Foreign National List and Controlled Technology Inventory Reporting Guidelines
updated 1/13/09

Internal Updating Requirements:
The Foreign National (FN) List must be updated at the facility level as new FN guests enter facilities (Note: D**o not** delete FN when they leave facilities). The Controlled Technology Inventory (CTI) must be updated as new technology is acquired or developed or when technology is removed from the facility. The FN list requires that your facility point of contact assess whether the FN will have access to controlled technology. Thus, this assessment should be completed prior to entrance to the facility by an FN.

Reporting Requirements to CAO:
Updated versions of the Foreign National (FN) list and controlled technology inventory (CTI) must be submitted three weeks after the end of the quarter to the Office of the CAO. The Fourth Quarter Submission will be the LO/CO annual Deemed Exports Certification. This Certification will certify the deemed export program data requirements for the entire year (see http://deemedexports.noaa.gov/cert.html).

Send to: Ann Murphy (Ann.Murphy@noaa.gov), Hugh Schratwieser (Hugh.c.Schratwieser@noaa.gov), Melanie Caesar (Melanie.Caesar@noaa.gov)

New Consolidated Reporting Instructions
Who is listed?
Please list foreign national "guests" on your spreadsheet. As foreign national guests leave the facility, shade the entry in grey to denote that these individuals are no longer at your facility. Do not delete these individuals from your FN sheet until after the Line Office (LO) DAA or Corporate Office (CO) Director submits the FN list to the CAO as a part of the NOAA Deemed Export Certification the *end of the fiscal year in October.* The FN list will be your record of FN guests who have come to your facility, who have left, and who are still present for the fiscal year. At the start of the new fiscal year, individuals who have been shaded grey can be removed from the FN list. The first quarter FN list would start off with FN guests who are present at facilities or logically accessing NOAA infrastructure at the beginning of the fiscal year.

Foreign National List
Please follow the guidelines listed below to complete your Foreign National list. This will assist you in maintaining consistency in your record keeping to ensure that the OCAO compiles accurate records on your behalf. The "country of birth, " and "Country Group," and "Date of Birth" columns have been deleted from the revised Foreign National List spreadsheet originally distributed in April 2006.

General Trouble Shooting

   1) Do not list US citizens and permanent residents, protected persons, and US citizens with their dual citizenship. The deemed export rule does not apply to US citizens, permanent residents (issued a permanent resident visa), or "protected persons" granted status under 8 U.S.C. 1324b(a)(3) (e.g., those with formal refugee or asylum status). If you see "US" listed in the permanent residency or citizenship column for an entry, contact the person who placed the name on the

FN List to advise them that these individuals should not be included in the deemed export FN list.

2) <u>Is the home country field filled out correctly</u>? Some foreign nationals are citizens of more than one foreign country, or have citizenship in one foreign country and permanent residence in another. The general policy is that the last permanent resident status or citizenship obtained governs the home country designation. For example, if an individual gained permanent residency in Canada after acquiring citizenship in India, the home country designation is Canada. For more examples, please refer to the BIS website, http://www.bis.doc.gov/deemedexports/deemedexportsfaqs.html#5 section: Foreign Nationals.

3) Please list any date in the dd/mm/yyyy format unless your LO/CO chooses to use the mm/dd/yyyy   Contact your Controlled Technology Coordinator if you are unsure of which way to report dates for your records. If your LO/CO has chosen to use the mm/dd/yyyy format, please ensure that the heading at the top of the column to reflects this change. Please highlight it so OCAO can determine the format you chose.

4) <u>How to list Country Names</u>: The FN list now uses a drop down menu to ensure that individuals correctly identify FN in the permanent residency, country of citizenship, and home country columns. Please select a country from these drop-down menus. Do not copy and paste old information into these columns. The OCAO has amended your original entries to ensure that NOAA is consistently using the same standard names for countries. Please DO NOT use your original entries; rather, use the drop down list to select the country of permanent residency and citizenship for new entries.

Also note: North Korea= Democratic People's Republic of Korea
South Korea = Republic of Korea

5) <u>Are all of the codes filled out?</u> It is critical that the sponsor's name and contact information, denied entities, controlled entities, license required, FN name, home country, and ECCN codes are filled in. All fields need to be completed; however, the above mentioned fields are most critical.

6) *Is a license required?* The individual completing the form must document that an assessment of controlled technology has been completed taking into account the scope of the FNs work and access to technology he or she may require. There should be a "yes" or "no" listed in this field.

7) *Is the FN on the denied entities/persons list?* The individual completing the form must check the denied entities and persons list to verify that the FN is not on these denial lists. Please refer to website. http://www.bis.doc.gov/ComplianceAndEnforcement/ListsToCheck.htm. There should be a "yes" or "no" listed in this field. If there is a "yes", this FN is prohibited from accessing all technology subject to the EAR

8) <u>Description of Work</u>: Please write a very brief description. Ex. Maintain, enhance, and transition numerical weather and climate prediction models

9) <u>New Column "Total Count" (column E)-</u> Please place a one in this column. This column is used for CAO internal record keeping.

Other Reminders:
15 CFR § 730-774, Export Administration Regulations (EAR), controls many more technologies for an individual from North Korea, Sudan, Syria, Cuba, and Iran than other Foreign Nationals. Individuals from these countries can not access technology controlled for Anti-Terrorism (AT) without a license. Some facilities may choose to prohibit entrance by default to FN from theses countries rather than control access to all of the technologies that would require a license to access. It is often difficult for individuals from these countries to gain a visa unless they are a protected person; thus it is important to ensure that you correctly determine whether a foreign national is a protected person or if they have permanent residency or citizenship in another country.

<u>Controlled Technology Inventory</u>
Please follow the guidelines listed below to maintain consistent records and to ensure the OCAO compiles accurate records on your behalf.

1) You do not need to list EAR 99 technology on your controlled technology inventory; however, all facilities need to be aware that there are deemed export licensing implications for release of EAR99 technology to a Cuban foreign national.

2) Please list the ECCN for the source code (D) or technology (E) at your facility. <u>The second letter in the ECCN should be a Product Group D (for source code) or Product Group E (for technology).</u> Export control regulations may differ to physically ship the item to another country. If it assists your record keeping, you may list the ECCN for the Product Group A (for equipment) in parentheses after the ECCN for the Product Group D or Product Group E. Remember that some items are controlled for shipment, but have associated technology that is publicly available. If you choose to list publicly available technology on your spreadsheet, please list NLRT (No License Required for Technology) followed by the ECCN for Product Group A in parentheses. The NOAA controlled technology inventory **manages the risk for the release of controlled technology to a foreign national in the US.** You are responsible for checking the EAR to determine if rules apply to ship items to other countries.

3) Controlled technology may be regulated for development, production, or use. If the only technology you have associated with an item is publicly available, you do not need to list the technology on your excel sheet. Publicly available technology is not subject to 15 CFR § 730-774, EAR, regulations. Technology is considered publicly available if it is published or will be published, arises during or results from fundamental research, or is educational information.

<u>Additional Assistance</u>
For assistance with NOAA's deemed exports policy or procedural requirements, please contact the Line Office/Corporate Office Deemed Export Steering Committee Representative/Controlled Technology Coordinators (CTC) (see attached list), or the Office of the Chief Administrative Officer and NOAA General Counsel Deemed Export

Team: Ann Murphy, ann.murphy@noaa.gov; Melanie Caesar, Melanie.caesar@noaa.gov; Hugh Schratwieser, Hugh.C.schratwieser@noaa.gov; and Paul Barker, Paul.Barker@noaa.gov. For specific questions related to commodity classification or identifying whether an item is subject to the Export Administration Regulations, 15 CFR § 730-774, contact Alex Lopes, alopes@bis.doc.gov, at the Bureau of Industry and Security (BIS).