

5352.293-9002 FOREIGN NATIONALS - FOREIGN SOURCES(DEC 1995)

A. FOR THE PURPOSE OF THIS CLAUSE,

1. FOREIGN NATIONALS ARE THOSE PERSONS NOT CITIZENS OF, NOT NATIONALS OF, OR RESIDENTS/IMMIGRANT ALIENS TO, THE UNITED STATES.
2. FOREIGN REPRESENTATIVE IS ANYONE, REGARDLESS OF NATIONALITY OR CITIZENSHIP, ACTING AS AN AGENT, REPRESENTATIVE, OFFICIAL, OR EMPLOYEE OF A FOREIGN GOVERNMENT, A FOREIGN-OWNED OR INFLUENCED FIRM, CORPORATION OR PERSON, AND
3. FOREIGN SOURCES ARE THOSE SOURCES (VENDORS, SUBCONTRACTORS, AND SUPPLIERS) NOT OWNED AND CONTROLLED BY CITIZENS OR IMMIGRANT ALIENS OF THE UNITED STATES.

B. NOTHING IN THIS CLAUSE IS INTENDED TO WAIVE ANY REQUIREMENT IMPOSED BY ANY OTHER U.S. GOVERNMENT AGENCY WITH RESPECT TO EMPLOYMENT OF FOREIGN NATIONALS OR EXPORT CONTROLLED DATA AND INFORMATION.

C. THE SUPPLIER ACKNOWLEDGES THAT EQUIPMENT AND TECHNICAL DATA GENERATED OR DELIVERED IN PERFORMANCE OF THIS CONTRACT IS CONTROLLED BY THE INTERNATIONAL TRAFFIC IN ARMS REGULATION (ITAR), 22 CFR SECTIONS 121 THROUGH 128, AND REQUIRE AN EXPORT LICENSE BEFORE ASSIGNING ANY FOREIGN NATIONAL TO PERFORM WORK UNDER THIS CONTRACT OR BEFORE GRANTING ACCESS TO FOREIGN NATIONALS TO ANY EQUIPMENT AND TECHNICAL DATA GENERATED OR DELIVERED IN PERFORMANCE OF THIS CONTRACT (SEE 22 CFR SECTION 125). THE SUPPLIER AGREES TO NOTIFY AND OBTAIN THE WRITTEN APPROVAL OF THE CONTRACT ADMINISTRATOR PRIOR TO ASSIGNING OR GRANTING ACCESS TO ANY WORK, EQUIPMENT, OR TECHNICAL DATA GENERATED OR DELIVERED IN PERFORMANCE OF THIS CONTRACT TO FOREIGN NATIONALS OR THEIR REPRESENTATIVES. THIS NOTIFICATION SHALL INCLUDE THE NAME AND COUNTRY OF ORIGIN OF THE FOREIGN NATIONAL OR REPRESENTATIVE, 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 (DOD 5220.22-M, NATIONAL INDUSTRIAL SECURITY PROGRAM OPERATING MANUAL (NISPOM)).