

**SECTION J – LIST OF DOCUMENTS, EXHIBITS AND OTHER ATTACHMENTS**

**ATTACHMENT 10**

**SF 328- “CERTIFICATE PERTAINING TO FOREIGN INTERESTS”**

<b>CERTIFICATE PERTAINING TO FOREIGN INTERESTS</b> <i>(Type or print all answers)</i>		<i>Form Approved</i> <i>OMB No. 0704-0194</i> <i>Expires Jun 30, 2004</i>
The public reporting burden for this collection of information is estimated to average 70 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to Department of Defense, Washington Headquarters Services, Directorate for Information Operations and Reports (0704-0194), 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302. Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number.		
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<b>PENALTY NOTICE</b>		
Failure to answer all questions or any misrepresentation (by omission or concealment, or by misleading, false or partial answers) may serve as a basis for denial of clearance for access to classified information. In addition, Title 18, United States Code 1001, makes it a criminal offense, punishable by a maximum of five (5) years imprisonment, \$15,000 fine or both, knowingly to make a false statement or repre-	sentation to any Department or Agency of the United States, as to any matter within the jurisdiction of any Department or Agency of the United States. This includes any statement made herein which is knowingly incorrect, incomplete or misleading in any important particular.	
<b>PROVISIONS</b>		
1. This report is authorized by the Secretary of Defense, as Executive Agent for the National Industrial Security Program, pursuant to Executive Order 12829. While you are not required to respond, your eligibility for a facility security clearance cannot be determined if you do not complete this form. The retention of a facility security clearance is contingent upon your compliance with the requirements of DoD 5220.22-M for submission of a revised form as appropriate.	2. When this report is submitted in confidence and is so marked, applicable exemptions to the Freedom of Information Act will be invoked to withhold it from public disclosure.  3. Complete all questions on this form. Mark "Yes" or "No" for each question. If your answer is "Yes" furnish in full the complete information under "Remarks."	
<b>QUESTIONS AND ANSWERS</b>		
	YES	NO
1. <i>(Answer 1a. or 1b.)</i> a. <i>(For entities which issue stock):</i> Do any foreign person(s), directly or indirectly, own or have beneficial ownership of 5 percent or more of the outstanding shares of any class of your organization's equity securities?		
b. <i>(For entities which do not issue stock):</i> Has any foreign person directly or indirectly subscribed 5 percent or more of your organization's total capital commitment?		
2. Does your organization directly, or indirectly through your subsidiaries and/or affiliates, own 10 percent or more of any foreign interest?		
3. Do any non-U.S. citizens serve as members of your organization's board of directors (or similar governing body), officers, executive personnel, general partners, regents, trustees or senior management officials?		
4. Does any foreign person(s) have the power, direct or indirect, to control the election, appointment, or tenure of members of your organization's board of directors (or similar governing body) or other management positions of your organization, or have the power to control or cause the direction of other decisions or activities of your organization?		
5. Does your organization have any contracts, agreements, understandings, or arrangements with a foreign person(s)?		
6. Does your organization, whether as borrower, surety, guarantor or otherwise have any indebtedness, liabilities or obligations to a foreign person(s)?		
7. During your last fiscal year, did your organization derive:		
a. 5 percent or more of its total revenues or net income from any single foreign person?		
b. In the aggregate 30 percent or more of its revenues or net income from foreign persons?		
8. Is 10 percent or more of any class of your organization's voting securities held in "nominee" shares, in "street names" or in some other method which does not identify the beneficial owner?		
9. Do any of the members of your organization's board of directors (or similar governing body), officers, executive personnel, general partners, regents, trustees or senior management officials hold any positions with, or serve as consultants for, any foreign person(s)?		
10. Is there any other factor(s) that indicates or demonstrates a capability on the part of foreign persons to control or influence the operations or management of your organization?		
<b>STANDARD FORM 328 (REV 7/2001)</b>		<b>PREVIOUS EDITION IS OBSOLETE.</b>
		Reset

<b>REMARKS</b> <i>(Attach additional sheets, if necessary, for a full detailed statement.)</i>	
<b>CERTIFICATION</b>	
<p>I CERTIFY that the entries made by me above are true, complete, and correct to the best of my knowledge and belief and are made in good faith.</p>	
<b>WITNESSES:</b>	_____
	<i>(Date Certified)</i>
_____	<b>By</b> _____
	<i>(Signature of Authorized Contractor Representative)</i>
_____	_____
	<i>(Typed Name of Contractor)</i>
<i>NOTE: In case of a corporation, a witness is not required but the certificate below must be completed. Type or print names under all signatures.</i>	_____
	<i>(Title of Authorized Contractor Representative)</i>
	_____
	<i>(Address)</i>
<i>NOTE: Contractor, if a corporation, should cause the following certificate to be executed under its corporate seal, provided that the same officer shall not execute both the Agreement and the Certificate.</i>	
<b>CERTIFICATE</b>	
<p>I, _____, certify that I am the _____</p>	
<p>of the corporation named as Contractor herein; that _____</p>	
<p>who signed this certificate on behalf of the Contractor, was then _____</p>	
<p>of said corporation; that said certificate was duly signed for and in behalf of said corporation by authority of its governing body, and is within the scope of its corporate powers.</p>	
_____	_____
<i>(Corporate Seal)</i>	<i>(Signature and Date)</i>

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