



Department of Defense INSTRUCTION

NUMBER 5230.27

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Incorporating Change 1, September 15, 2017

USD(AT&L)

SUBJECT: Presentation of DoD-Related Scientific and Technical Papers at Meetings

References: See Enclosure 1

1. PURPOSE. This instruction:

a. Reissues DoD Instruction (DoDI) 5230.27 (Reference (a)) in accordance with the authority in DoD Directive (DoDD) 5134.01 (Reference (b)) and pursuant to section 133 of Title 10, United States Code (U.S.C.) (Reference (c)) to establish policy, assign responsibilities, prescribe procedures, and provide guidance for consideration of national security concerns in the dissemination of scientific and technical information in the possession or under the control of DoD at meetings and conferences.

b. Supports current policies that:

(1) Establish procedures for classified meetings and requirements for review of scientific and technical papers.

(2) Provide guidance for reviewing and presenting papers containing technical data and technology.

(3) Establish procedures for obtaining DoD advice on independently produced scientific and technical papers.

(4) Provide criteria for identifying fundamental research activities performed under contract or grant that are excluded from review requirements.

2. APPLICABILITY. This instruction applies to OSD, the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities within the DoD (referred to collectively in this instruction as the "DoD Components").

3. POLICY. It is DoD policy that:

a. The presentation of scientific and technical information generated by or for DoD at technical meetings is encouraged and must be consistent with U.S. law and the requirements of national security.

b. Scientific and technical meetings and conferences may be conducted by DoD Components, and Component personnel may attend and participate in scientific and technical meetings and conferences that are of demonstrable value to the DoD. Such activities must be in compliance with section 3-211 of DoD 5500.7-R (Reference (d)).

c. The publication and public presentation of unclassified fundamental DoD research results that are not otherwise restricted is permitted as directed by Under Secretary of Defense for Acquisition, Technology, and Logistics (USD(AT&L)) Memorandum (Reference (e)).

d. Information provided at meetings must be released in a manner consistent with statutory and regulatory requirements for protecting the information. Such requirements include, but are not limited to, protection of classified, controlled unclassified, unclassified export-controlled, proprietary, privacy, and foreign government-provided information.

e. Presenters ensure that the policies and procedures in this instruction are implemented to protect the privacy of individuals in the use and dissemination of personally identifiable information as required by DoDD 5400.11 and DoD 5400.11-R (References (f) and (g)).

f. Electronic copies of sensitive scientific and technical papers are subject to all applicable security requirements specified in DoDI 8500.01E and Chairman of the Joint Chiefs of Staff Instruction 6510.01F (References (h) and (i)).

g. DoD employee and contractor papers intended for presentation at scientific and technical meetings and conferences will receive timely reviews.

(1) If warranted and authorized by contract in the case of contractor employees, limitations will be prescribed on these presentations.

(2) Dissemination restrictions will only be applied to information requiring protection in the interest of national security or other statutory or regulatory provisions, including but not limited to References (f) and (g), DoDI 5230.24, DoDD 5205.02, DoDI 5200.39, DoDI 2040.02, DoDD 5230.11, Executive Orders 13526 and 13556, and parts 203, 227, and 252 of Title 48, Code of Federal Regulations (CFR) (References (j) through (q)).

h. Release of classified or controlled unclassified DoD information to foreign representatives may be approved when:

(1) It promotes U.S. national security and is in accordance with References (m) and (n), and U.S. export control laws and regulations, including section 2778 of Title 22, U.S.C. (also

known as the “Arms Export Control Act”); chapter 35 of Title 50, U.S.C. (also known as the “International Emergency Economic Powers Act”); parts 120-130 of Title 22, CFR (also known as “International Traffic in Arms Regulations”); and parts 730-774 of Title 15, CFR (also known as “Export Administration Regulations” (References (r) through (u)).

(2) Release of information to advance the interests of an international military agreement or understanding in accordance with DoD foreign disclosure policies will be consistent with the scope and terms of the applicable security agreement.

(3) A foreign disclosure review has been completed before release.

i. The DoD will not interfere with the planning and organizing of meetings sponsored and conducted by non-government organizations. The type and level of DoD participation in these meetings will be determined based on benefit to DoD provided that the meetings are conducted consistent with U.S. laws and the requirements of national security.

4. RESPONSIBILITIES. See Enclosure 2.

5. PROCEDURES. See Enclosure 3.

6. RELEASABILITY. **Cleared for public release.** This instruction is available on the ~~DoD~~ *Issuances Directives Division* Website at <http://www.dtic.mil/whs/directives>.
<http://www.esd.whs.mil/DD/>

7. EFFECTIVE DATE. This instruction is effective November 18, 2016.



Frank Kendall
Under Secretary of Defense for Acquisition,
Technology, and Logistics

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ENCLOSURE 1

REFERENCES

- (a) DoD Instruction 5230.27, "Presentation of DoD-Related Scientific and Technical Papers at Meetings," October 6, 1987 (hereby cancelled)
- (b) DoD Directive 5134.01, "Under Secretary of Defense for Acquisition, Technology, and Logistics (USD(AT&L))," December 9, 2005, as amended
- (c) Section 133 of Title 10, United States Code, as amended
- (d) DoD 5500.07-R, "Joint Ethics Regulation (JER)," August 30, 1993, as amended
- (e) Under Secretary of Defense for Acquisition, Technology, and Logistics Memorandum, "Fundamental Research," May 24, 2010¹
- (f) DoD Directive 5400.11, "DoD Privacy Program," October 29, 2014
- (g) DoD 5400.11-R, "Department of Defense Privacy Program," May 14, 2007
- (h) DoD Instruction 8500.01, "Cybersecurity," March 14, 2014
- (i) Chairman of the Joint Chiefs of Staff Instruction 6510.01F, "Information Assurance (IA) and Support to Computer Network Defense (CND)," February 9, 2011
- (j) DoD Instruction 5230.24, "Distribution Statements on Technical Documents," August 23, 2012, as amended
- (k) DoD Manual 5205.02, "DoD Operations Security (OPSEC) Program Manual," November 3, 2008
- (l) DoD Instruction 5200.39, "Critical Program Information (CPI) Identification and Protection within Research, Development, Test, and Evaluation," May 28, 2015
- (m) DoD Instruction 2040.02, "International Transfers of Technology, Articles, and Services," March 27, 2014
- (n) DoD Directive 5230.11, "Disclosure of Classified Military Information to Foreign Governments and International Organizations," June 16, 1992
- (o) Executive Order 13526, "Classified National Security Information," December 29, 2009
- (p) Executive Order 13556, "Controlled Unclassified Information," November 4, 2010
- (q) Title 48, Code of Federal Regulations
- (r) Title 22, section 2778, United States Code (also known as the Arms Export Control Act, as amended)
- (s) Title 50, chapter 35, United States Code (also known as the International Emergency Economic Powers Act, as amended)
- (t) Parts 120-130 of Title 22, Code of Federal Regulations (also known as International Traffic in Arms Regulations)
- (u) Parts 730-774 of Title 15, Code of Federal Regulations (also known as Export Administration Regulations)
- (v) DoD Directive 5400.07, "DoD Freedom of Information Act (FOIA) Program," January 2, 2008
- (w) DoD Manual 5200.01, "DoD Information Security Program," February 24, 2012, as amended
- (x) DoD Directive 5230.25, "Withholding of Unclassified Technical Data from Public Disclosure," November 6, 1984, as amended

¹ Available from the Internet at <https://acc.dau.mil/adl/en-US/390783/file/52752/Research%20May24.pdf>

- (y) DoD Instruction 5230.29, "Security and Policy Review of DoD Information for Public Release," August 13, 2014
- (z) DoD 5220.22-M, "National Industrial Security Program Operating Manual," February 28, 2006, as amended
- (aa) DoD Directive 5230.20, "Visits and Assignments of Foreign Nationals," June 22, 2005
- (ab) DoD Directive 5230.09, "Clearance of DoD Information for Public Release," August 22, 2008, as amended
- (ac) Under Secretary of Defense for Intelligence Memorandum, "Security and Policy Reviews of Articles, Manuscripts, Books and Other Media Prior to Public Release," April, 26, 2011²
- (ad) Section 209 of Title 18, United States Code
- (ae) Section 2635.807 of Title 5, Code of Federal Regulations
- (af) DoD Instruction 3200.12, "DoD Scientific and Technical Information Program (STIP)," August 22, 2013
- (ag) Title 17, United States Code
- (ah) DoD Instruction 5015.02, "DoD Records Management Program," February 24, 2015
- (ai) Office of Management and Budget Memorandum, "Social Media, Web-Based Interactive Technologies, and the Paperwork Reduction Act," April 7, 2010
- (aj) DoD Instruction 3200.20, "Scientific and Engineering Integrity," July 26, 2012
- (ak) DoD Instruction 8550.01, "DoD Internet Services and Internet-Based Capabilities," September 11, 2012
- (al) DoD 7000.14-R, "Department of Defense Financial Management Regulations (FMRs)," Volumes 1-15, date varies per volume
- (am) National Security Decision Directive 189, "National Policy on the Transfer of Scientific, Technical, and Engineering Information," September 21, 1985³

² Available from the Internet at

http://www.defense.gov/webmasters/policy/Security_and_Policy_Reviews_of_Media_prior_to_Public_Release.pdf

³ Available from the Internet at <http://media.nara.gov/presidential-libraries/reagan/nsdd/NSDD189.pdf>

ENCLOSURE 2
RESPONSIBILITIES

1. USD(AT&L). The USD(AT&L) has overall responsibility for the implementation of this instruction and designates an office to:
 - a. Administer and monitor compliance with this instruction.
 - b. When necessary, provide technical assistance to DoD Components in determining sufficiency of protection of unclassified technical information for presentation at meetings.
 - c. On request, provide information and advice regarding controls on unclassified DoD information to scientific and engineering societies and professional associations.
 - d. Develop and distribute guidance to the DoD Components for implementing this instruction.

2. UNDER SECRETARY OF DEFENSE FOR POLICY (USD(P)). The USD(P):
 - a. Prepares and issues, as required, policy guidance regarding the export, disclosure, and security controls for information within the scope of this instruction.
 - b. Establishes and monitors compliance with policies and procedures for foreign disclosure of classified information at meetings.

3. DEPUTY CHIEF MANAGEMENT OFFICER (DCMO). The DCMO:
 - a. Monitors the implementation of provisions of this instruction pertaining to DoDD 5400.07 (Reference (v)).
 - b. Provides such other assistance as may be necessary for compliance with this instruction.

4. DoD COMPONENT HEADS. The DoD Component heads:
 - a. Review scientific and technical papers and presentations.
 - b. Review and approve requests for hosting meetings outside the United States. Ensure that the meetings comply with the procedures in this instruction.
 - c. Review and approve requests to attend and participate in meetings hosted by non-U.S. entities or attended by foreign nationals.

ENCLOSURE 3

PROCEDURES

1. GENERAL. Meetings and conferences organized by DoD Components, DoD contractors, scientific and engineering societies, and professional associations can enhance the value of research and development sponsored by the Federal Government. In such cases, full cooperation of all involved parties will obtain maximum benefits.

a. Every effort should be made to develop presentations appropriate for delivery to the widest audience consistent with the interests of national security.

b. In general, national security concerns related to the disclosure of DoD scientific and technical information at meetings are influenced by two mutually dependent factors: the sensitivity of the material to be presented and the identity of proposed material recipients.

c. These considerations and their impact on proposed meetings can be evaluated only through consultation among authors, meeting and conference organizers, and officials responsible for reviewing and authorizing release of DoD information.

d. The purpose of this consultation is to ascertain which combination of factors will support the most productive exchange of information consistent with U.S. law, Reference (d), and national security requirements.

2. INFORMATION TO BE PRESENTED. Possibilities range from completely unclassified publicly releasable through classified information. Specific types of data, including but not limited to controlled unclassified information, proprietary data, export-controlled technical data and technology, privacy information, and foreign government-provided data have an impact on meeting organization.

a. Classified and classified export-controlled information may be presented only at meetings organized in accordance with section 16, Enclosure 2, Volume 3 of DoD Manual 5200.01 (Reference (w)).

b. Unclassified export-controlled technical data and technology may be presented only in sessions where recipients are eligible to receive such data as established by DoDD 5230.25 (Reference (x)), consistent with Reference (m) and pursuant to a license, exception, exemption or other export authorization in accordance with U.S. export control laws and regulations (e.g., References (r), (s), (t), and (u)).

c. Presentation of proprietary information, privacy data, and foreign government information requires an approval in writing by the cognizant party controlling that information.

3. LOCATION OF MEETINGS AND ACCESS CONTROLS. Location of and access to meetings are dependent on the type of material presented.

a. Papers that have been appropriately reviewed and cleared for public release in accordance with DoDI 5230.29 (Reference (y)) may be presented at any location and before any audience.

b. Criteria established in Reference (x) for releasing unclassified documents containing unclassified export-controlled technical data and technology are also applicable to presentations containing such data. Unclassified export-controlled technical data and technology may be released to:

(1) U.S. and Canadian government officials, with the understanding that the information is to be used for official government purposes only. Technical data and technology that falls outside the exemptions for export to Canada in U.S. export regulations may not be transferred without a valid license, exception, exemption, or other export authorization in accordance with U.S. export control laws and regulations (e.g., References (r), (s), (t), and (u)).

(2) U.S. and Canadian citizens and resident aliens when disclosure is subject to the terms of a current DD Form 2345, "Militarily Critical Technical Data Agreement."

(3) Foreign nationals and U.S. citizens acting as representatives of foreign interests where disclosure is made pursuant to a license, exception, exemption, or other export authorization in accordance with U.S. export control laws and regulations (e.g., References (r), (s), (t), and (u)).

c. Non-government organizations that organize meetings in the United States at which unclassified export-controlled technical data and technology are to be presented must ensure compliance with the requirements of References (t), (u), and (x). Physical access to the presentations must be limited to those eligible to receive such data, as described in paragraph 3b of this enclosure.

d. Meetings sponsored by a U.S. Government (USG) agency at which unclassified export-controlled technical data and technology are to be presented may be held in any location in the United States. Control of physical access to the sessions will be provided by a USG employee or a representative agent specifically tasked by DoD for that duty. Access will be limited to those eligible for export-controlled information.

e. Pursuant to section 125.4 and other relevant requirements of Reference (t), or in accordance with relevant exceptions in the Reference (u), presentation of unclassified export-controlled technical data and technology, in meetings held outside the United States may be permitted on a case-by-case basis after review by officials authorized to do so by the USD(AT&L), through the Assistant Secretary of Defense for Research and Engineering, or DoD Component heads.

f. Private or professional organizations may be unwilling or unable to provide required access controls to presentations of DoD-related scientific and technical papers. In such cases, DoD Components may conduct controlled access meetings that correlate in location and topic.

g. Classified information may be presented only at meetings held in a secure government or cleared contractor facility, unless a waiver has been granted in accordance with Volume 3 of Reference (w). Personnel access controls for classified meetings are also specified in Volume 3 of Reference (w).

4. FOREIGN REPRESENTATIVE ACCESS TO MEETINGS

a. For classified meetings sponsored by DoD and conducted at a contractor facility, guidelines for foreign participation are established in Reference (n), DoD 5220.22-M, and DoDD 5230.20 (References (z) and (aa)). Guidelines for the reporting of foreign participation in classified meetings are contained in Volume 3 of Reference (w).

b. For unclassified meetings sponsored and conducted by organizations other than DoD, the sole responsibility of determining whether foreign access is appropriate rests with the DoD sponsor. The level and type of DoD participation in the meeting will take into account the presence of foreign nationals, if any.

c. In order to advance the interests of an international military agreement or project arrangement, DoD may approve the release of unclassified USG information, with the approval of the originating agency, to foreign representatives at unclassified, restricted-access meetings sponsored and conducted by non-government societies and associations.

(1) Release in such cases by DoD will be pursuant to a license, exception, exemption, or other export authorization in accordance with U.S. export control laws and regulations (e.g., References (r), (s), (t), and (u)).

(2) DoD sponsorship is for the sole purpose of granting access to DoD-sponsored technical information.

(3) When societies or associations agree to DoD sponsorship of foreign attendance under these circumstances, the visit request procedures established in Reference (aa) must be used to obtain and process requests from foreign representatives for sponsorship, and to inform the requester and the meeting sponsor of the decision to release the information and conditions pertaining to such release.

5. SUBMITTING PRESENTATIONS FOR REVIEW

a. All current DoD personnel, including those from DoD laboratories, must ensure that proposed presentations are reviewed for dissemination restrictions described in paragraph 3g(2) above the signature of this instruction by a competent authority and marked in accordance with

Volumes 1 and 4 of Reference (w). DoD contractors are required to submit proposed presentations for review if that is a specific contractual requirement.

b. Authors of works that include scientific and technical information generated by or for DoD are advised to consult section 4 above the signature of DoDD 5230.09 (Reference (ab)), Under Secretary of Defense for Intelligence Memorandum (Reference (ac)), and the provisions of section 8 of this enclosure.

6. CLEARANCE FOR PUBLIC RELEASE. A review of all DoD information for public release is required by Reference (ab). Papers resulting from unclassified fundamental research are exempt from prepublication controls and this review requirement, except as required, by applicable Federal statutes, regulations, or Executive orders.

a. Proposed papers and presentations will be reviewed to:

(1) Determine what information, if any, in the submitted paper and abstract is:

(a) Subject to security classification.

(b) Subject to withholding from public disclosure in accordance with Reference (x).

(c) Otherwise restricted by statute, regulation, or DoD policy.

(2) Recommend specific changes, if any, to allow the paper to be presented.

(3) Indicate on the document its releasability in original and amended versions.

(4) Provide information on appeal procedures to be followed if requested clearance is denied.

b. Reviews will be completed as speedily as possible after receipt of the document by an appropriate public clearance authority. If a review cannot be completed in a timely manner, an explanation will be provided. Every effort will be made to complete the review within the timeline indicated in Reference (y).

7. HONORARIUMS. Pursuant to section 209 of Title 18, U.S.C. and section 2635.807 of Title 5, CFR (References (ad) and (ae)) and Reference (d), military and civilian employees cannot accept an honorarium of any kind if they are acting in their official capacity. Speakers offered an honorarium must consult with legal counsel.

8. VOLUNTARY SUBMISSIONS

a. Authors or organizations not subject to mandatory reviews may submit their papers to DoD activities to obtain advice on national security concerns. Resources permitting, DoD public release activities will arrange review of the papers or presentations and inform the author that DoD:

(1) Has no objection to public presentation; or

(2) Advises presentation in a public forum would not be in the interest of national security, and provide appropriate reasons for the determination.

b. The determination in paragraph 8a(2) of this enclosure does not legally bar presentation. It is an advisory statement that, for the presentation concerned, DoD is not providing an approval for public release.

c. A “no objection to public presentation” in paragraph 8.a.(1) of this enclosure satisfies the requirements for government review pursuant to Reference (y). The determination in paragraph 8a(2) of this enclosure does not preclude recourse by the author through normal Department of State export license procedures.

9. SUBMISSION PROCEDURES

a. Authors must submit the full text or abstract of a paper for review before submitting it to meeting or conference organizers. Abstract clearance does not satisfy any requirement for clearance of the full paper. Requests for review will identify the meeting or conference sponsors, site, and access restrictions specified by the session organizers, and will state whether the paper is for presentation at a session that is to be unclassified with unlimited access, unclassified with limited access, or classified. Level of classification and access restrictions will be specified, where appropriate.

b. Papers will be submitted for public or foreign disclosure clearance in sufficient time to allow DoD to meet the review targets in enclosure 3 of Reference (y). This includes submitting far enough in advance to allow adequate time for the presentation to reach the appropriate review authority and be reviewed. Presentation notes will be reviewed if provided; otherwise only the presentation slides will be reviewed for public release.

c. When submitting the full text of the paper or presentation to the meeting or conference program committee, authors should state that their papers or presentations have been approved for presentation at the meeting and specify the security level and degree of access control required. When submitting abstracts that have been cleared for release, authors should indicate when and what kind of approval is expected on the paper or presentation in its final form.

d. In accordance with DoDI 3200.12 (Reference (af)), electronic copies of proceedings or reprints of papers sponsored by DoD for all scientific and technical meetings will be provided for secondary distribution to:

Defense Technical Information Center
Attn: Information Collection Division
8725 John J. Kingman Road
Fort Belvoir, VA 22060-6218
<http://www.dtic.mil/dtic/submit/>

10. PUBLICATION OF SCIENTIFIC AND TECHNICAL PAPERS. Conference and journal publications require consideration of whether or not copyright protection subsists in the work because publishers protect their publications and often require the transfer of copyright from the authors.

a. Pursuant to section 105 of Title 17, U.S.C. (Reference (ag)), copyright protection is not available for any USG work in the United States.

b. A USG work may be submitted for publication with the following notice: “This material is a work of the U.S. Government and is not subject to copyright protection in the United States.”

c. If the work to be published is a joint work (i.e., a work that was prepared by two or more authors with the intention that their contributions be merged into inseparable or interdependent parts of a unitary whole), a non-government employee author (e.g., a contractor author) owning the copyright in the joint work may be requested to license or assign the copyright to the publisher. A USG author has no copyright in the work to transfer.

11. SCIENTIFIC COMMUNICATION USING INTERNET-BASED CAPABILITIES

a. Internet-based capabilities include publicly accessible information capabilities and applications available across the Internet in locations not owned, operated, or controlled by DoD or the Federal Government. They include collaborative tools, such as social networking services, social media, user-generated content, social software, web-based e-mail, instant messaging, and discussion forums.

b. Official or authorized users of Internet-based capabilities must be aware of the potential record value of their content, including content originating outside the agency, as directed in DoDI 5015.02 (Reference (ah)).

c. Users of Internet-based capabilities must comply with policy on information collection from the public, soliciting official public comment, linking and disclaimer of endorsement, and personally identifiable information as specified in Office of Management and Budget Memorandum (Reference (ai)).

d. In accordance with DoDI 3200.20 (Reference (aj)), participants are required to maximize the quality, objectivity, utility, and integrity of information and services provided to the public.

e. When accessing Internet-based capabilities using DoD resources in an authorized personal or unofficial capacity, participants will clearly state they are providing their own personal opinion and not that of the DoD Component, DoD, or the government.

f. Participation in collaborative tools is subject to the provisions of this instruction and DoDI 8550.01 (Reference (ak)).

g. DoD scientific and technical information must not be posted on the Internet without appropriate prior review in accordance with this instruction, Reference (ak), and other applicable policies and regulations.

GLOSSARY

PART I. ABBREVIATIONS AND ACRONYMS

CFR	Code of Federal Regulations
DCMO	Deputy Chief Management Officer
DoDD	DoD directive
DoDI	DoD instruction
U.S.C.	United States Code
USD(AT&L)	Under Secretary of Defense for Acquisition, Technology, and Logistics
USD(P)	Under Secretary of Defense for Policy
USG	U.S. Government

PART II. DEFINITIONS

Unless otherwise noted, these terms and their definitions are for the purpose of this instruction.

fundamental research. Defined in DoD 7000 14-R (Reference (al)).

Contracted fundamental research includes research performed under grants and contracts that are funded by Budget Activity 1 (“Basic Research”) identified in Volume 2A, Chapter 1 of Reference (al), whether performed by universities or industry or funded by Budget Activity 2 (“Applied Research”) and performed on-campus at a university. The research will not be considered fundamental in those rare and exceptional circumstances where the Budget Activity 2 -funded effort presents a high likelihood of disclosing performance characteristics of military systems or manufacturing technologies that are unique and critical to defense, and where agreement on restrictions have been recorded in the contract or grant.

Program managers must identify any fundamental research effort before issuance of solicitations and subsequent award of contracts or grants for fundamental research. This will enable contracting and grants officers to use solicitation provisions and clauses applicable only to fundamental research. Solicitations, including broad agency announcements, should indicate that such research is expected to be fundamental in nature as defined in National Security Decision Directive 189 (Reference (an)). Any other restrictions on publication of fundamental research findings, security review procedures, and other required actions must be explicitly included in contract clauses or grant terms and conditions, and such inclusions must be fully consistent with the restrictions contained in the corresponding solicitation.

DoD personnel. All civilian officers and employees, including special government employees, of all DoD Components, all active duty officers (commissioned and warrant) and enlisted members of the Army, Navy, Air Force, and Marine Corps, and Reserve and National Guard personnel when acting in, or representing, their military capacity.

export-controlled technical data. Defined in part 120.10 of Reference (t)

export-controlled technology. Defined in part 772.1 of Reference (u)

foreign national or foreign representative. Defined in part 120.16 of Reference (t).

USG work. Defined in section 101 of Reference (ag).