

**Use and Non-Disclosure Agreement
For the
Mobile Ad hoc Interoperability Network GATEway (MAINGATE)
BAA08-21 Program Documentation**

**Access to, and controls for International Traffic in Arms Regulation (ITAR) or Export
Administration Regulations (EAR)**

The undersigned, _____ (Insert Name), an authorized representative of the _____ (Insert Company Name), (which is hereinafter referred to as the "Recipient") requests the Government to provide the Recipient with technical data Subject to the rules governing access and safeguarding ITAR/EAR-restricted and FOUO information. Those Data are identified in an attachment to this Agreement. In consideration for receiving such Data, the Recipient agrees to use the Data strictly in accordance with this Agreement and references herein.

The Recipient will follow the rules governing access and safeguarding ITAR/EAR-restricted and FOUO information:

Documents that contain export-controlled technical data must be marked with the following warning:

WARNING - This document contains technical data whose export is restricted by the Arms Export Control Act (Title 22, U.S.C., Sec 2751, et seq.) or the Export Administration Act of 1979, as amended (Title 50, U.S.C., App. 2401 et seq.). Violations of these export laws are subject to severe criminal penalties.

Export-controlled information may be disseminated only to U.S. citizens or U.S. Persons (an immigrant resident alien possessing a "green card" is considered to be a U.S. Person for purposes of ITAR and EAR. U.S. Persons can be granted access to unclassified ITAR/EAR restricted information without the requirement for an export license. It is important to note that discussions with a foreign national in the United States, or a person "acting on behalf of a foreign person," constitutes an "export" if it reveals technical information regarding export-controlled technology.

Export-controlled information may be put on an Internet web site only if access to the site is limited to a specific target audience that is authorized to have the information and the information is encrypted.

The possessor of export-controlled information must deny the opportunity for access to foreign nationals or any unauthorized person. The procedures for safeguarding unclassified ITAR/EAR-restricted information are similar to those cited below for For Official Use Only (FOUO) information.

Accessing and safeguarding For Official Use Only (FOUO) information:

FOUO information should be handled in a manner that provides reasonable assurance that unauthorized persons (persons without an official requirement to know the information in the course of their duties in fulfillment of a government contract) do not gain access.

During working hours, reasonable steps should be taken to minimize risk of access by unauthorized personnel. After working hours, FOUO may be stored as a minimum in unlocked containers, desks or cabinets if government or government-contract building security is provided. If government or government-contract building security which provides restricted access to the rooms where FOUO information is not provided, it must be stored at a minimum in a locked desk, file cabinet, bookcase, locked room, or similar place.

FOUO documents and material may be transmitted via first class mail, parcel post, or -- for bulk shipments -- fourth class mail.

Fax or e-mail transmission of FOUO information (voice, data or facsimile) should be by encrypted communications systems whenever practical. FOUO information may be put on an Internet web site only if access to the site is limited to a specific target audience and the information is encrypted.

The authorities for control of ITAR/EAR are as follows:

Legal & Regulatory Authorities

Executive Order 12923 Continuation of Export Control Regulations, 30 June 1994.

Title 22 USC 2778 et seq. – Arms Export Control Act.

Title 50 USC 2401 et seq. – Export Administration Act of 1979 (as amended).

Title 50 USC Appendix, Section 10 – Trading With the Enemy Act of 1917.

Title 15 CFR Export Administration Regulations, part 770.

Title 15 CFR part 779 Technical Data.

Title 22 CFR (Dept. of State) Subchapter M, The International Traffic and Arms Regulation (ITAR) Part 121-130.

The Recipient agrees follow the rules governing access and safeguarding ITAR/EAR-restricted and FOUL information identified above.

Recipient's Business Name _____

By _____
Authorized Representative

Date: _____

Representative's Typed Name _____

And Title _____