

## **Section V - 4**

### **Dealing with Foreign Owned, Controlled or Influenced (FOCI)**

This section includes the following: Statutes and Executive Order Defining Conditions; How Do You Determine if the CRADA Partner is Foreign Owned, Controlled or Influenced (FOCI); Navy Policy; Suggested Process; U.S. Trade Point of Contact; and Sample Method of One Navy Lab's Internal Pre-Approval Process for a CRADA with Foreign Owned, Controlled or Influenced (FOCI).

## Section V - 4a

### Foreign Owned, Controlled or Influenced (FOCI) and Export Control

#### Statutes and Executive Order Defining Conditions:

The CRADA statute (15 USC 3710a), the patent licensing statute (35 USC 200+), and regulations (37 CFR 401+) are all premised on using Government research dollars to help build the domestic (U.S.) economy to get a benefit for the U.S. Government investment in Research. The instructions for accomplishing this goal are rather nebulous using such terms as the products of the invention should be “manufactured substantially in the United States” or preference should be given to “business units located in the United States....”

Specific instructions are included in Executive Order 12591:

“The head of each Executive department...when...entering into cooperative research and development agreements and licensing arrangements with **foreign persons or industrial organizations (where these entities are directly or indirectly controlled by a foreign company or government)**, shall, in **consultation** with the United States Trade Representative, give appropriate consideration:

- (1) **to whether** such foreign companies or governments permit and encourage United States agencies, organizations, or persons to enter into cooperative research and development agreements and licensing arrangements on a comparable basis;
- (2) **to whether** those foreign government have policies to protect the United States intellectual property rights; and
- (3) where cooperative research will involve data, technologies, or products subject to national security export controls under the laws of the United States, **to whether** those foreign governments have adopted adequate measures to prevent the transfer of strategic technology to destinations prohibited under such national security export controls, either through participation in the Coordinating Committee for Multilateral Export Controls (COCOM) or through other international agreements to which the United States and such foreign governments are signatories.

The Executive Order doesn't clear up much with the phrase, “**foreign persons or industrial organizations (where these entities are directly or indirectly controlled by a foreign company or government)...**” (**FOCI**). What is a “foreign person” or “Industrial Organization”? When we consult the U.S. Trade Representative as ordered, what will the Trade Representative do to answer the three questions?

- (a) Whether the foreign country gives U.S. business opportunities equal to the opportunities given the country's own nationals?
- (b) Whether the foreign country respects U.S. Intellectual Property?
- (c) Whether the foreign country complies with U.S. security concerns?

## **How Do You Determine if the CRADA Partner is Foreign Owned, Controlled or Influenced (FOCI):**

The simplistic, but accurate answer is you ask the Non-Federal potential partner, but the partner may ask you how the Navy defines FOCI. FOCI may be defined differently for each agency because each agency has a different concern with security and different requirements for secrecy (this is called "MISSION"). Of course, each definition only opens more questions.

### **Navy Policy:**

Navy allows collaborative research with a FOCI, and requires that you take certain steps to ensure that working with the FOCI is in the best interests of the United States and is in compliance with statute and the intent of Congress. For Navy, we define the following as FOCI:

**Individuals:** A FOCI "person" is a non-U.S. citizen. Resident aliens should be treated as FOCI for licensing and Technology Transfer purposes.

**Industrial Organizations:** A FOCI industrial organization includes sole proprietorships, partnerships, and corporations, and the divisions and subsidiaries of the corporation where:

- 51% or more of the controlling (voting) stock is foreign-owned; or
- Parent organization is incorporated or otherwise chartered in a country foreign to the U.S.; and
- The organization is not performing a state function (any organization performing a state function falls under IPO authority).

**Universities, Etc.:** A university, college, or not-for-profit organization that is chartered, incorporated, or otherwise called into being in a country foreign to the U.S. and not performing a state function is FOCI.

Note: A division or subsidiary of an organization having a location in the United States and incorporated in the U.S. is still considered FOCI if the parent corporation is a FOCI.

### **Suggested Process:**

We are almost caught in a catch 22 position. By exchanging information to write a work statement, we may have violated the Executive Order and probably some of the export and security rules. If we try to consult the Trade Representative before making any disclosure, we find that the Trade Representative is only willing to review item (a) and item (b) of the Executive Order, but not item (c). The Trade Representative says it's the agency's responsibility to determine if the information can be exported. If the Partner is part of a foreign government we may need to consult with the Navy's International Programs Office (IPO) because they may have jurisdiction for the action. In addition, an export license may be needed depending on the technology.

Once you identify a potential FOCI CRADA partner, use the following guide before you begin to exchange data:

1. Prepare the CRADA without a great deal of discussion that exchanges data or technical information with the Potential Partner. Check the Department of Commerce list of data and information that requires an export license (Commerce maintains a WEB based list of export controlled items);

2. Make certain the Potential Partner is a private corporation because if it is in any way Government then we need to have Navy IPO involved or doing negotiation;
3. Get a security review of the draft agreement with its work statement from your local security office to determine if there are any limitations on exporting the information to the home country of the potential partner. Your security office will have the first cut on answering the 3<sup>rd</sup> question of Executive Order 12,591;
4. Send the draft agreement up the command chain to higher authority and make certain their security office and the security office of your funding source agree with the release of information. This can be considered the final step in answering the 3<sup>rd</sup> question of the Executive Order. Of course, you may need to go to Navy IPO, if any reviewer requires IPO chop;
5. When higher authority approves of the CRADA partner and the collaborative research, obtain export license, as needed, and negotiate draft CRADA with partner;
6. Send information to the U.S. Trade Representative for consultation under Executive Order 12591 (see sample letter to U.S. Trade Representative (Step 2 under One Navy Lab's Internal Pre-approval Process));
7. Once approved by Trade Representative, process as any other CRADA.

Remember that all CRADAs with FOCI are **non-standard** and should be designated as such. Change the heading to say non-standard. Send a copy of the CRADA with the supporting documentation (Trade Representative response, security response, higher authority review, export license, and an explanation of changes) to Code 03T5B, ONR as your final step.

**U.S. Trade Point of Contact:**

U.S. Trade Representative  
Mr. Christopher Wilson  
Deputy Assistant USTR for Intellectual Property  
600 17<sup>th</sup> Street, N.W.  
Washington, DC 20508  
Telephone: 202-395-9471  
Facsimile: 202-395-3891  
E-mail: [cwilson@ustr.eop.gov](mailto:cwilson@ustr.eop.gov)

## Section V - 4b

### One Navy Lab's Internal Pre-Approval Process for a CRADA with Foreign Owned, Controlled or Influenced (FOCI)

*(Step 1)*

The following describes one Navy lab's internal pre-approval process for initiating a CRADA with a Foreign Owned, Controlled or Influenced (FOCI). The process includes a pre-approval of the opportunity by the laboratory's director of research and review among various internal organizations including the legal organization and the lab's security organization. This internal pre-approval process was created by this laboratory, and other laboratories may wish to pursue alternate internal pre-approval processes. All of these pre-approvals are not necessarily required.

When the ORTA is approached with a CRADA opportunity involving a FOCI, the following correspondence is sent to the PI requesting the CRADA:

Dear PI:

CRADA proposals involving foreign entities (either directly as the Non-Navy Collaborator or indirectly as a third party to the Non-Navy Collaborator) need to be pre-approved by the lab's director of research before the lab enters into a negotiating stage. The internal routing is extensive, and it is difficult to predict how long it will take.

CRADA negotiations involving a foreign entity as a party (a Non-Navy Collaborator) or other participant (under agreement with a Non-Navy Collaborator) are exceptions to the lab's regular CRADA process, and advance approval of the director of research must be obtained before negotiations may be initiated. Consultation with the US Trade Representative (USTR) is also required prior to negotiations of a CRADA with an entity that is foreign owned or controlled (in accordance with E.O. 12591). In addition, if technology that is export controlled will be involved in the CRADA, a foreign disclosure determination (FDD) (in coordination with the Office of Naval Research and/or the Navy International Programs Office (NIPO)) and an export license may also be required.

Responsibilities for CRADA pre-approval process:

- a. The lab's principal investigator (PI) is responsible for preparing the advance-approval request described here (and identified in Step 1 below).
  - 1) The PI shall contact the ORTA before preparing the request to discuss the proposed CRADA and obtain a sample format. Please see the documents (below) that are a sample format for the PI to use.
  - 2) The PI shall review the export control lists (shown below) to determine whether the technology that will be involved in the proposed CRADA (whether existing or to be developed) is export-controlled (and it is suggested you use the advanced approval request memo format attached here. The attached draft memo includes the type of information that security and the director of research need to make a determination on whether to proceed with the CRADA negotiations involving a foreign entity).

- 3) The advance-approval request shall contain the following elements:
    - a) Background and purpose of proposed collaboration;
    - b) Detailed information about any foreign party or participant that will be involved;
    - c) A statement summarizing the results of the PI's review of the export control lists indicating whether the CRADA technology is export-controlled;
    - d) Publication release numbers of related lab research, if available; and,
    - e) A summary sheet.
  - 4) Routing. The PI shall route the advance-approval request package as follows:
    - a) PI/Section
    - b) ORTA (Technology Transfer Office)
    - c) PI's Branch Head
    - d) PI's Division Head
    - e) ADOR (Associate Director of Research)
    - f) Office of Counsel
    - g) ORTA (Technology Transfer Office)
    - h) Lab's Security Office
    - i) Director of Research
    - k) ORTA (Technology Transfer Office)
- b. The ORTA is responsible for reviewing the advance-approval request (Step 2) for completeness and discussing any special issues with the PI, as well as consulting with the USTR and ONR/NIPO (in coordination with office of counsel and the lab's security office) as required.
  - c. PI's branch/division heads and ADORs are responsible for reviewing the request and providing recommendations whether the proposed CRADA should be pursued (Steps 3,4, and 5). Any recommendation against pursuing the CRADA will be immediately sent to the ORTA.
  - d. Office of counsel is responsible for reviewing the request for legal sufficiency (Step 6). If the PI determines that the CRADA will involve technology that is export controlled, office of counsel will provide comments and recommendations regarding any requirements for a foreign disclosure determination and/or an export license.
  - e. Lab's security office is responsible for reviewing the subject matter of the technology involved in the proposed CRADA for public release authorization (Step 8). Lab's security office will also coordinate the processing of required foreign disclosure determination requests with ONR/NIPO.
  - f. Director of research will approve or disapprove the request (Step 9).
  - g. ORTA will take one of the following actions if Code 1001 approves the request (Step 10):
    - 1) If the technology is not export-controlled. If director of research approves CRADA negotiations, ORTA will consult with the USTR. ORTA will notify the PI following a positive response from the USTR, and CRADA negotiations may begin.
    - 2) If the technology is/may be export-controlled. If director of research approves CRADA negotiations, in addition to consulting with the USTR (above), ORTA, office of counsel, and lab's security office will coordinate submission of a request for a foreign disclosure determination to ONR/NIPO as appropriate. ORTA and office of counsel will also determine whether an export license may also be required. When all of the foregoing has been successfully accomplished, ORTA will notify the PI that CRADA negotiations may begin.

Additional information: The process for obtaining advance-approval to enter into CRADA negotiations when a foreign party or other foreign entity will be involved is in addition to the usual CRADA formation and approval process. If advance-approval to enter into negotiations is granted, the usual CRADA negotiation, review, and approval process will be followed. This includes: negotiation of a draft CRADA by the ORTA with the CRADA Collaborator; review of the draft CRADA by the PI's division and ADOR; and, legal review of the draft CRADA by office of counsel; and, approval and execution of the CRADA by codes the director of research and the commanding officer.

Links to Export Control Lists and Regulations:

1. The Commerce Control List (under the Export Administration Regulations (EAR)).
  - a. Go to [http://www.access.gpo.gov/bis/ear/ear\\_data.html](http://www.access.gpo.gov/bis/ear/ear_data.html) and click on 15 C.F.R. Part 774 - The Commerce Control List (and the listed Categories).
  - b. Go to <http://www.gpoaccess.gov/ecfr/> and enter 15 C.F.R. and scroll down to Part 774 (this is the easier way to print the list).
2. The U.S. Munitions List (under the International Traffic in Arms Regulation (ITAR)).
  - a. Go to <http://www.gpoaccess.gov/ecfr/> and enter 22 C.F.R. and scroll down to Part 121.
3. The Militarily Critical Technologies List (MCTL).

<http://www.dtic.mil/mctl/>

(Step 2)

Advance Internal Approval Memo (Sample) to be used by PI to support internal pre-approval to CRADA negotiations with a FOCl:

Date:

Reply to Attention of: PI with contact information

Subject: Proposed CRADA between the Lab and XXX Corporation ("XXX")

To: Director of Research

1. The Lab has been contacted by a FOCl company, XXX, that has expressed interest in pursuing collaborative research, etc. (*Describe here as much detail as you know about the circumstances of the inquiry, whether any intellectual property is jointly owned etc., what company has expressed interest and what country they are from etc.*).

2. As the lab's Principal Investigator of this potential CRADA, I understand that it is my responsibility to check the Commerce Control List (CCL), the U.S. Munitions List (USML), and the Military Critical Technologies List (MCTL) to determine if the technology is controlled. I have consulted on-line versions of these lists, and to the best of my knowledge, I do (or do not) believe this CRADA technology appears on any of them. In particular, I looked for entries related to *(describe the technology and provide explanation why you believe this CRADA technology does /does not appear on any of the above lists)*.
  
3. *[Optional: If the technology has been approved for public release, cite applicable lab security office release number(s), if known. Providing this information helps the lab's security office make a recommendation as to whether or not the technology should have a Foreign Disclosure Determination (FDD). If code the lab's security office recommends an FDD following the director of research approval, then office of counsel will prepare the applicable document and forward it to ONR. While the publication release numbers are not mandatory, this information should help expedite the review by the lab's security office.]*
  
4. Please let me know if you need additional information to make a determination concerning the dissemination of technical information to this *(country e.g. United Kingdom)* third party. Attached is a brief summary of the proposed CRADA. I can be reached at (xxx) xxx-xxxx or xxxxx@xxx.

Name, Title

Proposed CRADA between [insert Navy Laboratory] and XXX

CRADA Title:

Summary:

*[One or two paragraphs summarizing the proposed research, exchange, etc. Include the lab's benefit from working with this entity and why the lab wants to /needs to work with this entity; include some description of company's business and R&D expertise that it brings to the CRADA opportunity. Also, identify relevant lab inventions relating to the proposed work and identify whether the technology that is the subject of the CRADA is classified or unclassified.]*

Lab's Program Manager:

*Name, phone, and e-mail*

*(Step 3)*

Sample Information/Letter for U.S. Trade Representative:

Dear (U.S. Trade Representative),

I am providing the following information in accordance with EO 12591, which requires consultation with the US Trade Representative when entering into a CRADA with a foreign Collaborator. In this particular case, the **(insert Navy laboratory's name)** wishes to enter a CRADA with Subsidiary Company XYZ. This company is incorporated in the **(insert State or Commonwealth of ABC)**, but is a FOCI of the **(insert name of country)** company, Parent Company XYZ.

I understand you require the following information:

- A. Name of requestor (Laboratory/Department)
- B. Entity
- C. Country of Entity
- D. State whether CRADA or patent license agreement
- E. Title or Description
- F. Request documentation from USTR

**(Insert Navy laboratory's name)** responses to the above are:

- A. **(Insert Navy laboratory's name)**
- B. Subsidiary Company XYZ which is incorporated in the **(insert State or Commonwealth of ABC)** but is a FOCl of Parent Company XYZ.
- C. Subsidiary Company XYZ is a US firm but its parent company, Parent Company XYZ is a **(insert name of country)** firm.
- D. CRADA
- E. The proposed CRADA is entitled "Processing Techniques to Enhance Power Output of Widgets."
- F. Please e-mail me documentation indicating whether **(insert Navy laboratory's name)** may proceed with the proposed CRADA.

Thank you for your assistance.

## Section V - 4c

### Summary of Foreign Disclosure Determination, Export Control Requirements and Decision Matrix

#### Summary of FDD/Export Control Requirements:

1. The authorities for the requirements in the following summary will be provided in detail in the subsequent sections of this Guide.
2. The approval to enter into substantive discussions (negotiations) for research projects that may involve foreign individuals or entities is retained by the Director of Research (DOR) under **NRL Directive 3910.1A**.
3. All research projects that are classified or involve instrumentalities of a foreign government or an international organization as a Collaborator must be coordinated with the **Navy International Programs Office (NIPO)** before entering into any substantive discussions or disclosing technical information that is CUI.
4. A preliminary determination must be made whether controlled unclassified information (CUI) may be disclosed to foreign persons. CUI is technical information that is FOUO including information that is subject to export controls. The export controls generally do not apply to non-technical or administrative information; financial or budget information; human resources information; or, basic marketing information. Making the CUI determination requires a review of the U.S. Munitions List (USML), the Commerce Control List (CCL), and the Militarily Critical Technologies List (MCTL) by the program/project manager. Questions about coverage can be referred to the Office of Counsel. A Commodity Jurisdiction Determination can be requested from the DDTC; and, for items on the CCL, a Commodity Classification can be requested from the BIS (to determine the applicable ECCN).
5. If technical information is CUI, a foreign disclosure determination (FDD) must be obtained before disclosure of the information may be made to a foreign person anywhere in the world; a disclosure to a foreign person in the United States is a “deemed export” of the information.
6. To ensure proper coordination and control of foreign disclosures within the DON, authority for the disclosure of classified military information (CMI) and controlled unclassified information (CUI) has been centralized in NIPO-01. SECNAV 5510.34A). NIPO [or a cognizant “Foreign Disclosure Official (FDO)” expressly authorized by NIPO under a Delegation of Disclosure Authority Letter (DDL)] is responsible for making any foreign disclosure determinations that may be required with respect to NRL technologies. Under SECNAVINST 5510.34A, the CNR has been designated as a Foreign Disclosure Determination authority for releases to the governments of Canada, Australia and the U.K. All other FDD’s from NRL must be requested through ONR to NIPO.
7. NIPO has established procedures and guidelines for requesting a “foreign disclosure determination” (FDD) for “Controlled Unclassified Information (CUI) or technology” and “Classified information or technology” to foreign entities and international organizations. See SECNAVINST 5510.34A, the DON Foreign Disclosure Handbook.

8. In addition to making the FDD determination, a parallel determination must be made as to whether an export license is also required (just because information relates to technology on one of the lists does not, in itself, mean that an export license is required). In each case where technical information relates to a technology that is listed on the ITAR or CCL, a determination must be made as to whether there is an exclusion or exception from the export licensing requirements; if there is no exclusion or exception, then an **export license** must be obtained prior to export or disclosure to a foreign person.
9. There are numerous exemptions from the export licensing requirements. The most important exception is that for technical information that is “publicly available” or in the “public domain.” For example: if NRL licenses a patent to a foreign entity, and the patent has been published, the technical information in the published patent is in fact “publicly available” and an export license is not required for NRL to enter into the license or disclose published technical information to the foreign licensee.
10. If an export license is required (which, under the applicable guidelines, would be an extremely rare event not yet encountered at NRL), the Office of Counsel would provide assistance and coordinate with NIPO the filing of any required export license applications.
11. Depending upon the type of agreement used for the collaboration (i.e., a CRADA, cooperative agreement, license agreement, work for outside parties agreement (WFOPA), etc.), additional outside coordination may be required. For example, all licenses and CRADAs with foreign entities must be coordinated with the U.S. Trade Representative, and certain WFOPAs with U.S. entities who plan to market to foreign entities require coordination with NIPO.
12. NRL includes a clause in its agreements with all parties that covers export of technical information generated or delivered under the agreement.<sup>1</sup>
13. The status of NRL IP rights is also established in advance (in coordination with NRL Code 1008.2). A nondisclosure agreement (NDA) may be required (to protect NRL IP rights) in addition to a FDD, but it is not a substitute for a FDD or an export license.

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1 Export Control.

a. Neither Party shall make a disclosure, export, or deemed export of any technical information, articles, or services that result from this Agreement to any foreign location, entity, or person (including its own employees and associates of any type) except in full compliance with all applicable United States Federal laws (including treaties) and departmental regulations that establish and implement export controls. Compliance with all applicable export licensing requirements and restrictions implemented in the International Traffic in Arms Regulation (ITAR) and the Export Administration Regulations (EAR) is required. A “deemed export” is a disclosure of export controlled information in the United States or abroad to a “foreign person” (under the ITAR) or to a “foreign national” (under EAR).

b. This Agreement does not authorize any disclosure, export, or deemed export of technical information, articles, or services, nor does it authorize or approve the use of any exemption to the export licensing requirements of the ITAR or the EAR.

c. The Purchaser warrants that, as of the date of its authorized representative’s signature approving this Agreement, it [(does) or (does not)] intend to make a disclosure, export, or deemed export of technical information, articles or services containing or derived from technical information delivered to it by NRL under this Agreement.”

**Decision Matrix:**

<b>If...</b>	<b>Then....</b>
...technical information will be released to a foreign person,	...a determination must be made as to whether a foreign disclosure determination (FDD) or export license is required.
...technical information will be released to a U.S. citizen or national who is a representative of a foreign interest (a Foreign Representative),	...the U.S. citizen or national must be treated as a foreign person for disclosure purposes.
...the technical information is <b>classified</b> or requested by a foreign government or international organization,	...any <b>foreign disclosure</b> must be coordinated with the Navy International Programs Office (NIPO). In that case, determine whether there is an existing international agreement that would cover the transfer.
...the technical information is exempt from disclosure or the technology it relates to is export controlled [listed on the U.S. Munitions List (USML) or the Commerce Control List (CCL)],	...it is controlled unclassified information (CUI) and a foreign disclosure determination (FDD) must be made.
...the technical information relates to a technology that is listed on the ITAR or CCL,	...a determination must also be made as to whether there is an applicable exemption from the export licensing requirement.
...the technical information is export controlled and no export licensing exemption applies,	...an application for an export license must be prepared and submitted to the State Department or Commerce Department depending upon the technology.

## **Section V - 4d**

### **Deemed Exports**

All section references are to the Export Administration Regulations (EAR).

#### **What is a deemed export? (§ 734.2(b)(2)(ii))**

Any release of technology or source code subject to the Export Administration Regulations (EAR) to a foreign national inside the United States is deemed to be an export to the home country or countries of the foreign national.

#### **What is the definition of release? (§ 734.2(b)(3))**

- Visual inspection (e.g., reading technical specifications, plans, or blueprints) by foreign nationals.
- Providing technical assistance (including oral exchanges) to foreign nationals.
- The application to situations abroad of personal knowledge or technical experience acquired in the United States.

#### **Who is subject to the deemed export rule? Are all foreign nationals subject to the rule? (§ 734.2(b)(2)(ii))**

Unless the foreign national is (1) granted U.S. Citizenship; (2) granted permanent residence, as demonstrated by the issuance of a permanent resident visa (i.e., "Green Card"); or (3) granted status as a "protected person" under 8 U.S.C. § 1324b(a)(3), the foreign national is subject to the deemed export rule.

#### **What technologies are subject to the EAR?**

Generally, technologies subject to the EAR are those which are in the United States or of U.S. origin, in whole or in part. Technologies which tend to require licensing for release to foreign nationals are also dual-use (i.e., have both civil and military applications) and are subject to one or more control regimes, such as the Wassenaar Arrangement, Nuclear Suppliers Group, Missile Technology Control Regime and the Australia Group (chemical/biological items).

#### **What types of information are not subject to the EAR and hence not subject to export controls? (§ 734.7-10)**

- Publicly available information: generally accessible to the interested public in any form.
- Fundamental research: basic and applied research in science and engineering where the resulting information is ordinarily published and shared broadly within the scientific community.
- Educational information: released by instruction in catalog courses and associated teaching laboratories of academic institutions.
- Patent applications: information contained in a patent application prepared wholly from foreign origin technical data where the application is sent to a foreign inventor to be executed and returned to the United States for subsequent filing with the U.S. Patent and Trademark Office.

### **Are certain types of organizations exempt from the deemed export rule?**

No. A deemed export license is issued to an exporting organization. The license permits that organization to release technology or source code subject to the EAR to a specific foreign national. Deemed export licenses are not issued to individual foreign nationals; a license is voided when the foreign national leaves the employment of the licensed exporter. Provisions of the EAR apply equally to all organizations inside the United States. These may include private industry, accredited academic institutions, and local, state and federal Government agencies.

### **How long does the licensing process take? When should an application be submitted?**

Assuming BIS has received all of the required information, a deemed export license application is generally completed within 40 days. The application process includes an extensive review by multiple Government agencies, including agencies in the law enforcement and intelligence communities. If unfavorable information is uncovered during the interagency review, processing times can be longer. Commerce advises exporters to build license processing times into their hiring processes.

### **What does the term EAR 99 signify?**

Items subject to the EAR that are not specifically listed on the Commerce Control List are designated as EAR 99. These items are often, but not always, exportable without a license under the designation No License Required (NLR).

Section V - 4e

Export Control Reference Tools on the Internet

Subject	URL	Notes
Bureau of Export Admin.(BXA, Commerce)	<a href="http://chaos.fedworld.gov/bxa/">http://chaos.fedworld.gov/bxa/</a>	An interesting item is the Prohibited Parties database.
Certified Contractor Access List (CCAL)	<a href="http://www.dlis.dla.mil/jcp/">http://www.dlis.dla.mil/jcp/</a>	Defense Logistics Information Service. US/Canada Joint Certification Program
Code of Federal Regulations	<a href="http://www.gpoaccess.gov/cfr/index.html">http://www.gpoaccess.gov/cfr/index.html</a>	Develops & implements DoD policy on export control. D TSA is now part of Defense Threat Reduction Agency (DTRA).
Export Administration Regulations (EAR) Marketplace	<a href="http://bxa.fedworld.gov/">http://bxa.fedworld.gov/</a>	The Marketplace is maintained by NTIS for the Commerce Dept. as a subscription, but there is some information supplied without a fee. The Commerce Control List (CCL) is included.
Export Administration Regulations (EAR)	<a href="http://www.access.gpo.gov/bis/index.html">http://www.access.gpo.gov/bis/index.html</a>	This site is maintained by GPO and is up-to-date. You can search and download the full text of the EAR. The Commerce Control List (CCL) is included.
Federal Register	<a href="http://www.gpoaccess.gov/fr/index.html">http://www.gpoaccess.gov/fr/index.html</a>	On GPO Access.
Federation of American Scientists (FAS). Arms Sales Monitoring Project	<a href="http://www.fas.org/asmp/index.html">http://www.fas.org/asmp/index.html</a>	Great source for facts and figures, Government documents, issue papers, etc., on arms and export control.
International Traffic in Arms Regulations (ITAR)	<a href="http://pmdtdc.state.gov/itar_index.htm">http://pmdtdc.state.gov/itar_index.htm</a>	This edition of the ITAR is up-to-date. The U.S. Munitions List (USML) is included.
Military Critical Technologies List (MCTL)	<a href="http://www.dtic.mil/mctl/">http://www.dtic.mil/mctl/</a>	A reminder – The MCTL is not an export control list. The U.S. Munitions List (USML) & the Commerce Control List (CCL) are the U.S.G. control lists.
NASA Export Control Program	<a href="http://www.hq.nasa.gov/office/codei/nasaecp/ain.html">http://www.hq.nasa.gov/office/codei/nasaecp/ain.html</a>	
Office of Defense Trade Controls (State)	<a href="http://pmdtdc.state.gov/reference.htm/">http://pmdtdc.state.gov/reference.htm/</a>	Includes links to Defense Trade News, ITAR, 1999 ITAR Related Federal Register Notices.
Wassenaar Arrangement	<a href="http://www.wassenaar.org/">http://www.wassenaar.org/</a>	
Wassenaar Arrangement List of Dual-Use Goods and Technologies & Munition List	<a href="http://www.wassenaar.org/controllists/index.html">http://www.wassenaar.org/controllists/index.html</a>	