

5352.204-9300 FOREIGN NATIONALS AND SOURCES(SEP 1994)

A.) FOR THE PURPOSES OF THIS SPECIAL CONTRACT REQUIREMENT, FOREIGN NATIONALS ARE ALL PERSONS NOT CITIZENS OF, OR IMMIGRANT ALIENS TO, THE UNITED STATES(US). NOTHING IN THIS SPECIAL CONTRACT REQUIREMENT IS INTENDED TO WAIVE REQUIREMENTS IMPOSED BY ANY OTHER US GOVERNMENT AGENCY WITH RESPECT TO EMPLOYMENT OF FOREIGN NATIONALS OR EXPORT CONTROL.

B.) THE SUPPLIER ACKNOWLEDGES THAT EQUIPMENT/TECHNICAL DATA GENERATED OR DELIVERED IN PERFORMANCE OF THIS CONTRACT MAY BE CONTROLLED BY THE INTERNATIONAL TRAFFIC IN ARMS REGULATION(ITAR), 22 CFR SECTIONS 120-130, AND MAY REQUIRE AN EXPORT LICENSE BEFORE GRANTING FOREIGN NATIONALS ACCESS TO ANY EQUIPMENT/TECHNICAL DATA GENERATED OR DELIVERED IN PERFORMANCE OF THIS CONTRACT (SEE 22 CFR SECTION 123). THE SUPPLIER AGREES TO NOTIFY THE CONTRACT ADMINISTRATOR (CA) 10 WORKING DAYS PRIOR TO APPLYING FOR AN EXPORT LICENSE OR TO ASSIGNING OR GRANTING ACCESS TO ANY WORK, EQUIPMENT OR TECHNICAL DATA GENERATED OR DELIVERED IN PERFORMANCE OF THIS CONTRACT. THIS NOTIFICATION WILL INCLUDE THE NAME AND COUNTRY OF ORIGIN OF THE FOREIGN NATIONAL, THE SPECIFIC WORK, EQUIPMENT OR DATA TO WHICH THE PERSON WILL HAVE ACCESS, AND WHETHER THE FOREIGN NATIONAL IS CLEARED TO HAVE ACCESS TO TECHNICAL DATA (REFERENCE: DODR 5220.22, "INDUSTRIAL SECURITY MANUAL FOR SAFEGUARDING CLASSIFIED INFORMATION")

C.) THE SUPPLIER AGREES THAT, IN ADDITION TO THE PROCEDURES ESTABLISHED BY ITAR, THE FOLLOWING LEGEND SHALL BE PLACED ON ALL TECHNICAL DATA GENERATED IN PERFORMANCE OF THIS CONTRACT THAT IS SUBJECT TO ITAR:

WARNING

THIS DOCUMENT CONTAINS TECHNICAL DATA WHOSE EXPORT IS RESTRICTED BY THE ARMS EXPORT CONTROL ACT (TITLE 22, USC, SEC 2751, ET SEQ.) OR THE EXPORT ADMINISTRATION ACT OF 1979, AS AMENDED, TITLE 50, USC, APP. 2401, ET SEQ. VIOLATIONS OF THESE EXPORT LAWS ARE SUBJECT TO SEVERE CRIMINAL PENALTIES. DISSEMINATE IN ACCORDANCE WITH THE PROVISIONS OF AFR 80-34.

D.) THE ABOVE REQUIREMENTS SHALL NOT BE CONTRUED AS AN APPLICATION FOR AN EXPORT LICENSE NOR SHALL THEY IN ANY WAY BE INTERPRETED TO IMPEDE THE SUPPLIER'S RIGHT TO APPLY FOR AN EXPORT LICENSE. HOWEVER, IF THE CA DISAGREES WITH THE APPLICATION, THE SUPPLIER WILL BE NOTIFIED.