

**BY ORDER OF THE  
SECRETARY OF THE AIR FORCE**



**AIR FORCE INSTRUCTION 16-201**

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*Operations Support*

**AIR FORCE FOREIGN DISCLOSURE AND  
TECHNOLOGY TRANSFER PROGRAM**

**COMPLIANCE WITH THIS PUBLICATION IS MANDATORY**

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This instruction implements the Arms Export Control Act (AECA) as implemented by the International Traffic in Arms Regulation (ITAR) and the Export Administration Act of 1979 as amended and implemented by the Export Administration Regulation, and the Foreign Assistance Act, as amended. These guidelines also apply to material exempt under Freedom of Information Act (FOIA) exemption 552(b)(3) of Title 5, United States Code, based on specific statutory controls for technical data with military or space applications, National Security Decision Memorandum 119 as implemented by the *National Policy and Procedures for the Disclosure of Classified Military Information to Foreign Governments and International Organizations*, Department of Defense Directive (DoDD) 2040.2, *International Transfers of Technology, Goods, Services and Munitions*, DoDD 5230.11, *Disclosure of Classified Military Information to Foreign Governments and International Organizations*, DoDD 5230.20, *Visits, Assignments, and Exchanges of Foreign Nationals*, Air Force Policy Directive (AFPD) 16-2, *Disclosure of Military Information to Foreign Governments and International Organization* and Air Force Policy Directive (AFPD) 16-11, *International Technology Transfer and Security Controls*. These references provide the statutory and policy basis for access to US Classified Military Information (CMI) and Controlled Unclassified Military Information (CUMI) by foreign representatives. This instruction applies to Headquarters Air Force, Air Force MAJCOMs, Air Reserve Components, DRUs, FOAs and subordinate organizations. **Records Management:** Maintain and dispose of all records by prescribed processes in accordance with AFMAN 37-123, *Management of Records* and AFMAN 37-139, *Records Disposition Schedule*.

**SUMMARY OF CHANGES**

AFI 16-201 provides guidance to report suspected export violations to the appropriate Defense criminal investigative organization as required by DoDI 2040.02, *International Transfers of Technology, Articles, and Services*. This interim change adds a new subparagraph requiring SAF/IAPD to report suspected violations of export controlled technology, articles, or services to the Air Force Office of Special Investigation.

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## Chapter 1

### PROGRAM DESCRIPTION

**1.1. Program Definition.** Military information is a national security asset which must be conserved and protected and which may be shared with foreign representatives only when there is a clearly defined advantage to the United States. It is United States policy to avoid creating false impressions of its readiness to make defense articles, technologies, services or information available. Therefore, Air Force personnel must ensure compliance with this Air Force Instruction (AFI) as part of the initial planning for international activities. Only designated foreign disclosure officers (FDOs) may approve the disclosure of classified and controlled unclassified military information to foreign representatives. This instruction documents requirements of the United States Air Force Foreign Disclosure and Technology Transfer Program; its applicability to Air Force organizations and activities; responsibilities of Major Command (MAJCOM), Direct Reporting Unit (DRU) and Field Operating Agency (FOA) Commanders; responsibilities of Foreign Disclosure Officers at all command levels; and guidance for authorizing the disclosure of Classified Military Information (CMI) and Controlled Unclassified Military Information (CUMI) to foreign representatives. (See explanation of terms CMI and CUMI.) This AFI also provides guidance for authorizing disclosures of information that is not CMI or CUMI and for approving foreign national visits to bases and facilities.

**1.2. Applicability.** Guidance in this instruction applies to:

1.2.1. United States Air Force disclosures of CMI and CUMI to foreign representatives in support of official approved United States Air Force international programs. This AFI does not apply to disclosures regarding National Intelligence, Communications Security and Intelligence, Counterintelligence, Atomic Information, Strategic Planning and Guidance, and Narcotics Intelligence.

1.2.2. United States Air Force decisions for disclosing information (including foreign government information) to which access or distribution limitations have been applied in accordance with national laws, policies, and regulations of the originating country.

1.2.3. United States Air Force reviews of US contractor requests to export defense articles, services and technical data controlled by the Department of State, Directorate of Defense Trade Controls or Department of Commerce, Bureau of Industry and Security.

1.2.4. Foreign government or international organization sponsored visits and assignments of foreign personnel or their representatives to United States Air Force facilities that involve access to CMI or CUMI.

1.2.5. Notification and approval process for visits that are sponsored, controlled, administered and recorded by US European Command under its Joint Contact Team Program; by US Southern Command under its Latin American Fund or Traditional Commanders Activities Programs; by the Air Force Office of Scientific Research; or by the Bureau of Educational and Cultural Affairs, Department of State.

1.2.6. Unclassified visits by Canadian government officials and certified Canadian contractors under the United States-Canada Joint Certification Program.

1.2.7. Notification and approval process for visits and disclosures that do not involve access to CMI or CUMI and are not conducted under the authority of a base Public Affairs Office.

### **1.3. Responsibilities.**

1.3.1. As the Air Force Principal Disclosure Authority, the Deputy Under Secretary of the Air Force, International Affairs (SAF/IA) ensures CMI and CUMI disclosure actions originating in United States Air Force are consistent with the National Disclosure Policy (NDP) and applicable US legislation.

1.3.2. As the Air Force Designated Disclosure Authority, the Foreign Disclosure and Technology Transfer Division (SAFE/IAPD):

1.3.2.1. Is the Air Force member to the National Disclosure Policy Committee (NDPC).

1.3.2.2. Is the Air Force office of primary responsibility (OPR) for Service recommendations related to export license applications and matters concerning the Department of State's United States Munitions List (USML) and Department of Commerce's Commerce Control List (CCL).

1.3.2.3. Is the Air Force single point of contact to the Joint Atomic Information Exchange Group (JAIEG).

1.3.2.4. Develops policies, procedures and processes for United States Air Force effective and efficient implementation of the National Disclosure Policy, International Traffic in Arms Regulations and Export Administration Regulations.

1.3.2.5. Is the OPR for coordinating initiatives within Headquarters Air Force involving foreign military sales/direct commercial sales of Air Force systems and commercially developed non-US inventory systems. The coordination process is known as the "Topline" process.

1.3.2.6. Delegates disclosure authority to MAJCOM, FOA and DRU FDOs.

1.3.2.7. Trains United States Air Force FDOs to make decisions regarding disclosure of CMI and CUMI.

1.3.2.8. Oversees Air Force implementation of NDP, International Traffic in Arms Regulations and Export Administration Regulations.

1.3.2.9. Is the OPR for Air Force policy regarding the Security Policy Automated Network (SPAN).

1.3.2.10. Acts as the office of collateral responsibility for all support issues related to MAJCOM, DRU, FOA and subordinate element foreign disclosure and technology transfer functions.

1.3.2.11. Is the Headquarters Air Force FDO.

1.3.2.12. Approves or denies visits by foreign representatives to subordinate Air Force organizations when a MAJCOM, DRU or FOA disclosure office is not electronically connected to SPAN.

1.3.2.13. Approves or denies US government sponsored visits by foreign representatives to US defense contractor facilities.

### 1.3.3. MAJCOM, DRU and FOA commanders:

1.3.3.1. Designate in writing one or more individuals as command FDOs who report directly to supervisors in the grade of Colonel or higher (military), or GS-15 or higher (civilian).

1.3.3.2. Ensure command FDOs have access to senior command leaders in order to identify and resolve disclosure and technology transfer issues.

1.3.3.3. Ensure disclosure offices have the appropriate number of manpower authorizations, office space, and equipment to perform disclosure duties effectively. Foreign disclosure officers should be assigned at ranks or grades equivalent to other United States Air Force personnel in the organization having responsibilities and authority commensurate with the FDO's.

### 1.3.4. MAJCOM, DRU and FOA FDOs:

1.3.4.1. Authorize disclosure of CMI and CUMI in accordance with this instruction, established United States Air Force procedures, and delegation of disclosure authority letters.

1.3.4.2. Exercise their delegated disclosure authority consistent with established United States Air Force suspenses.

1.3.4.3. Implement United States Air Force disclosure and technology transfer processes within their commands and develop command requirements, as necessary.

1.3.4.4. Redelegate delegated disclosure authority to subordinate FDOs as necessary and when specifically authorized by SAF/IAPD.

1.3.4.5. Approve or deny visits by foreign representatives to their MAJCOM, DRU or FOA locations when electronically connected to the SPAN and to their subordinate activities that are not connected to SPAN.

1.3.4.6. Forward recommendations to SAF/IAPD to approve or deny visits by foreign representatives to their MAJCOM, DRU, FOA or subordinate locations when not electronically connected to SPAN.

1.3.4.7. Establish foreign disclosure education and oversight programs for subordinate command FDOs and MAJCOM, DRU or FOA personnel.

1.3.4.8. Provide SAF/IAPD with current information on all appointed MAJCOM, DRU and FOA and subordinate element FDOs including name, grade, functional address symbol, mailing and message addresses, telephone numbers and classified and unclassified electronic mail addresses.

### 1.3.5. Installation Commanders:

1.3.5.1. Designate in writing one or more individuals as installation FDOs, as required. Installation FDOs report directly to supervisors in the grade of Colonel or higher (military), or GS-15 or higher (civilian).

1.3.5.2. Ensure that disclosure offices have the appropriate number of manpower authorizations, office space, and equipment to perform disclosure duties effectively. Foreign disclosure officers should be assigned at ranks or grades equivalent to other

United States Air Force personnel in the organization who have responsibilities and authority commensurate with the FDO's.

1.3.6. Commanders/Directors of tenant organizations may designate FDOs for their own activities.

1.3.6.1. Supervisors in the grade of Colonel or higher (military) or GS-15 or higher (civilian) request the establishment of new disclosure offices from their MAJCOM disclosure office. Requests must justify why support from existing FDOs is not practical.

1.3.6.2. Commanders of tenant organizations must ensure visits by foreign representatives to their organizations are processed consistent with installation FDO procedures.

1.3.6.3. Tenant organization commanders ensure that their disclosure offices have the appropriate number of manpower authorizations, office space, and equipment to perform disclosure duties effectively. FDOs should be assigned at ranks or grades equivalent to other United States Air Force personnel in the organization who have responsibilities and authority commensurate with the FDO's.

1.3.7. Subordinate element FDOs:

1.3.7.1. Authorize disclosures of CMI and CUMI in accordance with this instruction, established United States Air Force procedures and DDLs.

1.3.7.2. Implement United States Air Force disclosure and technology transfer processes for their supported activities and develop local requirements, as necessary.

1.3.7.3. Approve or deny visits by foreign representatives to their supported organizations when electronically connected to SPAN or make such recommendations to their MAJCOM, DRU or FOA FDO.

1.3.7.4. Establish an initial and refresher foreign disclosure education program for personnel assigned to supported organizations.

1.3.8. Offices of Defense Cooperation, Security Assistance Offices, and Joint US Military Advisory Groups Overseas:

1.3.8.1. Report to SAF/IAPD confirmed or suspected host nation violations of USG security conditions/requirements contained in applicable Letters of Offer and Acceptance (LOAs), MOUs, or military information security agreements.

1.3.8.2. Advise host nation representatives to submit their requests for visits or information through their embassy in Washington DC.

1.3.8.3. Submit all issues involving disclosure of United States Air Force military information to the host government to SAF/IAPD through the appropriate SAF/IA country director for resolution.

## Chapter 2

### UNITED STATES AIR FORCE FOREIGN DISCLOSURE AUTHORITY

**2.1. Introduction.** United States Air Force FDOs authorize disclosures of CMI and CUMI. This chapter identifies how disclosure authority is delegated to United States Air Force, the parameters for United States Air Force's general disclosure authority, the criteria which must be satisfied before disclosures can be authorized, how authority is delegated and redelegated within United States Air Force, how United States Air Force disclosure guidance is documented, the process for formulating disclosure guidance for new programs or initiatives, and who exercises United States Air Force disclosure authority. [Chapter 4](#), [Chapter 5](#), [Chapter 6](#), [Chapter 7](#), and [Chapter 8](#) explain how to apply disclosure guidance to various foreign disclosure and technology transfer processes.

**2.2. Air Force Disclosure Authority for CMI.** *National Policy and Procedures for the Disclosure of Classified Military Information to Foreign Governments and International Organizations (Short title: National Disclosure Policy (NDP-1))* provides national policy and procedures to US Executive Branch departments and agencies for the disclosure of CMI to foreign representatives. It also delegates general release authority for CMI to the head of the department or agency originating CMI. The Secretary of the Air Force designates The Deputy Under Secretary of the Air Force (International Affairs) (SAF/IA) as the Air Force Principal Disclosure Authority. SAF/IA designates the Foreign Disclosure and Technology Transfer Division (SAF/IAPD) as the Air Force Designated Disclosure Authority.

**2.3. Air Force Disclosure Authority for CUMI.** The Arms Export Control Act (AECA) and Export Administration Act (EAA), as amended, legislate the policies and procedures for the export of defense articles, services, and technical data having a military or space application or being of dual-use interest, respectively. The Secretary of the Air Force designates SAF/IAPD as the Air Force OPR for exports of technology, defense articles, technical data, and services under both the AECA and EAA. SAF/IAPD formulates and recommends to the Defense Technology Security Administration (DTSA) Air Force positions regarding exports of defense articles, services, and technical data.

#### **2.4. Air Force Disclosure Authority Parameters.**

2.4.1. Consistent with [paragraphs 2.2](#) and [2.3](#), SAF/IAPD develops and delegates disclosure guidelines for CMI and CUMI originated by or for the Air Force for purposes such as, but not limited to, foreign military sales, exercises, military training, co-development or co-production programs, armaments cooperation initiatives, foreign national visits, foreign national information requests or munitions license requests. NDP-1 delegates authority to disclose eight categories of CMI to certain foreign governments and international organizations. A description of the categories is at [Attachment 2](#).

2.4.2. SAF/IAPD develops and delegates disclosure guidelines for CMI or CUMI officially obtained from a foreign source, combined military information, joint information, information originated by or for any US department or agency, or proprietary information only with the consent of the originator.

2.4.3. SAF/IAPD disclosure authority does not extend to the following information. However, SAF/ IAPD will assist proponents in obtaining disclosure approval from the appropriate authorities:

2.4.3.1. Information marked Not Releasable to Foreign Nationals (NOFORN) in accordance with DCID 6/6, *Security Controls on the Dissemination of Intelligence Information* and DCID 6/7, *Intelligence Disclosure Policy*.

2.4.3.2. Originator Controlled (ORCON), or Caution-Proprietary Information Involved (PROPIN) in accordance with DCID 6/6, *Security Controls on the Dissemination of Intelligence Information*.

2.4.3.3. Information marked with a Special Access Required caveat in accordance with AFI16-701, *Special Access Programs*.

2.4.3.4. Information marked Restricted Data/Formerly Restricted Data (RD/FRD).

**2.5. Disclosure Criteria.** In order to exercise general disclosure authority and responsibilities under NDP-1, DoDD 5230.11, and DoDD 2040.2, *International Transfers of Technology, Goods, Services, and Munitions*, SAF/IAPD ensures all disclosures of CMI and CUMI satisfy the following NDP-1 criteria:

2.5.1. Disclosure is consistent with US foreign policy and national security objectives concerning the foreign government or international organization.

2.5.2. Disclosure is consistent with US military and security objectives.

2.5.3. The foreign recipient will afford US information the same degree of security protection as that provided to it by the United States.

2.5.4. Disclosure will result in a clearly defined benefit for the United States.

2.5.5. Disclosure is limited to information necessary to the purpose for which disclosure is made.

**2.6. Requests Exceeding Air Force General Disclosure Authority.** Requests for disclosure approval that exceed United States Air Force disclosure authority may be authorized if they satisfy all disclosure criteria. SAF/IAPD must coordinate with either the NDPC or the agency originating the information to obtain disclosure authority. Requests approved by the NDPC are known as Exceptions to National Disclosure Policy (ENDPs). An NDPC decision may be appealed to the Deputy Secretary of Defense. After receiving all required inputs from functional offices, SAF/IAPD will usually require ten working days to prepare the ENDP request and another ten working days for coordination within the Headquarters Air Force before submission to the NDPC. The NDPC usually concludes its review in ten working days. Requests for exceptions contain the following elements:

2.6.1. A concise statement of the action proposed and why an exception to policy is required.

2.6.2. A detailed technical description of the equipment or information to be disclosed (provided by the office requesting disclosure approval).

2.6.3. An assessment of how each of the disclosure criteria and conditions will be met (provided by the office requesting disclosure approval).

2.6.4. Identification of any limitations placed on the proposed disclosure in terms of information to be disclosed, disclosure timing, or other pertinent caveats that may affect NDPC approval or denial of the request.

2.6.5. A statement that the requested exception is either a continuing exception, subject to annual review, or a one-time exception.

2.6.6. US embassy country team and theater command assessments of the proposed disclosure (provided by the office requesting disclosure approval).

2.6.7. The opinion of other interested departments or agencies if joint service or shared information is involved.

2.6.8. Any other information that would assist the NDPC members in evaluating the proposal.

**2.7. Coordination of Disclosures Involving Military Equipment.** Exports of military equipment constitute disclosures of information subject to the requirements of this instruction. Therefore, disclosure initiatives that involve foreign military sales or direct commercial sales of Air Force systems and commercially developed non-US inventory systems are coordinated and approved in accordance with the “Topline” process. SAF/IAPD is the Air Force OPR for Topline Coordination.

2.7.1. Each Topline proposal will contain the following elements:

2.7.1.1. A thorough description of what is proposed for sale (provided by the office requesting disclosure approval).

2.7.1.2. An explanation of the benefits for the United States (provided by the office requesting disclosure approval).

2.7.1.3. An evaluation of the risk of compromise or unintended end use based on General Security of Military Information Agreements (GSOMIA), National Disclosure Policy Committee country security surveys, or intelligence community assessments.

2.7.1.4. An assessment of foreign availability of similar weapons systems, technologies or capabilities (provided by the office requesting disclosure approval).

2.7.1.5. A description of precedent cases, if any.

2.7.2. Foreign sales initiatives will be coordinated through SAF/AQ, SAF/IA, SAF/US, HQ USAF/ XO, HQ USAF/XP, HQ USAF/IL, HQ USAF/XI and approved by HQ USAF/CC when any of the following conditions apply:

2.7.2.1. Low Observable (LO), Counter Low Observable (CLO) and Non-Cooperative Target Recognition (NCTR) capabilities or technologies are involved.

2.7.2.2. The proposed sale will result in foreign access to US classified software source code.

2.7.2.3. The system, technology, or capability is unique to the United States (i.e., No equivalent substitutes are available from foreign sources) and provides United States Air Force a significant military advantage over potential adversaries.

2.7.2.4. The United States has no effective countermeasures or defenses against the system or capability.

2.7.2.5. The proposed recipient government's ability or willingness to protect US military information or use it for the intended US purpose is doubtful.

2.7.2.6. The system proposed for sale is derived from a special access program.

2.7.3. Proposed international sales that involve any of the following items will be coordinated at the division (Colonel) level by subject matter experts in SAF/AQ, SAF/US, HQ USAF/XO, HQ USAF/ XP, HQ USAF/IL, HQ USAF/XI and approved by SAF/IA:

2.7.3.1. Aircraft and air vehicles,

2.7.3.2. Jet or rocket engines,

2.7.3.3. Precision guided munitions and precision targeting systems,

2.7.3.4. Unmanned aerial vehicles,

2.7.3.5. Night and adverse weather terrain avoidance flight navigation systems,

2.7.3.6. Radars,

2.7.3.7. Intelligence collection systems,

2.7.3.8. Command, control and communications systems,

2.7.3.9. Information warfare and defensive countermeasure systems,

2.7.3.10. Ballistic missile defense systems, or

2.7.3.11. Unclassified software source code for any of the aforementioned items.

2.7.4. In instances when consensus cannot be reached, dissenting opinions will be elevated to the appropriate assistant secretary or deputy chief of staff, or to HQ USAF/CC (if necessary) for resolution.

2.7.5. Staff officer recommendations to non-concur and to impose conditions and limitations on a proposed sale must be justified in writing. Their justification will be based on substantiated risk to US military security, national security, or foreign policy objectives.

2.7.6. SAF/IAPD normally requires ten working days to prepare the Topline request. The coordination process should normally be completed within an additional ten working days.

**2.8. Delegation of Air Force Disclosure Authority.** The United States Air Force Foreign Disclosure and Technology Transfer Program relies on the principle of delegation to ensure disclosure decisions are made promptly and effectively. After satisfying the disclosure criteria identified in [paragraph 2.5](#) or obtaining approval from the appropriate authority, SAF/IAPD may delegate specific disclosure authority to be exercised by United States Air Force FDOs.

2.8.1. SAF/IAPD may delegate disclosure authority to United States Air Force MAJCOM, DRU or FOA FDOs.

2.8.2. MAJCOM, DRU, or FOA FDOs may redelegate disclosure authority to their subordinate FDOs in order to support international programs, foreign requests for information, or foreign visits.

2.8.3. FDOs will notify United States Air Force personnel responsible for implementation of international programs when disclosure guidance related to their program has been received.

**2.9. Documentation of Delegated Disclosure Authority.** SAF/IAPD is the approval authority for delegated disclosure authority to MAJCOM, DRU, and FOA FDOs in support of both one-time and continuing disclosure requirements. One-time disclosure authorizations may be documented in a specific memorandum or visit authorization. Requirements for continuing information disclosures are normally documented in Delegation of Disclosure Authority Letters (DDLs). Should the disclosure of information be required to support an international program prior to issuance of a DDL, SAF/IAPD may approve disclosure guidance to support the program until a DDL is approved.

2.9.1. To establish disclosure guidance for new international programs:

2.9.1.1. Proponents for international programs will identify program objectives, program information proposed for disclosure, and the classification and originator of the information proposed for disclosure to their supporting FDO. Proponents must also be prepared to assist the FDO in documenting how the program satisfies the disclosure criteria in [paragraph 2.5](#).

2.9.1.2. FDOs supporting international programs must participate in initial and continuing international program planning activities as necessary to ensure that disclosure guidance can be developed, coordinated at the local levels, and forwarded to SAF/IAPD in advance of program activities commencing.

2.9.1.3. Servicing FDOs must forward requests for initial or updated program disclosure guidance, including the evaluation of the appropriate disclosure criteria, through disclosure channels to SAF/IAPD. MAJCOM, DRU or FOA FDOs should coordinate requests for disclosure guidance with all command offices having a functional interest in the program and information to be disclosed prior to forwarding to SAF/IAPD.

2.9.1.3.1. Proponents for armaments cooperation programs will forward proposed DDLs to SAF/IAPQ as part of the coordination package required by AFI 16-110. All proponents must coordinate the proposed disclosure guidance with their MAJCOM, DRU, or FOA FDO prior to submission to SAF/IAPQ.

2.9.1.3.2. Proposed DDLs for international initiatives originating within subordinate elements are prepared by the servicing FDO and forwarded to SAF/IAPD through the MAJCOM, DRU or FOA FDO.

2.9.1.4. FDOs will ensure proposed DDLs are consistent with the format at [Attachment 3](#).

2.9.1.5. SAF/IAPD prepares and approves DDLs for disclosure initiatives originating at Headquarters Air Force.

**2.10. Dissemination of DDLs.** Generally, SAF/IAPD limits dissemination of DDLs to foreign disclosure offices. Broader dissemination increases the risk of misinterpretation and disclosure approvals made by unauthorized individuals. However, certain circumstances may warrant dissemination outside disclosure offices. The following guidelines apply to these situations.

2.10.1. FDOs may provide information copies of DDLs to Air Force offices to guide international program development, support assignment of foreign representatives in United States Air Force organizations or to facilitate sanitization of information in preparation for disclosure review. An FDO's decision to provide DDL copies outside of FDO channels is based on a program proponent's need for frequent access to the DDL and when physical separation from the FDO makes it impractical to review the DDL at the disclosure office.

2.10.2. The FDO will transmit the DDL under a cover memo that documents specifically why the DDL is being provided, that the DDL may not be copied, in whole or in part, may not be incorporated into other documents and that the transmittal memo must remain attached to the DDL. A sample transmittal memo is at [Attachment 4](#).

2.10.3. The following statement must be conspicuously typed, printed or stamped on the front page of any Air Force DDL disseminated outside of foreign disclosure channels:

“This DDL is for information only. It does not constitute authority to release equipment, technology or information and may not be used for such purpose. This DDL may not be copied in whole or in part. Information contained in the DDL may not be incorporated into other documents.”

2.10.4. SAF/IAPD must approve, in writing, all delegations of United States Air Force disclosure authority outside United States Air Force. Proponents for such delegation must justify their request in writing to SAF/IAPD through disclosure channels.

## Chapter 3

### PROGRAM MANAGEMENT

**3.1. Introduction.** The National Disclosure Policy requires all departments and agencies which are responsible for implementation of National Disclosure Policy to issue directives and instructions to assure that disclosure decisions are made promptly and disclosure activities under their jurisdiction are carried out effectively. To this end, the following program management requirements have been developed.

**3.2. Program Oversight.** SAF/IAPD will evaluate implementation and management of MAJCOM, DRU, and FOA Foreign Disclosure and Technology Transfer Programs. Staff assistance visits will be conducted in accordance with the guidelines at [Attachment 5](#). SAF/IAPD will determine the staff assistance schedule.

**3.3. MAJCOM, FOA and DRU Supplements to this Instruction.** Coordinate all MAJCOM, FOA and DRU supplements with SAF/IAPD.

**3.4. United States Air Force Standard Suspenses for Disclosure Activities.** In order to respond promptly to disclosure requests made by supported activities, FDOs will track their response time for document and visit requests.

3.4.1. The United States Air Force standard for responding to document requests is ten working days from the date of receipt. Within the ten-day period, FDOs will approve, deny, return without action (if the requestor provides insufficient information on which to make a disclosure decision), coordinate an extension (if necessary), or refer the request to the appropriate disclosure authority.

3.4.2. The United States Air Force standard for responding to visit requests is no later than five working days prior to the visit start date for one-time visits, if the request is submitted at least 15 working days prior to the visit start date. Responses to visit requests received less than 15 days before the start date will be made as far in advance of the visit start date as possible. Responses for recurring and extended visits should be made within 30 calendar days of receipt of a visit request or prior to any visit or assignment of a foreign representative.

**3.5. Staffing and Recording of Disclosure Decisions.** Air Force FDOs will use SPAN for staffing and recording cases, decisions and reference data in support of departmental responsibilities assigned by the National Disclosure Policy, the Arms Export Control Act and the Export Administration Act.

3.5.1. FDOs will document SIPRNet communications requirements to establish SPAN access locally.

3.5.2. All disclosure decisions related to CMI and CUMI will be documented in the Foreign Disclosure System. FDOs without SPAN connectivity will use the SPAN off-line application to document disclosure decisions locally and provide that information electronically to SAF/IAPD on a recurring basis as established by SAF/IAPD.

**3.6. Training Requirements.** Prior to authorizing disclosures of CMI, FDOs must complete the United States Air Force Foreign Disclosure Officer Training Course sponsored by SAF/IAPD.

**3.7. Outsourcing of National Disclosure Policy Functions.** Within Air Force, FDOs may obtain contractor support for National Disclosure Policy functions subject to the following criteria.

3.7.1. Contractors will not exercise foreign disclosure decision authority for disclosures of CMI and CUMI.

3.7.2. Contractors may research and conduct analyses of technical, operational, policy and political and military factors related to proposed international programs.

3.7.3. Contractors may draft supporting justification and disclosure guidance for international programs.

3.7.4. Contractors may perform administrative functions such as coordination of disclosure initiatives and record keeping related to disclosure activities.

**3.8. Waivers to Air Force Policy.** SAF/IAPD will consider and may approve United States Air Force requests to waive disclosure policies and procedures when the policy will negatively impact a United States Air Force international program, and the waiver does not conflict with US law or interagency policies and procedures. Personnel in the grade of Colonel or higher (military) or GS-15 or higher (civilian) must sign all requests for waiver to this instruction. The written request will identify the following:

3.8.1. The specific policy to be waived;

3.8.2. The specific impact if the policy is not waived;

3.8.3. The reasons why the policy cannot be met; and

3.8.4. The procedures to be implemented until such time as the waiver expires. Such procedures will ensure the intent of Air Force disclosure and technology transfer policy is met.

## Chapter 4

### DISCLOSING INFORMATION

**4.1. Introduction.** FDOs authorize disclosures of CMI or CUMI to foreign representatives. FDO approval is not required to provide United States Air Force information that has been officially approved for public release or information that is unclassified and not controlled to a foreign government or international organization. Disclosures are made for various reasons, i.e., in response to written requests for information related to foreign military sales, armaments cooperation agreements, or Air Force activities in general, during visits by foreign representatives, and during exercises or operational activities. There are three methods by which information can be disclosed: oral, visual and documentary. Documentary disclosures occur when control of information in tangible form (i.e., equipment, written material, floppy disk, audio or video tape, e.) is transferred to a foreign government or international organization. This chapter serves several purposes. First, it identifies the process through which United States Air Force personnel request disclosure approvals. Second, it identifies FDO requirements for processing and approving disclosure requests. This chapter identifies administrative actions that must be completed after a disclosure decision is made. Establishes a process for disclosing unclassified information that is not controlled. Finally, it identifies the requirement to obtain SAF/AA approval for foreign attendance at symposia, conferences and contract-related meetings.

#### **4.2. Submitting Requests To Disclose Information.**

4.2.1. SAF/IA country directors will submit foreign embassy requests for CMI or CUMI to the MAJCOM, DRU or FOA FDO having disclosure authority over the information requested. SAF/IAPD will assist country directors as necessary.

4.2.1.1. Unless other government-to-government channels are established (see [paragraph 4.2.2.1](#)), foreign governments or international organizations should submit requests for information through their accredited attaché in Washington DC. Foreign governments and international organizations should submit electronic requests via the Foreign Disclosure System or via written request, if they are not a SPAN user. Requests contain information specified by the SPAN Foreign Disclosure System or as documented in the *Handbook for Service Attaches Accredited to the Department of the Air Force*.

4.2.2. United States Air Force personnel will submit requests to disclose CMI or CUMI to foreign recipients, either in the United States or abroad, to their servicing FDO.

4.2.2.1. When designated by their government to conduct business with the United States Air Force, foreign representatives should use established procedures to submit requests related to specific foreign military sales programs or armaments cooperation agreements. Generally, such requests are submitted directly to United States Air Force individuals appointed as case managers or technical project officers, respectively. The case manager or technical project officer will submit requests to the servicing FDO.

4.2.2.2. The actual transfer of US technical data to foreign representatives in most cases must be pursuant to a foreign military sale, loan, lease or grant agreement, export license or cooperative agreement (MOU, MOA).

4.2.3. United States Air Force proponents must provide a written request to their servicing FDO. (If the disclosure action is based on a written request from a foreign government or international organization, an additional request from the United States Air Force proponent may not be necessary if the request contains the information required below.) The United States Air Force proponent will include the following information in the request to the FDO:

4.2.3.1. The proposed foreign recipient including country, classification of information to be disclosed, and originator of the information.

4.2.3.2. The purpose of disclosure (i.e., foreign military sales program, armaments cooperation agreement, operational or exercise requirement, etc.).

4.2.3.3. The benefit the United States is expected to receive from the disclosure or the resulting impact expected if the request is denied.

4.2.3.4. For documentary disclosures, proponents must provide a copy of the document to be disclosed and identify any portions of the document that are not part of the disclosure request.

4.2.3.5. For oral and visual disclosures, proponents must provide written details identifying information to be discussed.

4.2.3.6. Requested release date.

4.2.4. Air Force organizations will obtain assistance from their servicing FDO when receiving requests directly from foreign governments, international organizations, etc.

**4.3. Processing Requests To Disclose Information.** FDOs will coordinate disclosure proposals with offices having a functional interest in the information to be disclosed. This coordination ensures programmatic, policy, operational, technology and security related issues are evaluated. Subject matter experts will be enlisted to provide assessments within their functional area.

#### **4.4. Approving Requests To Disclose Information.**

4.4.1. FDOs approve disclosure requests consistent with delegated disclosure authority. FDOs will ensure disclosure approvals are consistent with the formats at [Attachment 6](#) and [Attachment 7](#).

4.4.1.1. When continuing authority is appropriate, FDOs will assist Air Force proponents in requesting a new, or revising a current, DDL.

4.4.1.2. FDOs will forward requests through disclosure channels to SAF/IAPD when their delegated authority is exceeded. MAJCOM, FOA, and DRU FDOs will forward requests to SAF/ IAPD when their authority is exceeded.

4.4.1.3. Requests must include the information required by [paragraphs 4.2.3](#).

4.4.2. FDOs include the following requirements in approvals to disclose information:

4.4.2.1. Removal of bibliographies, reference lists and distribution lists when these references are not, or would not be, approved for release to the recipient country.

4.4.2.2. The following statement must be stamped or typed on the front or cover page of documents containing CMI or CUMI:

“This information is furnished on the condition that it will not be released to another nation without specific authority of the Department of the Air Force of the United States, that it will be used for military purposes only, that individual or corporate rights originating in the information, whether patented or not, will be respected, that the recipient will report promptly to the United States any known or suspected compromise, and that the information will be provided substantially the same degree of security afforded it by the Department of Defense of the United States. Also, regardless of any other markings on the document, it will not be downgraded or declassified without written approval of the originating US agency.”

4.4.2.3. Include the following statement at the beginning of electronic media containing CMI or CUMI:

“This information is furnished on the condition that it will be given substantially the same degree of security protection given to it by the United States and will not be released to another nation without United States Air Force authorization.”

#### **4.5. Actions Prior to Disclosing Information.**

4.5.1. Air Force proponents will ensure all disclosures to foreign representatives are consistent with guidance received from the servicing disclosure office.

4.5.1.1. Air Force proponents will ensure any information not approved for disclosure is removed from material prior to transfer.

4.5.1.2. Air Force proponents must verify to the servicing FDO the date that disclosures of CMI and CUMI were made.

4.5.2. CMI must be transferred on a government-to-government basis. Such transfers may be made through government-to-government channels or other channels mutually agreed upon by the appropriate policy authorities of the sending and receiving governments. FDOs or Air Force proponents will use Air Force Form 349, *Receipt for Documents Released to Accredited Representatives of Foreign Nations* when transmitting CMI to a foreign government or international organization. Air Force organizations releasing classified information maintain forms as prescribed in AFMAN 37-139, *Records Distribution Schedule*.

**4.6. Documenting Disclosure Decisions.** FDOs will document disclosures and denials of CMI and CUMI in the Foreign Disclosure System, unless this requirement has been exempted.

**4.7. Disclosures Not Requiring FDO Authorization.** Subject to all of the following conditions, Air Force personnel do not require FDO authorization to disclose unclassified information to which no access or distribution limitations have been applied:

4.7.1. The intended recipient is a representative of a foreign government or international organization and the information is being provided for an official United States Air Force purpose. (*Note:* Air Force personnel must ensure any information to be provided to the general public, including foreign nationals, must be released in accordance with the provisions of AFI 35-101, *Public Affairs Policies and Procedures*. A FOIA release determination, in accordance with DoDR 5400.7-R/AFSUP, *DoD Freedom of Information Act Program*. must be made if a written request has been received for Air Force Records.), and

4.7.2. The information is unclassified and related to the roles, missions, doctrine, organization and general capabilities of the United States Air Force, MAJCOMs or any subordinate units, general information on the function, purpose and general capabilities and characteristics of defense equipment or general scientific, mathematical or engineering principles commonly taught in schools, colleges, or universities; and

4.7.3. The information is not CUMI; and

4.7.4. No access or distribution limitations have been applied to the information in accordance with applicable US or foreign laws or regulations, e.g., Freedom of Information Act; and

4.7.5. The disclosure is for information purposes only. There is no US government intent to sell, loan, lease, co-develop, or co-produce defense articles, participate in any operational or exercise activities, support any current foreign military sales or armaments cooperation program or assign foreign nationals to Air Force organizations; and

4.7.6. Originator consent for the disclosure is obtained; and

4.7.7. The following statement is conspicuously displayed at the front or beginning of the disclosed information, "This briefing, presentation, or document is for information only. No US Government commitment to sell, loan, lease, co-develop or co-produce defense articles or provide defense services is implied or intended."

#### **4.8. Foreign Attendance at Symposia, Conferences and Contract-Related Meetings.**

4.8.1. In addition to requests for disclosure approval, Air Force personnel sponsoring, co-sponsoring or conducting conferences, symposia and other similar meetings must also obtain approval for such gatherings from SAF/AA consistent with AFI 61-205, *Sponsoring or Co-Sponsoring, Conducting, and Presenting DoD-Related Scientific Papers at Unclassified and Classified Conferences, Symposia and Other Similar Meetings*.

4.8.1.1. The requirement to appoint a DoD security sponsor for classified meetings involving contractor participants does not exempt contractors from the licensing requirements of the *International Traffic in Arms Regulations*.

**4.9. Foreign Access to Secure Internet Protocol Router Network (SIPRNet), Non-secure Internet Protocol Router Network (NIPRNet) or Stand-Alone Systems.** AFI 33-202, *Network and Computer Security*, describes requirements for foreign national access to Air Force information systems. Authority to connect to the SIPRNet, NIPRNet or other networks by foreign nationals does not equate to authority to disclose data or access systems located on that network. A disclosure review by the servicing FDO is a prerequisite for access to information resident on SIPRNet, NIPRNet, or other networks.

#### **4.10. Technical Orders.**

4.10.1. United States Air Force technical orders are government furnished equipment and in accordance with the Arms Export Control Act may not be exported except when they support sales of US government furnished equipment. United States Air Force technical orders may be released to a foreign contractor after proper FDO review in direct support of an Air Force contract. United States Air Force technical orders may also be released in support of FMS activity through the Security Assistance Technical Order Distribution System (SATODS) only when the following conditions are met:

4.10.1.1. The FMS customer's system configuration is the same as the system documented in the technical order or so similar to the US system that the unrelated data does not complicate or confuse the operating or maintenance instruction; and

4.10.1.2. All reference information in the technical order is releasable.

4.10.2. For safety reasons, FDOs will not sanitize United States Air Force technical orders.

4.10.3. If these conditions cannot be met, a Country Standard Technical Order should be developed to match the FMS customer's configuration.

## Chapter 5

### ONE-TIME AND RECURRING VISITS BETWEEN AIR FORCE PERSONNEL AND REPRESENTATIVES OF FOREIGN GOVERNMENTS AND INTERNATIONAL ORGANIZATIONS

**5.1. Introduction.** The AECA requires the US Government obtain security, non-transfer and end-use assurances from foreign governments and international organizations before transferring defense articles, services or technical data (classified or unclassified). Information disclosed under the auspices of a foreign visit may constitute a defense article, service or technical data. Accordingly, the International Visits Program (IVP) was established to ensure CMI and CUMI information proposed for release to visitors has been properly authorized for disclosure to the requesting government or international organization. This chapter includes DoD International Visit Program (IVP) requirements and United States Air Force requirements for processing visits to which the IVP does not apply. Visits to Air Force facilities should not interfere with the facility's mission requirements. Foreign governments and international organizations are required to provide validated security clearances, need-to-know verification and government sponsorship regarding their citizens or representatives. FDOs are responsible for approving or denying the disclosure of CMI and CUMI to foreign representatives during visits to Air Force or contractor facilities, or when Air Force personnel visit foreign government or international organization facilities abroad or in the United States. In specific cases, FDOs may also approve disclosures by US contractors supporting Air Force programs. See [para 7.5](#) for guidance on sponsored visits. All visits subject to the requirements of this chapter can be defined as either a one-time or recurring. Extended visits are addressed in [Chapter 6](#), Assignments and Placements of Foreign Nationals.

#### **5.2. General Visit Policies and Procedures.**

5.2.1. Air Force personnel disclose CMI and CUMI only to foreign representatives who possess an appropriate security clearance and need-to-know as verified in their visit request and in accordance with disclosure guidance provided by the FDO.

5.2.2. A visit authorization does not constitute the legal basis for providing defense articles, services (including training) or technical data to foreign representatives. Letters of Offer and Acceptance (LOAs), international agreements with a foreign government or international organization, or other appropriate legal arrangement must be concluded prior to FDOs authorizing disclosures of CMI and CUMI related to the transfer of defense articles, services, or technical data.

5.2.3. Foreign governments are required to submit visit requests for US citizens acting on their behalf when visiting Air Force facilities.

5.2.4. The US contact officer for any foreign representative and foreign national visit must ensure physical controls are implemented to limit visitor access to that information authorized for disclosure. SAF/IAPD does not usually require written security plans for one-time or recurring visits. However, SAF/IAPD or other functional program managers, in response to specific circumstances may require US contact officers to prepare security plans on a case-by-case basis for one-time or recurring visits. One-time and recurring visits do not meet the requirements for unescorted access to Air Force facilities.

5.2.5. Air Force organizations ensure a badge or pass is issued that clearly identifies the bearer as a foreign representative.

5.2.6. Air Force military or civilian personnel assigned to the organization will escort foreign representatives in facilities where access to CMI or CUMI will or may occur. Escorts for foreign representatives to and within other facilities are subject to local base security procedures.

5.2.7. Air Force contact officers organizing US guest lecturers for professional military education activities will inform such guests that foreign nationals are in attendance and that the guests must obtain disclosure approval from their servicing FDO prior to any presentation where CMI or CUMI may be discussed.

5.2.8. Air Force contact officers organizing foreign guest lecturers for professional military education activities will brief students regarding disclosure guidelines prior to the arrival of foreign guest lecturers.

**5.3. Submitting Visit Requests for Foreign Representatives.** Air Force and foreign proponents of foreign representative visits will submit requests to the servicing Air Force foreign disclosure office as required below.

5.3.1. Visits to Air Force Organizations and Installations.

5.3.1.1. Foreign governments will submit requests under IVP for visits proposed by their representatives and when invited by an Air Force organization. SPAN will automatically assign visit responsibility to either SAF/IAPD or to a subordinate FDO based on SAF/IAPD guidance.

5.3.1.2. Public Affairs Officers approve foreign national participation in public affairs activities subject to their visit approval process. No visit request under the IVP is required.

5.3.1.3. DoD proponents responsible for managing peacetime engagement programs, such as the EUCOM military contact program and Latin American Cooperation Fund, will submit visit requests to SAF/IAPD. Requests will include proposed dates of visit, facility to be visited, points of contact, purpose of visit, and the visitor's name, rank, position, organization of assignment, date of birth, citizenship, place of birth, and identification or passport number.

5.3.1.4. Air Force proponents for basic research visits by foreign nationals will submit proposals to the servicing FDO of the activity to be visited and provide information copies to additional organizations as appropriate. The European Office of Aerospace Research and Development (EOARD), the Asian Office of Aerospace Research and Development (AOARD) and External Programs & Resources Interface, Air Force Office of Scientific Research (AFOSR/NI) are the Air Force proponents for basic research visits to the United States Air Force.

5.3.1.5. Air Force personnel will coordinate with their servicing FDO before extending visit invitations to foreign representatives. Invitations may be extended only after FDOs approve disclosure guidelines for the visit. Foreign representatives are required to submit security assurances via the IVP even though invited by Air Force activities.

- 5.3.1.5.1. Proponents will provide the supporting FDO with the names of the proposed visitors, organization/agency, nationality, visit location, and specific purpose for the visit. Justification for the visit will include the advantage to the United States for the visit. If there is no established program, the visit dates and the information to be disclosed during the visit will be outlined.
- 5.3.1.6. US defense contractors employing foreign nationals may directly arrange visits to Air Force organizations consistent with the requirements of the National Industrial Security Program Operating Manual (NISPOM). Air Force organizations to be visited will request a copy of the export license or other written authorization, as applicable, to assist in planning for the visit. Foreign national access to CMI in these cases is not authorized unless the US Government has granted the individual a Limited Access Authorization. Air Force hosts must coordinate the visit with their servicing FDO.
- 5.3.1.7. The NATO security office submits visit requests for representatives of any NATO Command or Agency or the NATO International Staff (including US citizens assigned to NATO positions or schools).
- 5.3.1.7.1. NATO security officials process visits of representatives of NATO Commands, Agencies, schools or the NATO International Staff under the United States Security Authority for North Atlantic Treaty Organization Affairs (USSAN) Instruction 1-69 only when access to NATO classified information is required. Recurring visits related to NATO Production and Logistics Organization or NATO Industrial Advisory Group activities shall be processed under USSAN 1-70.
- 5.3.1.8. Foreign students who participate in security assistance training on Invitational Travel Orders (ITOs) pursuant to DoD 5105.38-M are not required to submit a visit request to attend training. In accordance with DoD guidance, Air Force recognizes ITOs issued by SAOs as validation of security assurances for international military students participating in formal Air Force training courses. The SAO must obtain the required security assurances from the parent government before students arrive for training. SAOs issue ITOs consistent with the requirements of AFI 16-105, *Joint Security Assistance Training* and when the training is approved for disclosure to the foreign government.
- 5.3.1.8.1. Air Force personnel responsible for administration of training courses with foreign students will coordinate visits to other Air Force or DoD organizations that are part of the formal approved course through their servicing FDO.
- 5.3.1.8.2. Students wishing to participate in official activities that are not part of their formal training program must submit a visit request through their Embassy in Washington DC.
- 5.3.2. Visits Including Flights on US Military Aircraft.
- 5.3.2.1. Foreign visits that include flights on Air Force aircraft require specific approval for the flight itself in accordance with AFI 11-401, *Aviation Management*, in addition to authorization for the visit.
- 5.3.2.2. No visit request is required for flying missions performed by Air Force units under the sponsorship of a Combatant Commander, Unified Command or other Service,

unless Air Force organizations will disclose CMI or CUMI. Air Force units must coordinate such missions with their servicing FDO to obtain disclosure guidance.

5.3.2.3. Visit requests are not required for foreign nationals participating in public affairs travel.

#### 5.3.3. Visits to US Contractor Facilities.

5.3.3.1. Section 5, Chapter 10 of the *National Industrial Security Program Operating Manual*, describe the procedures that the United States and foreign governments have established to control international visits to contractor facilities.

5.3.3.2. Foreign governments and international organizations must submit visit requests consistent with the IVP for visits to contractor facilities when access to CMI is reasonably anticipated.

5.3.3.3. Foreign governments and international organizations should directly arrange unclassified visits to US contractors when the contractor is authorized to disclose information pursuant to either the State Department's International Traffic in Arms Regulation or the Commerce Department's Export Administration Regulations.

5.3.3.4. Foreign governments and international organizations must submit visit requests when foreign representatives will be at a contractor facility on an extended basis in all cases where CMI or CUMI is maintained.

5.3.3.5. Foreign governments and international organizations must submit visit requests when required as part of a US Government contract with a contractor.

5.3.3.6. Foreign nationals should directly arrange unclassified visits to US contractors when they are not representing their government in an official capacity.

5.3.4. US-Canada Joint Certification Program. Canadian government personnel and Canadian contractors certified by the Joint Certification Office, Battle Creek, Michigan may directly arrange visits to Air Force organizations and contractor facilities which meet the conditions and procedures under the United States-Canada Joint Certification Program.

**5.4. Coordinating Visit Requests for Foreign Representatives.** FDOs will establish processes, so that all functional offices with an interest in a proposed visit have an opportunity to review and make recommendations regarding the request.

**5.5. Approving Visit Requests for Foreign Representatives.** FDOs approve foreign representative visits consistent with delegated disclosure authority. FDOs shall notify both the requester and US contact officer when a visit request is approved.

5.5.1. FDOs will document disclosure guidance for each visit and provide it to the US point of contact in advance of the visit. The FDO will provide information copies of the approval, as necessary.

5.5.2. FDOs will provide the requester any information necessary for the visitor to complete arrangements for the visit, for example, name of US point of contact, contact's phone number, uniform requirements, etc.

5.5.3. FDOs will not sponsor foreign visits to US contractor facilities unless approval under [paragraph 7.5](#) of this instruction has been obtained. Air Force sponsorship of foreign

visits to US contractor facilities may constitute an exemption to the licensing requirements of the ITAR and Export Administration Act.

**5.6. Denying Visit Requests for Foreign Representatives.** FDOs will notify the requester when a visit has been denied. FDOs will provide the requester with justification for the denial. Organizations may deny visits for reasons such as operational, mission or programmatic impacts, political or military considerations, no legal basis, or for administrative reasons. Organizations may use administrative reasons when visit length or type is inappropriate for the visit purpose, submission of a duplicate requests occurs, the US contact officer is unavailable, etc.

**5.7. Visits Hosted By Foreign Tenants on Air Force Installations.** Air Force hosts various foreign organizations on Air Force bases within the United States. These foreign-tenant organizations may host visits by US or other foreign representatives. Foreign representative visits to foreign-tenant organizations may be conducted without submitting a request through the IVP. However, foreign tenant organizations must coordinate with and obtain approval for base access from the US host organization consistent with local procedures prior to such visits. US organizations developing arrangements for long-term foreign tenants must ensure visit approval procedures, developed in concert with local Air Force authorities, are included in the applicable LOA or international agreement or implementing arrangement. The Air Force host organization maintains final approval authority for base access during such visits.

**5.8. Air Force Personnel Visiting Foreign Government or International Organization Establishments Overseas.** Air Force personnel will obtain approval to visit foreign establishments overseas in accordance with DoD 4500.54-G, the *DoD Foreign Clearance Guide*. Prior to commencing foreign travel, Air Force personnel will obtain disclosure approval from their servicing FDO for CMI and CUMI that will be discussed during their visit. Travelers will record the designated FDO, by office symbol that approved disclosure of the information to be discussed during their visits in the personnel clearance request.

## Chapter 6

### ASSIGNMENTS AND PLACEMENTS OF FOREIGN NATIONALS

**6.1. Introduction.** Foreign representatives may be assigned to or placed in Air Force organizations only in accordance with the terms of a written agreement or foreign military sales (FMS) LOA concluded in accordance with applicable law and regulations. These terms identify administrative support, liability, obligations and responsibilities of all parties. The LOA or agreement also establishes the extended visit position. Sample terms that apply to placement and assignment of foreign representatives are at [Attachment 8](#). The exact language may differ as a result of the negotiation of an agreement or LOA, but all requirements of these terms will be addressed. An extended visit request identifies the individual who will be assigned to the position. Extended visit requests are not required for personnel participating in the International Personnel Exchange Program (PEP). This chapter outlines six extended visit categories, five of which are currently defined by DoD policy. The sixth category refers to foreign nationals under contract to the Air Force. Do not make any commitments to assign visitors to Air Force organizations under extended visits unless the requirements of this chapter have been met. Proponents for extended visits other than one of the six defined types will forward proposals with sufficient justification, a description of duties to be assigned and proposed disclosure guidelines through command channels to SAF/IAPD for a policy evaluation.

**6.2. Types of Extended Visit Programs.** Visitors are assigned subject to the requirements of the International Personnel Exchange Program (PEP), the Engineer and Scientist Exchange Program (ESEP), the Administrative and Professional Personnel Exchange Program (APEP), the Cooperative Program Personnel (CPP) program, or the Foreign Liaison Officer (FLO) program. Although not a specific program, foreign nationals employed by or under contract to the US Government and performing duty on a Air Force installation are also considered to be on extended visits.

**6.3. Bases for Extended Visit Positions.** PEP, APEP and ESEP exchanges all require an international agreement that provides for the exchange of personnel between governments. The authority for CPP is a cooperative RDT&E or production agreement that establishes a specific cooperative program between parties and includes provisions for placing CPP. The establishment of a FLO is by an FMS LOA that provides for the placement of FLO personnel and defines the specific support or services to be provided to the FLO by the DoD. A FLO may also be established by international agreement; however, an LOA is also required for reimbursement to the DoD when support or services are provided.

6.3.1. International Airman Division (SAF/IAPA), Directorate of Policy, Deputy Under Secretary for International Affairs provides policy guidance regarding establishment and management of PEP positions. See AFI 16-107, *International Personnel Exchange Program (PEP)*. Designated MAJCOM offices of primary responsibility provide MAJCOM level oversight and support for foreign exchange personnel. See para 10.6, AFI 16-107.

6.3.2. Armaments Cooperation Division, Directorate of Policy, Deputy Under Secretary for International Affairs (SAF/IAPQ) provides policy guidance regarding establishment and management of APEP, ESEP and CPP positions. See AFI 16-110, *US Air Force*

*Participation in International Armaments Cooperation (IAC) Programs.* International focal points may be designated at MAJCOM or subordinate activities to provide advice and assistance regarding implementation of international armaments cooperation policies.

6.3.3. Security Assistance Policy Division, Directorate of Policy, Deputy Under Secretary for International Affairs (SAF/IAPX) provides policy guidance regarding establishment and management of LOAs for FLO support. See AFMAN 16-101, *International Affairs and Security Assistance Management*. The Air Force Security Assistance Center and Air Force Security Assistance Training Center provide advice and assistance regarding implementation of security assistance policies.

6.3.4. Local contracting activities will coordinate contracts to hire foreign nationals with the FDO prior to advertising the contract.

#### **6.4. Establishing Extended Visit Positions.**

6.4.1. Air Force proponents seeking to establish an extended visitor position will coordinate with the appropriate OPR within their command to verify that an appropriate agreement exists to establish the basis for the assignment. Where no agreement exists, the extended visit position may not be established until such time as the appropriate agreement/LOA is in place. Proponents will advise the servicing FDO of initiatives to create extended visit positions and include the FDO in planning for such assignments.

6.4.1.1. For activities outside Headquarters Air Force, FDOs advise SAF/IAPD of approved extended visit positions. At a minimum, FDOs identify the type of position (i.e., PEP, ESEP, ASEP, CPP, FLO or contractor), the basis under which the position would be approved and the location of the extended visit position.

6.4.2. An important aspect of planning for an extended visitor is the identification of the visitor's assigned responsibilities and duties. All programs under which an extended visit is made require the development of a position description. These position descriptions are necessary to ensure assigned duties are consistent with the authorizing agreement under which visitors are assigned and that there is no misunderstanding between parties regarding the responsibilities that will be assigned to the visitor. A sample position description for PEP is found in AFI 16-107. A sample position description for other extended visit positions is found at [Attachment 9](#).

6.4.2.1. Generally, position descriptions will be included in the staff packages requesting extended visit positions under the ESEP, CPP and PEP programs.

6.4.2.2. ESEP, CPP and PEP participants will not perform liaison functions between the United States Air Force and the parent service. FLOs will not act in an official capacity for the Air Force.

**6.5. Dual Assignments as CPPs and FLOs.** In some cases and in accordance with the terms of the authorizing agreement, an extended visitor may perform duties part time as a FLO and part time as a CPP. SAF/IA must approve the arrangements for management of such visitors. Requests for such approvals must be forwarded to SAF/IAPD through disclosure channels.

6.5.1. Proposed arrangements must ensure that such "dual assignments" would not be detrimental to the cooperative program involved and that responsibility and funding for the

FLO functions are separately maintained. This requirement exists since FLO and CPP positions rely on different US legal authorities.

6.5.2. Dual assignments are not permitted for ESEP, PEP, and APEP positions.

**6.6. Coordinating Extended Visit Requests.** FDOs will be notified of proposed assignments to extended visit positions either via SPAN or by the Air Force supervisor for a foreign exchange officer. FDOs will establish processes so that all functional offices with an interest in the proposed assignment have an opportunity to review and make recommendations regarding the request.

6.6.1. The FDO, Air Force contact officer and other subject matter experts as necessary, will develop a security plan that documents access controls to information and facilities within the organization and installation. See [Attachment 10](#) for a sample security plan.

6.6.2. The FDO and Air Force contact officer will initially determine any other locations the assigned visitor may be required to visit during the term of his assignment to carry out responsibilities and duties under the approved position description. The FDO and Air Force contact officer will periodically review the initial determination.

6.6.2.1. Recurring visits for APEP, ESEP, PEP, and CPP may be directly arranged between Air Force organizations. SAF/IAPD also supports directly arranged visits with other Services and Defense Agencies for PEP and CPP. However, Air Force contact officers must comply with the policies and regulations of the Service or Agency to be visited. Air Force contact officers will coordinate visits with their servicing FDOs to ensure disclosure guidance is in place prior to the commencement of the visit. FDOs should use SPAN to coordinate these visits.

6.6.2.2. Recurring visits to various locations for FLOs are requested by their governments via SPAN.

**6.7. Approving Extended Visit Requests.** FDOs shall not approve extended visit requests until verifying that an appropriate agreement or LOA authorizing the extended position exists.

6.7.1. FDOs will approve the release of CMI and CUMI in accordance with delegated disclosure authority to support the assignment.

6.7.2. FDOs will document disclosure guidance for each visit. This guidance will be provided to the US contact officer for the visit and to information addressees, as necessary.

6.7.3. FDOs will brief Air Force contact officers on their responsibilities related to visitors assigned on an extended basis.

6.7.4. FDOs will maintain a file for each extended visit made to organizations that they support. At a minimum, files will include a copy of the extended visit request (if the FDO is not an on-line SPAN user), verification of the legal basis for the visit, the security plan, and coordination and approval records for PEP and CPP visits to other locations. FDOs shall notify the requester when a visit has been approved. The FDO will also provide the requester the name and telephone number of the visit point of contact and the terms of the visit approval.

## **6.8. Security Requirements.**

6.8.1. Access to CMI and CUMI depends on the security clearance granted by the visitor's government, need-to-know, and disclosure guidance issued by the contact officer's servicing FDO.

6.8.2. Exchange personnel shall not have personal custody of classified or controlled unclassified information.

6.8.3. FLOs may have custody of classified information as stipulated in the authorizing agreement that establishes their position and subject to the following conditions:

6.8.3.1. FLOs may assume custody of documentary information when authorized in writing by their government, provided US security personnel exercise oversight over the storage container. This oversight is similar to that executed by US security personnel over US storage containers.

6.8.3.2. FLOs may act as couriers only when they are authorized in writing by their government to assume responsibility as an agent of their government. The FLO's government is required to provide all necessary courier credentials.

## **6.9. Access to Air Force Facilities and Installations.**

6.9.1. Air Force personnel will not approve unescorted access for foreign representatives to Air Force restricted or controlled areas or other facilities where access to CMI or CUMI will or may occur, unless all of the following conditions have been met:

6.9.1.1. The foreign national's government extends commensurate reciprocal privileges to DoD personnel.

6.9.1.2. The foreign national is sponsored by his or her government or international organization through a formal visit request, and the need for frequent access is justified.

6.9.1.3. Security measures are in place to limit access to only CMI and CUMI authorized for disclosure.

6.9.1.4. A badge or pass is issued that clearly identifies the bearer as a foreign representative. Such ID will be valid only for a specific facility during normal duty hours. Air Force contact officers will make specific arrangements for access during non-duty hours on a case-by-case basis with the FDO and all offices having a functional interest in the extended duty hours.

6.9.1.5. The badge or pass will be displayed on the outer clothing so that it is clearly visible.

**6.10. Air Force Contact Officer Responsibilities.** Air Force officials designated as contact officers for extended visits will:

6.10.1. Maintain a file for each extended visit for which they are the contact officer. At a minimum, the file will include a copy of the extended visit authorization, verification of the basis for the visit, the security plan, certification form signed by the foreign national, and any coordination or approval records for visits to other locations;

6.10.2. Ensure the visitor understands his or her duties, the terms and conditions of physical access to the organization, and obligations, rights and responsibilities;

6.10.3. Ensure the visitor signs the certification form (See sample certifications at [Attachment 9](#));

6.10.4. Ensure the visitor is provided access only to that CMI and CUMI that has been authorized by the FDO in order to perform assigned duties;

6.10.5. Ensure the visitor's coworkers are informed of the limitations on visitors' access to information; and

6.10.6. Advise the servicing FDO of any changes regarding the position or visitor.

**6.11. Termination of Visit Approvals.** FDOs will monitor visit approvals and will terminate all approvals at the conclusion of the visit period or when the visit purpose is concluded. FDOs will ensure all offices having a functional interest in the visit are notified of the termination.

## Chapter 7

### TECHNOLOGY TRANSFER

**7.1. Introduction.** Controls are necessary to ensure exports are consistent with US national security interests. By law, export controls are placed on defense articles and services or commercially available items that have a military utility. The Department of State controls exports of defense articles, services, technical data, etc. under the International Traffic in Arms Regulation (ITAR). The Department of Commerce controls exports of dual use commodities with military utility under the Export Administration Regulations (EAR). SAF/IAPD is the Air Force office of primary responsibility for developing the Air Force position on commercial exports of defense articles and services, dual use technology, and technical data.

**7.2. ITAR Licensing Requirements.** By law, the U.S. Government and contractors must comply with the provisions of the ITAR before exporting defense articles, technical data or defense services controlled by the ITAR.

7.2.1. Exports by Air Force Organizations. Air Force organizations are not authorized to export CMI or CUMI without an export license. Exceptions are described in [paragraph 7.4.1](#) below.

7.2.2. Exports by US Industry. A license or other approval issued by the Department of State (DoS) is required in order for US industry to export defense articles, services, or technical data. DoS issues licenses or other approvals to registered persons who apply for authority to export defense articles or furnish defense services. DoS may approve the application based on its own evaluation, or may request recommendations from the Defense Technology Security Administration (DTSA). If necessary, DTSA may request Service or DoD Agency recommendations regarding proposed exports of defense articles, services, and technical data. SAF/IAPD is the Air Force organization responsible for making such recommendations to DTSA.

7.2.2.1. SAF/IAPD evaluates political and military, operational, technical and security factors for proposed industry exports on a case-by-case basis.

7.2.2.2. SAF/IAPD coordinates industry export requests with subject matter experts as needed.

7.2.3. Exports by US Industry in Support of Air Force Organizations. Consistent with the ITAR, SAF/ IAPD may certify use of license exemptions to approve contractor support for government-to-government programs when the contractor does not have an approved export license. SAF/IAPD will consider and may certify exemptions to licensing requirements for contractors on a case-by-case basis only, subject to [paragraph 7.4.2](#) below.

**7.3. Air Force Requests for Export Licenses.** Air Force disclosures and technology transfers are approved by designated FDOs pursuant to the conditions in [paragraph 7.4.1.1](#) and [7.4.1.2](#) below. Therefore, licenses issued by DoS are usually not required. However, circumstances may exist when Air Force organizations will require a license. The following provides guidance to determine when Air Force must obtain an export license from DoS.

7.3.1. Licenses are required to employ foreign nationals either as civil servants or under contract. Air Force organizations must obtain DoS approval through SAF/IAPD prior to

employing foreign nationals in positions requiring access to CUMI. Personnel in the rank of Colonel or higher (military) or GS-15 or higher (civilian) must sign the request. The written request identifies the following:

- 7.3.1.1. The foreign national's name, citizenship and identification number,
- 7.3.1.2. Justification why the foreign national employment is essential to the national security of the United States,
- 7.3.1.3. Skills, knowledge or abilities the foreign national possesses that are otherwise not available from US domestic sources,
- 7.3.1.4. Proposed disclosure guidance to support the foreign national's access to CUMI.

7.3.2. This requirement will not apply to foreign nationals who only require access to CUMI and have been granted permanent legal resident status in the United States.

7.3.3. SAF/IAPD will not favorably consider submitting a license application to support foreign national access to CMI.

**7.4. Exemptions to Licensing Requirements.** License exemptions are designed to ease the regulatory burden on government and industry without compromising essential trade controls.

7.4.1. Air Force organizations are not required to obtain an export license issued by the Department of State when exporting defense articles including technical data or to perform defense services in the following cases.

7.4.1.1. Exports pursuant to a grant, sale, lease, loan or cooperative project under the Arms Export Control Act, or a sale, lease or loan under the Foreign Assistance Act of 1961, as amended. Formal approval of foreign military sales programs or international cooperation agreements provides the basis for Air Force exports of CMI or CUMI to foreign governments or international organizations.

7.4.1.2. Exports of CMI or CUMI to foreign representatives assigned to Air Force organizations under PEP, ESEP, APEP, or CPP agreements or as a FLO under an FMS case.

7.4.1.3. Combined military operations and training.

7.4.1.4. Unilateral US military operations abroad.

7.4.2. SAF/IAPD may certify the use of exemptions, consistent with DoD Guidelines for Certifying Exemptions, for defense contractors on a case-by-case basis in the following cases:

7.4.2.1. The services of private US persons or companies are required pursuant to activities enumerated in [paragraphs 7.4.1.1](#) through [7.4.1.4](#).

7.4.2.2. Air Force requires the participation of private US persons or companies in initial planning discussions/negotiations with foreign governments and international organizations pursuant to the activities enumerated in [paragraphs 7.4.1.1](#) through [7.4.1.4](#).

7.4.2.3. It is in the Air Force's interest to authorize private US persons or companies to solicit subcontract proposals from foreign firms for the purpose of developing responses to Service acquisition authority requests for quote or bid proposals.

7.4.2.4. Exports of classified and unclassified technical data in conjunction with classified and unclassified plant visits.

7.4.3. In order to request an exemption certification for a US private person or company, the sponsoring Air Force office forwards an official written request through disclosure channels to SAF/IAPD. The request must be signed by a senior management official, at least a Colonel or higher (military) or GS-15 or higher (civilian). The written request identifies the following:

7.4.3.1. Name of the US person or company for which the exemption certification is requested;

7.4.3.2. Reason for requesting the exemption certification (e.g., cite LOA number, MOU title or contract number if applicable), benefit to the United States, urgency of request (critical program milestones or decision process) in lieu of normal ITAR processes, and status or relationship of US person or company export license or agreement;

7.4.3.3. An explanation of the details regarding the defense articles, services or technical data to be provided by the company in support of the activities listed in [paragraph 7.4.2](#); and

7.4.3.4. A copy of all briefings, documents or information to be disclosed by the individual or company. If it is impractical to attach the actual information, a detailed description of the subject matter (including NDP category and highest classification of the information) may be forwarded. Alternatively, a statement by the servicing FDO certifying the material proposed for release is authorized for disclosure under an existing DDL will suffice.

7.4.4. Exemption certification requests will be approved in writing by SAF/IAPD and include the following elements:

7.4.4.1. ITAR exemption number;

7.4.4.2. Name of the private US individual or company for which the exemption certification is granted;

7.4.4.3. The reason or purpose for granting the exemption certification (cite LOA number, MOU title, or contract number if applicable), benefit to the United States, status of US individual or company's export license or agreement application;

7.4.4.4. Description of the specific defense article, service, or technical data exempted from license requirement;

7.4.4.5. Conditions and limitations necessary to establish a clearly defined scope for defense articles, services and technical data authorized for export; and

7.4.4.6. An expiration date (no more than 1 year from date of issue).

7.4.5. Upon receipt of the approved exemption, the servicing FDO will:

7.4.5.1. Record the decision to sponsor the visit in SPAN when a foreign visit is involved and identify the SAF/IAPD approved exemption as authority to sponsor the visit;

7.4.5.2. Review all briefings, documents and other information proposed for release by contractors, if the actual briefings, documents, etc have not been provided to SAF/IAPD; and

7.4.5.3. Ensure an Air Force representative familiar with the program (military or civilian employee) is present at all activities to ensure contractor compliance with the terms and conditions of the exemption.

#### **7.5. Nonsponsored and Sponsored Foreign Visits to US Defense Industry.**

7.5.1. FDOs will generally not sponsor foreign requests to visit US defense facilities. When visits are not sponsored, contractors may only disclose CMI or CUMI provided that such information is authorized for release pursuant to the Department of State's ITAR or the Department of Commerce's EAR.

7.5.2. FDOs will only sponsor foreign visit requests to US defense facilities after obtaining SAF/ IAPD approval for the required license exemption certification in accordance with [paragraph 7.4.3](#).

## Chapter 8

### AIR FORCE PROCUREMENT ACTIVITIES WITH FOREIGN INDUSTRY

**8.1. Introduction.** US acquisition reform established a hierarchy of potential alternatives that must be evaluated before commitment to a new start acquisition program. The first alternative is to assess the use or modification of an existing commercial system, or an already developed US military or allied nation system that would alleviate the necessity for a weapons development program. Since US defense procurements may include foreign sources, it is important that foreign disclosure and technology transfer requirements are addressed prior to contract award.

#### **8.2. Reviewing Planned US Procurements.**

8.2.1. Air Force contracting authorities announce planned Air Force procurements in the Federal Business Opportunities (FBO). Contracting authorities will coordinate invitations to bid, requests for proposals, presolicitation, prebidders, preproposal and preaward meetings etc., with their servicing FDO prior to announcing procurement activities so that restrictions can be identified to foreign bidders.

8.2.1.1. FDOs identify necessary restrictions on future participation before the procurement is announced in the FBO.

8.2.1.2. When it is not possible to review all procurements prior to FBO announcement, disclosure and contracting officers must ensure announcements include notification that restrictions regarding foreign bidders may be placed on the contract. Also, foreign bidders will be instructed to indicate interest in the procurement to the contracting officer prior to submitting a proposal. Once foreign interest is identified, FDOs must review the procurement announcement in a timely manner, so that foreign bidders can submit proposals to meet contracting office submission deadlines.

8.2.1.3. Prime contractors are responsible for obtaining authorization to disclose CMI and CUMI to foreign sub-contractors pursuant to the Department of State's ITAR or Department of Commerce's EAR.

8.2.2. The Defense Security Service reviews foreign ownership, control or influence (FOCI) of US companies that access or store US classified military information under the authority of the National Industrial Security Program (NISP). This review evaluates a number of risk factors in order to determine an appropriate course of action to negate or mitigate FOCI. Unless FOCI can be negated or national security risks mitigated, a company may have its ability to access or store classified information suspended or cancelled.

8.2.2.1. There are no contract restrictions from a disclosure perspective on the types of contracts that may be awarded to a company who has negated its FOCI using a Voting Trust Agreement or Proxy Agreement, or mitigated its FOCI risk through a Board Resolution or Security Control Agreement.

8.2.2.2. Companies who mitigate FOCI using a Special Security Agreement may be awarded most types of classified contracts. However, contracts requiring access to proscribed information (i.e., Sensitive Compartmented Information, COMSEC, Restricted Data, Special Access Programs, Top Secret) are not granted unless there is

an overriding national interest to support the contract award and the associated risks are minimal.

8.2.2.2.1. Companies who mitigate FOCI using a Limited Facility Clearance will be restricted to work on a specific contract or program that originates with or involves the government of the country from which the FOCI is derived.

8.2.2.3. FDOs contact the DSS field representative assigned to a specific company to verify whether FOCI exists.

**8.3. Appeals Regarding Decisions to Exclude Foreign Contractors.** The Administrative Assistant to the Secretary (SAF/AA) is the deciding authority for appeals to decisions excluding foreign bidders from procurement activities. FDOs forward foreign requests to appeal denials through channels to SAF/IAPD.

## Chapter 9

### SECURITY REQUIREMENTS

**9.1. Introduction.** This chapter provides guidance for reporting compromises of both United States and foreign classified information and unauthorized access to controlled unclassified military information. Personnel must understand these requirements to ensure Air Force responsibilities under Executive Order 12958, as amended and General Security of Military Information Agreements with foreign countries are executed properly.

#### **9.2. Reporting Compromises of Classified Information**

9.2.1. Any Air Force activity aware of known or suspected compromises of United States or foreign government classified information must notify SAF/IAPD and make initial notifications in accordance with DoD Regulation 5200.1-R, *Information Security Program*, and AFI 31-401, *Information Security Program Management*. HQ USAF/XOS-FI will notify SAF/IAPD of any reports of compromises or probable compromises of NATO classified information, foreign government classified information or US classified information to or by foreign representatives.

9.2.2. At the conclusion of an Air Force evaluation, damage assessment, or investigation, Air Force officials authorized to finally approve or close out investigations will furnish one copy of the complete investigation or damage assessment to SAF/IAPD.

**9.3. Reporting Unauthorized Access to Controlled Unclassified Military Information.** Any Air Force activity aware of known or suspected unauthorized access to US CUMI by a foreign government, international organization or their representative must notify SAF/IAPD through disclosure channels.

9.3.1. Notifications will identify where the access occurred, specific information accessed, individual, group or organization permitting access, facts and circumstances surrounding the unauthorized access, and impact of the unauthorized access on the U.S.

9.3.2. SAF/IAPD will evaluate reports of unauthorized access and determine actions to be taken.

9.3.3. Suspected instances of fraud, abuse, bribery or other violations of the Arms Export Control Act and implementing regulations; other laws governing exports or illicit diversions of U.S. export-controlled technology, articles, or services will be reported to the Air Force Office of Special Investigations.

#### **9.4. Prescribed Forms.**

AF Form 349, *Receipt for Documents Released to Accredited Representatives of Foreign Nations*.

BRUCE S. LEMKIN

Deputy Under Secretary of the Air Force, International Affairs

**Attachment 1****GLOSSARY OF REFERENCES AND SUPPORTING INFORMATION*****References***

Executive Order 12958, *Classified National Security Information*, April 20, 1995

National Security Decision Memorandum (NSDM)-119, *Disclosure of Classified United States Information to Foreign Governments and International Organizations*, July 20, 1971

NDP-1, *National Policy and Procedures for the Disclosure of Classified Military Information to Foreign Governments and International Organizations*, 2 October 2000

Title 5, United States Code, Section 552, *Freedom of Information Act (FOIA)* Title 22, United States Code, Sections 2751-2799, *Arms Export Control Act* Title 42, United States Code, Sections 2011-2297, *Atomic Energy Act*

Title 50, United States Code, Appendix War and National Defense, Sections 2401-2420, *Export Administration Act* Title 15, Code of Federal Regulations, Parts 730-799, *Export Administration Regulations (EAR)*

Title 22, Code of Federal Regulations, Parts 120-130, *International Traffic in Arms Regulations (ITAR)*

DCID 6/6, *Security Controls on the Dissemination of Intelligence Information*, 11 July 2001

DCID 6/7, *Intelligence Disclosure Policy*, 30 June 1998

DoD Directive 2040.2, *International Transfers of Technology, Goods, Services and Munitions*, 5 July 1985

DoD Regulation 5200.1-R, *Information Security Program*, January, 1997

DoD Regulation 5400.7/Air Force Supplement, *DoD Freedom of Information Act Program*, June 24, 2002

DoD Directive 5230.11, *Disclosure of Classified Military Information to Foreign Governments and International Organizations*, June 16, 1992

DoD Instruction 5230.18, *The DoD Foreign Disclosure and Technical Information System (FORDTIS)*, November 6, 1984

DoD Directive 5230.20, *Visits, Assignments, and Exchanges of Foreign Nationals*, August 12, 1998

AFI 16-107, *International Personnel Exchange Program (PEP)*, 1 October 2000

AFI 16-110, *US Air Force Participation in International Armaments Cooperation, (IAC) Programs*, 4 November 2003

AFPD 16-2, *Disclosure of Military Information to Foreign Governments and International Organizations*, 10 September 1993

AFPD 16-11, *International Technology Transfer and Security Controls*, 1 October 1995

AFI 31-401, *Information Security Program Management*, 1 November 2001

AFI 33-202, *Network and Computer Security*, 26 September 2003

AFI 33-324, *The Information Collections and Reports Management Program; Controlling Internal, Public, and Interagency Air Force Information Collections*, 1 June 2000

AFI 35-101, *Public Affairs Policies and Procedures*, 26 July 2001

AFMAN 37-139, *Records Disposition Schedule*, 1 March 1996

AFI 61-204, *Disseminating Scientific and Technical Information*, 30 August 2002

AFI 61-205, *Sponsoring or Co-Sponsoring, Conducting, and Presenting DoD-Related Scientific Papers at Unclassified and Classified Conferences, Symposia, and Other Similar Meetings*, 25 July 1994

### *Abbreviations and Acronyms*

**AECA**—Arms Export Control Act

**AIR FORCEI**—Air Force Instruction

**AIR FORCEPD**—Air Force Policy Directive

**CCL**—Commodity Control List

**CMI**—Classified Military Information

**COMSEC**—Communications Security

**CPP**—Cooperative Program Personnel

**CUMI**—Controlled Unclassified Military Information

**DCID**—Director of Central Intelligence Directive

**DDL**—Delegation of Disclosure Authority Letter

**DoD**—Department of Defense

**DoDD**—Department of Defense Directive

**DRU**—Direct Reporting Unit

**EAR**—Export Administration Regulations

**ENDP**—Exception to National Disclosure Policy

**ESEP**—Engineer and Scientist Exchange Program

**FDO**—Foreign Disclosure Office

**FLO**—Foreign Liaison Officer

**FMS**—Foreign Military Sales

**FOA**—Field Operating Agency

**FOIA**—Freedom of Information Act

**HQ**—Headquarters

**ICR**—Information Collections and Reports

**ITAR**—International Traffic in Arms Regulations  
**JAIEG**—Joint Atomic Information Exchange Group  
**MAJCOM**—Major Command  
**NDP**—National Disclosure Policy  
**NDPC**—National Disclosure Policy Committee  
**NIPRNET**—Non-secure Internet Protocol Router Network  
**NISPOM**—National Industrial Security Program Operating Manual  
**NOFORN**—Not Releasable to Foreign Nationals  
**ORCON**—Originator Controlled  
**OUSD (P)**—Office of the Under Secretary of Defense (Policy)  
**PEP**—International Personnel Exchange Program  
**PROPIN**—Caution-Proprietary Information Involved  
**SAIR FORCE**—Secretary of the Air Force (organization)  
**SATODS**—Security Assistance Technical Order Distribution System  
**SECAIR FORCE**—Secretary of the Air Force (individual)  
**SIPRNET**—Secure Internet Protocol Router Network  
**SPAN**—Security Policy Automation Network  
**US**—United States  
**USAF**—United States Air Force  
**USC**—United States Code  
**USML**—United States Munitions List

### *Terms*

**Classified Information**—Information that has been determined pursuant to Executive Order 12958 or any predecessor order to require protection against unauthorized disclosure and is marked to indicate its classified status when in documentary form.

**Classified Military Equipment**—Military equipment that is itself classified; contains classified information that may be derived from or revealed by its operation or testing; or will require the disclosure of classified information for operation, employment, maintenance, or training.

**Classified Military Information (CMI)**—Information originated by or for, or under the jurisdiction or control of, the Department of Defense or its Agencies which requires protection in the interest of national security. CMI is designated TOP SECRET, SECRET or CONFIDENTIAL as described in Executive Order 12958 or subsequent order. CMI includes information in tangible (e.g., equipment, documents, software, etc.) and in intangible (e.g.,

knowledge, know-how, expertise, etc.) form. Eight categories of CMI (see [Attachment 2](#)) are subject to national disclosure policy control.

**Certification**—Formal recognition by a DoD Component of a working relationship with a representative of a foreign government (e.g., a foreign liaison officer) for specified purposes and on a recurring basis over an agreed period of time. UNITED STATES AIR FORCE certification of foreign nationals is established by approval of an extended visit request.

**Combined Military Information**—Military information that, by agreement, is shared by the United States and another government or international organization, regardless of which party to the agreement produces the information. (Combined military information may result or originate from specific projects which the United States and another government agree to conduct so that the different phases of the project are undertaken separately; one government will assume sole project responsibility on behalf of both; or the best results of independent endeavors will be adopted.)

**Contact Officer**—A DoD official designated in writing to oversee and control all contacts, requests for information, consultations, access, and other activities of foreign nationals who are assigned to, or are visiting, a DoD Component or subordinate organization. In the case of PEPs, the host supervisor may be the contact officer.

**Contractor**—Any industrial, educational, commercial, or other entity which has executed a contract or a DD Form 441, DoD Security Agreement, with a DoD activity.

**Controlled Unclassified Military Information (CUMI)/Controlled Unclassified Information (CUI)**—Unclassified information, including technical data (see explanation of term) to which access or distribution limitations have been applied in accordance with US laws, policies, and regulations. It includes information that is determined to be exempt from public disclosure in accordance with DoD Directives 5320.25 and 5400.7 or that is subject to export controls in accordance with the ITAR or the EAR. Not all controlled unclassified information is owned by the military. For example, defense contractors control company confidential or proprietary information. Unclassified export controlled technical data, as defined by the ITAR, is CUI. CUMI and CUI include information in tangible (e.g., equipment, documents, software, etc.) and intangible (e.g., knowledge, know-how, expertise, etc.) form.

**Cooperative Program**—A program for research, development, test, evaluation, and/or production that is not implemented under the Security Assistance Program.

**Cooperative Program Personnel (CPP)**—Foreign government personnel, assigned to a multinational program office that is hosted by a DoD Component pursuant to the terms of a Cooperative Program International Agreement, who report to and take direction from a DoD-appointed Program Manager (or Program Manager equivalent) for the purpose of carrying out a multinational project or program.

**Defense Article**—Defense article means any item or technical data including that recorded or stored in any physical form, models, mock-ups or other items that reveal technical data (See explanation of term) directly related to items designated in the United States Munitions List.

**Defense Service**—The furnishing of assistance (including training) to foreign persons, whether in the US or abroad in the design, development, engineering, manufacture, production,

assembly, testing, repair, maintenance, modification, operation, demilitarization, destruction, processing or use of defense articles.

**Defense Personnel Exchange Program (DPEP)**—A program under which military and civilian personnel of the Department of Defense and military and civilian personnel of the defense ministries and/ or military services of foreign governments, pursuant to the terms of an international agreement, occupy positions with and perform functions for a host organization to promote greater understanding, standardization, and interoperability. The DPEP consists of PEP, ESEP, and APEP programs.

**Defense Technology Security Administration**—The Defense Technology Security Administration (DTSA), under the authority, direction, and control of the Deputy Undersecretary of Defense (Technology Security Policy and Counterproliferation), serves as the focal point within DoD for administering the DoD Technology Security Program. DTSA's mission is to develop and implement policies on international transfers of defense-related articles, services and technologies to ensure that such transfers are consistent with US national security interests.

**Delegation of Disclosure Authority Letter (DDL)**—A letter issued by the Office of the Deputy Under Secretary of the Air Force, International Affairs, Foreign Disclosure and Technology Transfer Division explaining classification levels, categories, scope and limitations of information under Air Force jurisdiction or control that designated disclosure authorities may approve for disclosure to specific foreign governments. DDLs are issued when there are requirements to disclose information in support of continuing programs. DDLs are comprised of a formal delegation letter that includes a basic delegation and country or system specific delegations.

**Designated Disclosure Authority**—An official, at subordinate component level, designated by the Head of a DoD Component or the Component's Principal Disclosure Authority to control disclosures of CMI by his or her organization.

**Disclosure**—The permanent or temporary transfer of classified or controlled unclassified military information to an authorized representative of a foreign government or international organization. The act of permitting access to classified or controlled unclassified military information by an authorized representative of a foreign government or international organization. There are three disclosure methods: oral (verbal disclosure), visual (disclosure by sight) and documentary (disclosure of tangible/recorded information or equipment).

**Foreign Disclosure Officer (FDO)**—A US Government official designated in writing whose primary responsibilities are to authorize disclosure of CMI or CUMI and manage and implement a disclosure program for their command or organization. Only FDOs trained by SAF/IAPD may authorize disclosures of CMI.

**Foreign Interest**—Any foreign government, agency of a foreign government, or representative of a foreign government or international organization; any form of business enterprise or legal entity organized, chartered or incorporated under the laws of any country other than the United States or its possessions and trust territories; and any person who is not a citizen or national of the United States.

**Foreign Liaison Officer (FLO)**—A foreign government military member or civilian employee who is authorized by his or her government, and is certified by a DoD Component, to

act as an official representative of that government in its dealings with a DoD Component in connection with programs, projects or agreements of interest to the governments. There are three types of FLOs:

**Security Assistance**—A foreign government representative who is assigned to a DoD Component or contractor facility pursuant to a requirement that is described in a Foreign Military Sales Letter of Offer and Acceptance.

**Operational**—A foreign government representative who is assigned to a DoD Component pursuant to a documented requirement to coordinate operational matters, such as combined planning or training and education.

**National Representative**—A foreign government representative who is assigned to his or her national embassy or legation in Washington DC (e.g., an attache) to conduct liaison activities with the Department of Defense and the DoD Components.

**Foreign National**—A person who is not a citizen or national of the United States unless that person has been lawfully admitted for permanent residence in the United States under the *Immigration and Naturalization Act* (Title 8, United States Code, Section 1101 *et seq.*)

**Foreign Ownership, Control or Influence (FOCI)**—A situation in which a foreign national, firm or government is assumed to possess dominance of, or authority over, a US firm to such a degree that the foreign national, firm, or government may gain unauthorized access to US classified military information.

**Foreign Representative**—Any representative of a foreign interest or foreign national.

**Government to-Government Channels**—The principle that classified and controlled unclassified information and materiel will be transferred by government officials through official channels, e.g., military postal channels, Defense Courier Service, etc.). The information or material may be transferred only to a person specifically designated in writing by the foreign government as its representative for that purpose.

**Government to-Government Transfer**—The transfer of classified and controlled unclassified information and materiel through other than government channels expressly agreed upon by the governments involved. The information or materiel may be transferred only to a person specifically designated in writing by the foreign government as its representative for that purpose.

**International Organization**—An international organization or entity established by recognized governments pursuant to an international agreement which, by charter or otherwise, is able to acquire and transfer property, make contracts and agreements, obligate its members, and pursue legal remedies, i.e., the North Atlantic Treaty Organization or the Inter-American Defense Board.

**International Personnel Exchange Program (PEP)**—This program involves the assignment of military personnel to authorized positions within the Military Departments. The PEP program may be referred to as the Military Personnel Exchange Program by OSD or the other Services.

**International Visits Program (IVP)**—A program established to process visits by and assignments of authorized representatives to DoD Components and DoD contractor facilities. This program is designed to ensure that CMI and CUMI to be disclosed to authorized representatives has been properly authorized for disclosure to their governments, to ensure that

the requesting foreign government provides a security assurance when classified information is involved in the visit or assignment, and to facilitate administrative arrangements (e.g., date, time and place) for the visit or assignment.

**Joint Atomic Information Exchange Group (JAIEG)**—The JAIEG is organized under the Defense Nuclear Agency and reviews and makes determinations regarding disclosure of US atomic information.

**Joint Information**—Military information over which two or more DoD Components, or two or more Federal Departments or Agencies, exercise control, jurisdiction, or security awareness.

**License**—A document bearing the word "license" which is issued by the Director, Directorate of Defense Trade Controls, United States State Department, or his authorized designee. This document permits the export or in-transit shipment of a specific defense article, defense service, or technical data.

**Limited Access Authorization (LAA)**—A limited authorization, granted to a foreign national who is an employee of the US Government or a US contractor, to receive US CMI or CUMI in support of assigned duties. The foreign national must possess unique skills/capabilities; employment of this individual must provide significant advantages to the Air Force or the US Government; and the arrangement must be approved in advance by Air Force FDOs.

**National Disclosure Policy Committee**—The central authority formulating, promulgating administering and monitoring the National Disclosure Policy.

**National Disclosure Policy**—This policy promulgates national policy and procedures in the form of specific disclosure criteria and limitations, definitions of terms, release arrangements and other guidance required by US departments and agencies having occasion to release classified US military information to foreign governments and international organizations. In addition, it establishes and provides for the management of an interagency mechanism and procedures which are required for the effective implementation of the policy.

**National Intelligence**—Foreign intelligence produced under the aegis of the Director of Central Intelligence (DCI). Intended primarily to be responsive to the needs of the President, the National Security Council, and other Federal officials involved in the formulation, and execution of national security, foreign, political, and/or economic policy. Also, integrated departmental intelligence that covers the broad aspects of national policy and national security, is of concern to more than one department or agency, and transcends the exclusive competence of a single department or agency.

**Originating DoD Component**—The DoD Agency that exercises original classification jurisdiction for classified information.

**Parent Government/Service**—The government/service of a foreign representative assigned to UNITED STATES AIR FORCE.

**Public Domain Information**—Unclassified information that has undergone a security and policy review to ensure: the material proposed for public release does not contain classified information; does not conflict with established Air Force, DoD or US Government policy; and has been cleared by a competent public affairs authority within the public affairs office. Also, information generally sold at newsstands or bookstores, available by subscription or purchase without restrictions to any person, taught in schools or universities that are open to the public,

freely available at public libraries and trade shows, through published fundamental research accomplished at an accredited institution of higher learning that was not funded by the US Government or to which other controls have not been imposed.

**Release**—Commonly used synonym for the term "disclosure." See explanation of term.

**Restricted Data/Formerly Restricted Data**—Restricted Data/Formerly Restricted Data (RD/FRD) is US atomic information that is controlled under the Atomic Energy Act of 1954 (as amended). The Joint Atomic Information Exchange Group (JAIEG) organized under the Defense Nuclear Agency, reviews and makes determinations as to the disclosure of US atomic information when it meets the applicable criteria under existing statutes and for the purpose of furthering approved cooperative agreements

**Security Assurance**—There are three types of security assurances. One is related to persons who will be hired by a company or government and for which a security assurance with respect to clearance eligibility is provided. A second is related to a facility's clearance and capability to store classified information. A third is related to foreign national visitors. The third is defined as: a written confirmation, requested by and exchanged between governments, of the security clearance level or eligibility for clearance of their national contractors and citizens. It also includes a statement by a responsible official of a foreign government or international organization that the recipient of US classified military information possesses the requisite security clearance. It also indicates that the original recipient is approved by his or her government for access to information of the security classification involved and that the recipient government will comply with security requirements specified by the United States.

**Security Policy Automation Network (SPAN)**—A wide area computer network operated by the Office of the Under Secretary of Defense (Policy) (OUSD(P)) consisting of a DoD-wide SECRET-high classified network that supports communications and coordination among DoD activities on foreign disclosure, export control and foreign visits. The system also supports an unclassified segment between DoD and foreign embassies.

**Foreign Disclosure System (FDS)**—A SPAN sub-system supporting staffing and databases for processing information requests and documenting decisions regarding disclosure of CMI and CUMI to foreign governments and international organizations.

**Foreign Visits System (FVS)**—A SPAN sub-system supporting staffing and databases for processing requests for visits by foreign nationals to DoD activities and defense contractors.

**Technology Protection System (TPS)**—A SPAN sub-system supporting staffing and databases within DoD for processing export license applications received from the Departments of State and Commerce.

**Technical Data**—Information whose export is controlled by the Department of State in accordance with the US Munitions List (USML). This information is (1) required for the design, development, production, manufacture, assembly, operation, repair, testing, maintenance or modification of defense articles. This includes information in the form of blueprints, drawings, photographs, plans, instructions and documentation; (2) is classified and related to defense articles and defense services; (3) is covered by an invention secrecy order; or (4) is software directly related to defense articles. Technical or export controlled data is considered CUMI and should be marked with an export control notice in accordance with AIR FORCEI 61-204, *Disseminating Scientific and Technical Data*.

**Topline**—The process for obtaining AIR FORCE/CC or SAF/IA approval of proposed/requested disclosure initiatives involving foreign military sales/direct commercial sales of Air Force systems and commercially developed non-US inventory systems.

**Visit Authorization**—A request approved by an FDO that permits a visit by an authorized representative. FDOs authorize visits after an evaluation of a request from a foreign government or international organization that identifies the visitor as its official representative, verifies personal information, verifies the visitors security clearance, and provides security assurances that CMI and CUMI provided to the visitor will be protected. There are three types of authorizations:

**One Time**—Permits contact by foreign nationals with a United States Air Force organization or contractor facility for a single, short-term occasion (normally less than 30 days) for a specified purpose.

**Recurring**—Permits intermittent visits by a foreign national to a United States Air Force organization or contractor facility over a specified period of time in accordance with a government-approved license, contract or agreement, or other program. Recurring visits are approved when the information to be disclosed has been defined and approved for disclosure in advance by the US Government.

**Extended**—Permits a single visit by a foreign national for an extended period of time. Extended visit authorizations are used when a foreign national is required to be in continuous contact with a United States Air Force organization or a contractor facility. Extended visits are used to assign foreign personnel as FLOs, CPPs, and ESEPs.

**Attachment 2****NATIONAL DISLCOSURE POLICY (NDP-1) FUNCTIONAL CATEGORIES OF INFORMATION****CATEGORY 1 ORGANIZATION, TRAINING AND EMPLOYMENT OF MILITARY FORCES:**

Military information of a general nature necessary to the organization of military, paramilitary, or irregular forces to include those tactics, techniques, and tactical doctrine (including military intelligence and counterintelligence doctrine and techniques) necessary to train and employ those forces. This category does not include specific technical data and training needed to operate and maintain individual items of military materiel and munitions.

**CATEGORY 2 MILITARY MATERIEL AND MUNITIONS:**

All military materiel, arms and munitions procured and controlled by the US government for the equipage, operation, maintenance and support of its military forces or the military, paramilitary, or irregular forces of its allies. Items developed by US private interests as a result of US Government contracts or derived from technology paid for by the US Government are included within this category. Items on the US Munitions List which may be proposed for sale abroad by US private interests under the International Traffic in Arms Regulations or items specifically covered by other US Government prescribed export control regulations fall within this definition. (Items under development fall under Category 3.) This category also comprises information to include technical data and training necessary to operate, maintain, or support specific military materiel, arms or munitions. It does not include information necessary to produce, coproduce, or in any other way manufacture the item.

**CATEGORY 3 APPLIED RESEARCH AND DEVELOPMENT INFORMATION AND MATERIEL:**

Classified military information resulting from the extension of fundamental theories, designs, and data from a purely theoretical or experimental investigation into possible military applications to include research, the construction and testing of prototypes and such design changes affecting qualitative performance as may be required during the service life of an item. This also includes engineering data, general operational requirements, concepts and military characteristics required to adopt the item for production. Development ceases when materiel has completed operational suitability testing or has, for all practical purposes, been adopted for military use or production. It includes tactics, techniques and tactical doctrine pertaining to specific equipment not yet in production or not yet approved for adoption by US forces. It includes military information, materiel, or munitions under development by US private interests as a result of US Government contracts or derived from technology paid for by the US Government.

**CATEGORY 4 PRODUCTION INFORMATION:**

Designs drawings of chemical and mathematical equations, specifications, models, manufacturing techniques, software source code and related information (excluding Category 2 and 3 information) necessary to manufacture or substantially upgrade military materiel and munitions.

**CATEGORY 5 COMBINED MILITARY OPERATIONS, PLANNING AND READINESS:**

That information necessary to plan, assure readiness for and provide support to the achievement of mutual force development goals or participation in specific combined operations and exercises. Includes installations and facilities located within the territory under

jurisdiction of, or of direct concern to, the recipient foreign government or international organization. This category is limited to that information on installations and facilities as well as readiness, planning and operational information which is necessary to further specific multilateral or bilateral plans and agreements for common defense purposes between the United States and the recipient. It does not include Strategic Planning and Guidance or North American Defense Information.

**CATEGORY 6 US ORDER OF BATTLE:** Information pertaining to US forces located within territory which is under the jurisdiction of a recipient government or is otherwise of direct concern to a foreign government or an international organization. In general, authorization is limited to US order of battle in the recipient countries or in adjacent geographical areas.

**CATEGORY 7 NORTH AMERICAN DEFENSE:** North American Defense Information is that which concerns plans, programs, projects, operations, and certain specific technical data pertaining to equipment directly related to North American defense, especially when it is originated by or under the mission and control of NORAD.

**CATEGORY 8 MILITARY INTELLIGENCE:** Military intelligence comprises information of a military character pertaining to foreign nations and areas.

## Attachment 3

## DELEGATION OF DISCLOSURE AUTHORITY LETTER (DDL)--EXAMPLE

Country Delegation # (Provided by SAF/IAPD)

DDL Title

1. (U) Classification: Highest classification level of information to be released during the program. If more than one category is involved, indicate the highest classification for each category, if appropriate. **NOTE**: If multiple nations are involved or for exchange officer DDLs, the first paragraph will identify participating nations, with this paragraph and subsequent paragraphs renumbered accordingly.
2. (U) Disclosure Methods: Either "Oral, visual, and documentary" or any combination of the three methods.
3. (U) Category(ies) Permitted: Specify disclosure category or categories (1 through 8), as specified in AIR FORCEI-16-201.
4. (U) Scope: Describe the purpose of the disclosure, to which country(ies) disclosure is authorized, which MAJCOM(s) is/are authorized to disclose the information or materiel, and the source of the program (i.e., Letter of Offer and Acceptance (LOA), Memorandum of Understanding (MOU), NDPC Record of Action (RA), etc). The purpose of the disclosure must define the intent of the program (i.e., end-item sale, cooperative development, co-production, etc
5. (U) Authorized to Disclose: Describe the information or materiel that can be disclosed to support the program. This section and the "Not Authorized to Disclose" paragraph cannot address every possible situation, particularly for major programs. Therefore, it is particularly important that the previous paragraphs clearly and adequately define the delegated authority so the FDO can interpret the DDL in situations specifically addressed in this and the following paragraphs.
6. (U) Not Authorized to Disclose: Describe information or materiel that cannot be disclosed under the program. This paragraph and the preceding paragraph should clearly define the limits of delegated authority rather than listing everything that may or may not be disclosed.
7. (U) Additional Guidance/Procedures: Identifies program-unique requirements and additional offices which need to coordinate, etc. Also, identifies where requests that fall outside the scope and authority of the DDL should be submitted.
8. (U) Redelegation: "Not authorized" or "(MAJCOM) may redelegate authority to disclose information to FDOs in subordinate elements as required to insure effective implementation of this delegation. Authority to disclose classified information may be redelegated only by designated disclosure officials who have been trained by SAIR FORCE/IAPD. Redelegation of disclosure authority to other than designated disclosure officials must be approved by SAF/IAPD. All redelegations will be in writing and copies provided to SAF/IAPD."

**Attachment 4****FORMAT FOR DISSEMINATING DDL INFORMATION COPIES**

Date of Memo

MEMORANDUM FOR (Identify Office Receiving DDL)

FROM: (Identify FDO Disseminating DDL)

SUBJECT: Information Copy of Delegation of Disclosure Authority Letter (DDL)

This copy of (identify specific DDL by name) is transmitted only for the information purposes of the recipient. It is being provided (state purpose for which the DDL copy is being transmitted.)

This copy is subject to the following conditions:

- a. This DDL may not be copied in whole or in part.
- b. This DDL may not be incorporated into other documents.
- c. This transmittal memo must remain attached to the DDL.

Questions regarding guidance contained in the DDL or the above conditions may be directed to (identify disclosure office point of contact).

SIGNATURE ELEMENT FOR FDO

Attachment:

Identify Specific DDL

Attachment 5

**UNITED STATES AIR FORCE FOREIGN DISCLOSURE AND TECHNOLOGY  
TRANSFER OVERSIGHT PROGRAM**

**Program Purpose Statement**

1. **PURPOSE:** The purpose of the staff assistance oversight program is to evaluate how United States Air Force major commands (MAJCOMs) are implementing and managing their foreign disclosure and technology transfer programs.
2. **AUTHORITY:** The National Disclosure Policy directs that department and agency heads shall designate a principal disclosure authority responsible for the direction and administration of the department or agency foreign disclosure program. Heads of all departments and agencies which have need to disclose classified military information shall establish procedures and channels to assure that disclosures are considered, authorized and handled in accordance with the National Disclosure Policy. Further, it is in the national interest to expedite decisions on disclosure of classified military information. All departments and agencies which are responsible for implementation of this policy will issue detailed directives and instructions which assure that disclosure decisions are made promptly and disclosure activities under their jurisdiction are carried out effectively. SECAF Order 114.1 designates SAF/IA as the principal disclosure authority for the Air Force. The Foreign Disclosure and Technology Transfer Division (SAF/IAPD) implements the Air Force Foreign Disclosure and Technology Transfer Program on behalf of SAF/IA.
3. **CRITERIA:**
  - a. SAF/IAPD evaluators will make assessments based on assistance visits to MAJCOM foreign disclosure offices (FDOs). SAF/IAPD evaluators may also choose to visit subordinate activities, with or without MAJCOM FDO representation. The purpose of visits to subordinate activities will be to verify various aspects of MAJCOM program implementation.
  - b. The oversight program includes not only the staff assistance visit, but also planning activities to prepare the evaluator(s) for the visit. Specific activities are documented in the Evaluator Preparation Activities Section (Atch 1).
  - c. Evaluators will assess performance based on a standard set of criteria which are documented in the Oversight Evaluation Criteria Section (Atch 2). The criteria represent program areas for which MAJCOMs may have responsibilities. Therefore, all criteria may not apply to all FDOs. How each MAJCOM chooses to implement these program areas may be different. Therefore, the evaluator should establish that the MAJCOM activities are adequate to meet the objective, and not whether we agree with the methods used.
  - d. The criteria used in assessing the FDO's performance follow.
  - e. **A report of the evaluation visit should be completed within 10 working days of the completion of the visit.**

**Evaluator Preparation Activities**

	Completed
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<p>1. Send out the visit announcement message to the Colonel/GS-15 with assigned FDO responsibilities at least 30 working days in advance to formally announce the visit.</p> <p>-Prior to release of the message, pre-coordinate the visit dates with the FDO. Make certain that the FDO(s) are available and the supervisor in the grade of Colonel or higher (military) or GS-15 or higher (civilian) is available during the proposed visit dates for both an in-brief and out-brief.</p>	
<p>2. In order to prepare for the visit as much as possible in advance, it will be necessary to analyze data about the disclosure activity to be visited prior to the arrival of the staff assistance team. Data necessary for visit preparation will come from both IAPDX and the office to be visited. In the visit announcement message, task the FDO to provide the following information. IAPD should receive the information at least 10 working days prior to the projected visit start date.</p> <p><b><u>a. The FDO provides:</u></b></p> <ul style="list-style-type: none"> <li>-A copy of the FDO designation letter</li> <li>-An organizational diagram of the command structure that they support</li> <li>-A list of the disclosure officers assigned to the office, whether these officers have full-time or part-time disclosure responsibilities and a brief description of each individual's disclosure responsibilities</li> <li>-A list of all subordinate disclosure offices within the command to include the FDO's names and functional address symbols</li> <li>-A list of current DDLs--the DDL designation and date of document is sufficient--that the office has on file</li> <li>-A list of extended foreign visitors serviced by the office</li> <li>-The number of unclassified, confidential, secret and top secret information releases made in the past six months</li> <li>-A description of any formal disclosure education briefings, presentations or other education initiatives that have been completed in the past year</li> <li>-The average processing time for document requests by the office and identifies how the office measures this metric</li> <li>-The average time to redelegate disclosure authority to subordinate activities and identifies how the office measures this metric</li> </ul> <p><b><u>b. IAPDX provides:</u></b></p> <ul style="list-style-type: none"> <li>-A list of command FDOs based on our POC list</li> <li>-A list of command personnel who have attended the United States Air Force FDO training course</li> <li>-A list of DDLs delegated to the command</li> <li>-A list of SPAN users at the site, report on the office's CMI entries, and data regarding foreign visits processing by the office</li> </ul>	
<p>3. Review the following guidance before the visit:</p> <p>--AFI 16-201 --AFI 16-207 --AFI 16-110 --AFI 16-204 --AFI 61-205</p> <p>--USAF Disclosure Advisories --USAF Disclosure Guidelines</p> <p>--USAF Disclosure Education Tools</p>	
<p>4. Review selected staff assistance reports on file for crossfeed purposes.</p>	

5. Identify if any of the IAPD branches have specific problems or issues associated with the command or its subordinate units.	
6. Identify if other IA divisions (for example regions, IARW, etc.) know about disclosure related problems from SPOs or other users.	
<b>Oversight Evaluation Criteria</b>	
<b>COMMAND MANAGEMENT</b> This element evaluates the level of command support/interest the foreign disclosure and technology transfer program receives. There should be enough support/interest so that disclosure officers can implement their responsibilities. The following are indicators of command support/interest:	
<p>1. Has the MAJCOM, FOA, or DRU commander designated one or more individuals as command FDOs?</p> <ul style="list-style-type: none"> <li>-Is the designation in writing?</li> <li>-Are FDOs at headquarters and subordinate elements organizationally aligned with overall management and oversight responsibilities for international programs/ activities?</li> <li>-Are FDO ranks/grades equivalent to other assigned personnel with similar responsibilities?</li> <li>-Do FDO supervisors report directly to supervisors in the grade of Colonel or higher (military) or GS-15 or higher (civilian)?</li> <li>-Are managers in the grade of Colonel or higher (military) or GS-15 or higher (civilian) formally accountable for support and advocacy of their assigned foreign disclosure functions?</li> </ul>	
2. What is the nature of the FDO's access to the organization and MAJCOM, FOA or DRU commander?	
<p>3. Does the commander ensure sufficient resources are in place to implement the foreign disclosure and technology transfer program?</p> <ul style="list-style-type: none"> <li>-How many disclosure officers are there and what is their workload?</li> <li>-Are individuals performing disclosure duties on a full-time or part-time basis?</li> <li>-Does the commander ensure sufficient resources are in place to implement the foreign disclosure and technology transfer program?</li> <li>-Are there adequate resources to handle the workload?</li> </ul>	
<p>4. Have disclosure officers approving releases of classified information received formal training from SAF/IAPD?</p> <ul style="list-style-type: none"> <li>-What other training/educational opportunities have been made available to the foreign disclosure officers?</li> </ul>	
5. Do disclosure officers have adequate electronic connectivity (computers, SPAN, phones, fax machines, etc.) to facilitate expeditious coordination with supported offices and higher headquarters FDOs?	
<b>Oversight Evaluation Criteria</b>	
<b>COMMAND MANAGEMENT (Continued)</b> This element evaluates the level of command support/interest the foreign disclosure and technology transfer program receives. There should be enough support/interest so that disclosure officers can implement their responsibilities. The following are indicators of command support/interest:	
6. What concerns does the manager in the grade of Colonel or higher (military) or GS-15 or higher (civilian) with assigned FDO responsibilities have regarding implementation of the foreign disclosure and technology transfer program?	

<b>Oversight Evaluation Criteria</b>
<p><b>FOREIGN DISCLOSURE AND TECHNOLOGY TRANSFER PROGRAM MANAGEMENT</b> This element evaluates how the MAJCOM FDO is organized to implement its program management responsibilities within the command. The command FDO should be knowledgeable about the command's effectiveness and efficiency in implementing the program.</p> <p>The following are indicators of the command FDO's management emphasis:</p>
1. Does the office have AFI 16-201 and disclosure advisories on file to understand program requirements?
2. Has the MAJCOM, FOA or DRU FDO provided SAF/IAPD with current information on all appointed subordinate FDOs to include names, functional address symbols and telephone numbers?
3. Can the FDO explain the command's methodology regarding redelegation of disclosure authority?
4. Can the FDO explain how it evaluates its effectiveness and efficiency and that of its subordinate disclosure offices in meeting the foreign disclosure and technology transfer requirements of supported organizations?
5. Does the FDO have a suspense management program in place which ensures that disclosure taskings are responded to in a timely manner?
<ul style="list-style-type: none"> <li>-Does the office process document requests in 10 days generally?</li> <li>-Does the office generally return visit approvals/denials to the requester 5 days in advance of the visit start date?</li> </ul>
6. Are all command redelegations of disclosure authority documented in writing with a copy to SAF/IAPD?
<ul style="list-style-type: none"> <li>-What is the average turnaround time for redelegating authority to the field?</li> <li>-How does the command keep track of its redelegations?</li> </ul>
7. Have all command personnel who authorize the release of classified information received SAF/IAPD training?
<b>Oversight Evaluation Criteria</b>
<p><b>FOREIGN DISCLOSURE AND TECHNOLOGY TRANSFER PROGRAM MANAGEMENT (Continued)</b> This element evaluates how the MAJCOM FDO is organized to implement its program management responsibilities within the command. The command FDO should be knowledgeable about the command's effectiveness and efficiency in implementing the program. The following are indicators of the command FDO's management emphasis:</p>
8. Does the command have a foreign disclosure and technology transfer education/outreach program?
<ul style="list-style-type: none"> <li>-What organizations or audiences are have been the recipients of education/outreach initiatives?</li> <li>-What types of initiatives have been carried out under the program?</li> <li>-What education objectives have been achieved under these initiatives?</li> </ul>
9. Has the FDO established continuing relationships with base security and counterintelligence organizations?
<ul style="list-style-type: none"> <li>-What is the purpose of these relationships?</li> <li>-How does the FDO rate the success of these relationships?</li> </ul>
10. Does the FDO document its release decisions in SPAN?
<b>Oversight Evaluation Criteria</b>

**DELEGATED DISCLOSURE AUTHORITY** This element evaluates how FDOs at any command level implement their delegated disclosure authority. The FDO should be able to perform two major functions regarding delegated authority: 1) approve releases for which authority has been delegated and 2) prepare sufficient justification to the appropriate command level when delegated authority has been exceeded. The following are indicators whether the FDO understands how to exercise its authority:

1. Does the command have the current versions of delegations that IAPD has transmitted to them?

-Is the file consistent with IAPD records

2. Does the command have a process for evaluating requests for release of CMI or CUMI?

-Are decisions to release/deny or return incomplete requests, coordinate an extension or refer requests to another authority made within 10 working days of receiving the request?

3. Does the FDO have records for the past six months regarding information requests processed?

-How many unclassified, confidential, secret and top secret cases were processed?

-Does a random sampling show the FDO's decisions were consistent with its delegated authority?

-Can any trends be established by a random review of denials? For example, do denials indicate action should be taken to update delegated authority?

4. Can the FDO explain the command process for working disclosure cases when the command delegated authority has been exceeded?

-Can the FDO explain the difference between one-time and continuing authority?

-Do requests to SAIR FORCE/IAPD contain all the necessary information IAW AIR FORCEI 16-201 for action to be taken?

-How are requests for release of non-UNITED STATES AIR FORCE information handled?

5. Does the FDO know the requirements which must be met before release of approved information can occur?

#### **Oversight Evaluation Criteria**

**DELEGATED DISCLOSURE AUTHORITY (Continued)** This element evaluates how FDOs at any command level implement their delegated disclosure authority. The FDO should be able to perform two major functions regarding delegated authority: 1) approve releases for which authority has been delegated and 2) prepare sufficient justification to the appropriate command level when delegated authority has been exceeded. The following are indicators whether the FDO understands how to exercise its authority:

6. Does the FDO provide disclosure guidance to USAF personnel traveling overseas or to conferences where foreign nationals will be in attendance?

-How is this accomplished?

7. Has the FDO experienced problems with either higher headquarters or subordinate activities in responding to release requests?

-If so, what specific problems need to be addressed?

8. Is the FDO promptly notified IAW DoD 5200.1-R/AFI 31-401 when any foreign nation is suspected of compromising Air Force classified information?

-Can the FDO explain what actions are taken by his/her office subsequent to any notifications of suspected compromise.

#### **Oversight Evaluation Criteria**

**TECHNOLOGY TRANSFER** This element evaluates how FDO's at any command level implement their responsibilities in support of commercial international programs or commercial aspects of foreign military sales programs. The FDO should be able to advise and assist supported personnel determine when USAF sponsorship of commercial activities is appropriate and apply disclosure policies to acquisition related activities. The following are indicators whether FDO activities understand and comply with International Traffic in Arms Regulations:

1. Has the FDO sponsored or recommended sponsorship for any visits to contractor facilities?

-If so, what were the conditions of the approval?

2. Does the FDO comply with IAPD guidelines for granting exemptions to the ITAR?

3. Does the FDO review proposed command contracts before contract announcement in the Federal Business Opportunities.

4. Do FDO's know that once foreign ownership issues have been mitigated and a US facility clearance is granted, release of classified military information to the company does not require a disclosure review?

#### **Oversight Evaluation Criteria**

**INTERNATIONAL VISITS PROGRAM** This element evaluates how FDOs at any command level implement their responsibilities in support of visits and assignments of foreign personnel to USAF organizations. The following are indicators whether FDOs understand the relationship between foreign disclosure and technology transfer policies and the International Visit Program.

1. For FVS OPRs, how many visits are received which must be transferred to other OPRs?

2. For FVS OPRs, are visits transferred to you in a timely manner from other OPRs?

3. Does the office have a suspense program for managing its visit program?

-What is the average turnaround time from receipt to staffing of a visit request?

-Are there coordinating offices which are consistently missing suspenses?

-What actions are taken to follow up on missed suspenses?

-Are visit approvals/denials generally forwarded no less than 5 working days prior to visit start date?

4. Does the FDO have a process for approving one-time and recurring visits?

-Can the FDO explain the process?

-What is the process for denying visits?

-How are decisions reached for visits regarding orientation or non-program specific requests?

-With which offices does the FDO coordinate visits?

5. Does the FDO assist visit POCs in evaluating visit requests?

-Can the FDO explain the information provided to POCs to conduct the visit.

6. For FVS visit OPRs, what problems, if any, are you experiencing with embassy staffs, requests or visitors?

#### **Oversight Evaluation Criteria**

**INTERNATIONAL VISITS PROGRAM (Continued)** This element evaluates how FDOs at any command level implement their responsibilities in support of visits and assignments of foreign personnel to USAF organizations. The following are indicators whether FDOs understand the relationship between foreign disclosure and technology transfer policies and the International Visit Program.

7. For non-FVS OPRs, what visit problems, if any are you experiencing with SAF/IAPD, requests or visitors?
8. Can the FDO explain the coordination and approval process for extended visits (foreign liaison officers, cooperative program personnel and exchange officers--PEP and ESEP)?
9. Is the following documentation on file regarding extended visitors: <ul style="list-style-type: none"><li>-FVS extended visit approval.</li><li>-extended placement package which identifies the US contact officer, contains a position description, security plan, and list of any intermittent visit locations.</li><li>-disclosure authority permitting information releases to the individual(s).</li><li>-any other documentation required by other governing directives.</li></ul>
10. Have extended visitors been provided a badge which clearly identifies them as foreign nationals?
11. Have extended visitors been advised of the conditions of their placement in the organization? For example, what their duty hours are, areas for which they are permitted unescorted entry, who their US contact officer is, etc?
12. Does the FDO have any problems with extended visitors?

**Attachment 6****FORMAT FOR AUTHORIZING DISCLOSURE OF CMI**

Date of Memo

MEMORANDUM FOR (Identify Requesting Office)

FROM: (Identify FDO Authorizing Disclosure)

SUBJECT: (Subject of Disclosure Request)

(Office/individual authorized to disclose the specific item of information) is authorized to disclose a(n) (classification of the item of information authorized for disclosure) (identify document media, i.e., briefing, report, videotape, etc.) titled (identify the specific item of information to be disclosed) on a(n) (oral, visual or documentary basis) to representatives of the (Government of the intended recipient country or international organization). The information is to be disclosed pursuant to (identify specific purpose for disclosure) and subject to the following conditions.

a. The front page of the (identify document media, i.e., briefing, report, videotape, etc.) will contain the following statement:

"This information is furnished on condition that it will not be released to another nation without specific authority of the Department of the Air Force of the United States, that it will be used for military purposes only, that individual or corporate rights originating in the information, whether patented or not, will be respected, that the recipient will report promptly to the United States any known or suspected compromise, and that the information will be provided substantially the same degree of security Air Force ordered it by the Department of Defense of the United States. Also, regardless of any other markings on the document, it will not be downgraded or declassified without the written approval of the originating US agency."

b. Transfer of classified information and material will be accomplished only through official government-to-government channels.

c. A signed AIR FORCE Form 349 must be completed, signed by the recipient and returned to (identify the FDO who authorized the disclosure).

d. (Identify any other conditions that must be met prior to disclosure).

Questions regarding this disclosure authorization should be directed to (identify the POC who can answer questions regarding the approval).

Signature of Authorizing FDO

**Attachment 7**

**FORMAT FOR AUTHORIZING DISCLOSURE OF CUMI**

Date of Memo

MEMORANDUM FOR (Identify Requesting Office)

FROM: (Identify FDO Authorizing Disclosure)

SUBJECT: (Subject of Disclosure Request)

(Office/individual authorized to disclose the specific item of information) is authorized to disclose a(n) Unclassified (identify document media, i.e., briefing, report, videotape, etc.) titled (identify the specific item of information to be disclosed) on a(n) (oral, visual or documentary basis) to representatives of the (Government of the intended recipient country or international organization). The information is to be disclosed pursuant to (identify specific purpose for disclosure) and subject to the following conditions.

b. (Identify any other conditions that must be met prior to disclosure).

Questions regarding this disclosure authorization should be directed to (identify the POC who can answer questions regarding the approval).

Signature of Authorizing FDO

## Attachment 8

### SAMPLE LANGUAGE TO ADDRESS ADMINISTRATIVE RESPONSIBILITIES FOR EXTENDED VISIT POSITIONS

The purpose of this attachment is to provide FDOs sample language used in the DoD International Agreements Generator to identify administrative support, liability, obligations and responsibilities for Cooperative Program Personnel. Similar language is used to address support requirements for PEP, APEP, and ESEP Positions. FDOs and US Contact Officers must review signed agreements for the positions they manage to verify specific requirements for each position.

#### 1.0. Purpose and Scope

1.1. This Annex (**or Article**) establishes the terms and conditions for [identify type of program under which the foreign national is to be assigned] assigned for work in accordance with Article III (Scope of Work) of this MOA. [Assigned foreign nationals] must be able to perform all responsibilities assigned to them under this MOA. Commencement of assignments shall be subject to the requirements that may be imposed by the Host Party or its government regarding acceptance of assigned foreign nationals, such as, but not limited to, visas and visit request documentation. The Host Party and Parent Party shall determine the length of tour for the positions at the time of initial assignment.

1.2. [Foreign nationals] shall be assigned to work on a specific (**name of MOA Activity, Project, effort, etc.**) and shall report to a supervisor to be identified by the Host Party. [Foreign nationals] shall have a position description mutually determined by the Parent Party and Host Party. [Foreign nationals] shall not act as liaison officers for their Parent Party.

1.3. [Foreign nationals] shall not be assigned to command or other positions that would require them to exercise responsibilities that are reserved by law or regulation to an officer or employee of the Host Party's government.

#### 2.0. Security

2.1. The Host Party shall establish the level of security clearance required, if any, to permit [foreign nationals] to have access to Classified Information and facilities. Access to Classified Information and facilities in which Classified Information is used shall be limited by the scope of the relevant (**name of MOA Activity, Project, effort, etc.**).

2.2. The Parent Party shall file visit requests through prescribed channels in compliance with the Host Party's procedures. As part of the visit request procedures, each Party shall cause security assurances to be filed, through the (**identify the Parent Party's Government embassy and US location**) in the case of (**insert country name**) personnel, and through the US Embassy in (**identify location**) in the case of United States personnel, specifying the security clearances for the [foreign nationals] being assigned.

2.3. The Host and Parent Party shall use their best efforts to ensure that [foreign nationals] assigned to a Host Party's facility to conduct a (**name of MOA Activity, Project, effort, etc.**) are aware of the requirements of the (**title of MOA**). On arrival, [foreign nationals] and their dependents shall be informed by the host Party's representative about applicable laws, orders, regulations, and customs and the need to comply with them. Prior to commencing assigned duties,

[foreign nationals] shall, if required by the Host Party's government laws, regulations, policies or procedures, sign a certification concerning the conditions and responsibilities of [foreign nationals assigned to UNITED STATES AIR FORCE organizations].

2.4. [Foreign nationals] shall at all times be required to comply with the security and export control laws, regulations, and procedures of the Host Party's government. Any violation of security procedures by [foreign nationals] during their assignment shall be reported to the Parent Party for appropriate action. [Foreign nationals] committing significant violations of security laws, regulations, or procedures during their assignments shall be withdrawn from the Project with a view toward appropriate administrative or disciplinary action by their Parent Party.

2.5. All Classified Information made available to [foreign nationals] shall be considered as Classified Information furnished to the Parent Party, and shall be subject to all provisions and safeguards provided for in Article XII\* (Security).

2.6. [Foreign nationals] shall not have personal custody of Classified Information or Controlled Unclassified Information unless approved by the Host Party and as authorized by their Parent Party. They shall be granted access to such Information in accordance with Article IX (Controlled Unclassified Information), Article XII\* (Security), and the applicable project security instruction during normal duty hours and when access is necessary to perform work for the **(name of MOA Activity, Project, effort, etc.)**.

2.7. [Foreign nationals] assigned to a host Party's facility to conduct a **(name of MOA Activity, Project, effort, etc.)** shall not serve as a conduit between the Host Party and Parent Party for requests and/or transmission of Classified Information and Material or Controlled Unclassified Information outside the scope of their assignment, unless specifically authorized by the Parent Party.

### 3.0. Technical and Administrative Matters

3.1. Subject to applicable multilateral and bilateral treaties, agreements, and arrangements of the governments of the Host Party and Parent Party, [foreign nationals] and their authorized dependents shall be accorded:

3.1.1. Exemption from any Host Party's government tax upon income received from the Parent Party.

3.1.2. Exemption from any Host Party's government customs and import duties or similar charges levied on items entering the country for their official or personal use, including their baggage, household effects, and private motor vehicles.

3.2. On arrival [foreign nationals] and their dependents shall be provided briefings arranged by the Host Party's representative regarding (subject to applicable multilateral and bilateral agreements) entitlements, privileges, and obligations such as:

3.2.1. Any medical and dental care that may be provided to [foreign nationals] and their dependents at local medical facilities, subject to the requirements of applicable laws and regulations, including reimbursement when required.

3.2.2. Purchasing and patronage privileges at military commissaries, exchanges, theaters, and clubs for [foreign nationals] and their dependents, subject to the requirements of applicable laws and regulations.

3.2.3. The Host Party shall provide, if available, housing and messing facilities for [foreign nationals] and their dependents on the same basis and priority as for its own personnel. [Foreign nationals] shall pay messing and housing charges to the same extent as Host Party personnel. At locations where facilities are not provided by the Host Party for its own personnel, the Parent Party shall make suitable arrangements for its [foreign nationals].

3.2.4. Responsibility of [foreign nationals] and their accompanying dependents to obtain motor vehicle liability insurance coverage in accordance with the laws and regulations applicable in the area where they are residing. In case of claims involving the use of private motor vehicles by [foreign nationals], the recourse shall be against such insurance.

3.3. The Host Party shall, in consultation with the [foreign nationals], establish standard operating procedures for [foreign nationals] in the following areas:

3.3.1. Working hours, including holiday schedules.

3.3.2. Leave authorization, consistent to the extent possible with the military and civilian personnel regulations and practices of the Host Party and Parent Party.

3.3.3. Dress regulations, consistent to the extent possible with the military and civilian personnel regulations and practices of the Host Party and Parent Party.

3.3.4. Performance evaluations, recognizing that such evaluations shall be rendered in accordance with the Parent Party's military or civilian personnel regulations and practices.

3.4. [Foreign nationals] committing an offense under the laws of the government of the Host Party or Parent Party may be withdrawn from this Project with a view toward further administrative or disciplinary action by the Parent Party. Disciplinary action, however, shall not be taken by the Host Party against [foreign nationals], nor shall [foreign nationals] exercise disciplinary powers over the Host Party's personnel. In accordance with Host Party's government laws and regulations, the Host Party shall assist the Parent Party in carrying out investigations of offenses involving [foreign nationals].

3.5. During their assignment, [foreign nationals] shall not be placed in the following duty status or environments unless mutually decided by the Host Party and Parent Party:

3.5.1. Areas of political sensitivity where their presence may jeopardize the interests of either the Host Party or Parent Party, or where, in the normal course of their duty, they may become involved in activities which may embarrass either Party.

3.5.2. Deployments in non-direct hostility situations, such as UN peacekeeping or multi-national operations, or third countries.

3.5.3. Duty assignments in which direct hostilities are likely. Should a Host Party's facility become involved in hostilities unexpectedly, [foreign nationals] assigned to that facility shall not be involved in the hostilities. Any such [foreign national] approved by the Host Party and Parent Party for involvement in hostilities shall be given specific guidance as to the conditions under which the assignment shall be carried out by the appropriate authorities of the Host Party and Parent Party.

## Attachment 9

**INSTRUCTIONS FOR CREATING POSITION DESCRIPTIONS FOR EXTENDED VISIT POSITIONS****(PLACEMENT OF ENGINEER AND SCIENTIST EXCHANGE OFFICERS, FOREIGN LIAISON OFFICERS AND COOPERATIVE PROGRAM PERSONNEL WITHIN AIR FORCE ORGANIZATIONS\*)**

(Heading identifying the exchange officer, cooperative program name or foreign military sale program associated with the foreign representative)

*\*Position descriptions supporting Defense Personnel Exchange Program positions should be developed IAW AIR FORCEI 16-107*

- 1. POSITION LOCATION:** Identify the organizational address of the organization where the foreign representative will perform his/her duties.
- 2. POSITION TITLE:** Identify the title that describes the position that the foreign representative will perform duties as.
- 3. DESCRIPTION OF DUTIES, SKILLS AND RESPONSIBILITIES:** This section identifies the types of activities that the individual will be expected to perform as well as how that activity will be used. This development process may require several revisions to ensure the duties are sufficiently described. This description is important for three reasons. First, it will be used as the foundation upon which the delegation of disclosure authority letter (DDL) will be built or to verify that an existing DDL will support the position. Second, it ensures that both USAF and the foreign government agree to the duties to be performed by the foreign representative. Third, it helps the contact officer educate other USAF personnel working with the foreign representative understand the specific assigned duties of the foreign representative.
4. The following examples are provided to demonstrate the type of detail that the creator of the position description needs to provide in order to help facilitate the establishment of a long-term visitor position within the organization. They are grouped into UNSATISFACTORY and SATISFACTORY examples of descriptions of duties:
  - a. UNSATISFACTORY- Records and reports test results.

SATISFACTORY- Knowledge of the terminology used with a variety of diagnostic and treatment procedures provided general medical patients to record and report medical information such as x-ray and test results.
  - b. UNSATISFACTORY- Knowledge of engineering concepts to perform military research.

SATISFACTORY- Knowledge of materials science to research, develop and apply static and dynamic material properties measurement tests to energetic materials and simulants.
  - c. UNSATISFACTORY - Individual will use standard laboratory techniques.

SATISFACTORY- Individual will adapt and apply standard laboratory techniques for the assessment of material properties. Test techniques to be used will include

Split Hopkinson Pressure Bar Tests, Tensile Tests, and Fracture Toughness Tests for both high explosives and simulants.

- d. UNSATISFACTORY - Individual will review and evaluate engineering designs.  
SATISFACTORY- Individual will review engineering drawings for the proposed demonstrator using knowledge of mechanical engineering principles and evaluate the proposed design against XYZ program requirements.
- e. UNSATISFACTORY - Specific duties will include, but not be limited to, the collection of samples, chemical analysis, data reduction and groundwater treatment process evaluation. (The phrase *but not limited to* indicates there are other duties, if so they should be identified.)
- f. SATISFACTORY- Develop concept of operations and packaging concept for Tactical and Special Mission ground stations. Includes deployability requirements, physical and functional layouts, data link requirements and procedure development issues.

**4. QUALIFICATIONS REQUIRED FOR POSITION:** Qualifications are training, education or other accomplishments that prepare an individual to carry out specific work or responsibilities. For example, the ability to use good English oral and written skills and certain types of computer software. Unique qualifications may also be desired by the organization. If so, identify the type of qualification and whether a specific amount of time performing the activity is required to be considered qualified. For example, 3 years performing duties as a research engineer.

**5. US CONTACT OFFICER:** This is the name, organizational address and telephone number of the USAF official designated in writing to oversee and control all contacts, requests for information, consultations, access, and other activities of the foreign national who will be assigned to or placed in the USAF organization. Previously, this US person was referred to as the "supervisor" for all extended visitors including those assigned under formal exchange programs. The term "contact officer" is now being used to be consistent with DoD terminology. In all cases of Defense Personnel Exchange Positions, the US host supervisor may be the contact officer (within Air Force this has traditionally been the rule).

**6. SECURITY CLEARANCE LEVEL REQUIRED: Unclassified, Confidential, Secret or Top Secret (identify one). Information will not be released to the participant based on the required security clearance. Only designated disclosure officers using the appropriate DDL are authorized to approve releases of classified or controlled unclassified military information to the participant.** This is the level of security clearance required for access to US classified military information necessary to perform assigned duties and responsibilities. The decision regarding what US classified military information will be available to the foreign representative will be documented in the delegation of disclosure authority letter (DDL). Once the position has been established, the foreign government will be required to provide a security assurance to USAF that it has granted its representative a security clearance commensurate with the access required. By submitting the extended visit request, the foreign government provides the security assurance and identifies the level of clearance it has granted its participant. The bold statement above is a required statement in the position description.

**Attachment 10****SECURITY PLAN SAMPLE FORMAT****Access Controls for Extended Foreign National Visitors to USAF Military Organizations**

(The purpose of this sample format is to assist US contact officers in documenting physical controls necessary to ensure that extended visitors access to information and sensitive work areas is consistent with the disclosure guidance supporting the visitor's placement. All US individuals coming into contact with the foreign national must be made aware of the contents of this plan as well as the disclosure guidance pertaining to the extended visitor's placement. The security plan must be approved by the extended visitor's US Contact Officer, the Foreign Disclosure Officer and the local Information Security Program Manager.)

1. **EXTENDED VISITOR:** Identify the individual's name, rank and country.
2. **ASSIGNED DUTY AREA:** Identify the physical location of the individual's work area to include physical address, building and room number. Identify the extended visitor's normal work hours. Also, identify any other local organizations that the extended visitor will be required to visit during their placement.
3. **US Contact Officer:** Identify the name, organizational address and telephone number of the USAF official designated in writing to oversee and control all contacts, requests for information, consultations, access and other activities of the extended visitor.
4. **ACCESS CONTROLS:** A general requirement is that all extended visitors identify themselves as members of their parent service in all communications. This requirement ensures that US personnel communicating with the extended visitor are aware that he is an international officer. Identify that the extended visitor will be informed to identify himself as a member of his parent service in all written, electronic and telephonic communications. The following items must be addressed separately. It may be necessary to identify other controls depending upon the activities taking place at the organization. To identify if other controls are necessary, review activities of US personnel who have similar responsibilities.
  - a. Computer Access: The supporting foreign disclosure office and systems accreditation authorities must be included in the approval process. Document the approved computer access with any conditions that apply.
  - b. Other Equipment Use: Identify the equipment and the location that the extended is authorized to use. Are there any requirements which must be met before the equipment can be used (i.e., use logs, etc.), if so identify them.
  - c. Physical Access: Identify whether the extended individual will have escorted or unescorted access to the work area or any other areas. For unescorted access, identify that the extended visitor has been issued a badge or pass that clearly identifies him as a foreign national, the badge is valid for specific facilities during normal duty hours and the organization has received a security assurance from the individual's government verifying that he meets all clearance requirements for unescorted access to the facility (ies). Identify for what official purposes unescorted access is required on a frequent basis. Identify how the unescorted access will be prevented outside normal duty hours.

d. Information Access: Identify the actions US personnel will be responsible for taking to ensure that classified and controlled unclassified military information in their work areas or common work areas will be controlled during the placement of the extended visitor. Also ensure that guidance for US personnel conducting classified discussions in the office is included.

e. Organization Visitors: Identify how the organization will ensure that visitors are informed about the existence of the extended visitor and the disclosure and security requirements that are in place regarding the visitor.

f. Extended Visitor Visits:

(1) Identify how the organization will ensure that extended visitor contacts outside of the organization are informed of the disclosure and security requirements regarding the visitor.

(2) Identify that the extended visitor will be required to submit a visit request through his/her Embassy channels for visits outside his/her location of assignment.

g. Emergency Procedures: Identify the actions that will be taken should the extended visitor be found unescorted outside the areas approved for unescorted entry or have access to information not approved for release. This information should include the name, location and telephone numbers of any individuals who should be contacted.

h. Points of Contact: Identify all points of contact appropriate for this placement. As a minimum, identify the foreign disclosure officer, unit security manager, the installation information security program manager, facility entry control points, others as appropriate for the organization.

## Attachment 11

**SAMPLE CERTIFICATION OF CONDITIONS AND RESPONSIBILITIES FOR DPEP PERSONNEL**

I understand and acknowledge that I have been accepted for assignment to *(insert name and location of organization to which assigned)* pursuant to an agreement between the United States Air Force and the Air Force of *(insert country name)*. In connection with this assignment, I further understand, acknowledge, and certify that I will comply with the following conditions and responsibilities:

1. The purpose of the assignment is to gain knowledge of the organization and management of UNITED STATES AIR FORCE *(cite area of assignment)* activities. There shall be no access to information except as required to perform the duties described in the position description (PD) of the position to which I am assigned, as determined by my designated United States Air Force supervisor.
2. I shall perform only functions that are properly assigned to me as described in the PD for my assignment and shall not act in any other capacity on behalf of my government or my parent Service.
3. All information to which I may have access during this assignment shall be treated as information provided to me in confidence and shall not be further released by me to any other person, firm, organization or government, including my parent government, without the prior written authorization of the United States Air Force.
4. When dealing with individuals outside my immediate office of assignment on official matters, I shall inform such individuals that I am a foreign exchange person.
5. I have been briefed on, understand, and shall comply with all applicable security regulations of the United States Air Force and Host Organization.
6. I shall immediately report to my supervisor any attempts by unauthorized personnel to obtain classified, proprietary, or controlled unclassified information to which I may have access as a result of this assignment.

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*(Typed Name)*

*(Signature)*

---

*(Rank/Title)*

*(Date)*

**COMMITMENT REGARDING INVENTIONS MADE AND TECHNICAL INFORMATION DEVELOPED BY VISITING SCIENTISTS AND ENGINEERS**

In consideration for being selected to participate in the United States Air Force(*insert country name*) Personnel Exchange Program, I hereby grant to the United States Air Force a worldwide, non-transferable, irrevocable, non-exclusive, royalty-free license to make, use, or sell inventions, whether patentable or not, and unlimited use and reproduction rights for technical information developed by me during the period of and as a result of my participation in this program.

Additionally, to secure the rights granted above, I hereby grant to the United States Air Force the right to prosecute or to have prosecuted patent applications on the above mentioned inventions in any country for which my Parent Service or I choose not to prosecute a patent application.

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(Signature of Exchange Officer)

## Attachment 12

**SAMPLE CERTIFICATION OF CONDITIONS AND RESPONSIBILITIES FOR  
COOPERATIVE PROJECT PERSONNEL**

I understand and acknowledge that I have been accepted for assignment to (insert name and location of Project to which assigned) pursuant to [identify agreement which provides for the cooperative program]. Capitalized terms in this certification have the meanings defined in the MOU. In connection with this assignment, I further understand, acknowledge, and certify that I shall comply with the following conditions and responsibilities:

1. The purpose of the assignment is to provide my expertise to the Project [or Program]. There shall be no access to Project Information except as required to perform my assigned duties or as otherwise authorized in accordance with the MOU.
2. All [identify agreement which provides for the cooperative program] Project Information to which I may have access during this assignment shall be treated as information provided to my government in confidence and shall not be further released or disclosed by me, except as authorized by the MOU.
3. I have been briefed on, understand, and shall comply with all applicable laws and regulations pertaining to Classified Information and Material and Controlled Unclassified Information as well as the requirements of [identify applicable MOU Articles; i.e., Article IX (Disclosure and Use of Project Information), Article X (Visits to Establishments), Article XI (Controlled Unclassified Information), Article XII (Security)], and the Project Security Instruction and Classification Guide.
4. When dealing with individuals outside of my immediate office of assignment on official matters, I shall properly identify myself.
5. I shall immediately report to my designated supervisor all unauthorized attempts to obtain Classified Information and Material or Controlled Unclassified Information to which I may have access as a result of this assignment.

---

(Typed Name)

(Signature)

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(Rank/Title)

(Date)

**COMMITMENT REGARDING INVENTIONS MADE AND TECHNICAL INFORMATION DEVELOPED BY VISITING SCIENTISTS AND ENGINEERS**

In consideration for being selected to participate in the United States *-(insert country name)* (insert name of Cooperative Program), I hereby grant to the Cooperative Program a worldwide, non-transferable, irrevocable, non-exclusive, royalty-free license to practice (make, use, or sell) inventions (whether patentable or not patentable) and unlimited use and reproduction rights in technical information, which inventions are made (either conceived or reduced to practice) by me or which technical information is developed by me during the period of and as a result of my participation in this program.

Additionally, to secure the rights granted above, I hereby grant to the Cooperative Program the right to prosecute or to have prosecuted patent applications on the above mentioned inventions in any country for which my government or I choose not to prosecute a patent application.

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(Signature of Cooperative Program Officer)

## Attachment 13

**SAMPLE CERTIFICATION OF CONDITIONS AND RESPONSIBILITIES FOR  
FOREIGN LIAISON OFFICERS**

I understand and acknowledge that I have been accepted for assignment to (insert name and location of Project Office to which assigned) pursuant to [identify LOA including a short case description which provides for the liaison activity]. In connection with this assignment, I further understand, acknowledge, and certify that I shall comply with the following conditions and responsibilities:

1. The purpose of the assignment is to provide my expertise to the [identify FMS program(s) for which the individual will be a liaison officer]. There shall be no access to US Information except as required to perform my liaison duties.
2. All [identify LOA that provides for the liaison activity] information to which I may have access during this assignment shall be treated as information provided to my government in confidence and shall not be further released or disclosed by me, except as authorized by the US Government.
3. I have been briefed on, understand, and shall comply with all applicable laws and regulations pertaining to Classified Information and Material and Controlled Unclassified Information as well as the requirements of [identify any applicable host organization security instructions].
4. When dealing with individuals outside of my immediate office of assignment on official matters, I shall properly identify myself as a liaison officer.
5. I shall immediately report to my designated supervisor all unauthorized attempts to obtain Classified Information and Material or Controlled Unclassified Information to which I may have access as a result of this assignment.

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(Typed Name)

(Signature)

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(Rank/Title)

(Date)