NASA Procedural Requirements

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COMPLIANCE IS MANDATORY

Procedural Requirements for Processing Requests for Access to NASA Installations or Facilities by Foreign Nationals or U.S. Citizens Who are Reps of Foreign Entities w/Change 1 (3/29/04)

Responsible Office: Office of Protective Services

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Appendix A. List of Designated Areas

NPR 1371.2A, Procedural Requirements for Porcessign Requests for Access to NASA Installations or Facilities by Foreign Nationals and U.S. Citizens Who are Representatives of Foreign Entities
Change History

Ch #	Approved	Description/Comments
1	03/29/04	Administrative changes made throughout to correct responsible office, office titles, and to change NPG to NPR.

Preface

P.1 Purpose

This NASA Procedural Requirements (NPR) provides requirements for the implementation of NASA Policy Directive (NPD) 1371.5, "Coordination and Authorization of Access by Foreign Nationals and U.S. Citizen Representatives of Foreign Entities to NASA." It provides requirements to NASA personnel who are specifically authorized to receive, coordinate, review, and approve certain types of visits and other access by foreign nationals or U.S. citizens who are representing foreign entities to NASA Installations and Facilities. It provides procedures for the timely and accurate processing of various types of foreign visits and other foreign national access requests, including requests that involve NASA being the sponsor for a foreign national who seeks to enter the United States on a J-1 exchange visitor visa. These procedures will help NASA to fulfill its responsibilities for facilitating visits and assignments that support U.S. national interests, as well as NASA's international program interests and operational requirements, while at the same time, screening such requests to determine whether they conform with Agency and national policies, including U.S. national security, nonproliferation and foreign policies, and export control laws and regulations. These procedures are also to be used to process requests by NASA contractors and grantees who seek access to a NASA Installation or Facility for their foreign national employees or visitors for the purpose of carrying out work under a NASA contract or grant. This NPR also establishes criteria for collecting and reporting of data on foreign nationals and U.S. citizen representatives of foreign entities (including foreign national visitors and foreign national contractor or grantee employees) who are authorized or denied access to each NASA Installation.

P.2 Applicability

This NPR is applicable to NASA Headquarters and NASA Centers, including Component Facilities.

P.3 Authority

NPD 1371.5, Coordination and Authorization of Access by Foreign Nationals and U.S. Citizen Representatives of Foreign Entities to NASA.

P.4 References

a. NPD 1360.2, Initiation and Development of International Cooperation in Space and Aeronautics Programs

b. NPD 2190.1, NASA Export Control Program

c. NPR 2190.1, NASA Export Control Program

d. NPR 1600.1, NASA Security Program Procedural Requirements

e. NPR 2810.1, "Security of Information Technology"

f. 14 CFR Part 1213

g. 15 CFR Parts 744, 746

h. 22 CFR Part 62

i. 22 CFR Sections 120.16, 126.1

j. 31 CFR Part 500

P.5 Cancellation

NPR 1371.2, dated April 19, 1999.

/S/
David A. Saleeba,
Assistant Administrator for
Security and Program Protection

Chapter 1: Introduction and Definitions

1.1 General

1.1.1 This NPR provides basic procedural requirements for receipt, coordination, review, and approval by each NASA Center or Component Facility (e.g., Wallops Flight Facility or White Sands Test Facility) of all requests by or on behalf of foreign nationals or U.S. citizens who are acting as representatives of foreign entities for access to a NASA Installation or Facility for any purpose other than a public tour of facilities that is or would normally be conducted for the general public. It includes requests for access by or on behalf of foreign national members of the news media to a NASA Installation or Facility.

1.1.2 Questions regarding the receipt and processing of access requests for foreign nationals and U.S. citizen representatives of foreign entities, or NASA contractor or grantee foreign national employees or visitors, and the conduct of approved visits and other access, are to be directed to the cognizant NASA Center or Component Facility International Visits Coordinator, or to the Security Management Division, Office of Security and Program Protection, NASA Headquarters.

1.1.3 Suggestions for improvements in the content of this NPR are welcome and should be made in writing to the Director, Security Management Division, Office of Security and Program Protection, NASA Headquarters, Washington, DC 20546.

1.1.4 Copies of Center or Component Facility implementing procedural requirements are to be provided to the Director, Security Management Division, as issued.

1.2 NASA Foreign National Access Policy and Related Requirements

1.2.1 Visits by foreign nationals and U.S. citizen representatives of foreign entities are a common means to facilitate interchanges with NASA's foreign aeronautical, scientific, and technical counterparts in support of broad Agency objectives and program goals. Visits also facilitate acquisition of information about foreign programs of interest to NASA, and provide other benefits to the U.S. Government. All visits and other approved access will be conducted in conformance with Agency and national policies and regulations, including U.S. national security, nonproliferation and foreign policies, and export control laws and regulations. Visits and other access for the purpose of implementing a mutually agreed program or project must be conducted in accordance with the terms of the NASA/foreign partner program or project agreement, particularly the provisions in the agreement dealing with responsibilities of the parties and the transfer of data and goods. Discussion or other release of information by NASA personnel to a foreign national or a U.S. citizen representing a foreign entity during a visit or other approved access that does not pertain to an agreed program or project generally must be limited to unclassified, nonsensitive, nonexport-controlled information which has been approved for release to the general public.

1.3 Definitions

1.3.1 "Foreign national" means any person who is not a citizen of the United States.

1.3.2 "Foreign representative" means a citizen of the United States, who represents or acts on behalf of a government, business, organization, or person of a country other than the United States. It does not include U.S. citizens who are employed by foreign-owned or -controlled entities in the United States that are otherwise subject to U.S. law.

1.3.3 An "agreed international program or project" is one which has been established pursuant to an appropriately signed Space Act Agreement between NASA Headquarters and a foreign entity, e.g., an agency or organization of a foreign government, a foreign educational institution, a foreign company, or an international organization.

1.3.4 "Visit" refers to access to a NASA Installation or Facility by foreign nationals or a U.S. citizen representative of a foreign entity for a period of 30 days or less.

1.3.5 "Assignment" refers to access to a NASA Installation or Facility by a foreign national or a U.S. citizen representative of a foreign entity for a period in excess of 30 days.

1.3.6 "High Level Protocol Visit (HLPV)" refers to a visit (as defined above) by a senior foreign official, a distinguished individual, or a high-ranking delegation that generally requires advance preparation and coordination on matters of protocol. Such arrangements are usually reserved for foreign heads of state, government ministers, ambassadors, senior officials, and heads of (or other senior level officials from) foreign governmental agencies. An HLPV usually includes a courtesy meeting with a Center Director or other senior management representative and a guided tour of the Center or Component Facility. These visits may or may not include briefings or substantive discussions on NASA's programs or projects.

1.3.7 "Designated area" as used in this directive, means a country of special concern or interest as identified in Appendix A.

1.4 Extending Invitations for Visits or Assignments to NASA

1.4.1 NASA encourages visits and, in certain cases, assignments by foreign nationals or U.S. citizen representatives of foreign entities allied with or friendly to the United States to facilitate mutual understanding, strengthen existing cooperation, and promote potential cooperation in areas of mutual interest. NASA employees may, with prior approval by NASA Headquarters or Center International Visits Coordinators, and consistent with applicable NASA management requirements, extend invitations to foreign nationals or representatives of countries *other than* those identified as designated areas in Appendix A. Center or Component Facility International Visits Coordinators will establish local procedures for obtaining prior approval to extend such invitations. No invitations to visit NASA Centers or Component Facilities may be extended to foreign nationals from designated areas or U.S. citizen representatives of foreign entities from a designated area without the prior written approval of the Director, Security Management Division, Office of Security and Program Protection, NASA Headquarters.

Chapter 2: Visits, Assignments, and Other Access Requests

2.1 General

2.1.1 Each NASA Center or Component Facility will directly receive and review all requests from, or on behalf of, foreign nationals or U.S. citizen representatives of foreign entities for access to its controlled buildings, Installations, or Facilities for any purpose. All such requests will be entered into the NASA Foreign National Management System (NFNMS) for processing the review and approval or denial of access, and for data archiving. All requests for access, other than foreign nationals on public tours, must be entered into the NFNMS. Where Center or Component Facility International Visits Coordinators are apprised that foreign nationals on public tours are also distinguished individuals or senior foreign officials, as described in 1.3.6 above, such individuals or officials must be entered into the NFNMS as HLPV.

2.1.2 Except as otherwise provided herein, each Center or Component Facility will have the authority to approve all visit or assignment requests for foreign nationals or U.S. citizen representatives of foreign entities who are from nondesignated areas, consistent with the policy and responsibilities established herein and in NPD 1371.5. Each Center or Component Facility will also have the authority to receive and review visit and assignment requests for foreign nationals or foreign representatives of designated areas, but will not have the authority to make final approval decisions. For requests involving designated areas, the Center International Visits Coordinator will input Center or Component Facility comments and recommendations in the NFNMS for review by the Office of Security and Program Protection, NASA Headquarters, in determining final approval or denial.

2.2 Requests for Visits or Assignments to Centers or Component Facilities

2.2.1 Using the NFNMS (https://ivan.esportals.com), the Center or Component Facility International Visits Coordinator will receive and review all requests for visits by foreign nationals and foreign representatives. If the visit is for the purpose of gathering information or conducting discussions in technological areas which NASA considers to be sensitive e.g., for proprietary, national security, or export control reasons), then the visit should be disapproved in the absence of a specific NASA programmatic interest. Requests should be approved only to the extent the foreign nationals or U.S. citizen representatives of foreign entities understand that discussions and information provided by the NASA representatives will be confined to information which has been previously approved for release to the general public.

2.3 Requests for High-Level Protocol Visits

2.3.1 Requests for High-Level Protocol Visits (HLPV) are to be made directly to the International Visits Coordinator, Office of Security and Program Protection, NASA Headquarters. If a Center International Visits Coordinator receives such a request directly, the request will be entered into the NFNMS promptly by the Center International Visits Coordinator as an HLPV, and the Center

Protocol Office will be notified. Specific arrangements for each HLPV are to be made by the Center, in consultation with the Office of Security and Program Protection, NASA Headquarters.

2.4 Requests for Visits or Assignments to NASA Headquarters

2.4.1 All requests for foreign nationals or U.S. citizen representatives of foreign entities to visit or be assigned to NASA Headquarters are to be made to the NASA Headquarters International Visits Coordinator, Security Management Division, Office of Security and Program Protection, NASA Headquarters, who will ensure the proper review of the request for approval or denial. NASA Headquarters employees who make requests for access by foreign nationals and U.S. citizen representatives of foreign entities should do so via the NFNMS (https://ivan.esportals.com).

2.5 Requests for Visits or Assignments by or on Behalf of Accredited Members of the News Media

2.5.1 All requests for access by or on behalf of foreign national or U.S. citizen representatives of foreign news media are to be entered into the NFNMS and must have the concurrence of the Headquarters or Center Public Affairs Office, in addition to other reviews and concurrences, prior to approval or denial. In any instance where news media representatives are approved for intermittent visits over a period of time that result in an assignment, local procedures will be established such that each access must be cleared by the Headquarters or Center Public Affairs Office, e.g., if the individual has been properly accredited as a news media representative and approved within the NFNMS for intermittent access over a 1-year period, the individual must still obtain "event" clearance (e.g., Shuttle or Expendable Launch Vehicle mission or press conference) through the Public Affairs Office.

2.6 Requests from NASA Contractors for Access by Foreign National Employees or Visitors

2.6.1 Requests by NASA contractors or grantees for access by their foreign national employees or visitors to a NASA Center or Component Facility are to be submitted to the Center's International Visits Coordinator for review and coordination with the cognizant NASA Contracting Officer, Contracting Officer's Technical Representative, or Project Manager, as appropriate. If an employee is a citizen of a country identified as a designated area (Appendix A), the request for access will be reviewed for approval by the International Visits Coordinator, Security Management Division, Office of Security and Program Protection, NASA Headquarters. If any foreign national employee or visitor of a NASA contractor or grantee will work in, or have access to, sensitive areas or information that is covered by U.S. export control laws and regulations, the Center or Component Facility, before approving access, must ascertain that the contractor or grantee has received appropriate authorization under the terms of the NASA contract or grant and/or from the cognizant U.S. Government regulatory agency. The Center International Visits Coordinator will determine whether authorization is appropriate based on the contract or grant, and in consultation with the Contracting Officer, Contracting Officer's Technical Representative, or Project Manager, as appropriate.

2.7 Time Required to Process Requests

2.7.1 Except as provided below, requests for a visit by a foreign national or foreign representative to

a NASA Center or Component Facility will be reviewed by the cognizant International Visits Coordinator and approved or disapproved within 20 working days.

2.7.2 Requests for an assignment to a NASA Center or Component Facility, and requests for a visit to a NASA Center or Component Facility for a foreign national or foreign representative of a designated area, will be reviewed by the cognizant International Visits Coordinator, and the NASA Headquarters International Visits Coordinator, as appropriate, and approved or disapproved within 2 calendar months.

2.7.3 Requests for an assignment to a NASA Center or Component Facility for a foreign national to be sponsored by NASA on a J-1 exchange assignment, will be reviewed by the cognizant International Visits Coordinator and the NASA Headquarters International Visits Coordinator, and approved or disapproved within 3 calendar months.

2.7.4 Requests for a visit by accredited news media to a NASA Center or Component Facility will be reviewed by the cognizant International Visitors Coordinator and approved or disapproved within 5 working days).

2.7.5 Requests for an HLPV, or for visits or assignments to NASA Headquarters, will be handled as expeditiously as possible. See procedures described in subparagraphs 2.3, 2.4, and 2.5 above.

Chapter 3: Processing Visit and Access Requests

3.1 General

In order to facilitate timely receipt and efficient handling of visits and assignments, each NASA Center Director will designate an International Visits Coordinator to be the specific point of contact responsible for receiving, coordinating, reviewing, and approving or disapproving such requests. Each Center Director shall take appropriate steps to inform Center personnel of the provisions and requirements of NPD 1371.5, this NPR, and supplementary local requirements concerning Center employees extending invitations to foreign nationals or foreign representatives to visit the NASA Center or Component Facility. Each Center Director also should take appropriate steps to inform Center personnel of local procedures for receipt, coordination, review, and approval of foreign visit and assignment requests.

3.2 Coordination and Review Within NASA Centers

3.2.1 Upon receipt of a foreign visit or assignment request, the Center International Visits Coordinator will ensure its entry, review, and disposition using the NFNMS. All requests should be reviewed, as a minimum, by the Center Security Office, the Center Export Administrator, or designee, and the laboratory, organization or office to be visited, and if the visit is for a NASA contractor, by the Contracting Officer, Contracting Officer's Technical Representative, or Project Manager for the particular contract, as appropriate. If the visit or assignment involves a foreign national member of the news media, or a U.S. citizen news representative of a foreign entity, the additional review and concurrence of the Center Public Affairs Office is required.

3.2.2 A satisfactory National Agency Check with Indices (NACI) must be completed for each foreign national or U.S. citizen representative of a foreign entity whose approval for access to a NASA Installation will exceed thirty (30) days, including those that will only require intermittent access for a period in excess of 30 days. Additionally, a Space Act Agreement (e.g., international or other agreement), contract, grant, or other arrangement with the cooperating agency, employer, or other sponsor of a foreign national or foreign representative will normally be required for access of more than thirty (30) days to NASA Installations.

3.3 Coordination and Review with and within NASA Headquarters

3.3.1 Like all access requests from or on behalf of foreign nationals or U.S. citizen representatives of foreign entities, requests from or on behalf of those individuals from or representing designated areas must be carefully reviewed and considered on the basis of significance to NASA, national interest and security, and reciprocity. Recommendation for approval of any such requests must be justifiable in terms of concrete benefits to NASA. Technology transfer considerations, both direct and incidental, must be taken into account. All such requests, including copies of all relevant correspondence, must be entered into the NFNMS and, as appropriate, forwarded promptly to the International Visits Coordinator, Security Management Division, Office of Security and Program

Protection, NASA Headquarters, for final review and approval.

3.3.2 The Security Management Division, Office of Security and Program Protection, NASA Headquarters, will ensure the prompt review of and recommendation on each request and will consult, through the NFNMS, with the NASA Enterprise whose program area is the subject of the access request and the Office of Security and Program Protection. After review and determination by the NASA Headquarters Office of Security and Program Protection, the NASA Center or NASA Headquarters office initially receiving the request will be informed of the approval or denial decision. For Centers or Component Facilities, the Center International Visits Coordinator may then respond with the decision directly to the requestor.

3.4 Coordination between NASA Centers

3.4.1 If a requestor seeks to arrange access to several NASA Centers or Component Facilities, then the requestor must make separate application to each Installation. In instances where the requestor identifies that access is being sought to several NASA Installations, the Center International Visits Coordinators are encouraged to consult with each other to coordinate a NASA response. The approval or disapproval of access to one NASA Center or Component Facility will not be construed as approval or disapproval of access to other NASA Centers or Component Facilities.

Chapter 4: NASA Exchange Visitor Program

4.1 General

Under the provisions of 22 CFR Part 62, and as approved by the Department of State, NASA is authorized to conduct an exchange visitor program and can authorize foreign nationals to be assigned to NASA Installations on J-1 exchange visitor visas. NASA has authority to sponsor two exchange visitor categories: Research Scholars and Government Visitors. The regulations regarding these categories and the exchange visitor program in general can be found at 22 CFR 62.1 through 62.90. NASA policy for the program is described herein.

4.2 Policy for Hosting a Foreign National under the NASA Exchange Visitor Program

4.2.1 For a foreign national to be considered for this program, the host Center or Component Facility must document its request (with appropriate justification) in a memo to the cognizant Enterprise or Functional Office at NASA Headquarters with a copy to the Security Management Division, Office of Security and Program Protection, and, in parallel, contact the Center International Visits Coordinator to enter the request in the NFNMS (using the NFNMS form for a NASA-sponsored Exchange Assignment). If the cognizant Headquarters Office endorses the request, the Office of Security and Program Protection will review for final approval. If approved in principle, the Office of Security and Program Protectionwill prepare an international Space Act Agreement between NASA Headquarters and the foreign sponsoring entity (e.g., foreign space agency or foreign university) and, once executed, if all requirements associated with authorizing a J-1 visa have been satisfied, the authorization will be issued, covering the period of the approved assignment.

4.2.2 No NASA funding is provided to the foreign national under the NASA Exchange Visitor Program. All funding must come from the foreign sponsor or from personal funds, and NASA must assess if the funds being made available are sufficient to sustain the individual for the period of the assignment. NASA provides office space and supplies and, if necessary and approved pursuant to NPR 2810.1, computer and network access.

4.2.3 All NASA Exchange Visitors are to be approved by NASA Headquarters. Any questions regarding this program should be directed to the Director, Security Management Division, NASA Headquarters.

Chapter 5: Collection and Reporting of Foreign National Access Data

5.1 General

5.1.1 The collection and compilation of data on foreign national access to NASA Installations and facilities is necessary to provide key information for review and assessment of foreign national access policy, guidelines, and procedures. Such data must also be readily available to enable NASA to respond promptly to requests for such information from other agencies or departments of the U.S. Government, and to the extent applicable, from the U.S. public. Consistent, proper use of the NFNMS facilitates achievement of these objectives.

5.2 Collecting and Reporting Data on Foreign National Access

5.2.1 Each Center or Component Facility International Visits Coordinator must ensure that certain basic information about all foreign visits and assignments to his or her Installation or Facility is collected and compiled on a routine basis using the NFNMS.

Appendix A: List of Designated Areas

All official contacts by NASA officials and personnel with the following countries, including all official contacts with nationals or representatives of these countries, are subject to special policy considerations and procedures.

All requests for access by nationals or representatives of the following countries must be reviewed by the Security Management Division, Office of Security and Program Protection, NASA Headquarters, for final approval:

I. Countries with which the United States has no Diplomatic Relations (www.cia.gov/cia/publications/factbook)

Bhutan
Cuba
Iran
Iraq
Libya
North Korea
Somalia
Taiwan

II. Countries Determined by the Department of State to Support Terrorism (22 CFR § 126.1(d))

III. Countries under Sanction or Embargo by the United States (22 CFR § 126.1(a), (c) & (f) (www.pmdtc.org/country.htm); 31 CFR Part 500; 15 CFR Part 746)

IV. Countries of Missile Technology Concern (15 CFR Parts 740 & 744)