



CRITERIA FOR DETERMINING FOCI

A U.S. company is considered under Foreign Ownership, Control or Influence whenever a foreign interest has the power, direct or indirect, whether or not exercised, and whether or not exercisable through the ownership of the U.S. company's securities, by contractual arrangements or other means, to direct or decide matters affecting the management or operations of that company in a manner which may result in unauthorized access to information or may affect adversely the performance of specific contracts involving COMSEC or classified information. The information provided will be considered and the fact that some of the below listed conditions may apply does not necessarily render the applicant company ineligible for access to COMSEC.

- (1) Does any foreign person(s), directly or indirectly, own, beneficially own, or subscribe to 5 percent or more of the outstanding shares of any class of stock, participation interest, units, or total capital commitment for your organization?
- (2) Does your organization directly or indirectly, through your subsidiaries and/or affiliates, own 10 percent or more of any foreign interest(s)?
- (3) Do any foreign persons serve as a member of your organization's governing body, or hold a management position?
- (4) Does any foreign person(s) have binding authority or the power, direct or indirect, whether or not exercised, to control the election, appointment, or tenure of members of your organization's governing body or other management positions of your organization, or have the power to control or direct any decisions or activities of your organization?
- (5) Does your organization have any contracts, agreements, understandings, grants, side letters, or arrangements with a foreign person(s)?
- (6) Does your organization, whether as borrower, surety, guarantor, or other, have any indebtedness, liabilities, or obligations to a foreign person(s)?
- (7) During your organization's last fiscal year, did it derive:
 - a. 5 percent or more of its total revenue, net income, tuition, gifts, or endowments from any single foreign person?
 - b. In the aggregate, 15 percent or more of its revenue, net income, gifts, tuition, or endowments from foreign persons?
- (8) Does any individual(s) holding management positions within your organization hold positions with, or serve as consultants or representatives for any foreign person(s)?
- (9) Is there any information, not provided in response to previous questions on this form, indicating that a foreign person(s) could control or influence the operations or management of your organization in a manner that allows unauthorized access to U.S. government information or that may adversely affect performance of U.S. government contracts?
- (10) Does your company possess a current SF-328 Certificate Pertaining to Foreign Interests?

Do any of the above items apply? Yes ☐ No ☐ If yes, please explain:

Supplier:	
Signed:	
Print Name:	
Title:	
Date:	