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employed by that U.S. agency outside the United States

with the relevant U.S. Government agencies, will determine whether the interests of the United States Government are best served by expediting exports under an arrangement through an exemption (see also paragraph (b)(3) of this section for a related exemption);

ates is an employee employed by the U.S. Army; and

(12) Technical data which is specifically exempt under part 126 of this subchapter; or

or taken outside the requirements of Industrial Security requirements are by the Directorate the latter guidance

(13) Technical data approved for public release (i.e., unlimited distribution) by the cognizant U.S. Government department or agency or Office of Freedom of Information and Security Review.<sup>36</sup> This exemption is applicable to information approved by the cognizant U.S. Government department or agency for public release in any form. It does not require that the information be published in order to qualify for the exemption.

data in the U.S. by foreign persons who employees. This

(c) Defense services and related unclassified technical data are exempt from the licensing requirements of this subchapter, to nationals of NATO countries, Australia, Japan, and Sweden, for the purposes of responding to a written request from the Department of Defense for a quote or bid proposal. Such exports must be pursuant to an official written request or directive from an authorized official of the U.S. Department of Defense. The defense services and technical data are limited to paragraphs (c)(1), (c)(2), and (c)(3) of this section and must not include paragraphs (c)(4), (c)(5), and (c)(6) of this section which follow:

ughout the period

country to which of this subchapter;

(1) *Build-to-Print*. "Build-to-Print" means that a foreign consignee can produce a defense article from engineering drawings without any technical assistance from a U.S. exporter. This transaction is based strictly on a "hands-off" approach since the foreign consignee is understood to have the inherent capability to produce the defense article and only lacks the necessary drawings. Supporting documentation such as acceptance criteria, and specifications, may be released on an as-required basis (i.e., "must have") such that the foreign consignee would not be able to produce an acceptable defense article without this additional supporting documentation. Documentation

ividual in writing nsferred to other n approval of the

information, for ngement with the Energy or NASA nted an exemption of this part by the uch an exemption ngement directly which the United are contemplated. s, in consultation

<sup>36</sup> So in original. The office was renamed "Office of Security Review" in 2005. WHS Action Memo of Aug. 16, 2005.