

Foreign Government Employment Questionnaire

Name: (last, first, middle initial)

Physical address (include mailing if different):

Phone:

Email:

Military Retirement Date (if applicable):

Rank/Rate (at retirement):

SSN (last four digits): XXX-XX-XXXX

Location of proposed employment:

1. Who is your proposed employer and how are they connected to a foreign government?

2. What is your proposed job title?

3. What will your job duties involve? Please explain in as much detail as possible (If a job description is available, please attach).

4. Will you be paid for duties performed? If yes, please provide an explanation of wages (to include salary; housing allowance, any extra stipends, etc.) and how your level of pay will be affected by the foreign government with which you are working.

5. Are you a U.S. citizen?

6. Will you be required or are you planning to execute an oath of allegiance to the foreign government with which you are working, alter your U.S. citizenship status, or obtain foreign citizenship?

7. What is the highest U.S. security clearance that you have held?

8. What is the highest level of classified material to which you have been granted access?

9. Have you had access to Special Access Programs?

10. Will you be working with classified information as part of your foreign employment? If yes, please explain in as much detail as possible.

11. Have you ever worked on matters involving this foreign country as part of your uniformed service duties? If yes, please explain in as much detail as possible.

12. Have you held any positions in the uniformed service that are relevant to your employment with the foreign government? If yes, please explain.

13. If you believe you are, or might be, providing a defense service or brokering, have you or your employer applied for and/or received an export license, or other form of authorization from the Department of State, Directorate of Defense Trade Controls (DDTC)?ⁱ If your answer is no, you will need to further investigate and work with your employer to get the correct DDTC authorization in place before you start any ITAR-controlled activities as part of your employment.ⁱⁱ

14. Did you receive a debriefing upon retiring from the uniformed service? If so, did you complete an SF-312, Classified Information Nondisclosure agreement?

I hereby acknowledge that I am unaware of any reason why the above described foreign employment would be inadvisable or reflect unfavorably on the United States. I also acknowledge and understand that my retired or retainer pay may be withheld equal to the amount received from the foreign government if I accept employment before obtaining proper approval. I affirm that the above questions have been reviewed carefully and answered fully and correctly to the best of my knowledge.

Signature

Date

¹ The International Traffic in Arms Regulation (ITAR) regulates, in part, business activity between U.S. persons and foreign persons pertaining to defense articles, technical data, and defense services that contain controlled U.S. military technology (including U.S. military operational and tactical expertise) and are designated on the United States Munitions List (USML). The Department of State, Directorate of Defense Trade Controls (DDTC) administers the ITAR. While applicants should refer to the ITAR for the full regulatory meaning of relevant terms, the following—in some cases, abbreviated—definitions are provided to assist you in evaluating the need for DDTC authorization:

“Defense service” (ITAR §120.9) means:

- (a) The furnishing of assistance (including training) to foreign persons, whether in the United States or abroad in the design, development, engineering, manufacture, production, assembly, testing, repair, maintenance, modification, operation, demilitarization, destruction, processing or use of defense articles;
- (b) The furnishing to foreign persons of any controlled technical data whether in the United States or abroad; or
- (c) Military training of foreign units and forces, regular and irregular, including formal or informal instruction of foreign persons in the United States or abroad or by correspondence courses, technical, educational, or information publications and media of all kinds, training aid, orientation, training exercise, and military advice.

“Defense article” (ITAR §120.6) means any item or technical data designated in the United States Munitions List (USML). The USML is found in ITAR § 121.1. Defense article includes technical data recorded or stored in any physical form, models, mockups or other items that reveal technical data directly relating to items designated in the USML. The term does not include basic marketing information on function or purpose or general system descriptions.

“Technical data” (ITAR §120.10) means:

- (a) Information, other than software, which is required for the design, development, production, manufacture, assembly, operation, repair, testing, maintenance or modification of defense articles, including information in the form of blueprints, drawings, photographs, plans, instructions or documentation;
- (b) Classified information relating to defense articles and defense services on the USML; and
- (c) Software directly related to defense articles.

Note: The definition does **not** include commonly taught information concerning general scientific, mathematical, or engineering principles, nor does it include basic marketing information on function or purpose or general system descriptions.

“U.S. person” (ITAR §120.15) means a person who is a lawful permanent resident (as defined by 8 U.S.C. 1101(a)(20)) or who is a protected individual (as defined by 8 U.S.C. 1324b(a)(3)). It also means any corporation, business association, or other entity, organization, or group that is incorporated to do business in the United States, including any governmental (federal, state or local) entity.

“Foreign person” (ITAR §120.16) means any natural person who is not a lawful permanent resident (as defined by 8 U.S.C. 1101(a)(20)) or who is not a protected individual (as defined by 8 U.S.C. 1324b(a)(3)). It also means any foreign corporation, business association, any other entity that is not incorporated or organized to do business in the United States, as well as international organizations, foreign governments and any agency or subdivision of foreign governments (e.g., diplomatic missions).

“Broker” (ITAR §129.2(a)) means any person described below who engages in the business of brokering activities:

- (a) Any U.S. person wherever located;
- (b) Any foreign person located in the United States; or
- (c) Any foreign person located outside the United States where the foreign person is owned or controlled by a U.S. person.

“Brokering activities” (ITAR §129.2(b)) means any action on behalf of another to facilitate the manufacture, export, permanent import, transfer, reexport, or retransfer of a U.S. or foreign defense article or defense service, regardless of its origin.

Such action includes, but is not limited to:

- (a) Financing, insuring, transporting, or freight forwarding defense articles and defense services;
- or
- (b) Soliciting, promoting, negotiating, contracting for, arranging, or otherwise assisting in the purchase, sale, transfer, loan, or lease of a defense article or defense service.

Such action does **not** include:

- (a) Activities by regular employees acting on behalf of their employer; or
- (b) Activities that do not extend beyond administrative services, such as, collecting product and pricing information to prepare a response to Request for Proposal, generally promoting company goodwill at trade shows. Activities performed by an affiliate, on behalf of another affiliate.

Note: engaging in the business of brokering activities requires only one occasion of brokering.

ⁱⁱ If you or your prospective employer are unsure whether your proposed employment would include the provision of defense services or brokering controlled under the ITAR, you may submit to DDTC a written request for an advisory opinion. The request to issue such an advisory opinion should include comprehensive information about the scope and details of your proposed activities. More information, including the ITAR and the relevant mailing address, can be found on DDTC’s website: www.pmdtdc.state.gov.