

CONTRACT BUSINESS ANALYSIS REPOSITORY (CBAR) 1.7

Allowing Foreign National Employees Access to the Contract Business Analysis Repository (CBAR)

The Services and DoD Agencies with activities outside of the United States often hire employees who are not U.S. citizens. The following are the security rules regarding allowing Foreign National employees access to the CBAR database:

Foreign National (FN) employees of DoD and DCMA work under one of three types of employment systems identified in Volume 1231 of DoD Instruction 1400.25 (DoD Civilian Personnel Management System). These systems are generally described as follows:

1. Direct Hire - U.S. forces are the legal employer and assume responsibility for all administrative and management functions related to FN employment.
2. Indirect Hire - The host foreign government is the legal employer, and it grants operational control to U.S. forces for the daily management of FN personnel.
3. Hybrid - The host government plays a significant role in the development and operation of the system but does not take overall responsibility and does not act as the legal employer; the U.S. forces are the legal employer.

In accordance with DoD Manual 5200.01, Volume 4, "DoD Information Security Program: Controlled Unclassified Information (CUI)," CBAR access may be allowed to FN employees when ALL of the following criteria are found to be satisfied:

1. The employment system used for the FN employee is either Direct Hire or Hybrid; Access will not be allowed to persons employed under an Indirect Hire System;
2. Access is within the scope of the FN employee's assigned duties;
3. Access would further the execution of a lawful and authorized DoD mission or purpose and would not be detrimental to the interests of the Department of Defense or the U.S. Government;
4. There are no contract restrictions prohibiting access;
5. The access complies with the requirements of DoDD 8500.01E (Information Assurance), DoD 5200 2-R (DoD Personnel Security Program), and export control regulations, as applicable; and
6. The non-U.S. citizen has executed a nondisclosure agreement approved by appropriate DoD Component authorities. (Note: DCMA considers the current CBAR Access Acknowledgment Page a sufficient nondisclosure agreement for use by FN employees seeking access to CUI in CBAR.)

CBAR POC Administrators for the Services and Other Defense Agencies must ensure that all of the above criteria are met before approving a FN employee access to the CBAR application.

If you need assistance in the review of a Foreign National employee's qualification to access CBAR, please contact your local legal counsel.