

CONTRACT: 5352.227-9000(JUL 1997)
REQUIREMENT F82

5352.227-9000 EXPORT-CONTROLLED DATA RESTRICTIONS (AFMC) (JUL 1997)

"CONTRACTOR" SHALL BE READ AS SELLER.

"CONTRACTING OFFICER" SHALL BE READ AS BUYER.

A. FOR THE PURPOSE OF THIS CLAUSE,

1. FOREIGN PERSON IS ANY PERSON WHO IS NOT A CITIZEN OR NATIONAL OF THE U.S. OR LAWFULLY ADMITTED TO THE U.S. FOR PERMANENT RESIDENCE UNDER THE IMMIGRATION AND NATIONALITY ACT, AND INCLUDES FOREIGN CORPORATIONS, INTERNATIONAL ORGANIZATIONS, AND FOREIGN GOVERNMENTS;
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;
3. FOREIGN SOURCES ARE THOSE SOURCES (VENDORS, SUBCONTRACTORS, AND SUPPLIERS) NOT OWNED AND CONTROLLED BY A FOREIGN PERSON.

B. THE CONTRACTOR SHALL PLACE A CLAUSE IN SUBCONTRACTS CONTAINING APPROPRIATE EXPORT CONTROL RESTRICTIONS, SET FORTH IN THIS CLAUSE.

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

D. EQUIPMENT AND TECHNICAL DATA GENERATED OR DELIVERED UNDER THIS CONTRACT ARE CONTROLLED BY THE INTERNATIONAL TRAFFIC IN ARMS REGULATION (ITAR), 22 CFR SECTIONS 121 THROUGH 128. AN EXPORT LICENSE IS REQUIRED BEFORE ASSIGNING ANY FOREIGN SOURCE TO PERFORM WORK UNDER THIS CONTRACT OR BEFORE GRANTING ACCESS TO FOREIGN PERSONS TO ANY EQUIPMENT AND TECHNICAL DATA GENERATED OR DELIVERED DURING PERFORMANCE (SEE 22 CFR SECTION 125). THE CONTRACTOR SHALL NOTIFY THE CONTRACTING OFFICER AND OBTAIN WRITTEN APPROVAL OF THE CONTRACTING OFFICER PRIOR TO ASSIGNING OR GRANTING ACCESS TO ANY WORK, EQUIPMENT, OR TECHNICAL DATA GENERATED OR DELIVERED UNDER THIS CONTRACT TO FOREIGN PERSONS OR THEIR REPRESENTATIVES. THE NOTIFICATION SHALL INCLUDE THE NAME AND COUNTRY OF ORIGIN OF THE FOREIGN PERSON OR REPRESENTATIVE, THE SPECIFIC WORK, EQUIPMENT, OR DATA TO WHICH THE PERSON WILL HAVE ACCESS, AND WHETHER THE FOREIGN PERSON IS CLEARED TO HAVE ACCESS TO TECHNICAL DATA (DOD 5220.22-M, NATIONAL INDUSTRIAL SECURITY PROGRAM OPERATING MANUAL (NISPOM)).