15 CFR 368-399) which require obtaining a license from the Department of Commerce for exporting certain items and related technical data.

3.9 Export Control Laws. Any law which regulates exports from the US, or requires obtaining a license to make such exports.

3.10 General License. An unrestricted license or exemption authorized in export-control regulations to export particular technical data, or other items, without obtaining a specific written authority from the Government.

3.11 International Traffic in Arms Regulations (ITAR). The regulations issued by the Department of State under the AECA and printed at 22 CFR 121-130.

3.12 Limited Rights. Rights to use, duplicate, or disclose technical data, in whole or in part, by or for the Government, with the express limitation that such technical data shall not, without the written permission of the party asserting limited rights, be: released or disclosed outside the Government; used by the Government for manufacture, or in the case of computer software documentation, for preparing the same or similar computer software; or used by a party other than the Government, except that the Government may release or disclose technical data to persons outside the Government, or permit the use of technical data by such persons.

3.13 Munitions List (ML). The list contained in the ITAR at 22 CFR 121.01.

3.14 Militarily Critical Technology List (MCTL). The list issued by DOD under the authority of the EAA of 1979. The MCTL identifies technologies which, if exported, would permit a significant advance in a military system of another country.

3.15 Primary Distribution. The distribution of scientific or technical data to recipients as determined by the controlling DoD office.

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3.16 Public Disclosure. Making technical data available outside the US Government without restricting its dissemination or use.

3.17 Scientific and Technical Information (STINFO). Information relating to research, development, engineering, testing, evaluation, production, operation, use, and maintenance for military products, services, and equipment for military systems. This includes all production, engineering, and logistics information.

3.18 Secondary Distribution. Distribution of or access to a document, usually based on a request to a document repository or information center, performed by other than the controlling office.

3.19 Technical Data. Recorded information, regardless of the form or method of the recording, of a scientific or technical nature. The term includes computer software or data incidental to contractual administration, and usually does not include financial and/or management information.

3.20 US DoD Contractor. Those US contractors currently holding grants or contracts with the Department of Defense, or those contractors declared eligible for DOD information services by a sponsoring DOD activity on the basis of participation in a DOD Potential Contractor Program.

3.21 Unlimited Rights. Rights to use, duplicate, release, or disclose, technical data or computer software in whole or in part, in any manner and for any purpose whatsoever, and to have or permit others to do so.

4. GENERAL REQUIREMENTS

4.1 Purpose of distribution statements. A distribution statement is required on all technical data. The distribution statements defined in Chapter 5 are used to mark technical data to denote the extent of its availability for distribution. These distribution statements are distinct from security classification markings, and shall be used on classified and unclassified data to restrict dissemination beyond the limits provided by applying security clearance and need-to-know controls, and to control dissemination of the data following declassification.

4.2 Purpose of export control warning statement. An export-control marking identifies technical documents that contain technical data subject to withholding from public release under DoD Directive 5230.25. All technical data subject to export-control laws must be marked with the export-control warning statement (see Appendix A), and an appropriate distribution statement. (See 4.1)

4.3 Release of technical data. Distribution of the technical data shall be in compliance with the affixed marking(s) unless specific approval from the DoD controlling office is granted for the release. Unmarked technical data which is requested shall be reviewed and marked appropriately prior to release. (See 4.4.1.1)

4.4 Marking technical data.

a. All new or requested unmarked production, engineering, logistics, and scientific and technical information, regardless of its medium, physical form, or characteristics, including preliminary drafts and working papers, shall be marked with a distribution statement. This includes technical reports, blueprints, drawings, technical orders, technical manuals, plans, instructions, computer software, viewgraphs, film, technical papers, photographs, etc. If the document contains export-controlled technical data, it also must be marked with an export control warning statement.

b. Technical data categorized as cryptographic/communications security, communications/electronic intelligence, and similar categories as may be designated by the Director, National Security Agency, whose distribution is limited through alternate methods, are exempt from these marking provisions.

c. Distribution statements should be selected to denote the audience for which the data is intended. The statement selected shall not restrict the data any further than is actually required to protect the interests of the Government. See Table 1.

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d. All technical data, classified and unclassified/limited, must be marked with an export-control notice if they contain export-controlled data. Determining whether or not technical data is export-controlled is an integral part of the document-marking process, and generally should be accomplished before selecting a distribution statement. Only distribution statements B through F and X are permitted on export-controlled documents.

e. For technical data prepared in alternate media format and not having a cover or title page (such as forms and charts), the applicable distribution statement and export-control warning statement shall be stamped, printed, written, or affixed by other means in a fully visible position (see subparagraphs 5.3.2 through 5.3.6).

f. Export-controlled documents will be marked. Material should be accompanied by Notice to Accompany the Dissemination of Export-Controlled Technical Data (Appendix). Use the second Appendix in this Standard to determine whether technical data is export-controlled.

4.4.1 Responsibility for marking data. The controlling DoD office generating the technical data, or responsible for the generation of the data is responsible for determining the appropriate distribution statement and ensuring that the data is appropriately marked. Export-control warning statements will be marked when determined necessary.

4.4.1.1 Marking existing technical data. If a document is requested and it does not have distribution statements or export control warnings, that data must be reviewed and marked appropriately. Data created prior to 20 November 1984 that is never requested or called out of storage need not be marked.

4.4.2 Revised and updated technical data. Each revision shall be considered a new document to be reviewed and marked appropriately. Whether or not previous versions of technical data have been publicly released shall not be the determining factor in the dissemination determination.

4.4.3 Changes to distribution markings. Distribution statements shall remain in effect until changed or removed by the controlling DoD office.

5. DETAILED REQUIREMENTS

5.1 Distribution statements. There are seven different distribution statements provided in DoD Directive 5230.24 that may be used to control dissemination of DoD technical documents, ranging from complete public release to only specific release on a case-by-case basis by the controlling DoD office. Certain types of technical data preclude placing the entire notice on the document. To accommodate this problem, each distribution statement contains an authorized abbreviated form. Abbreviated distribution statements are to be used only when space precludes placing the entire notice on the document. The use and wording of these statements are described in the following paragraphs.

5.1.1 Use of Distribution Statement A. Distribution Statement A shall be used only on unclassified technical documents that do not contain export-controlled data, and have been approved for public release after a security and policy review determination by authorized public release authority.

5.1.1.1 Wording of Statement A. Distribution Statement A shall be worded:

Distribution Statement A. Approved for public release; distribution is unlimited.

The abbreviated form is "Statement A, unlimited."

5.1.2 Use of Distribution Statement B. Distribution Statement B shall be used to authorize release of a document to US Government agencies.

5.1.2.1 Wording of Statement B. Distribution Statement B shall be worded:

Distribution Statement B. Distribution authorized to US Government agencies only; (fill in reason); (date of determination). Other requests for this document shall be referred to (insert name of controlling DoD office).

The abbreviated form is "Statement B, US Government, (controlling DoD office)."

5.1.2.2 Reasons for selecting Distribution Statement B.

a. Foreign Government Information - limits distribution according to the desires of the foreign government that furnished the technical information.

b. Proprietary Information - protects information not owned by the US Government and protected by a contractor's "limited rights" statement, or received with the understanding that it not be routinely transmitted outside the US Government.

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c. Test and Evaluation - protects results of test and evaluation of commercial products or military hardware when such disclosure may cause unfair advantage or disadvantage to the manufacturer of the product.

d. Contractor Performance Evaluation - protects information in management reviews, records of contract performance evaluation, or other advisory documents evaluating programs of contractors.

e. Critical Technology - protects information and technical data the advanced current technology or describe new technology in an area of significant, or potentially significant military application, or that relate to a specific military deficiency of a potential adversary.

f. Premature Dissemination - protects information on systems or hardware in the developmental or conceptual stage to prevent premature disclosure that might jeopardize the inventor's right to obtain a patent.

g. Software Documentation - protects software documentation and data releasable only under specific regulations.

h. Administrative or Operational Use - protects technical or operational data or information from automatic dissemination under the International Exchange Program (IEP) or by other means. This protection covers publications required solely for official use or strictly for administrative or operational purposes.

i. Specific Authority - protects information not specifically included in the above reasons, but which requires protection according to valid documented authority such as Executive Orders (EOs), classification guidelines, or regulatory documents.

5.1.3 Use of Distribution Statement C. Distribution Statement C shall be used to authorize distribution to US Government agencies and their authorized contractors.

5.1.3.1 Wording of Distribution Statement C. Distribution Statement C shall be worded:

Distribution Statement C. Distribution authorized to US Government agencies and their contractors; (fill in reason); (date of determination). Other requests for this document shall be referred to (insert name of controlling DoD office).

The abbreviated form is "Statement C, Gov't and contractors, (controlling DoD office)."

5.1.3.2 Reasons for assigning Distribution Statement C.

a. Foreign Government Information - limits distribution according to the desires of the foreign government that furnished the technical information.

b. Software Documentation - protects software documentation and data releasable only under specific regulations.

c. Critical Technology - protects information and technical data that advance current technology or describe new technology in an area of significant, or potentially significant military application, or that relate to a specific military deficiency of a potential adversary.

d. Administrative or Operational Use - protects technical data or information from automatic dissemination under the International Exchange Program (IEP) or by other means. This protection covers information required solely for administrative or operational purposes.

e. Specific Authority - protects information not specifically included in the above reasons, but that requires protection according to valid documented authority such as EOs, classification guidelines, or regulatory directives.

5.1.4 Use of Distribution Statement D. Distribution Statement D shall be used to authorize distribution of technical documents to DoD components and their contractors.

5.1.4.1 Wording of Distribution Statement D. Distribution Statement D shall be worded:

Distribution Statement D. Distribution authorized to the DoD and U.S. DoD contractors only; (fill in reason); (date of determination). Other requests shall be referred to (insert name of controlling DoD office).

The abbreviated form is "Statement D, DoD & U.S. DoD Contractors, (controlling DoD office)."

Statement D documents are provided to foreign contractors to DoD through the technical office sponsoring the contract.

5.1.4.2 Reasons for selecting Distribution Statement D.

a. Foreign Government Information - limits distribution according to the desires of the foreign government that furnished the technical information.

b. Software Documentation - Protects software documentation and data releasable only under specific regulations.

c. Critical Technology - protects information and technical data that advance current technology or describe new technology in an area of significant, or potentially significant military application, or that relate to a specific military deficiency of a potential adversary.

d. Administrative or Operational Use - protects technical or operational data or information from automatic dissemination under the IEP or by other means. This protection covers information required solely for administrative or operational purposes.

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e. Specific Authority - protects information not specifically included in the above reasons, but which requires protection according to valid documented authority such as EOs, classification guidelines, or regulatory directives.

5.1.5 Use of Distribution Statement E. Distribution Statement E shall be used to authorize distribution of technical documents to DoD components only.

5.1.5.1 Wording of Distribution Statement E. Distribution Statement E shall be worded:

Distribution Statement E. Distribution authorized to DoD Components only; (fill in reason); (date of determination). Other requests for this document shall be referred to (insert name of controlling DoD office).

The abbreviated form is "Statement E, DOD Only, (controlling DoD office)."

5.1.5.2 Reasons for selecting Distribution Statement E.

a. Direct Military Support - The document contains export-controlled technical data of such military significance that release for purposes other than direct support of DoD-approved activities may jeopardize an important technological or operational military advantage for the United States. Designation of such data is made by competent authority in accordance with DoD Directive 5230.25.

b. Premature Dissemination - protects information in the developmental or conceptual stage to prevent premature disclosure that might jeopardize the inventor's right to obtain a patent.

c. Critical Technology - protects information and technical data that advance current technology, or describe new technology in an area of significant, or potentially significant, military application or that relate to a specific military deficiency of a potential adversary.

d. Foreign Government Information - limits distribution according to the desires of a foreign government that furnished the information.

e. Proprietary Information - protects information not owned by the US Government and protected by a contractor's "limited rights" statement, or received with the understanding that it not be routinely transmitted outside the DOD.

f. Test and Evaluation - protects results of test and evaluation of commercial products or military hardware when such disclosure may cause unfair advantage or disadvantage to the manufacturer of the product.

g. Contractor Performance Evaluation - protects information in management reviews, records of contract performance evaluation, or other advisory documents evaluating programs of contractors.

h. Software Documentation - protects software documentation and data releasable only under specific regulations.

i. Specific Authority - protects information not specifically included in the above reasons, but which requires protection according to valid documented authority such as EOs, classification guidelines, or regulatory directives.

j. Administrative or Operational Use - protects technical or operational data or information from automatic dissemination under the IEP or by other means. This protection covers information required solely for administrative or operational purposes.

5.1.6 Use of Distribution Statement F. Distribution Statement F shall be used to signify that all distribution of a technical document is to be determined by the controlling DoD office.

5.1.6.1 Wording of Distribution Statement F. Distribution Statement F shall be worded:

Distribution Statement F. Further distribution only as directed by (insert name of controlling DoD office) or higher DoD authority; (date of determination).

The abbreviated form is "Statement F, Request approval of (controlling DoD office)."

5.1.6.2 Reasons for selecting Distribution Statement F.

a. Direct Military Support - The document contains export-controlled technical data of such military significance that release for purposes other than direct support of DoD-approved activities may jeopardize an important technological or operational military advantage for the United States. Designation of such data is made by competent authority in accordance with DoD Directive 5230.24 (reference (c)).

b. Special Dissemination and Reproduction - protects information subject to special dissemination limitation specified by paragraph 4-505, DoD Regulation 5200.1-R.

5.1.7 Use of Distribution Statement X. Distribution Statement X shall be placed on technical data that are subject to export controls, and which is intended for audiences broader than provided in Distribution Statements B, C, D, E, or F.

5.1.7.1 Wording of Distribution Statement X. Distribution Statement X shall be worded:

Distribution Statement X. Distribution authorized to US Government agencies and private individuals or enterprises eligible to obtain export-controlled technical data in accordance with controlling DoD office is (DDDD 5230.25 or implementing service regulations); (date of determination).

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The abbreviated form is "Statement X, Certified Contractors, (controlling DoD office)."

5.2 Export control warning notice. Technical data that are export-controlled must be marked with an export control warning notice. This statement identifies technical data which the DoD will withhold from public release using authority in 10 U.S.C. 130. It may be used in conjunction with any distribution statement except Statement A.

5.2.1 Wording of the export control warning notice. The export control warning notice shall be worded "WARNING - This document contains technical data whose export is restricted by the Arms Export Control Act (Title 22, U.S.C. SEC 2751, et seq.) or the Export Administration Act of 1979, as amended, Title 50, U.S.C., App 2401 et seq. Violations of these export laws are subject to severe criminal penalties. Disseminate in accordance with provisions of DoD Directive 5230.25." When it is technically infeasible to use the entire statement, an abbreviated marking may be used, and a copy of the full statement added to the "Notice to Accompany Release of Export Controlled Data" required by DoD Directive 5230.25 (reference (c)). The abbreviated form is "Warning: Export-Controlled."

5.3 Location of Distribution Statements. The distribution statement shall be marked in a conspicuous location on the cover, title page, or for those documents not having a cover or title page, on the front page. Military specifications, standards and handbooks shall be marked as specified in MIL-STD-961, MIL-STD-962. Markings on special categories of material shall be in accordance with paragraphs 5.3.2 through 5.3.7.

5.3.1 General Provisions. Distribution statements and export control warning notices shall be legibly stamped, printed, written, painted, or affixed by means of a tag, sticker, decal, or similar device, on material other than paper copies of documents, and on containers of such material. The following procedures for marking various kinds of material are not all inclusive and may be varied to accommodate the physical characteristics of the material and to accommodate organizational and operational requirements. Variations, if used, should plainly indicate the intended audience, the DoD controlling office, and, when appropriate, the fact that the data is export-controlled.

5.3.2 Marking Charts, Maps, and Drawings. Charts, maps, and drawings shall bear the appropriate marking(s) at the bottom of each document or set of documents. When folding or rolling charts, maps, or drawings would cover the markings, additional markings shall be applied that are clearly visible when the document is folded or rolled. Markings on Engineering Drawings shall be on all single sheet drawings and associated lists and sheet one of such multi-sheet documents, per Military Standard: Engineering Drawing Practices MIL-STD-100. Export limitations, method of application, size and color of lettering, and location on drawings are also addressed in MIL-STD-100. Figure 1 illustrates how to mark a chart, map, or drawing. Figure 2 illustrates how to mark the outside of a folded or rolled chart or map.

5.3.3 Marking Photographs, Films, and Recordings. Photographs, films, (including negatives), recordings, and their containers shall be marked to assure that a recipient or viewer will know that dissemination was directed to a specific audience and whether it contains export-controlled data. Figure 3 illustrates how to mark (at the beginning and end) roll negatives or positive and their containers.

5.3.3.1 Marking Photographs. Negatives and positives shall be marked, whenever practicable. Roll negatives or positives may be so marked at the beginning and end of each strip. Negatives and positives shall be kept in containers bearing conspicuous markings. All prints and reproductions shall be conspicuously marked on the face side of the print if possible. When such markings cannot be applied to the face side, they may be stamped on the reverse side or affixed by pressure tape label, stapled strip, or other comparable means. Figure 4 illustrates how to mark prints and reproductions of photographs.

5.3.3.2 Marking Transparencies and Slides. A cover slide with the export-control warning notice and distribution statement shall be the first slide. In the case of a 35mm or a similar size transparency or slide where the markings are not conspicuous unless projected on a screen, for example, the markings also shall be marked on its border, holder, or frame. Duplicate markings in image areas and on borders, holders, or frames are required if there is any doubt that the image area markings are not conspicuous enough to be seen when the transparencies or slides are not being projected. Mark any transparency or slide permanently removed from the set as a separate document. Figure 5 illustrates how to mark a transparency or slide, including any transparency or slide permanently removed from a set. In the case of sets, the border, holder, or frame is also marked with the distribution authorized for the set as a whole. The highest distribution statement used on any constituent part of the set that identifies the narrowest intend will be marked on the cover of the set.

5.3.3.3 Marking Motion Picture Films and Video Tapes. Motion picture films and video tapes shall be marked at the beginning and end by titles bearing the appropriate markings. All such markings shall be visible when projected. Reels and cassettes shall be marked with the appropriate marking and kept in containers bearing appropriate markings. Figure 6 illustrates how to mark (at the beginning and end) a motion picture film. The container for a motion picture film also shows distribution and export control warning statements.

5.3.3.4 Marking Recordings. Sound, magnetic, electronic or other forms of recordings of technical data, hereafter referred to as recordings, shall contain at the beginning and end a clear statement of the assigned marking that will provide adequate assurance that any listener or viewer will know that dissemination was directed to a specific audience and that the data is export-controlled. Recordings shall be kept in containers or on reels that bear conspicuous applicable markings. Figure 7 illustrates how to mark recordings so that any listener/viewer will know the authorized distribution. The container for a recording should also show appropriate markings.

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5.3.3.5 Marking Microforms. Microforms are images, usually produced photographically in sizes too small to be read by the unaided eye. Location of markings on microforms shall be in accordance with ANSI PH5.9. These markings shall also be included on the image so that when the image is enlarged and displayed or printed, the markings will be conspicuous and readable. Such marking will be accomplished as appropriate for the particular microform involved. For example, roll film microforms (or roll microfilm employing 16, 35, 70, or 105mm films) may generally be marked as provided for roll motion picture film in paragraph 5.3.3.3 and decks of "aperture cards" may be marked as provided in paragraph 5.3.4 for decks of automatic data processing punched cards. Whenever possible, microfiche, microfilm strips, and microform chips shall be marked in accordance with this paragraph. Figure 8 illustrates how to mark a microfiche medium, and its container, so it can be read by the unaided eye. Figure 9 illustrates how to mark the image of a microfiche so that when it is enlarged, displayed, or printed, these markings will be readable.

5.3.4 Marking Decks of ADP Punched Cards. When a deck of unclassified ADP punched cards is handled and controlled as a single document, only the first require markings. An additional card shall be added (or the job control card modified) to identify the contents of the deck and the markings therein. Figure 10 illustrates how to mark a deck of ADP punched cards that are handled and controlled as a single document.

5.3.5 Marking removable ADP and word processing storage media.

a. External. Removable information storage media and devices, used with ADP systems and typewriters or word processing systems, shall bear markings whenever such media are to be disseminated outside the DoD controlling office. Examples include magnetic tape reels, cartridges, and cassettes; removable discs, disc cartridges, disc packs and diskettes; paper tape reels; and magnetic cards. Figure 11 illustrates how to mark a word processing information storage medium. Examples of other types of removable storage media are magnetic drums, disc packs, and magnetic cards.

b. Internal. ADP systems or word processing systems employing such media shall provide for internal markings to assure that information contained therein that is reproduced or generated will bear applicable markings.

5.3.6 Marking documents produced by ADP equipment. The first page of documents produced by ADP equipment shall be marked. If individual pages of a document produced by ADP equipment are removed or reproduced for distribution to other uses, they shall be treated as a new document and marked with appropriate distribution statements and export-control warning notice. Figure 12 shows how the user of the ADP output would apply a distribution marking on the first page of an affected document.

5.3.6.1 Marking Computer Printouts Produced by ADP Equipment. If computer documents have either front or back covers, the cover and first page shall be marked.

5.3.7 Marking miscellaneous material. Documents and material such as rejected copy, typewriter ribbons, carbons, and similar items developed in connection with the handling, processing, production, and use of technical data intended for targeted audiences shall be handled in a manner consistent with this intent. Unless a requirement exists to retain this material or documents for a specific purpose, there is no need to mark or stamp the information. If such material is requested for distribution outside the originating organization, it shall be marked and handled the same as the final version.

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6. NOTES

(This section contains information of a general or explanatory nature which may be helpful, but is not mandatory.)

6.1 Intended Use. This standard contains requirements for the marking of technical data prepared by or for the DoD. The purpose of this standard is to facilitate sharing of technical data within the defense community by standardizing the procedure for marking scientific, technical, engineering, production, and logistics information to denote distribution availability, release and dissemination. Statements must be placed on paper documents, charts, maps, drawings, photographs, films (including negatives), recordings, transparencies, slides, motion picture films, recordings, microforms, ADP punch cards, removable ADP and word processing storage media, computer printouts and miscellaneous material.

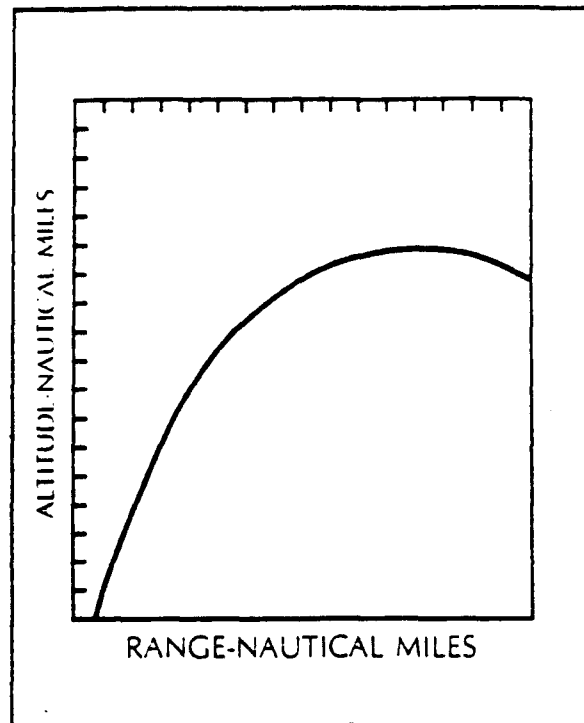
6.2 Tailoring guidance for contractual application. To ensure proper application of this standard, all technical data addressed shall have markings tailored to the requirements in sections 4 and 5 and Appendix A of this standard to exclude any unnecessary task requirements.

6.3 Subject terms (key word) listing.

- Arms Export Control Act
- Blueprints
- Charts
- Critical Technology
- Dissemination
- Distribution Statements
- Drawings, Engineering
- Export Control
- Limitations
- Maps
- Microforms
- Military Standard
- Photographs
- Public Release
- Publication, Technical
- Restricted Rights
- Scientific and Technical Information
- Secondary Distribution
- Technical Data
- Technical Reports

REASONS FOR DESIGNATING A SPECIFIC AUDIENCE	DISTRIBUTION STATEMENTS APPROPRIATE FOR USE						
	A	B	C	D	E	F	X
APPROVED FOR PUBLIC RELEASE	YES	NO	NO	NO	NO	NO	NO
FOREIGN GOVERNMENT INFORMATION	NO	YES	YES	YES	YES	YES	NO
PROPRIETARY INFORMATION	NO	YES	NO	NO	YES	YES	NO
TEST AND EVALUATION	NO	YES	NO	NO	YES	YES	NO
CONTRACTOR PERFORMANCE EVALUATION	NO	YES	NO	NO	YES	YES	NO
CRITICAL TECHNOLOGY	NO	YES	YES	YES	YES	YES	YES
PREMATURE DISSEMINATION	NO	YES	NO	NO	YES	YES	NO
SOFTWARE DOCUMENTATION	NO	YES	YES	YES	YES	YES	NO
ADMINISTRATIVE OR OPERATIONAL USE	NO	YES	YES	YES	YES	YES	YES
SPECIFIC AUTHORITY	NO	YES	YES	YES	YES	YES	YES
DIRECT MILITARY SUPPORT	NO	NO	NO	NO	YES	YES	NO

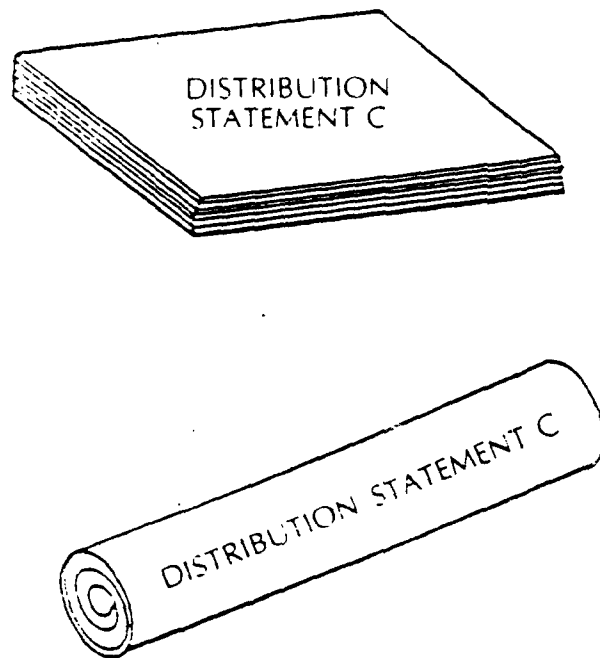
TABLE I. Synopsis of reasons for assigning proper distribution statements



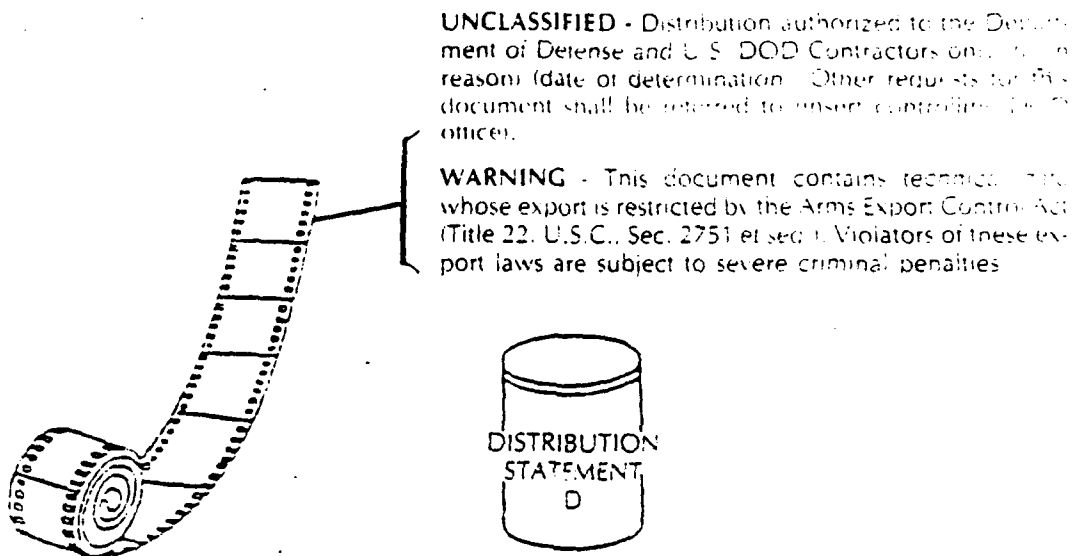
UNCLASSIFIED - Distribution authorized to U.S. Government agencies only (fill in reason) (date of determination). Other requests for this document shall be referred to (insert controlling DOD office).

WARNING - This document contains technical data whose export is restricted by the Arms Export Control Act (Title 22, U.S.C., Sec. 2751 et seq.). Violators of these export laws are subject to severe criminal penalties.

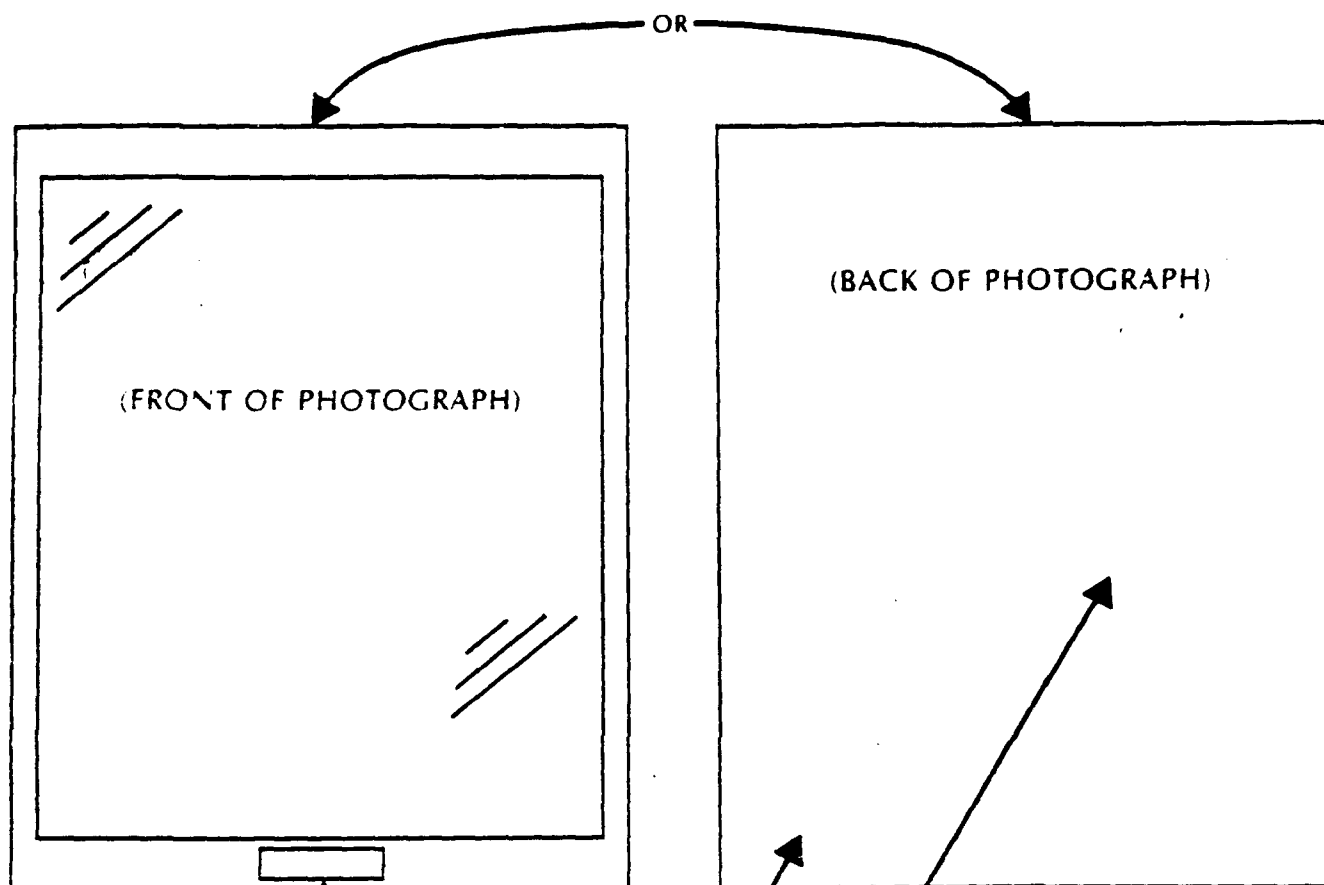
This example uses Distribution Statement B.
FIGURE 1 Marking charts, maps or drawings.



This example uses Distribution Statement C.
FIGURE 2. Marking folded or rolled charts, maps, or drawings.



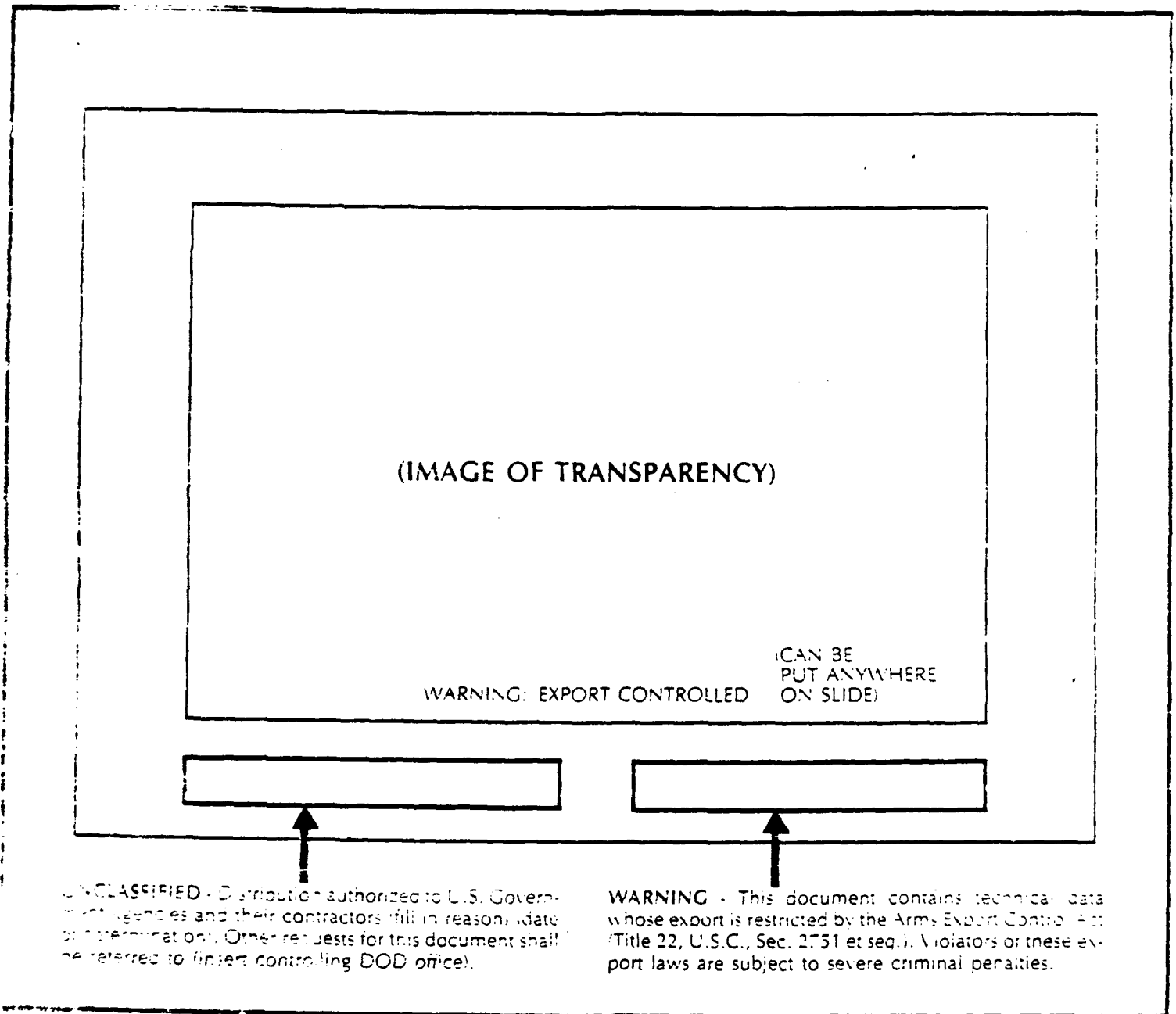
This example uses Distribution Statement D.
FIGURE 3. Marking film roll and its container.



UNCLASSIFIED - Distribution authorized to the Department of Defense and U.S. DOD contractors only (fill in reason) (date of determination). Other requests for this document shall be referred to (insert controlling DOD office).

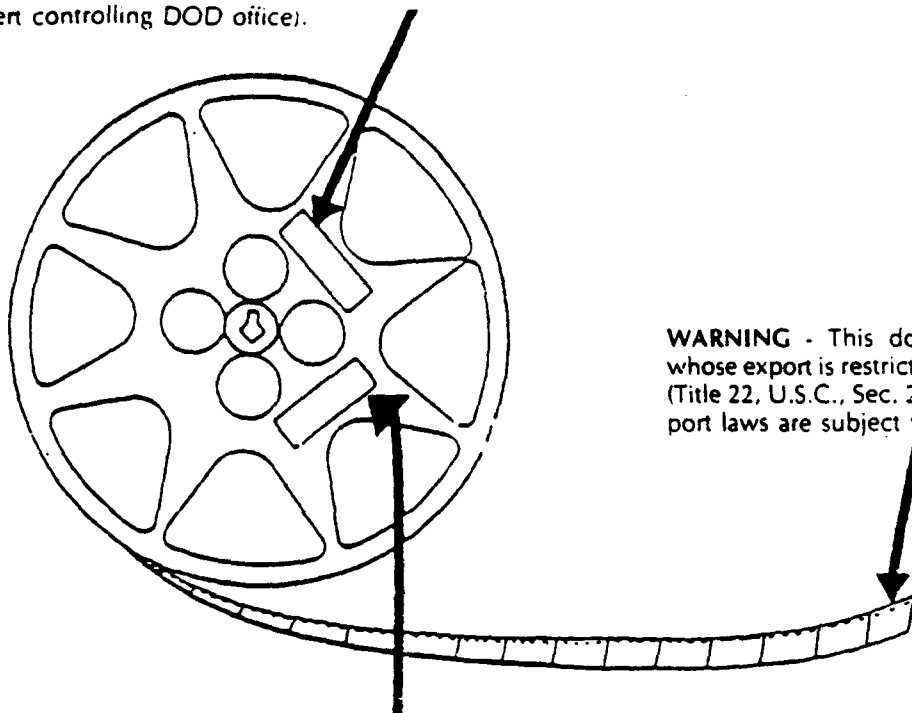
WARNING - This document contains technical data whose export is restricted by the Arms Export Control Act (Title 22, U.S.C., Sec. 2751 et seq.). Violators of these export laws are subject to severe criminal penalties.

This example uses Distribution Statement D.
FIGURE 4. Marking a photograph.



This example uses Distribution Statement C.
FIGURE 5. Marking a transparency or slide.

UNCLASSIFIED - Distribution authorized to U.S. Government agencies only (fill in reason) (date of determination). Other requests for this document shall be referred to (insert controlling DOD office).

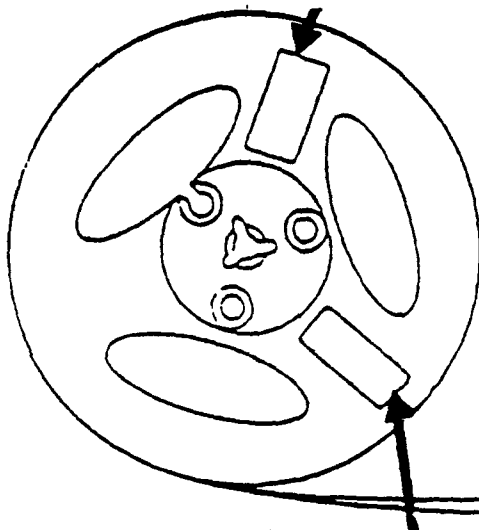


WARNING - This document contains technical data whose export is restricted by the Arms Export Control Act (Title 22, U.S.C., Sec. 2751 et seq.). Violators of these export laws are subject to severe criminal penalties.

WARNING - This document contains technical data whose export is restricted by the Arms Export Control Act (Title 22, U.S.C., Sec. 2751 et seq.) or Executive Order 12470. Violators of these export laws are subject to severe criminal penalties.

This example uses Distribution Statement B.
FIGURE 6. Marking motion picture film.

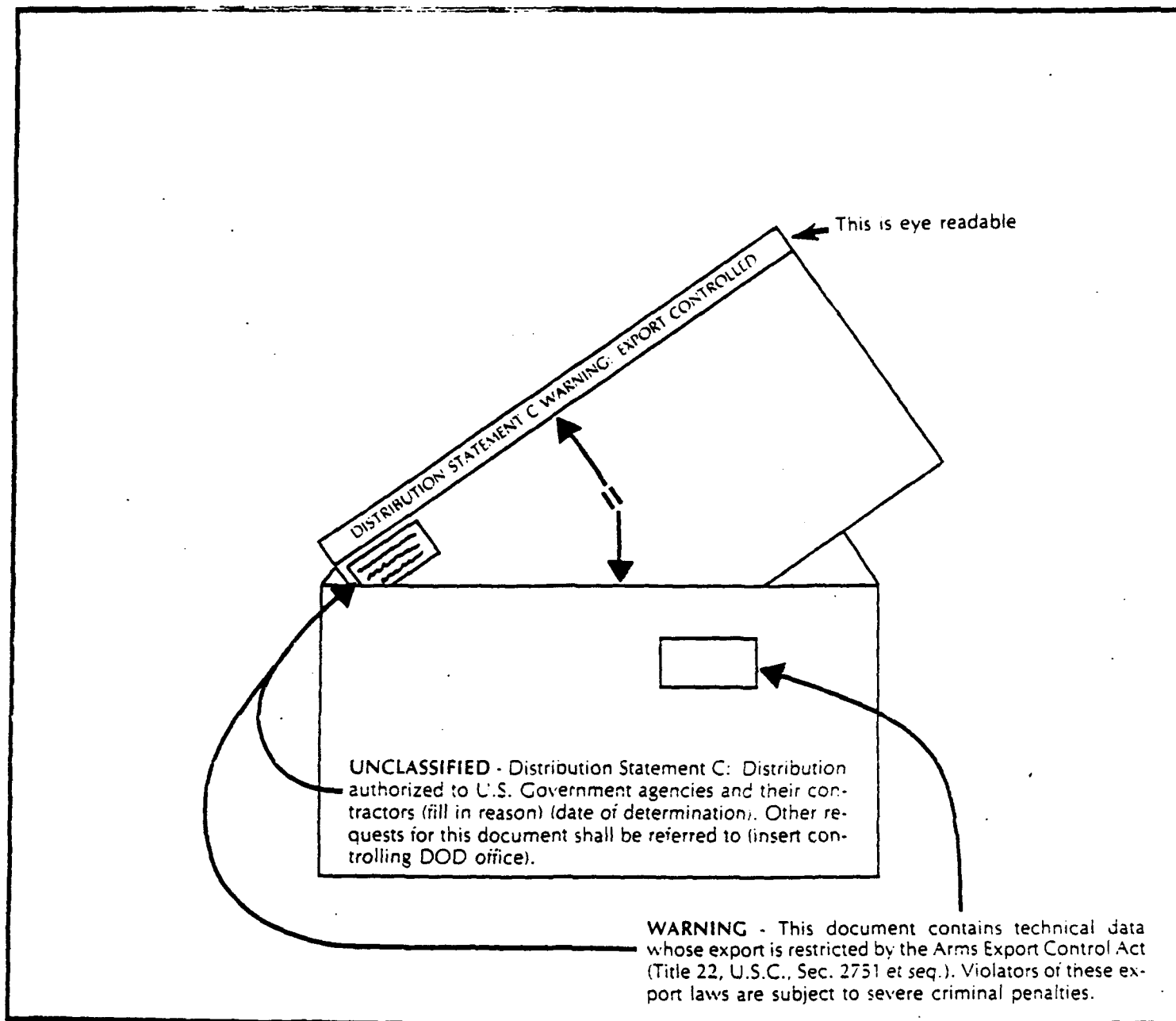
UNCLASSIFIED - Distribution authorized to U.S. Government agencies only (fill in reason) (date of determination). Other requests for this document shall be referred to (insert controlling DOD office).



UNCLASSIFIED - Statement B, U.S. Government (insert controlling DOD office).

WARNING - This document contains technical data whose export is restricted by the Arms Export Control Act (Title 22, U.S.C., Sec. 2751 et seq.). Violators of these export laws are subject to severe criminal penalties.

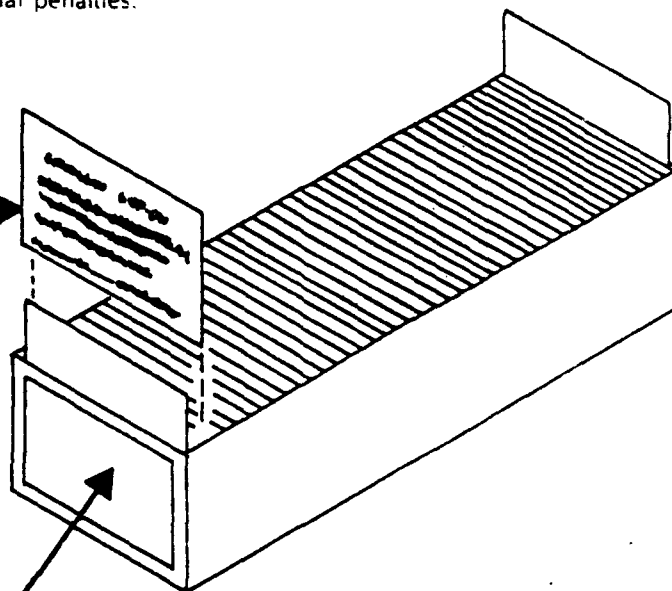
This example uses Distribution Statement B.
FIGURE 7. Marking sound recording.



This example uses Distribution Statement C.
 FIGURE 8. Marking microfiche and its container and marking the image of a microfiche.

UNCLASSIFIED - Distribution authorized to U.S. Government Agencies and their contractors (fill in reason (date of determination). Other requests for this document shall be referred to (insert controlling DOD office).

WARNING - This document contains technical data whose export is restricted by the Arms Export Control Act (Title 22, U.S.C., Sec. 2751 et seq.). Violators of these export laws are subject to severe criminal penalties.

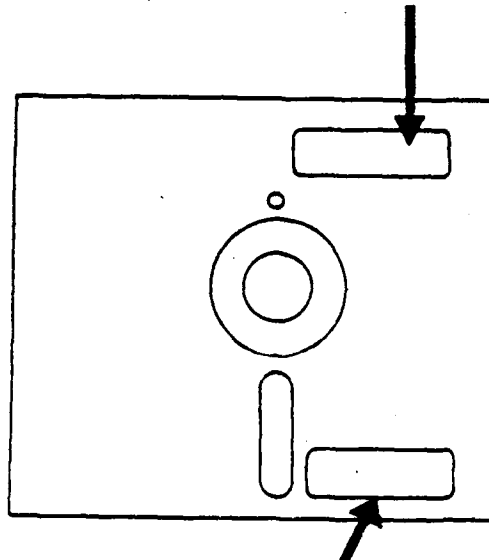


DISTRIBUTION C
WARNING: EXPORT CONTROLLED

This example uses Distribution Statement C
and an Export Control Warning.

FIGURE 9. Marking a deck of ADP punched cards.

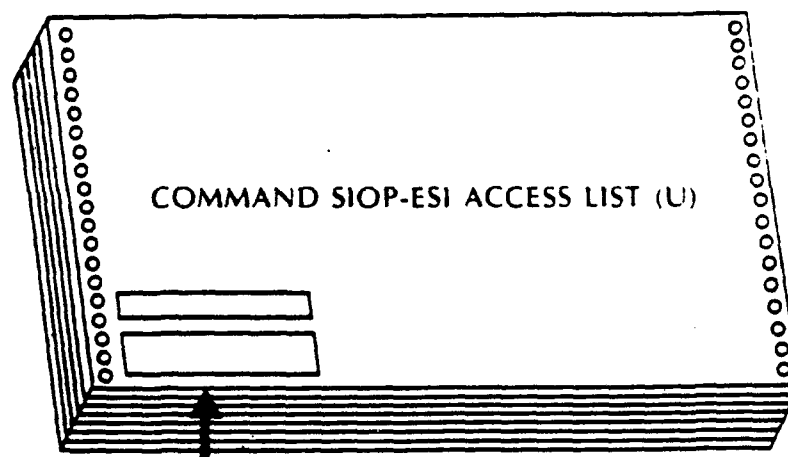
WARNING - This document contains technical data whose export is restricted by the Arms Export Control Act (Title 22, U.S.C., Sec. 2751 et seq.). Violators of these export laws are subject to severe criminal penalties.



UNCLASSIFIED - Distribution authorized to U.S. Government agencies only (fill in reason) (date of determination). Other requests for this document shall be referred to the insert controlling DOD office).

This example uses Distribution Statement B and an Export Control Warning.

FIGURE 10. Marking a removable word processing storage medium.



WARNING - This document contains technical data whose export is restricted by the Arms Export Control Act (Title 22, U.S.C., Sec. 2751 et seq.). Violators of these export laws are subject to severe criminal penalties.

UNCLASSIFIED - Distribution authorized to U.S. Government agencies and their contractors (fill in reasonable date of determination). Other requests for this document shall be referred to (insert controlling DOD office).

This example uses Distribution Statement C
and an Export Control Warning.

FIGURE 11 Marking a document produced by ADP equipment.

APPENDIX A

10. GENERAL

10.1 Scope. This notice assigns responsibilities for the dissemination of export-controlled technical data. This Appendix is a mandatory part of the standard. The information contained herein is intended for compliance.

20. APPLICABLE DOCUMENTS. This section is not applicable to this appendix.

30. WORDING OF NOTICE

30.1 Notice. The wording and underlining of the title shall be duplicated exactly.

NOTICE TO ACCOMPANY THE DISSEMINATION OF EXPORT-CONTROLLED TECHNICAL DATA.

1. Export of information contained herein, which includes, in some circumstances, release to foreign nationals within the United States, without first obtaining approval or license from the Department of State for items controlled by the International Traffic in Arms Regulations (ITAR), or the Department of Commerce for items controlled by the Export Administration Regulations (EAR), may constitute a violation of law.

2. Under 22 U.S.C. 2778 the penalty for unlawful export of items or information controlled under the ITAR is up to 2 years imprisonment, or a fine of \$100,000, or both. Under 50 U.S.C., Appendix 2410, the penalty for unlawful export of items or information controlled under the EAR is a fine of up to \$1,000,000, or five times the value of the exports, whichever is greater; or for an individual, imprisonment of up to 10 years, or a fine of up to \$250,000, or both.

3. In accordance with your certification that establishes you as a "certified US contractor," unauthorized dissemination of this information is prohibited and may result in disqualification as a certified US contractor, and may be considered in determining your eligibility for future contracts with the Department of Defense.

4. The US Government assumes no liability for direct patent infringement, or contributory patent infringement or misuse of technical data.

5. The US Government does not warrant the adequacy, accuracy, currency, or completeness of the technical data.

6. The US Government assumes no liability for loss, damage, or injury resulting from manufacture or use for any purpose of any product, article, system, or material involving reliance upon any or all technical data furnished in response to the request for technical data.

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7. If the technical data furnished by the Government will be used for commercial manufacturing or other profit potential, a license for such use may be necessary. Any payments made in support of the request for data do not include or involve any license rights.

8. A copy of this notice shall be provided with any partial or complete reproduction of these data that are provided to qualified US contractors.

APPENDIX B

GUIDE TO DETERMINE WHETHER TECHNICAL DATA ARE EXPORT-CONTROLLED

10. GENERAL

10.1 Scope. This Appendix is a guide to help determine whether the technical data contained in a document are subject to export restrictions. This determination is a government responsibility. This Appendix is not a mandatory part of the Standard. The information contained herein is intended for guidance only.

20. APPLICABLE DOCUMENTS. This section is not applicable to this appendix.

30. DETERMINATION OF TECHNICAL DATA CONTENT.

30.1 Do export controls apply?

DoD controlling offices will use the following guidance in determining whether data are export controlled.

a. The MCTL is an excellent reference for use in making this determination.

b. Technical data that relate directly to articles controlled by the International Traffic in Arms Regulations or its US Munitions List (ML), or the Export Administration Regulations or its Commodity Control List (CCL), also are controlled for export.

30.2 Is the technology controlled?

a. Generally speaking, if the document discusses unclassified cutting edge science with no identified applications--fundamental research--it is not controlled, and may be distributed without restriction. Distribution Statement A will be applied to such a document. Similarly, if the document discusses well-known technology that we know is widely available in the public domain, Distribution Statement A is appropriate.

b. If a document discusses technology that --

(1) contains critical elements that are classified, or

(2) is unique to a specific, well-defined military application, then the document probably contains information that should be controlled.

30.3 Procedures for determining when to make technical data subject to export controls with an export control warning statement.

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All DoD technical data subject to export restrictions for national security shall be marked with an export control warning statement to indicate that they are exempt from public disclosure. Technical data may be withheld from public release if it has military or space application, cannot be exported without license or approval under the AECA or the EAA, and is not subject to a general license permitting export under the ITAR and EAR export-control regulations. To determine if technical data may be withheld from release, refer the data in question to technically qualified people, able to answer the following questions:

(1) Data Type:

ARE THE TECHNICAL DATA OF THE TYPE THAT CAN BE USED, OR BE ADAPTED FOR USE TO DESIGN, ENGINEER, PRODUCE, MANUFACTURE, OPERATE, REPAIR, OR REPRODUCE SOME DEFENSE ARTICLE?

Factors to consider in answering this question include:

(a) The type of technical data in question: technical reports, engineering drawings, operation and maintenance manuals (sometimes simply technical manuals or technical orders), military specifications and standards related to particular types of equipment, and training manuals related to particular types of equipment have the greatest probability of being subject to export control. Scientific papers and other data that do not relate to products are less likely to be controlled.

(b) Most test reports are export-controlled. They meet the standard if they show which individual components can be used within a larger weapons system; what weapons can be used for particular purposes; or show how to use, maintain, or train people to use particular weapons. They do not meet this standard if they simply show the operating characteristics of a weapon, and this information would not affect the decision to use the weapon. In the latter case, the information might qualify for security classification, but it would not meet export-control standards.

IF THE ANSWER TO (1) IS POSITIVE, PROCEED TO (2).

IF THE ANSWER TO (1) IS NEGATIVE, THE DATA IS NOT SUBJECT TO WITHHOLDING UNDER EXPORT-CONTROL LAWS.

(2) General License Exemption:

HAS THE EXACT SAME TECHNICAL DATA BEEN PUBLICLY RELEASED, AND IS IT GENERALLY AVAILABLE?

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The DoD controlling office must determine whether the technical data has ever been cleared for public release, or whether it knows of any unauthorized release that has led to wide circulation of the technical data. Points to consider in this evaluation are--

(a) The data released publicly must be the exact data for the general license to be applicable. Frequently the information publicly released omits key features, such as the manufacturing tolerances for the dimensions of particular parts. This type information is key to the workability of much equipment.

(b) If similar data have been publicly released, the portion of the document containing that information is not subject to exemptions in the export-control laws. Documents in which non-released data is blanked out, and a copy made by some technique which does not permit the blanked out portions to be determined, may be released.

(c) Release to perform a particular task with a constraint on further dissemination is not a public release. Release under DoD Directive 5230.25 is not a public release.

(d) Scientific and educational information not directly and significantly related to design, production, or use in industrial processes, or instruction in academic institutions and academic laboratories, excluding information that involves research under contract related directly and significantly to design, production, or use in industrial processes, is not subject to export control exemptions.

IF THE ANSWER TO (2) IS POSITIVE, THE DATA IS NOT SUBJECT TO WITHHOLDING UNDER EXPORT-CONTROL LAWS.

IF THE ANSWER TO (2) IS NEGATIVE, PROCEED TO (3).

(3) Militarily Critical Technology List (MCTL):

DOES THE TECHNICAL DATA DISCLOSE INFORMATION RECOMMENDED FOR CONTROL IN THE MCTL?

A more exact method to determine if a document reveals controlled technology employs the MCTL and its appendices. Although the MCTL is not a control list, the things it lists are controlled or will probably be controlled for reasons of national security. One of its important potentials is its ability to track emerging technologies, militarily critical technologies that are so new that they have not yet been listed on control lists. Its legislated charter is to provide information in sufficient enough detail to help an official decide if an item or information is controlled against export.

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Note that this question is not "is the subject area mentioned or listed in the MCTL?" It is not enough to simply find a key word in the MCTL and assume that control is intended for a specific application of the general area listed. For example, although the general area of LASER is listed many times in the MCTL, this does not mean that all LASER-specific applications and sub-components should be controlled; LASER technology for eye surgery would not be controlled. To properly use the MCTL you must understand whether control is recommended by the MCTL for your specific area of interest. MCTL Appendix C is helpful in this regard.

Points to consider in this evaluation:

(a) The MCTL is sufficiently specific to guide the determination of whether to control the export of --

1. Arrays of Know-How - design and manufacturing know-how and related technical information required to achieve a significant development, production, or use. Such know-how includes services, processes, procedures, specifications, design data and criteria, and testing techniques.

2. Keystone Equipment - manufacturing, inspection, test, or any other equipment specifically necessary for effectively applying a significant array of technical information and know-how.

3. Keystone Materials - materials specifically necessary for effectively applying a significant array of technical information and know-how.

4. Goods Accompanied by Sophisticated Know-How - goods, the use of which requires the provision (disclosure) of a significant array of technical information and know-how (including operation, application, or maintenance know-how) and for which embedded know-how is inherently derivable by reverse engineering, or is revealed by use of the goods.

5. Items of Intrinsic Military Utility. Items other than those identified as "Keystone Manufacturing, Inspection and Test Equipment," "Keystone Materials," and "Goods Accompanied by Sophisticated Know-How" whose transfer to potential adversaries shall be controlled for the following reasons:

- The end product in question could significantly enhance the recipient's military or warmaking capability either because of its technology content or because of the quantity sold.

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- The product could be analyzed to reveal US system characteristics and thereby contribute to the development of countermeasures to equivalent US equipment.

(b) The technologies identified in the MCTL primarily contribute to the development, production, or use of items being controlled for national security purposes on the current Commodity Control List (CCL) and the US Munitions List (ML) of the International Traffic in Arms Regulations (ITAR). The commodities described in this list are limited to equipment and materials identified as critical to the development, production, or use of end-items of concern, or goods that convey information concerning these activities.

(c) The MCTL does address end-items of intrinsic military utility. Items identified on the MCTL are not possessed by the Warsaw Pact nations.

(d) The MCTL includes a brief description of the critical technology under consideration, rationale statement for inclusion on the list, and the explicit critical elements of that technology.

(e) The MCTL is itself not intended as a control list, nor is it intended as a substitute for, nor an addition to, the current export control lists. The MCTL is a detailed and structured technical statement of development, production, and use technologies which the DOD determines to be crucial to given military capabilities, and of significant value to potential adversaries. As such, it is a technical reference and source document to support export-control decisions.

(f) The lists of keystone equipment, keystone materials, and goods accompanied by sophisticated know-how contain both those items explicitly listed in the CCL and the ML, and items implicitly covered by controls currently in effect or under review for possible control. Where items identified as militarily critical are explicitly covered in the CCL, the Export Commodity Control Number (ECCN) reference is provided. In other cases where the ECCN statement is more general than the coverage in the MCTL, the amplifying detail is provided.

(g) Appendices have been included in the MCTL to assist the user when making a determination to control data:

1. Appendix A provides a glossary and definitions of the most frequently used words, and of certain more technical words contained in the MCTL.

2. Appendix C is a cross-reference list of the current and proposed MCTL, CCL, and ML items.

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3. Appendix D is a list of the MCTL section titles and descriptive phrases listed by numerical MCTL entries.

4. Appendix E is a keyword-in-context list versus numerical MCTL entry; it is a rotation of Appendix D.

5. Appendix F is a cross-reference list of the CCL and ML items to MCTL goods accompanied by sophisticated know-how.

6. Appendix G is a cross-reference of CCL items to MCTL keystone equipment and keystone materials items.

(h) It is recommended you check the MCTL before the ML and CCL; the determination can then be made more easily. Pertinent portions of the MCTL are more closely related to the mission of a DOD program office involved, and there is a cross-reference to the ML and CCL.

STEP-BY-STEP

The first step toward deciding if a document contains export-controlled information is to find the MCTL section in which the technology resides.

GO TO APPENDIX E. Appendix E of The Military Critical Technologies List (U) Appendices A-L lists keywords in context. The center column of the appendix is the keyword. The left column provides additional information and the right column is the MCTL reference number. First, find a keyword that most clearly matches the technology in question. Try several keywords until you find a listing. Write down the MCTL reference number for the keyword.

GO TO APPENDIX F. Appendix F tells users on which export control list a technology resides, if the technology is controlled. The far left column is the MCTL section number for the technology. Scan this column until you find the MCTL reference number previously established.

If there is a listing in any one of the far right three columns following the MCTL section number, then the technology is controlled to at least one destination (not all controlled technologies are controlled to all destinations). For the task at hand, reviewers need not be concerned with the details of licensing technologies for export. This is the responsibility of the contractor. Therefore, merely establishing if a technology is controlled for export is sufficient.

A listing such as "EAR Sec 379" means that the technology is controlled by a specific regulation in the Export Administration Regulations. If "Suppl 3" follows this listing, then the controlling mechanism is in supplement three of the EAR.

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A listing such as "ECCN 1355A" means the technology is specifically listed on the CCL.

A listing such as "ITAR CAT XII" means the technology is on the US Munitions List.

If you have not yet decided if the technology in question is controlled, then a review of the ITAR or EAR listing is necessary. This can be accomplished by taking the appropriate reference and looking up the technology. Within the EAR there are extensive discussions of ECCNs. The ITAR provides briefer descriptions because its ML is a listing of military use only items and technologies. Some confusion arises over the dual use nature of EAR listed items. If there remains some question of whether the technology in question involves a military system, it is probably more correct to assume it does because the technology is the product of the armed services.

IF THE ANSWERS (1) AND (3) ARE POSITIVE, THE TECHNICAL DATA IS SUBJECT TO WITHHOLDING UNDER EXPORT-CONTROL LAWS.

IF THE ANSWER TO (3) IS NEGATIVE, PROCEED TO (4).

(4) Munitions List (ML):

DO THE TECHNICAL DATA DIRECTLY RELATE TO A WEAPON LISTED IN CATEGORIES I THROUGH XVI OF THE ML, ITAR SECTION 22 CFR 121.01?

Points to consider when using the ML in this evaluation:

(a) The ITAR prohibits the export of technical data relating to arms, ammunition, and implements of war without approval of the Department of State. The ML is a listing in the ITAR which enumerates articles designed as arms, ammunition, and implements of war which are subject to export control.

(b) The term "article" is defined as any of the arms, ammunition, implements of war, and technical data relating thereto enumerated in the ML.

(c) Generally, the articles listed are end-items or components, and do not describe specific materials (except chemical) agents or propellants).

(d) Technical data is any unclassified information that can be used, or be adapted for use to design, produce, manufacture, repair, overhaul, process, engineer, develop, operate, maintain, or reconstruct arms, ammunition, and implements of war on the ML, or any technology which advances the state-of-the-art or establishes a new art in an area of significant military applicability in the US.

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IF THE ANSWER TO BOTH (1) AND (4) IS POSITIVE, THE TECHNICAL DATA IS SUBJECT TO WITHHOLDING UNDER EXPORT CONTROL LAWS.

IF THE ANSWER TO (4) IS NEGATIVE, PROCEED TO (5).

Check the munitions list before checking the CCL. Less technical information and knowledge is needed to determine munitions list applicability.

(5) Commodity Control List (CCL).

DOES THE TECHNICAL DATA DIRECTLY PERTAIN TO AN ITEM LISTED ON THE CCL?

Points to consider when using the CCL in this evaluation:

(a) The CCL is a listing prepared by the Department of Commerce to control the export of goods or technologies which may significantly contribute to the military potential of foreign countries, thereby adversely affecting the national security of the US.

(b) Only technical data relating to commodities on the CCL are prohibited from export without a license.

(c) Technical data is defined as information of any kind that can be used, or adapted for use, to design, produce, manufacture, use, or reconstruct articles or materials. The data may take a tangible form, such as a model, prototype, blueprint, or an operating manual, or may take an intangible form such as technical service.

IF THE ANSWERS TO (1) AND (5) ARE POSITIVE, THE TECHNICAL DATA IS SUBJECT TO WITHHOLDING UNDER EXPORT CONTROL LAWS.

IF THE ANSWER TO (5) IS NEGATIVE, THE DATA ARE NOT SUBJECT TO WITHHOLDING UNDER EXPORT CONTROL LAWS.

IF DETERMINATION STILL CANNOT BE MADE, CALL FOR HELP FROM THE JUDGE ADVOCATE OFFICE OR FOREIGN DISCLOSURE POLICY OFFICE.

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(Project MISC-0109)

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91, 98, 99

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