

Guide to DoD International Acquisition and Exportability Practices



March 2022

Office of the Under Secretary of Defense for Acquisition and Sustainment
Directorate of International Cooperation

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Approved by

Michael J. Vaccaro

Date

Executive Director, International Cooperation

Office of the Under Secretary of Defense for
Acquisition and Sustainment

Guide to International Acquisition and Exportability Change Record

Version #	Revision Date	Reason
Rev. 0	05-17-21	Initial Coordination
Rev. 1	08-19-21	Adjudicated Comments
Rev. 2		
Rev. 3		
Rev. 4		

Guide to DoD International Acquisition and Exportability Practices
Office of the Under Secretary of Defense for Acquisition and Sustainment
Executive Director, International Cooperation
3070 Defense Pentagon
Washington, DC 20301
osd.pentagon.ousd-atl.mbx.icwebmaster@mail.mil
<https://www.acq.osd.mil/ic/index.html>

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Section 1. Introduction

The Guide provides detailed information regarding the International Acquisition & Exportability (IA&E) concepts introduced in the [Guide to Department of Defense \(DoD\) Program Management Business Processes](#). The term “IA&E” encompasses all of the elements of international involvement in DoD acquisition activities throughout the acquisition lifecycle – including Science and Technology, Research and Development, Production and Deployment, and Operations and Support – by exploring foreign solutions, International Cooperative Programs (ICPs), foreign sales or transfers, exportability design and development, and Technology Security and Foreign Disclosure (TSFD).

Section 1–1. Purpose

This Guide to International Acquisition and Exportability practices is intended to provide Program Managers (PMs) with information needed to thoughtfully organize, plan, and execute DoD international acquisition activities regardless of acquisition pathway, acquisition category, contracting model, or program type.

Section 1–2. Background

Program management should strive to identify and address IA&E considerations during each phase of the acquisition life cycle, whether under the Major Capability Acquisition (MCA) pathway, the Middle Tier of Acquisition (MTA) pathway, or the Urgent Capability Acquisition (UCA) pathway. Program management decisions on the extent of potential allied and friendly nation participation in systems development—as well as efforts to incorporate exportability in DoD systems to facilitate future sales and transfers—should be addressed as early as possible. Given the wide array of U.S. laws, regulations, and policies governing these IA&E areas, and the multiple DoD and U.S. Government organizations that oversee them, achieving successful IA&E outcomes requires a comprehensive, integrated approach to international acquisition activities by program management during each phase of the Defense Acquisition System.

This Guide provides information on the following key aspects of IA&E:

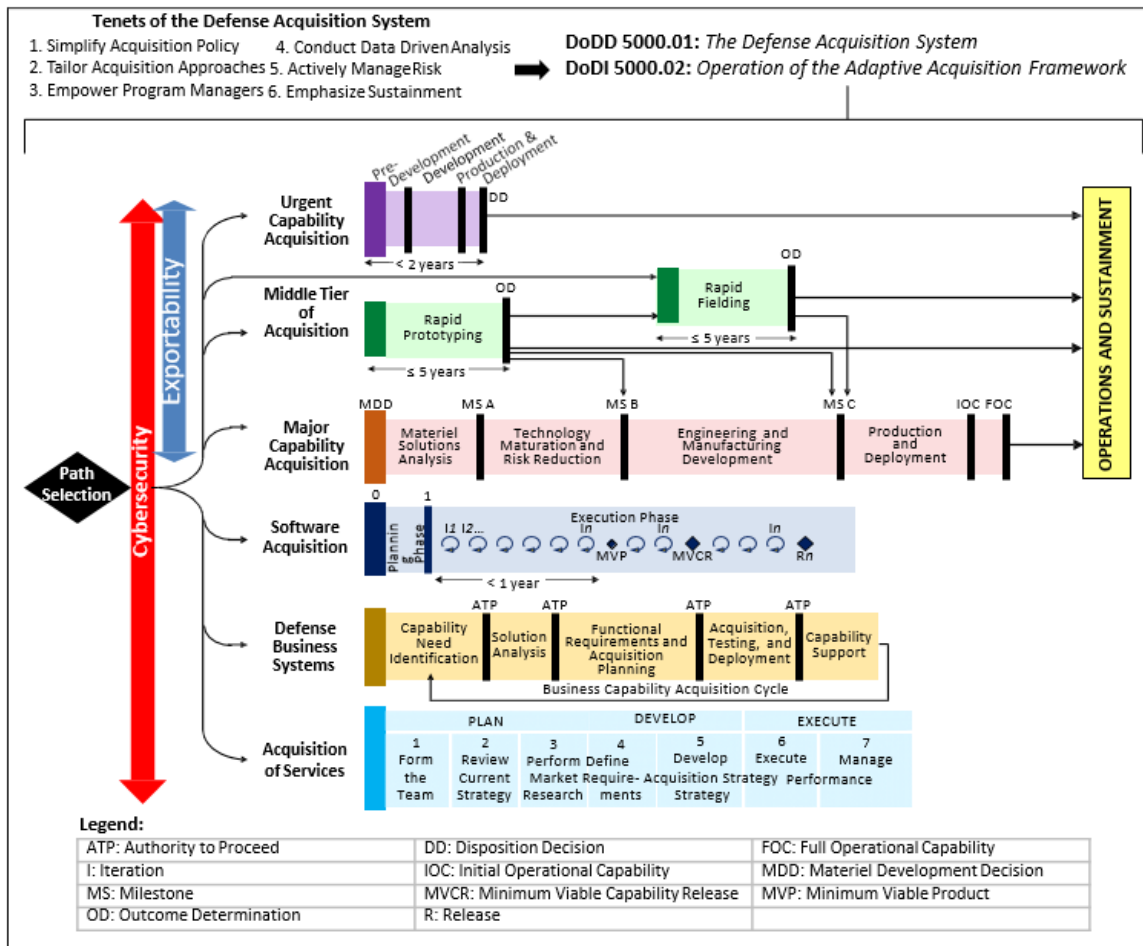
- Types of international acquisition involvement.
- Tools available to identify and develop international acquisition programs.
- Incorporation of international acquisition considerations into program acquisition strategies.
- Procedures used to establish international agreements/arrangements.
- Details on Security Assistance/Foreign Military Sales policies.
- International logistics agreements/arrangements and related cooperative logistics activities.
- Technology Security and Foreign Disclosure processes.
- Program protection documentation requirements.

Section 1–2.1 International Acquisition Involvement

International involvement in a DoD acquisition program includes various forms of international acquisition activity such as ICPs; Foreign Sales or Transfers; and exploring foreign solutions (often through international contracting activities as outlined in [A Guide to DoD Program Management Business Processes](#)).

Statutory requirements and DoD Adaptive Acquisition Framework policies require that program management consider international acquisition involvement across the acquisition life cycle, both under the MCA and MTA pathways shown in Figure 1. This consideration and integration of international acquisition involvement ensures the DoD can achieve U.S. national security objectives to enhance coalition interoperability, decrease costs to the DoD and taxpayer through greater economies of scale, and improve the international competitiveness of U.S. defense systems in the global marketplace.

Figure 1. Adaptive Acquisition Framework:



[DoDD 5000.01](#) requires acquisition programs to deploy interoperable systems and plan for coalition partners. Paragraph 1.2 q, “Deploys Interoperable Systems”, requires that joint concepts, standardization, and integrated architectures will be used to the maximum extent possible to characterize the exchange of data, information, materiel, and services to and from systems, units, and platforms to assure all systems effectively and securely interoperate with other U.S. forces and coalition partner systems. Paragraph 1.2 t, “Plan for Coalition Partners”, states that early design and development phase acquisition programs should consider courses of action that will enable allies and partners to enhance U.S. military capability through collaboration opportunities, potential partnerships, and incorporation of international acquisition and exportability features.

[DoDI 5000.02](#) requires PMs to consider acquisition strategies that leverage international acquisition and supportability planning to improve economies of scale, strengthen the defense industrial base, and enhance coalition partner capabilities to prepare for joint operations. In keeping with the intent of DoDI 5000.02, [DoDI 2010.06](#), Materiel Interoperability and Standardization with Allies and Coalition Partners (para 3.a), addresses design efforts to enhance coalition interoperability and Anti-Tamper (AT) planning.

Across DoD guidance, technology and program protection activities support international partnership building and ICP objectives by enabling the export of capabilities without compromising our underlying U.S. technology advantages. In keeping with this, [DoDI 5000.83 Technology and Program Protection to Maintain Technological Advantage](#) integrates a number of protection disciplines to enhance technology area protection planning, Science and Technology (S&T) protection, and program protection planning, with the goal of maintaining U.S. technology advantages and protecting DoD warfighting capabilities. Per

the DoDI 5000.83, technology area and program protection planning procedures will be tailored depending on the selected acquisition pathway and anticipated risks the program will encounter.

See also [10 USC 2431a \(c\)\(2\)\(G\)](#), which requires an acquisition strategy to be developed for each major defense acquisition program, each major automated information system, and each major system approved by a milestone decision authority that addresses international involvement, including foreign military sales and cooperative opportunities, in accordance with [10 USC 2350a](#). There is also specific guidance for programs using the MCA, MTA, and UCA pathways.

MCA Pathway: [DoDI 5000.85](#) requires PMs for programs using the MCA pathway to integrate IA&E planning into the program's acquisition strategy beginning at the entry milestone and continuing through all phases of the acquisition process. It specifically requires PMs to design the system for exportability to foreign partners except when the program has an MDA-approved waiver allowing for a U.S.-only design. PMs for Major Defense Acquisition Programs (MDAPs) and major systems pursuing a U.S.-only design and not planning for system export require an MDA-approved exportability design waiver which must be reviewed at each milestone. Program Executive Officers (PEOs) will endorse proposals for waivers for a U.S.-only design. If a program has been approved for a waiver for a U.S.-only design, the MDA will notify the OUSD(A&S) and the requirements validation authority. Further details on the types of systems that are suitable for a U.S.-only design are provided in Section 1-4.1. For systems with export markets, the program must conduct an exportability roadmap study beginning no later than Milestone B. Per the 5000.83, the MCA Pathway will use relevant technology area protection plans (TAPPs) to inform program protection activities and S&T protection plans, as appropriate. Program protection planning and implementation will be developed as part of a program's design and technical risk assessment process. See Section 10.1 for more information on program protection planning.

MTA Pathway: [DoDI 5000.80](#) discourages programs with significant international partner involvement from using the MTA pathway but requires DoD Components to develop a process under rapid fielding for considering coalition interoperability and planning for cooperative opportunities, including foreign sales. Defense Acquisition University ([DAU](#)) [guidance on MTA systems](#) has expanded upon this, stating that PM's should ensure that MTA acquisition strategies integrate IA&E planning into the program's acquisition strategy for both rapid prototyping and rapid fielding. Furthermore, MTA programs exceeding the MDAP dollar threshold require a Decision Authority (DA)-approved exportability design waiver if planning for a U.S.-only design. It is also advisable that MTA systems meeting Acquisition Category II (ACAT II) dollar thresholds should also design for exportability as the default acquisition approach. Per the 5000.83, the MTA Pathway will determine the program protection planning and implementation risks and mitigation as part of the design and technical risk assessment process. Operators will also be informed of the operational risks when the system is fielded, which should include information on any risks that battlefield loss may pose to U.S. technology or capability advantages.

UCA Pathway: DoDI 5000.81 asks that PMs perform an analysis of courses of action that considers "existing domestic or foreign-made capability" items that could lead to the acquisition of foreign defense systems, and defines "materiel support to ... coalition partner[s]" as being a critical warfighter issue under the UCA pathway [when so identified by the Warfighter Senior Integration Group](#). The DoDI 5000.83 also requires that program managers and S&T managers develop program protection planning as part of the design and technical risk assessment process for UCA capabilities, and that operators are informed of operational risks when the system is fielded. This should include information on any risks that battlefield loss may pose to U.S. technology or capability advantages.

Software Acquisition Pathway: Note that the software acquisition pathway, per the DoDI 5000.87 Operation of the Software Acquisition Pathway, does not include references involving planning for coalition partners. This guidance does, however, ask that the program office actively engage users throughout the software lifecycle to understand their requirements, including interoperability needs, and threat intelligence. In addition, a testing strategy will demonstrate, test, and evaluate interoperability. Where appropriate, this should include planning for interoperability among U.S., allied, and coalition forces, in keeping with DoDI 8330.01 Interoperability of Information Technology (IT), including National Security Systems.

Across the Adaptive Acquisition Framework, a key goal of international acquisition is to reduce weapons system acquisition costs through cooperative development, production and support ICPs, Foreign Military Sales (FMS), and/or Direct Commercial Sales (DCS). Program management should consider international acquisition involvement to the maximum extent feasible consistent with core business practices and with the overall political, economic, technological, and national security goals of the United States. When considering funding sources in support of program IA&E activities, program management may pursue a number of potential sources of funding, including regular requests through the Program Objective Memorandum (POM) budget process, the OUSD(A&S) sponsored Defense Exportability Features (DEF) Program, the Coalition Warfare Program (CWP), or other sources of budgeted and authorized funding outside the POM process (e.g., the Defense Security Cooperation Agency (DSCA) Special Defense Acquisition Fund [SDAF], or ICP/FMS/Building Partner Capacity (BPC) funding). These funding sources are discussed in more detail below in Section 1-4, 1-5, and 1-7.

In addition to this set of acquisition policies, beginning in 2019, requirements policy began to integrate planning for exportability and coalition interoperability. Joint Requirements Oversight Council Memo (JROCM) 025-19, issued 15 Apr 2019 requires Allied/partner interoperability to be included in the CONOPS section of Joint Capabilities Integration and Development System (JCIDS) Initial Capabilities Documents (ICDs). It also requires that standard exportability language be included as a Key System Attribute (KSA) in JCIDS Capability Development Documents (CDDs) for systems with export potential as determined by the Milestone Decision Authority (MDA) at Milestone A.

Section 1–2.2 International Cooperative Programs

An ICP is any acquisition program or technology project that includes participation by the United States and one or more foreign nations through an international agreement during any phase of a system’s life cycle, including cooperation in research, development, testing, evaluation, production, sustainment, and follow-on development.

The key objectives of ICPs are to reduce weapon systems acquisition costs by leveraging partner resources (e.g., funding, technology, personnel expertise, facilities), to increase economies of scale, and to enhance interoperability with allied and friendly nations. Program management efforts to identify ICP opportunities before entering into a formal acquisition program may be challenging, but such activities can provide DoD with potentially high payoffs in future cost savings, increased interoperability, operational burden-sharing and more affordable life-cycle costs.

[DoDI 5000.85](#), Appendix 3C establishes overall ICP program management requirements. Program management should assess the system’s ICP prospects based on allied/friendly nation existing technologies, known and projected capability requirements, plans for development of similar systems in the global defense market, previous foreign purchases of similar U.S. systems undergoing major upgrades, and other indicators of prospective foreign demand for the new system. Program management must also address both the domestic and international aspects of program protection per [DoDI 5000.83](#), “Technology and Program Protection to Maintain Technological Advantage.”

In deciding whether to pursue an ICP, program management should consult with their respective DoD Component International Programs Organization (IPO) (i.e., [Deputy Assistant Secretary of the Army for Defense Exports and Cooperation](#), [Navy International Programs Office](#), [Deputy Under Secretary of the Air Force for International Affairs](#)), and consider the following criteria:

- Ability of the partner nation(s) to participate equitably in an ICP, taking into account TSFD considerations, where there are clear DoD benefits (e.g. interoperability, cost savings, operational burden-sharing, and political-military benefits);
- Ability to establish an ICP management structure in the international agreement where the designated program manager (U.S. or foreign) is fully responsible and accountable for the cost, schedule, and performance of the resulting system; and
- Demonstrated DoD Component and partner nation(s’) willingness to fully fund their share of the ICP and otherwise equitably provide resources in support of it.

Formulation of ICPs normally requires consideration of various factors, including harmonization of U.S. and coalition requirements, cost and work sharing, grappling with intellectual property rights, and addressing technology transfer (including TSFD and exportability design considerations), among other issues. Program management, working closely with their DoD Component's IPO, are encouraged to follow the procedures outlined in [Section 1-6.1](#) to establish international agreements/arrangements for ICPs with allied and friendly nations, the procedures in [Section 1-9](#) for TSFD considerations, and the guidance in [Section 1-4](#) regarding designing in exportability as part of ICP program efforts. Once an ICP is established through a signed international agreement/arrangement, the DoD Component remains responsible for preparation and approval of most statutory, regulatory, and contracting reports and milestone requirements, as identified in [DoDI 5000.85](#), Appendix 3C for system-related ICP international agreements/arrangements. Prior to terminating or substantially reducing U.S. participation in MDAP ICPs with signed International Agreements/Arrangements (IAs), [DoDI 5000.85](#), Appendix 3C requires DoD Components to notify and obtain the approval of the Defense Acquisition Executive.

While most of the funding for cooperative Research, Development, Test and Evaluation (RDT&E) activities may need to be provided from program funding, program management should explore the availability of additional parallel funding. PMs should contact the Office of the Under Secretary of Defense for Acquisition and Sustainment/International Cooperation/Coalition Warfare Program (CWP) and/or the Military Department's International Cooperative Research and Development (ICR&D) programs for more information. See [Section 1-5.5](#) for details about the CWP.

Additional information on ICP planning and execution may be found in the ICP Job Support Tool available on DAU's [International Acquisition Management Community of Practice \(ICoP\)](#) website.

Section 1–2.3 Foreign Sales and Transfers

Sales and transfers refer to the transfer of U.S.-origin defense articles and services to allies, friendly countries, and authorized international organizations under a variety of authorized programs. The following subsections provide guidance on pursuing the various activities.

Per [10 USC 2431a \(c\)\(2\)\(G\)](#) and [10 USC 2350a\(e\)](#), program managers should assess the system's prospects for foreign sales and transfers of the system based on a worldwide inventory of similar systems, U.S. share of the market, previous foreign purchases of similar U.S. systems, and prospective foreign demand for the new system. If this assessment indicates that there is a reasonable potential for future foreign sales and transfers, program management should also assess whether to explore designing in exportability. Types of foreign sales that may be considered include FMS, DCS, Hybrid FMS/DCS/ICP programs, and BPC programs. Decisions about designing in exportability made during the early stages of a program (e.g., Materiel Solution Analysis (MSA) and Technology Maturation and Risk Reduction (TMRR) phases under the MCA pathway, or prior to entering into rapid fielding under the MTA pathway) generally define the nature of the entire program. Once the program enters the Engineering and Manufacturing Development (EMD) phase or its equivalent under the MTA pathway, it is difficult to adopt major IA&E-related programmatic changes without significant schedule or cost adjustments.

DoD policy states that the U.S. Government should agree to sell through FMS or DCS only those major defense equipment systems that have satisfactorily completed U.S. Operational Test and Evaluation (OT&E) that is required prior to approval of full rate production. An exception to the policy requires a Yockey Waiver, described further in [Section 1-7.4](#) on Yockey Waivers.

Section 1–2.4 Exploring Foreign Solutions

A potential viable alternative business approach to development of a U.S. item is the acquisition of foreign defense equipment to meet DoD capability requirements established through DoD's JCIDS process. Prior to the Materiel Development Decision (MDD), program management conducts an initial IA&E assessment to determine whether there are potential foreign solutions that would meet U.S. capability requirements:

- Are there allied or friendly nation systems that may potentially meet the U.S. requirements, either as-is or with modifications?

- Are there allied and friendly nations with similar operational requirements that either have or are actively considering initiation of a program with similar objectives, providing a basis for potential ICP participation?
- Are there leading-edge capabilities or technologies in other countries that should be evaluated for incorporation into the program through either ICP participation or international contracting? (See [Section 1-2.3](#) and 1-2.5 for further details on ICPs.)

While individual acquisition program offices can conduct evaluations of potential foreign solutions with their own resources, the Office of the Secretary of Defense (OSD) Foreign Comparative Testing (FCT) program offers a structured and funded means for evaluating the suitability of purchasing foreign non-developmental items to fulfill DoD capability requirements, in lieu of developing a similar U.S. item. See the [OSD Comparative Technology Office Portal](#) for additional details on the FCT program.

Section 1–3. Documenting International Acquisition and Exportability in the Acquisition Strategy

As described in A Guide to DoD Program Management Business Processes, program management should document their planned IA&E efforts in the International Involvement section of the program’s Acquisition Strategy as required by [10 USC 2431a\(para \(c\)\(2\)\(G\)\)](#) and [10 USC 2350a \(para \(e\)\)](#), as amended. As part of this process, program management should update the International Involvement section with an analysis of IA&E requirements and foreign sales potential at each respective Milestone. Table 1 shows the IA&E planning actions that occur during each acquisition phase under the MCA pathway. MTA and UCA developmental programs should also account for these considerations as well in designing their acquisition documentation, as appropriate.

Table 1: IA&E Actions during the Acquisition Phases – MCA Pathway

Acquisition Phase	IA&E Actions
Pre-Materiel Solution Analysis	<ul style="list-style-type: none"> • Conduct an initial IA&E assessment to identify potential existing foreign solutions, ICP opportunities, foreign technology, or potential for future foreign sales. • Review Initial Capabilities Document (ICD) to identify potential coalition requirements, and potential foreign market to gain an understanding of coalition interoperability and exportability requirements.
Materiel Solution Analysis	<ul style="list-style-type: none"> • Assess procurement or modifications of existing U.S. or foreign solutions as part of the OSD CAPE Analysis of Alternatives prior to starting a new development program. • Assess program’s potential for international cooperative research, development, production, sustainment, logistics support, interoperability, and exportability. • Update the program’s IA&E assessment to identify specific existing or projected international agreements(s), Joint Requirements Oversight Council (JROC)-validated coalition interoperability requirements, international markets, and potential technology and program protection issues and requirements. • Use the program’s Acquisition Strategy at Milestone A to advise the Milestone Decision Authority if the program should address international involvement (e.g., foreign solutions, coalition interoperability, ICP participation, future foreign sales, and design for exportability) during TMRR.
Technology Maturity and Risk Reduction	<ul style="list-style-type: none"> • Consider establishing a mutually beneficial system development ICP(s). • Consider establishing cooperative RDT&E projects under the terms of existing RDT&E Memorandums of Understanding (MOUs) with allied and friendly nations. • Continue TSFD planning and approval activities. • Conduct exportability feasibility study and design efforts.

Acquisition Phase	IA&E Actions
	<ul style="list-style-type: none"> • Conduct initial FMS planning efforts. • Use the program’s Acquisition Strategy at Milestone B to advise the Milestone Decision Authority which international involvement efforts should be planned and implemented during EMD. • Identify and implement technology and program protection issues and requirements, and include exportability considerations, as applicable, in Functional and Allocated Baselines.
Engineering and Manufacturing Development	<ul style="list-style-type: none"> • Continue TSFD and export control efforts in support of existing ICPs. • Complete exportability design efforts. • Establish initial FMS arrangements in the latter stages of EMD and Low Rate Initial Production (LRIP), as appropriate. • Use the program’s Acquisition Strategy at Milestone C to advise the Milestone Decision Authority which international involvement efforts should be planned and implemented during Production & Deployment phase. • For programs with substantial international involvement, develop an initial International Business Plan (IBP). • Identify and implement technology and program protection issues and requirements, and Include exportability considerations, as applicable, in Product Baseline.
Production and Deployment	<ul style="list-style-type: none"> • Use the updated IBP to achieve synergies and economies of scale through a combination of DoD and foreign recurring production procurement requirements or non-recurring product improvement investment. • Pursue appropriate type(s) of ICPs and foreign sales/transfer arrangements throughout the program’s life-cycle. • Identify and implement program protection activities
Operations and Support	<ul style="list-style-type: none"> • Use the updated IBP to achieve synergies and economies of scale affordability benefits through a combination or coordination of DoD and foreign Operations and Support (O&S) non-recurring investment and recurring O&S phase procurement requirements. • Enhance logistics support for foreign operators of U.S. systems through logistics support ICPs, FMS/DCS, or Acquisition and Cross-Servicing Agreements throughout the program’s lifecycle. • Identify and implement program protection activities

Section 1–3.1 Acquisition Strategy International Involvement

The following information is expected in the Acquisition Strategy International Involvement section:

- Any limitations on foreign contractors being allowed to participate at the prime contractor level.
- International Cooperation
 - Summary of any plans for cooperative programs.
 - Summary or listing of any existing and/or projected international agreements/arrangements (e.g. Treaties, cooperative programs, MOAs/MOUs, project arrangements/arrangements, etc.).
 - Cooperative Opportunities Document required elements from [10 USC 2350a \(para \(e\)\)](#), as amended:
 - Identify whether there is a requirement for the system or subsystems to be interoperable with friendly nations, partners, or organizations.
 - Summarize whether projects similar to the one under consideration by DoD are in development or production by one or more friendly nations, partners, or organizations.

- Advantages and disadvantages of seeking a cooperative development program with regard to program timing, developmental and life cycle costs, and technology sharing.
- Recommendation on whether DoD should pursue a cooperative development program for the system.
- Defense Exportability
 - Describe whether the program is planning or conducting an OUSD(A&S)-funded or acquisition program-funded DEF feasibility study of the foreign market, technical feasibility, and costs associated with designing in exportability.
 - Summarize the interim or final results of any such study and plans to incorporate exportability into final designs.
- Sales and Transfers
 - Specify the potential or plans for foreign sales and transfers, the likelihood of these sales (High, Medium, or Low), and the countries involved.
 - Include whether previous generations of the system have been sold and to which countries they were sold.
 - For those programs with existing or potential foreign sales and transfers, specify the projected impact (risk and benefits) to the program's cost, schedule, and performance of these foreign sales.

To implement the Acquisition Strategy, DoD acquisition programs with substantial international involvement should also consider developing an international business plan prior to Milestone C, or MTA or UCA pathway equivalent, to ensure effective integration of domestic and international acquisition efforts throughout the program's life-cycle. Additional information on Acquisition Strategy and IBP best practices may be found in the Acquisition Strategy – International Considerations and International Business Planning Job Support Tools available on [DAU's International Acquisition Management Community of Practice \(ICoP\)](#) website.

Section 1–4. Integration of Exportability Features

Defense exportability integration refers to DoD design and development activities pursued within the Defense Acquisition System to build in exportability in initial system designs — including the design and development of anti-tamper and differential capabilities—leading to production of one or more exportable system configurations for ICPs or foreign sales. Program Management should integrate exportability planning across the MCA, MTA, and UCA pathways. Developing and incorporating exportability in initial designs facilitates timely and efficient implementation of future DoD cooperative programs or foreign sales and transfers. The primary objectives and benefits of designing and incorporating exportability into DoD systems include:

- Enhances interoperability with allied and friendly nations while protecting U.S. technology and capabilities from exploitation.
- Enables more timely and efficient ICPs and/or sales and transfers that leverage partner nations' defense investments to improve overall DoD system production and sustainment affordability through economies of scale savings.
- Provides flexibility for U.S. production and sustainment by extending active production and sustainment capability through ICPs and/or sales and transfers.
- Enables the capability to be available to allies and friendly countries earlier in production, thereby building partner capacity for operational burden-sharing sooner.

As first defined in 10 U.S.C. 2357, exportability is the process to identify, develop and integrate technology protection features into U.S. defense systems early in the acquisition process to protect Critical Program Information (CPI) and other critical technologies/capabilities and thus enable a system's export to partners. Exportability primarily involves two tools -- Anti-Tamper (AT) and Differential Capability modifications -- but may also include other aspects of program protection including information security, cybersecurity, and communications security measures.

Exportability considerations are documented in the Program Protection Plan and may be included in other program documentation, such as the Acquisition Strategy. Considerations apply to anticipated, planned, or existing ICP and/or foreign sales and can include differential capabilities and anti-tamper technologies to protect the Critical Program Information (CPI), critical technology systems; and, associated capability/technology elements. For further guidance on program protection, CPI, and the AT process, consult DoDI 5200.39 CPI Identification and Protection within RDT&E, DoDI 5200.47E Anti-Tamper.

Section 1–4.1 Implementing Exportability Activities per the DoDI 5000.85

As noted in Section 1-2.1, the DoDI 5000.85 requires program management to integrate IA&E planning (Section 3C.4) into the program's Acquisition Strategy beginning at the entry milestone and continuing through all phases of the acquisition process. Programs not planning for exportability are required to submit a PEO-endorsed request for a waiver allowing for a U.S.-only design. This applies to all MDAPs; major systems; automated information systems; and other capabilities developed under the major capability acquisition pathway. In addition, MTA programs exceeding the MDAP dollar threshold require a Decision Authority (DA)-approved exportability design waiver if planning for a U.S.-only design, and ACAT II systems under the MTA pathway are also advised to abide by this rule.

Appropriate Justifications for a U.S.-only Design Waiver: A minority of DoD systems are not appropriate for export, have a very limited foreign market, or no prospect of a foreign market. Examples presumed to qualify for a US-only design waiver include:

- Any system for which statutory language bars export to a foreign partner, (e.g. the F-22);
- Strategic systems and other systems designed specifically to support U.S. nuclear forces;
- The largest and most complex classes of naval ships, such as aircraft carriers, landing helicopter assault ships, submarines, etc.;
- Specific systems and technologies that have historically been determined by the U.S. Government (USG)/DoD TSFD system to be U.S. only (e.g., COMSEC equipment, certain intelligence systems, etc.); and
- DoD information technology (IT) and logistics systems deemed to have limited foreign market given their design for integration into U.S. DoD internal/administrative systems.

Note that subsystems, sensors, communication suites, and other equipment integrated into the classes of systems above should not be presumed to qualify for a U.S.-only design waiver, given the number of legacy systems in these categories approved for export by the USG/DoD.

As stated in DoDI 5000.85, when an MDA approves a waiver request for a U.S.-only design, the component will send a copy of the approval notification to the USD(A&S) and the requirements validation authority. Key additional elements of the process will include:

- Per DoDI 5000.85, U.S.-only design waivers must be reviewed at each milestone. This requires that the MDA revisit earlier assumptions for a U.S.-only design and ensure that there remain appropriate justifications (see above list) that the program is not conducting planning for export to U.S. Allies and partners.
- An Acquisition Decision Memorandums (ADM) will document revalidation of a waiver for a U.S.-only design. The MDA will continue to ensure that the USD(A&S) and requirements validation authority receive copies of the ADM to meet the notification requirement.

Exportability Roadmap Studies: Per the DoDI 5000.85, programs with export markets must conduct an exportability roadmap study beginning no later than Milestone B. If ready, programs should initiate an exportability roadmap study after Milestone A approval, to allow for the system design to incorporate planning for technology protection features earlier in the design process. Programs with export markets are defined by default as those programs that do not have a waiver allowing for a U.S. only design. Programs that have been granted a waiver from the MDA allowing for a US-only design that is valid as of the Milestone B review are exempt from the exportability roadmap study requirement. Other signals that a program has an export market include indications that:

- 1) Program has a legacy system with a record of foreign sales, or are similar to an existing DoD system with a record of foreign sales;
- 2) Program has received expressions of international demand or interest, as expressed through interest in a cooperative program; a Letter of Request (LOR) from a partner for acquisition via the Foreign Military Sales system, interest in a Direct Commercial Sale or other formal/informal communications with DoD stakeholders, or;
- 3) Program does not fall into one of the categories of systems listed above that are presumed to qualify for a U.S.-only design waiver.

An exportability roadmap study should ensure completion of the following tasks:

- 1) Assess the international market for potential foreign sales or transfers of the system, including the relative interest in the system, timing, and projected level of sales;
- 2) Leverage analysis of a system's CPI and critical technologies to identify the technical feasibility and non-recurring engineering (NRE) costs projected for completing an exportable design. If able, this should include analysis of the technical feasibility and NRE costs to building test articles, and conducting development tests on the components and software expected to meet projected technology protections that will allow for release and export of the capability;
- 3) Perform a business case analysis that compares the anticipated DoD and U.S. exportability investment costs for the development of export variants against the potential return on investment (ROI) from anticipated foreign sales;
- 4) Apply the business case analysis to provide a recommendation of the preferred design path for the DoD system, such as: export to closest partners only; export to NATO countries and other close coalition partners; widely exported to allies and partners around the world.
- 5) Provide initial findings for preparation of applicable technology security and foreign disclosure (TSFD) review requests. This step will lay the groundwork for review by TSFD authorities of the appropriateness of proposed technology protections to meet anticipated TSFD releasability criteria; and;
- 6) Evaluate potential return on investment measures such as decreased timelines for sale of a US capability to allies/partners, increased coalition interoperability, industry participation in exportability activities.
- 7) Recommend next steps for the system to advance to an exportable design.

The Military Departments should closely consult their International Program Offices and the DoD Component Office of Primary Responsibility for AT to help develop the exportability roadmap study, as well as subject matter experts within Office of Secretary of Defense international engagement and program protection offices, including: OUSD(A&S)/International Cooperation, OUSD(R&E), the Anti-Tamper Executive Agent (ATEA), the Defense Security Cooperation Agency, the Defense Technology Security Administration, and others. Programs should also be in close consultation with the DoD Component's cognizant foreign disclosure office and ensure that the exportability roadmap study abides by the requirements of the program's Delegation of Disclosure Authority Letter.

Exportability roadmap studies will likely average between \$500,000-\$1,500,000 for most major systems, although this will vary depending on system complexity and other factors. This estimate is inclusive of industry cost-share, although some roadmap studies may cost less or more than this average range.

Section 1–4.2 Defense Exportability Implementation

The Milestone Decision Authority decision on whether to proceed with development of one or more exportable system versions may be influenced by the results of an exportability roadmap study, DEF feasibility studies and/or design efforts, and a number of contributing factors that may include:

- Total NRE costs to design and develop exportability features.
- Availability of funding to pay the NRE costs (e.g., program funds, DSCA SDAF, ICP or foreign sales funding).

- One or more signed FMS Letter(s) of Offer and Acceptance (LOA).
- A U.S. Government-approved export of proposed U.S. industry DCS transactions.
- A signed ICP international agreement.

Additional information on exportability best practices may be found in the Defense Exportability Integration Job Support Tool available on [DAU's International Acquisition Management Community of Practice \(ICoP\)](#) website.

Section 1–4.3 Defense Exportability Features (DEF) Program

First authorized as a Pilot by the Fiscal Year 2011 National Defense Authorization Act (NDAA)(Section 243, as amended), the DEF Program expanded the Department’s authority to conduct defense exportability efforts by enabling selected programs to develop and incorporate technology protection features into designated systems during their research and development phases. The Fiscal Year 2019 NDAA made DEF a permanent program.

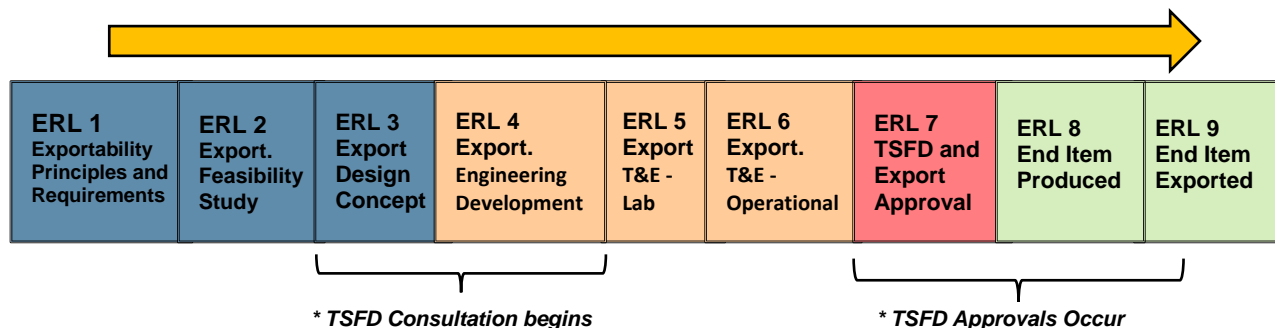
The DEF Program is administered by the Director, International Cooperation (IC), OUSD(A&S). On an annual basis, DoD Components nominate systems to participate in the program, which are reviewed and selected by OUSD(A&S)/IC in coordination with the Assistant Secretary of Defense for Acquisition. Once selected as a DEF project, Program Offices may request funding from OUSD(A&S)/IC to support an agreed industry cost-sharing contract to conduct feasibility or design studies to determine: the potential international market; technical feasibility; non-recurring engineering (NRE) costs; and ROI of designing and implementing DEF in one or more future export variant(s).

A&S DEF policy guidance for the program can be found in the OUSD(A&S) [DEF Policy Implementation Memorandum and Guidelines \(April 9, 2015\)](#). Amplifying guidance on adjusted industry cost-sharing requests can be found in [Supplemental Guidance for Reviewing and Submitting Industry Requests for an Adjusted Cost-Sharing Portion](#) (February 23, 2016).

Section 1–4.4 Exportability Readiness Levels

Developed as a tool to measure and evaluate exportability progress, exportability readiness levels (ERLs) are intended to assess the maturity of a given technology, system, subsystem or component from an exportability perspective, and to provide a tool of linking that information to the defense acquisition process. Program decision authorities should consider utilizing the recommended ERLs when assessing a program's progress towards export to U.S allies and partners.

Figure 2: Exportability Readiness Levels:



ERLs help facilitate better insight on DoD program progress towards designing, developing, and implementing exportability, and over the long-term should support more consistent, uniform, discussions and decisions on exportability planning across different types of technologies.

Section 1–5. Developing an International Program

As noted in A Guide to DoD Program Management Business Processes, several mechanisms are available to program management to help identify potential ICP opportunities. The following subsections, as well as the [Acquisition and Sustainment, International Cooperation Website](#) and the DAU's [International Community of Practice website](#), provide additional information on DoD International Armaments Cooperation activities.

Section 1–5.1 International Fora

There are many international fora dedicated to discussing mutual armaments needs and early technology cooperative projects available to program management to gain information about potential ICP partners. NATO has a number of fora that may be useful to program management in identifying support for cooperative programs. In particular, the subsidiary “Main Armaments Groups” to NATO's [Conference of National Armaments Directors](#) are:

- NATO Army Armaments Group
- NATO Navy Armaments Group
- NATO Air Force Armaments Group

Program management may also explore cooperative opportunities through the [NATO Science and Technology Organization](#), which conducts and promotes cooperative research and information exchange in NATO, and The Technical Cooperation Program with Australia, Canada, New Zealand, and the United Kingdom, which is dedicated to cooperation in conventional military technology development. In addition, there are about 30 bilateral fora, such as the U.S.-Japan Systems and Technology Forum and the U.S./Canadian Armaments Cooperation Management Committee, that have a similar purpose. For additional details on international fora, see the [A&S-IC website](#).

Many Combatant Commands hold Science and Technology conferences to engage DoD, industry, and allied/friendly nations to discuss challenges and priorities in research and development. In addition, the MILDEP R&D offices (i.e. Office of Naval Research – Global; Army International Technology Centers; and Air Force Research Lab/Office of Scientific Research) also hold workshops with foreign partners to encourage science and technology information exchanges to assess potential cooperative programs.

Section 1–5.2 International Exchanges of Information and Personnel

Another source for identifying and formulating cooperative program opportunities that has proven useful to program management is the DoD RDT&E Information Exchange Program (IEP), which provides a standardized way of conducting bilateral science and technology information exchange (formerly called data exchange). The exchange of RDT&E information on a reciprocal basis with other countries is governed by [DoDI 2015.4](#) (paras 4 - 5), “Defense RDT&E Information Exchange Program (IEP).”

Another source for identifying cooperative opportunities is the Defense Personnel Exchange Program, which includes the Engineer and Scientist Exchange Program (ESEP). Under the ESEP, an engineer or scientist is sent from the U.S. to a foreign lab or from a foreign defense organization or lab to a U.S. lab for a specific time period (typically 1-2 years) to be part of that national team.

Other exchanges that support ICPs are exchanges of personnel as Foreign Liaison Officers (FLOs). Under a FLO assignment, the military personnel continue to report to their nation while conducting information exchanges with the host nation to support understanding of common areas of interest and to support national defense planning.

Section 1–5.3 Exploratory Discussions

Before entering into an ICP, program management should pursue dialogue with potential partners. Such dialogue may be conducted through informal discussions; a forum (e.g., working group or steering committee) established under an existing international agreement/arrangement; or as a stand-alone

forum, all of which require appropriate disclosure guidance. In addition to disclosure guidance, these fora often have terms of reference. When the intent of a dialogue is to discuss the potential establishment of an international agreement/arrangement, they are usually called “exploratory” or “technical” discussions. They are not “negotiations,” since the provision or negotiation of international agreement/arrangement text must first be formally authorized. See DoDI 5530.03 and [Section 1-6](#) for further details regarding A&S ICP international agreement/arrangement procedures.

Exploratory discussions are characterized by the avoidance of any binding commitments and are focused on laying out details for a proposed project. Program management should seek and obtain any required TSFD release authority from their DoD Component Foreign Disclosure Office (FDO) prior to engaging in exploratory discussions involving sensitive or classified DoD information or technology. DoD contractors supporting program management in exploratory discussions should also ensure they seek and obtain any required U.S. Government export control approvals prior to participation (see [Section 1-9](#) and [Section 1-10](#) for further details regarding TSFD and export control).

Section 1–5.4 Science and Technology Cooperation

Typically, DoD programs and potential partner nations pursue S&T cooperative projects or conduct ICP feasibility studies before entering into an ICP systems acquisition.

- Program management may use S&T cooperative projects with allied and friendly nations in basic research or early technology development to develop, mature, or demonstrate defense technology. S&T cooperative projects typically focus on technology maturation or demonstration efforts that may or may not relate to a future acquisition program.
- Designated defense laboratories and technical centers may use CRADAs to perform collaborative work with industrial and academic entities of allied/friendly nations. For further information, see related guidance on CRADA and other DoD Technology Transfer agreements within DoD Instruction 5535.08 DoD Technology Transfer Program.
- ICP feasibility studies are used to explore the potential for future bilateral or multilateral ICPs. These studies provide nations considering participation in a future ICP with a programmatic and technical appraisal of the nations’ ability to successfully develop and produce equipment for their operational forces.

Both S&T cooperative projects and feasibility studies are established and implemented through international agreements/arrangements. See [Section 1-6](#) for details on international agreements/arrangements related to ICPs.

Section 1–5.5 Coalition Warfare Program

The [Coalition Warfare Program \(CWP\)](#) is an Office of the Under Secretary of Defense, Acquisition and Sustainment/International Cooperation (OUSD(A&S)/IC) program that leverages U.S. and foreign investments to conduct cooperative research and development projects with foreign partners that meet “coalition warfighter” needs. The CWP pursues projects that enhance and increase U.S. and coalition defense capabilities in support of the following DoD technological or political objectives:

- Collaboratively addressing *strategic technology gaps* for current and future missions.
- Developing *interoperability* solutions for coalition operations.
- Strengthening current defense *partnerships* and developing new relationships.

CWP funded projects generally start at DoD Technology Readiness Level (TRL) 3-4 and end at TRL 6-7. Transitioning CWP projects involves maturing the technology to the next phase of development, testing, acquisition, or operational fielding. These projects may also form the basis for future cooperation with our international partners. For more information about the CWP, refer to the CWP public website at <https://www.acq.osd.mil/ic/CWP.html>.

Section 1–6. International Agreement Procedures

U.S. law requires an international agreement/arrangement (IA) for all ICPs. An international agreement/arrangement is one that is established with one or more foreign governments including their agencies, instrumentalities, or political subdivisions, or with an international organization. An international “agreement” delineates the respective “obligations” of the United States and partner nation(s) and is considered binding under international law. Similarly, an international “arrangement” delineates the respective “responsibilities” of the United States and partner nation(s) and is not considered binding under international law. [Section 1-6](#) discusses the “streamlined agreement[/arrangement] procedures” and resources applicable to all acquisition-related IAs (agreements and arrangements) under the authority of OUSD(A&S).

Per [DoDI 5000.85](#), Appendix 3C, DoD Components are encouraged to use the OUSD(A&S) “streamlined agreement procedures” for all acquisition-related IAs to comply with the more extensive IA documentation and coordination requirements described in [DoDI 5530.03](#) (para 5.2), “International Agreements.” MILDEPS and other DoD Components using these procedures should obtain authority through this process from the Executive Director, International Cooperation, OUSD(A&S)/IC, prior to initiating negotiations on or concluding such IAs. Refer to the [A&S-IC website](#) for further details on IA processes and procedures.

Section 1–6.1 Preparation, Documentation, Coordination, and Approval

The following procedures apply to DoD Components seeking to develop an acquisition-related IA:

Request for Authority to Develop and Negotiate (RAD) for an IA:

- **Pre-RAD Actions.** In the planning and development of IAs, program staff members should consult with the cognizant DoD Component’s International Programs Organization (i.e., [Deputy Assistant Secretary of the Army for Defense Exports and Cooperation](#), [Navy International Programs Office](#), [Deputy Under Secretary of the Air Force for International Affairs](#)). Program staff members should work with their foreign disclosure, legal, contracting, comptroller, and other relevant offices, and follow the provisions of the most recent version of DoD IA Generator (DoD IA Generator) products (i.e., document templates, formats, and guidance). The supporting IPO should consult with OUSD(A&S)/IC prior to the development of an IA to ensure the latest DoD IAG template or guidance is being applied. Program managers should contact their responsible IPO for specific details about obtaining and using the DoD IAG.
- **RAD Initiation.** Prior to providing proposed IA text to the foreign partner (i.e., initiating formal IA negotiations), the DoD Component should prepare and obtain OUSD(A&S)/IC approval of a RAD package. This package will be comprised of a cover memo signed by senior-level management requesting such authority, a Summary Statement of Intent (SSOI) that describes the DoD Component’s “business case” for the proposed project, a copy of any applicable master/framework IA, and the draft IA text. All such RAD packages should be submitted via OUSD(A&S)/IC’s International Agreement Tracking System (IATS) SharePoint-based website.
 - All DoD Components should prepare a complete RAD package for Memoranda of Agreement/ Understanding (MOAs/MOUs), including Master Information/Data Exchange Agreements/Arrangements (MIEAs/MDEAs), and forward the RAD package under a senior-level management cover memo to OUSD(A&S)/IC for approval.
 - The three MILDEPS and the Missile Defense Agency have delegated authority, in accordance with strict guidelines from OUSD(A&S)/IC, to develop and negotiate, but not conclude, Project Arrangements/Agreements (PAs) under a master/framework agreement/arrangement, Equipment and Material Transfer Arrangements/Agreements (E&MTAs), under a master/framework IA, and [22 USC 2796d](#) (Arms Export Control Act (AECA) Section 65) Loan Agreements (LAs). (Note: This delegated RAD approval process is further described in [Section 1-6.1.1](#)). All other DoD Components are required to provide a RAD package to OUSD(A&S)/IC for such approval.

- The three MILDEPS have authority to develop, negotiate, and conclude Information/Data Exchange Annexes (IEAs/DEAs) under MIEAs/MDEAs after obtaining the concurrence of its own legal, foreign disclosure, and other relevant officials as part of its internal approval procedures. All other DoD Components should provide a RAD (and RFA) package to OUSD(A&S)/IC for approval. In all cases, these IEAs/DEAs should be developed in accordance with [DoDI 2015.4](#).
- ICPs that include the exchange or generation of classified information or controlled unclassified information require a Delegation of Disclosure Authority Letter (DDL) or other written authorization issued by the DoD Component's cognizant FDO prior to entering into discussions with potential foreign partners. The DoD Component is not required to submit the DDL with the RAD package; however, the SSOI should include a statement confirming that such authorization exists.
- **RAD Coordination/Approval.** OUSD(A&S)/IC reviews the RAD package for completeness and quality, which may include a return without action (RWA) to resolve substantial issues with the DoD Component, and then conducts DoD/interagency coordination, as appropriate. The standard review period for MOAs/MOUs is 10 working days and their standard coordination period is 20 working days. For PAs, E&MTAs, and LAs, the standard review period is 5 working days and their coordination period is 15 working days. These periods may be expedited upon senior-level request at OUSD(A&S)/IC's discretion. OUSD(A&S)/IC then adjudicates any staffing comments prior to granting authority to develop and negotiate the IA via a formal memo.
- **IA Negotiation.** Typically, within 3-9 months of receipt of RAD authority, the DoD Component will complete negotiations of an IA in accordance with the provisions of the most recent version of the DoD IAG. OUSD(A&S)/IC may also assist the DoD Components as needed, answering questions or providing guidance during negotiations, especially for any significant deviations to established procedures in the DoD IAG or other IA policy and guidance.

Request for Final Authority to Conclude (RFA) IAs:

- **RFA Initiation.** The DoD Component prepares the RFA package, which is comprised of a cover memo signed by senior-level leadership requesting such authority, an updated SSOI, a copy of any applicable master/framework IA, and the negotiated IA text. For those IAs for which OUSD(A&S)/IC provided RAD authority, the RFA package should also include a tracked-change version of the IA text that clearly indicates the changes made to the RAD-approved text, as well as a brief comment explaining the reason for each change. All such RFA packages should be submitted via OUSD(A&S)/IC's IATS SharePoint-based website. Additional RFA document requirements include:
 - IAs using [22 USC 2767](#) of the Arms Export Control Act (AECA Section 27) as the legal authority should include a Project Certification for congressional notification.
 - IAs using [10 USC 2350a as the legal authority should include a draft "determination."](#)
 - IAs using [10 USC 2350a](#) as the legal authority with partners designated a "friendly foreign country" (i.e., countries that are not NATO members or major non-NATO allies) should include a Project Report for congressional notification.
 - Amendments to IAs should include a copy of the original IA and any prior amendments, as well as a copy of that IA's originally-approved SSOI.
 Each of the above additional documents should be developed in accordance with the latest available template.
- **RFA Coordination/Approval.** OUSD(A&S)/IC next reviews the package for completeness and quality, which may include an RWA to resolve substantial issues with the DoD Component, and then conducts DoD/interagency coordination, as appropriate. The standard review and coordination period is the same as that for the RAD process. Once again, this period may be expedited upon senior-level request at OUSD(A&S)/IC's discretion. OUSD(A&S)/IC then adjudicates any staffing comments prior to granting authority to conclude the IA via a formal memo. Note that the RFA coordination process regularly results in IA text changes that require re-engagement and further negotiations with the partner

nation(s). Upon completion of RFA package staffing, but before OUSD(A&S)/IC provides RFA approval, the following actions are applicable:

- For IAs using [10 USC 2350a](#) legal authority, OUSD(A&S)/IC requests a determination from the relevant official in accordance with [10 USC 2350a\(b\)](#) that the project will improve, through the application of emerging technology, the conventional defense capabilities of NATO or common conventional defense capabilities of the United States and the partner nation.
- For IAs using [10 US 2350a](#) legal authority with those partners designated as a “friendly foreign country,” OUSD(A&S)/IC submits to Congress a Project Report for a required period of 30 calendar days.
- For IAs using [22 USC 2767](#) legal authority, OUSD(A&S)/IC submits to Congress a Project Certification for a required period of 30 calendar days. For such IAs that are binding under international law, OUSD(A&S)/IC also requests a 21 working-day coordination from the Department of State (DoS).

Section 1–6.1.1 Delegated RAD Approval Process

An additional element of the “streamlined agreement procedures” is the IA delegated RAD approval process, which is an accredited IA coordination process applicable only to PAs, E&MTAs, and LAs. As stated earlier, all three MILDEPS and the Missile Defense Agency currently have this authority from OUSD(A&S)/IC to develop and negotiate, but not conclude, these types of IAs. DoD Components interested in this delegated authority must formally apply to OUSD(A&S)/IC to obtain it, but only after demonstrating a deep understanding of the legal, regulatory, and policy aspects of developing, negotiating, and concluding IAs. A separate delegated authority, known as “Streamlining II” and authorized only for the Department of the Navy, is no longer in use and is not described here. The following procedures apply to DoD Components who have been delegated RAD approval authority:

- **RAD Initiation/Coordination/Approval.** The DoD Component prepares a RAD package, as described previously, and obtains the concurrence of its own legal, financial management, foreign disclosure, and other relevant officials as part of its internal, DoD Component RAD approval procedures. Upon completion of coordination, the RAD package should be approved at the DoD Component’s senior management level. The DoD Component should strictly adhere to the IA models within the relevant framework IA and coordinate with OUSD(A&S)/IC on any substantive deviations from those models.
- **RFA Initiation/Coordination/Approval.** Upon conclusion of IA negotiations, the DoD Component should follow the standard procedures in [Section 1-6](#) to obtain RFA approval.

Section 1-6.1.2 Nuclear, Chemical, and Biological Fields Coordination

OUSD(A&S)/IC coordinates all IAs (including MOAs/MOUs, PAs, E&MTAs, and LAs) and IEAs/DEAs relating to nuclear, chemical, and biological (NCB) weapons technologies (including defenses against such technologies) with the Office of the Assistant Secretary of Defense for [Nuclear, Chemical and Biological Defense](#) Programs prior to approving the IA for negotiations or conclusion. DoD policy also requires such coordination as part of a DoD Component’s delegated RAD approval processes for NCB-related IAs.

Section 1–6.2 A&S IA Services and Responsibilities

OUSD(A&S)/IC oversees, develops and maintains the following policy, guidance, and tools in support of DoD Component IA development, negotiation, and conclusion:

- The IATS SharePoint-based website
- RAD/RFA package requirements and coordination processes
- SSOI format requirements and drafting guidance
- DoD IAG products, including MOA/MOU, MIEA/MDEA, PA, E&MTA, and LA templates, models, and guidance
- IEA/DEA format requirements and drafting guidance

- [22 USC 2767](#) Project Certification format requirements and drafting guidance
- [10 USC 2350a](#) “Friendly Foreign Country” designation congressional notification format requirements and drafting guidance
- 10 USC 2350a “determination” templates
- End-User Certificate Waivers, when required
- Review and approval of DoD Component requests for DoD IAG text deviations or waivers in RAD/RFA package submissions or during negotiations

OUSD(A&S)/IC supports fulfillment of statutory requirements as follows:

- Obtains OUSD(A&S) determination under [10 USC 2350a\(b\)](#) (“Cooperative research and development agreements: NATO organizations; allied and friendly foreign countries”) that a project will improve, through the application of emerging technology, the conventional defense capabilities of NATO or common conventional defense capabilities of the United States and the partner nation.
- Notifies Congress of those IAs that use [22 USC 2767](#) (Authority of President to enter into cooperative projects with friendly foreign countries) as their legal authority prior to authorizing IA signature.
- Notifies Congress of DoD designation of certain IA partners as “friendly foreign countries” (i.e., countries that are not NATO members or major non-NATO allies) as required by [10 USC 2350a\(a\)\(3\)](#).
- Conducts interagency coordination with the DoS and the Department of Commerce (DoC) (see [22 USC 2767](#) and [DoDI 5530.03](#)) during RFA process.

Additional information on ICP international agreement/arrangements procedures and best practices may be found in the ICP Job Support Tool available on [DAU's International Acquisition Management Community of Practice \(ICoP\)](#) website. DAU also offers courses that provide specific training in this area that should be taken by defense acquisition workforce personnel who will be directly involved in ICP IA efforts.

Section 1–7. Security Assistance/Foreign Military Sales

The U.S. Government’s security cooperation efforts include planning and implementation of Security Assistance program transfers of military articles and services to friendly foreign governments and specified international organizations through sales, grants, or leases. The Secretary of State is responsible for continuous supervision and general direction of the Security Assistance program. Within the DoD, Security Assistance efforts are conducted under the oversight of the Under Secretary of Defense for Policy (USD(P)), and are administered by the DSCA. While Foreign Military Sales (FMS) is the primary mechanism used to implement Security Assistance efforts, it is not the only mechanism. The [Security Assistance Management Manual \(SAMM\)](#) DSCA 5105.38-M issued by DSCA defines policies and procedures for FMS and other Security Assistance programs.

The purchasing government is responsible for all costs associated with Security Assistance program sales. There is a signed Government-to-Government agreement, normally documented in a FMS Letter of Offer and Acceptance (LOA) between the U.S. Government and a foreign government. Each LOA is commonly referred to as an FMS case and is assigned a unique case identifier for accounting purposes. Under FMS, military articles and services, including logistics support and training, may be provided from DoD stocks or from new procurement. If the source of supply is new procurement, on the basis of having an LOA that has been accepted by the foreign government, the U.S. Government agency or MILDEP assigned as the Implementing Agency for the case is authorized to enter into contractual arrangements with U.S. industry to provide the articles or services requested.

Note that the FMS program supporting FMS cases is funded by administrative charges to foreign purchasers and is operated at no cost to the U.S. taxpayer. On behalf of the DoD, DSCA administers the FMS program, including responsibility for and management of the FMS Trust Fund. The FMS Trust Fund consists of individual country accounts and several Overhead Accounts (also referred to as Cost Clearing

Accounts). The SAMM DSCA 5105.38-M provides further details on Title 10, Title 22 programs, and the FMS Trust Fund.

The FMS process begins when the foreign government starts to develop requirements for a U.S. defense article or service. As the customer defines their requirements, that government may submit a Letter of Request (LOR) for either Price and Availability (P&A) data (rough order of magnitude pricing data provided for planning purposes) or a formal sales offer in the form of an LOA. On a major system sale, program management should take actions to ensure that the customer's LOR is complete and addresses all elements required to provide an operational capability. This can be accomplished by developing and providing LOR checklists, working with the in-country Security Cooperation Organization, or through direct engagement with the country.

The SAMM DSCA 5105.38-M provides that acquisition in support of FMS cases be conducted in the same manner as it is for U.S. requirements, thus affording the customer the same benefits and protections that apply to DoD procurements. Many FMS system sales involve modifications to existing DoD systems that can entail significant development or integration efforts. Program management should ensure these efforts are managed with the same rigor used on comparable efforts for the DoD.

Contracting for FMS mirrors the process DoD uses for its own contracting actions. There are a few peculiarities associated with FMS contracts that are addressed in "Acquisitions for Foreign Military Sales," [DFARS \(Subpart 25.7300\)](#). FMS procurement requirements may be consolidated on a single contract with U.S. requirements or may be placed on a separate contract, whichever is most expedient and cost effective.

The SAMM DSCA 5105.38M Chapter 3.6 covers Anti-Tamper Policy. Per the SAMM DSCA 5105.38M, Components will coordinate with the DoD ATEA to ensure sensitive technologies or program information is defended against unlawful exploitation or loss. In addition, necessary AT sustainment mechanisms and associated costs are included in the LOA and certify compliance with AT requirements on the LOA transmittal memorandum forwarded to DSCA for LOA processing. For more information, consult the SAMM DSCA 5105.38M Chapter 3.6.

Additional information on program-level FMS planning and execution best practices may be found in the FMS Systems Acquisition Job Support Tool available on [DAU's International Acquisition Management ICoP](#) website.

Section 1–7.1 Direct Commercial Sales

A Direct Commercial Sale (DCS) involves the commercial export by U.S. defense industry directly to a foreign entity of defense articles, services, training, or dual use items. Unlike the procedures employed for ICPs and FMS, DCS transactions are not administered by DoD and do not involve a Government-to-Government agreement. Rather, the U.S. Government control procedure is accomplished through license approvals by either the DoS or the DoC. The license approval authority is based on whether an item or technology is identified on the U.S. Munitions List (USML) and is governed by the International Traffic in Arms Regulations (ITAR) or is governed by the Export Administration Regulations (EAR) through the Commerce Control List (CCL). If the item or technology is governed by the USML, DoS is the licensing authority in accordance with the ITAR. If the item or technology is governed by the CCL, then DoC is the licensing authority in accordance with the EAR.

DoD's role in the export license approval process is to review proposed defense-related commercial sales or transfers for national security concerns. DoD's recommendation is provided by the Defense Technology Security Agency (DTSA) to the cognizant licensing agency during the U.S. Government interagency coordination process. DTSA, as DoD's lead agency for export license reviews, conducts in-depth national security reviews of export license requests for transfers of defense-related items referred from both DoS and DoC. DTSA also works closely with industry and international counterparts before licenses are requested to identify potential technology security or foreign disclosure issues. DoS and DoC consider all U.S. Government interagency positions when determining whether to approve export license requests.

The U.S. Government is not a participant in the ensuing DCS contract between the U.S. company and the foreign entity. However, it is common that some DoD support may be required for the effort. [FAR Subpart 245.302](#) provides that a contractor may use U.S. Government property for work with foreign governments and international organizations when approved in writing by the DoD. The [SAMM](#) DSCA 5105.38-M [CH 4 \(para C4.3.6\)](#) provides additional guidance on DCS.

Section 1–7.2 Hybrid Foreign Sales

The most frequent forms of “hybrid” foreign sales programs are FMS/DCS programs. DCS efforts involving major systems will typically have companion FMS -only efforts for sensitive components or equipment in support of the DCS case, resulting in a hybrid program. Program management should work with their industry partner to maintain an awareness of U.S. industry marketing of their system to ensure timely initiation of any required companion FMS cases.

Hybrid programs can also be constructed using a variety of ICP, FMS, and DCS program forms. These include programs where foreign nations have purchased a U.S. system through either FMS or DCS with system follow-on development and sustainment conducted as an ICP in partnership with the DoD under the terms of an MOU.

Another hybrid program model provides production articles to foreign nations that participated in the cooperative development of the system under the terms of an ICP MOU, while the system is sold via FMS to those nations that did not participate in the ICP. In structuring these cooperative/sales hybrid programs, program management should ensure that ICP activities and FMS activities are segregated as the pricing principles and OSD oversight responsibilities for these programs are different. This can be achieved by using different program forms for different phases or with different foreign nations. [DAU’s International Acquisition Management Community of Practice \(ICoP\) website](#) provides advice on FMS-Acquisition best practices in this area.

Section 1–7.3 Building Partner Capacity Programs

BPC programs resemble FMS but have significant differences that program management should understand. Since 2004, Congress has authorized and funded a variety of BPC programs, such as the Iraq Security Forces Fund the Afghanistan Security Forces Fund, and the Global Train and Equip program. Enacted in December 2014, 10 U.S.C § 2282 provides DoD permanent authority to build the capacity of foreign security forces. These BPC programs are funded with U.S. Government appropriations rather than foreign funding or the State Department’s Foreign Military Financing program. BPC programs may provide defense articles and/or services to other U.S. Government departments and agencies under the authority of the Economy Act or other transfer authorities for the purpose of building the capacity of partner nation security forces and enhancing their capability to conduct counterterrorism, counter drug, and counterinsurgency operations, or to support U.S. military and stability operations, multilateral peace operations, and other programs. DSCA policies and procedures are specified in the [SAMM](#) DSCA 5105.38-M [CH 15](#).

While BPC programs may look like FMS programs, program management should ensure their contracting officers are aware of the key differences between BPC and FMS transactions. Unlike the funding for FMS programs, which does not have an obligation period, the U.S. Government funding used for BPC programs retains the period of availability associated with the appropriation of the funds as indicated in the pseudo LOA. In addition, in awarding contracts pursuant to a pseudo LOA, the provisions of the Federal Acquisition Regulation (FAR) applicable to FMS procurements do not apply to BPC programs. From a funding and accounting perspective, note that the security cooperation or security assistance activities under a BPC program are funded with USG appropriations and executed through existing security assistance automated systems using a pseudo LOA.

Additional information on DoD BPC program planning and implementation may be found in the Defense Security Cooperation Agency (DSCA) Security Assistance Management Manual, [Chapter 15, “Building Partner Capacity Programs.”](#)

Section 1–7.4 Yockey Waivers

DoD policy states that the U.S. Government should agree to sell through FMS or DCS only those major defense equipment systems that have satisfactorily completed U.S. Operational Test and Evaluation (OT&E) required prior to approval of full rate production. Therefore, before offering FMS Price and Availability (P&A) data or a Letter of Offer and Acceptance (LOA) -- or approving an export approval for a DoD system that has not yet completed OT&E, the Component IPO should forward a request to DSCA for an OUSD(A&S) "Yockey Waiver." The Yockey Waiver authorizes the release of P&A data and/or an LOA (or a DCS offer) to a foreign customer, and directs the IPO to include precautionary language identifying:

- the risks to the foreign customer should problems be discovered in OT&E that may require retrofit or redesign of components, support equipment, and/or other hardware or software;
- or if the U.S. Government decides not to place the system into production after it completes OT&E.

The Yockey Waiver highlights that a foreign customer risks the potential of higher costs, nonstandard support to sustain the system, or reduced interoperability with U.S. forces. If DSCA concurs with the request, they forward the package to OUSD(A&S)/IC for review and final approval.

The reason for the Yockey Waiver policy is that, prior to a DoD full rate production decision at Milestone C, there is the risk that the United States may decide not to produce the system based on the results of OT&E. This would present an undesirable situation if the United States has provided unrepresentative P&A data or committed under an LOA to deliver a system to an FMS customer – or approved a DCS or hybrid U.S. Government export approval for sale and delivery of the system -- but decided not to deliver this same system to U.S. forces. The foreign customer would be faced with nonstandard support to sustain the system, potentially higher costs than the FMS, DCS or hybrid offer for sale reflected, and might not achieve the desired level of interoperability with U.S. forces.

The Yockey Waiver requirement is discussed in [DoDI 5000.85](#) in Appendix 3.C and details of this requirement and the steps to follow in submitting a Yockey Waiver request are found in the [SAMM](#) DSCA 5105.38-M ([para C5.1.8.3](#)).

Section 1–8. International Logistics Agreements

DoD cooperative logistics standardization activities in support of acquisition programs include:

- International Standardization Agreements developed in conjunction with member nations of NATO and other allies and coalition partners, as described in [DoDM 4120.24](#) (Encl. 7, para 1.a.). [DAU's International Acquisition Management Community of Practice \(ICoP\) website](#) also provides best practice advice (including related websites) on international standardization activities.

Benefits of cooperative logistics support agreements may be tangible, such as the U.S. receiving support for its naval vessels when in a foreign port; or intangible, such as the foreign nation receiving the implied benefit of a visible U.S. naval presence in the region. DoD cooperative logistics support activities include:

- Acquisition and Cross-Servicing Agreements (ACSAs)
- Logistics Cooperation IAs, used to improve sharing of logistics support information and standards, and to monitor accomplishment of specific cooperative logistics programs
- Host Nation Support Agreements
- Cooperative Logistics Supply Support Arrangements
- Cooperative Military Airlift Agreements
- War Reserve Stocks for Allies
- Agreements for acceptance and use of real property or services

The following sections provide more detailed discussion on the two types of acquisition-related agreements.

Section 1–8.1 Acquisition and Cross-Servicing Agreements

[10 USC 2342 \(para \(a\)\(1\)\)](#), “Acquisition Cross-Servicing Agreements (ACSAs),” authorizes the DoD, upon consultation with the Secretary of State, to conclude reciprocal agreements with foreign countries and regional and international organizations for the provision of logistics, support, supplies and services (LSSS). In an ACSA transaction, each party may acquire or transfer LSSS to the other party on a reimbursable basis. Beyond the obvious material benefits, such agreements can lead to opening dialogue and creating relationships between the parties, which may serve to strengthen political-military relationships. ACSA authority is delegated by the Unified Combatant Commands to the Service Components and executing agencies, TRANSCOM, and Defense Logistics Agency Energy. See the [A&S-IC website](#) and the [DAU’s International Acquisition Management Community of Practice \(ICoP\) website](#) for additional information on ACSAs.

ACSAs allow for the provision of cooperative logistics support under the authority granted in 10 USC 2341-2350 ([10 USC 2341](#), [10 USC 2342](#), [10 USC 2343](#), [10 USC 2344](#), [10 USC 2345](#), [10 USC 2346](#), [10 USC 2347](#), [10 USC 2348](#), [10 USC 2349](#), [10 USC 2349a](#), and [10 USC 2350](#)). They are governed by [DoDD 2010.09](#) and implemented by [CJCSI 2120.01](#), and financial management processes are outlined in [the DoD FMR Volume 11A Chapter](#). These documents are intended to provide an alternative acquisition option for logistics support in support of exercises or exigencies.

A current listing of ACSAs and participating countries is maintained by the Director for Logistics, the Joint Staff (J-4). [DoDD 2010.09](#) (para 5.1.2) and [CJCSI 2120.01](#) provides the official process for nominating countries for eligibility for such agreements as well as for concluding them.

- **Permitted and Prohibited Uses.** An ACSA is for the transfer of LSSS only. General purpose vehicles and other items of non-lethal military equipment not designated as Significant Military Equipment on the [USML](#) promulgated pursuant to [22 USC 2778](#) (Sections 38 and 47(7)), may be leased or loaned for temporary use. Specific questions on the applicability of certain items should be referred to the Combatant Command’s legal office for review and approval. Per [DoDD 2010.09](#) (para 4.5.1) and [CJCSI 2120.01](#), items that may not be acquired or transferred under ACSA authority include:
 - Weapon systems, specifically:
 - Guided missiles; naval mines and torpedoes; nuclear ammunition, and included items such as warheads, warhead sections, projectiles, and demolition munitions;
 - Guidance kits for bombs or other ammunition; and
 - Chemical ammunition (other than riot control agents)
 - Initial quantities of replacement and spare parts for major end items of equipment covered by tables of organization and equipment, tables of allowances and distribution, or equivalent documents; and
 - Major end items of equipment.
 - Applicable military construction projects that exceed the applicable legal thresholds for minor military construction.
- **Repayment of Obligations.** In addition to the use of Monetary reimbursement (Cash, Check, or Electronic Funds Transfer) and subject to the agreement of the parties, ACSA obligations may be reconciled by either Replacement-in-Kind (RIK) or Equal Value Exchange (EVE). ACSA obligations not repaid by RIK or EVE automatically convert to monetary obligations after one year from the conclusion of the transaction.
 - An RIK repayment allows the party receiving supplies or services under the ACSA to reconcile their obligation via the provision of supplies and services of an identical or substantially identical nature to the ones received. As an example, a country may provide extra water to the United States during a training exercise with the provision that the United States will provide the same amount of water during a future exercise.
 - An EVE repayment enables the party receiving supplies or services under the ACSA to reconcile their obligation via the provision of supplies or services that are considered to

by both parties to be of an equal value to those received. As an example, a country may provide extra water to the United States during a training exercise in exchange for the United States providing extra ammunition.

- **Implementation.** [DoDD 2010.09](#), [CJCSI 2120.01](#), and [DoD FMR Vol11A Ch8](#) provide management guidance on initiating ACSA orders, receiving support, reconciling bills, and maintaining records. As this is a Combatant Command-managed program, organizations interested in acquiring logistics, support, supplies and services should work through the applicable logistics branch to receive further guidance on this topic. The Military Services are responsible for personnel training involved in ACSA transactions and financial management of ACSA transactions.

Section 1–8.2 Acquisition-Only Authority Agreements

[10 USC 2341](#) authorizes elements of the U.S. Armed Forces, when deployed outside the U.S., to acquire logistic support, supplies, and services from eligible foreign entities on a reimbursable basis. The authority is not reciprocal and does not require the existence of a cross-servicing agreement or implementing arrangement. The Acquisition-only authority is a very limited authority that has been mainly supplanted by the use of broader authorities in ACSAs. Acquisition-only authority may be used with the governments of NATO members, NATO and its subsidiary bodies, the United Nations Organization, any regional organization, and any other country that meets one or more of the following criteria:

- Has a defense alliance with the United States.
- Permits the stationing of members of the U.S. armed forces in such country or the home porting of naval vessels of the United States in such country.
- Has agreed to preposition materiel of the United States in such country.
- Serves as the host country to military exercises, which include elements of the U.S. armed forces, or permits other military operations by the U.S. armed forces in such country.

Section 1–9. Technology Security and Foreign Disclosure Processes

Technology Security and Foreign Disclosure (TSFD) requires planning and implementation of several U.S. Government and DoD processes, both within and outside the span of control of the DoD acquisition process. The following paragraphs describe key TSFD processes that normally require program management integration efforts to ensure successful IA&E outcomes. There are a number of laws, regulations, and policies enumerating these TSFD processes, including – but not limited to - those related to defense trade and export control compliance.

Before embarking on an international acquisition effort, program management consults appropriate TSFD authorities (e.g., a Principal Disclosure Authority or Designated Disclosure Authority) in order to determine whether the classified or controlled unclassified information can be disclosed to other governments or international organization participants. Foreign assurances to protect the information are normally in the form of bilateral security agreements or security requirements detailed in a program-specific agreement. Failure to consider security requirements prior to obtaining foreign commitments on involvement can result in program delays at critical stages of the program.

Program management should also consult with TSFD experts in their DoD Component or the Principal Staff Assistant, as appropriate, as early as possible to enhance their awareness of the TSFD policies and/or processes and their linkage (or not) to the program’s security documentation. The DoD Components – especially the MILDEPS – typically rely on their IPOs, where the TSFD function is usually located. Figure 3 depicts the specific DoD TSFD processes (or “pipes”), DoD Leads, reference documents, and whether the processes are Primary or Specialized, and DoD only or Interagency. (Note: “Primary Process” refers to the processes for which there is documentation and multiple participants. “Specialized Process” refers to the processes for which there is little or no documentation and a limited number of organizational participants).

Figure 3: Technology Security and Foreign Disclosure Policies and Processes

MILDEP Processes	NDP ★	DoD Lead: Policy	EO 13526, NDP-1, DoDD C-5320.23, DoDI 5230.11, DoDI 5200.39	Primary Process
	LO/CLO	DoD Lead: A&S	EO 12968, EO 13526, TS/SAR (Thorn Bay), DoDM S-5230.28	Primary Process
	AT	DoD Lead: R&E	AT TIG, DoD CPI HPG, DoDI 5000.83, DoDI 5200.39, DoDD 5200.47E	Primary Process
MILDEP-specific various	COMSEC ★	DoD Lead: NSA & CIO	Title 50+, DoDD C-5200.5, NSD 42, DoDI 8523.01, CJSI 6510.06A	Primary Process
	SAP	DoD Lead: SAPCO	EO 12968, EO 13526, DoDD 5205.07, DoDI 5205.11	Specialized Process
MILDEP Process	DSC	DoD Lead: A&S + Policy	DSD Memo 10/27/08, AT&L SP & DUSD TSP& NDP Memo 2/26/09	Specialized Process
	MTCR ★	DoD Lead: Policy	MTCR, ITAR 121.16, DoD 5101.38-M	Specialized process
Other DoD Processes	NVD/INS	DoD Lead: Policy	DoD Policies for Int'l Transfer & Export Control of NVD & INS	Specialized process
	Intel ★	DoD Lead: USD(I)	Title 50+, DODD 5240.01, DIA DPR-00-217-99, JP 2-01, DoDI S-3200.17, DCID 6/7, ICD-113	Specialized process
DoD Lead: Various	Data Links/WF	DoD Lead: CIO	DoDI 4630.09	Specialized process
	PNT/GPS	DoD Lead: CIO	DoDD 4650.05, DODI 4650.06, NSPD #39, DoD GPS Security Policy	Specialized process
Org.-specific various	GEOINT ★	DoD Lead: NGA	Title 50+, DoDD 5105.60, DoDI 5030.59, DCID 1/8	Specialized process
	EW ★	DoD Lead: A&S/CIO/NSA	Title 50+, DoDD 3222.4, DoDI O-3600.02	No single process

** As of August 2021 – under ongoing review for updates

★ Interagency process

A: Army
A&S: Acquisition & Sustainment
AF: Air Force
AT: Anti Tamper
CIO: Chief Information Officer
CJSI: Chairman Joint Chiefs of Staff Instruction
CLO: Counter Low Observable
COMSEC: Communication Security
DCID: Director Central Intelligence Directive
DoDD: Department of Defense Directive
DoDI: Department of Defense Instruction
EO: Executive Order

EW: Electronic Warfare
GEOINT: Geospatial Intelligence
GPS: Global Positioning System
I&S: Intelligence & Security
ICD: Intelligence Community Directive
INS: Inertial Navigation System
Intel: Intelligence
ITAR: International Traffic in Arms Regulation
JP: Joint Publication
LO: Low Observable
MIDP: Military Intelligence Disclosure Policy
MILDEP: Military Department
MTCR: Missile Technology Control Regime

N: Navy
NDP: National Disclosure Policy
NGA: National Geospatial-Intelligence Agency
NSA: National Security Agency
NSD: National Security Directive
NSPD: National Security Policy Directive
NVD: Night Vision Device
PNT: Precision Navigation & Timing
R&E: Research & Engineering
SAP: Special Access Program
SAPCO: SAP Coordinating Office
WF: Waveform

The DoD Arms Transfer and Technology Release Senior Steering Group, which is co-chaired by the USD(A&S) and the USD(P), is a senior DoD coordination body established in [DoDD 5111.21](#). The Arms Transfer Technology Release Senior Steering Group is responsible for coordinating guidance and direction from DoD TSFD policies and processes pertaining to the transfer of defense articles and/or the release of classified or sensitive technology to international partners in support of U.S. policy and national security objectives.

See the [A&S-IC website](#), and [DAU's International Acquisition Management Community of Practice \(ICoP\) website](#) for additional guidance on TSFD policy and procedural guidance.

Section 1–10. Program Protection Activities

In addition to the guidance provided in [DoDI 5000.83](#) and in the [Technology and Program Protection Guidebook](#), the following subsections describe IA&E program protection documentation requirements that support Program Protection Plan (PPP) development and other international security program activities. It

is critical that program managers and the S&T community consider how to leverage technology area protection and program protection planning activities when developing and implementing international acquisition and exportability efforts. This advance planning can help ensure that appropriate risk mitigations have been taken to safeguard critical and sensitive technologies, CPI, and other technologies resident in DoD's acquisition system. See the DoDI 5000.83 and the Technology and Program Protection Guidebook for additional details on technology and program protection activities.

Section 1–10.1 Program Protection Plan (PPP)

Program protection efforts should assess and, where applicable, implement U.S. Government and DoD TSFD process decisions, as well as overall DoD program protection policy guidance. Based on DoDI 5000.83, and other related USG and DoD program protection policies, procedures, and practices, program management, S&T management, and engineers must take measures to identify and protect program information and mission-critical functions, and components from inadvertent disclosure to unauthorized entities, whether there are ongoing or projected IA&E activities or not. Additionally, DoD acquisition programs with potential and actual international involvement must address foreign disclosure, foreign sales, co-production, import/export licenses, or other export authorization requirements in their PPP, or equivalent. For ICPs where non-U.S. entities are involved in co-development, co-production, or cooperative support efforts, program protection measures should also take into account relevant international agreements and, wherever possible, the other participating nations' national laws and regulations pertaining to program protection.

The following key foreign involvement requirements should be included in the PPP:

- Summary of any potential, plans for, or existing foreign cooperative development or foreign sales of the system.
- Identity of the subsystems, components, and/or information involving CPI and/or critical components that are not included or shared in any end item sale of the system.
- Whether previous generations of the system have been sold to foreign partners.
- How export requirements will be addressed if foreign customer is identified.
- Whether program is participating in the current OUSD(A&S) DEF Program, is a viable future candidate for the DEF Program, and the results of any completed DEF studies.

AT requirements are documented in the Outline and Guidance document and appendix of PPPs, as appropriate. AT technology is intended to deter, prevent, delay, or react to attempts to compromise CPI to impede adversary countermeasure development, unintended technology transfer, or alteration of a system due to reverse engineering. Consequently, AT is driven by the CPI identified via a CPI Analysis. Properly implemented AT should reduce the likelihood of CPI compromise resulting from reverse engineering attacks for systems in the hands of an adversary (i.e., due to battlefield loss or exported). The ATEA advises programs on their AT planning and design, and ensures the availability of architectures and technologies to support AT solutions. The ATEA evaluates AT requirements before deployment based on the export of DoD systems with CPI and documents the likely impacts in cases where AT features are not incorporated. Exemptions or exceptions for AT requirements must be documented, reviewed by the ATEA, and approved in the PPP by the program MDA.

If the program decides to integrate critical foreign-origin capabilities, technology, or components, the PPP should address how protective measures will be implemented in its overall program protection approach.

PMs should conduct an early review of anticipated TSFD and export approval requirements for the program to support PPP development. As discussed in Section 9, the acronym "TSFD" refers to DoD and U.S. Government processes that review and approve proposed release, sale, or other transfers of defense articles and classified or sensitive technology/information to other nations. Early PM consideration of DoD/U.S. Government TSFD and U.S. Government TSFD requirements enables DoD acquisition programs to achieve maximum benefit from international participation while minimizing negative impacts on program cost, schedule, and performance (see Section 1-9 for details on TSFD processes.)

Additional information on program protection policy and best practices may be found in the Defense Exportability Integration Job Support Tool available on [DAU's International Acquisition Management Community of Practice \(ICoP\)](#) website. In addition, program management should reference the latest version of the PPP template for assistance on integrating exportability, foreign disclosure and other aspects of international acquisition into the program's protection approach.

Section 1–10.2 Export Control Planning

Program management, in consultation and close coordination with TSFD experts, should engage with program contractors during the MSA or TMRR phases (or early phases of MTA system development) if there is a substantial amount of IA&E activity by contractors envisioned that will require U.S. Government export control authorizations. Program contractors should provide PMs with a projection of when U.S. industry export approvals (e.g., International Traffic in Arms Regulations (ITAR) and Export Administration Regulations (EAR) export licenses, ITAR Technology Assistance Agreements, ITAR exemption validations, etc.) will be required to support the program's IA&E efforts. The program contractors should harmonize their export control planning and implementation activities with the program's PPP or TA/CP, SCG, DDL, and any other TFSD guidance, as appropriate. Prior to the EMD phase of an acquisition program with substantial IA&E involvement by foreign industry, PMs and program contractors should update their export control planning to address the U.S. industry export approvals needed to implement EMD phase efforts.

Section 1–10.3 Security Classification Guide

In addition to the PPP required to support other DoD IA&E activities, [DoDM 5200.01](#) (para 18.f.(2) – Page 31) requires international programs to develop a Security Classification Guide (SCG) for all programs containing classified information of the nations involved. The SCG, as prescribed in [DoDD 5230.11](#) (Encl. 6), identifies the items or information to be protected in the program, and indicates the specific classification to be assigned to each item. DTIC maintains a list of DoD Component' SCGs that can be consulted for reference (see [DTIC CAC-enabled site](#)). Note that bilateral Classification Guides (CGs) may be established to enable U.S. and a partner to harmonize the use of technology and security terms. The U.S. proponent must work closely with TSFD experts in developing such bilateral CGs.

Section 1–10.4 Delegation of Disclosure Authority Letter

The authorization for release of classified or controlled unclassified information (developed or used during any part of the life cycle of the program) to any potential or actual foreign involvement in the IA&E activity should be in the form of a DDL, as prescribed in [DoDD 5230.11](#) (Encl. 4), or other written authorization issued by the DoD Component FDO. The authorization for release of classified or controlled unclassified information must comply with DoD Component policies for release of such information.

Section 1–10.5 Program Security Instruction

A Program Security Instruction (PSI) details security arrangements for the program and harmonizes the requirements of the participants' national laws and regulations. Program management should consult with their DoD Component IPO on PSI requirements and should use the DoD IA Generator (described in [Section 1-6.1](#)) to address whether a PSI needs to be developed. If all security arrangements to be used in an IA&E activity are in accordance with existing industrial security arrangements between the U.S. and the allied/friendly nations involved, a separate PSI may not be required.

GLOSSARY

<u>TERM</u>	<u>DEFINITION</u>
anti-tamper	Anti-Tamper (AT) is defined as the Systems Engineering and System Security Engineering activities intended to prevent and/or delay exploitation of critical technologies in U.S. weapon systems, training devices, and maintenance support equipment. AT measures are developed and implemented to protect CPI in U.S. defense systems developed using co-development agreements; sold to foreign governments; or no longer within U.S. control.
critical program information	U.S. capability elements on the end-item providing the Warfighters' technical advantage, which if exploited through reverse engineering, undermines U.S. technical military preeminence established by that capability.
differential capability modifications	The set of system engineering activities to remove unauthorized system capabilities and CPI; include unique customer nation requirements when driven by protection considerations; and implement other modifications that are required to achieve an exportable system configuration
exportability	Defined by 10 U.S. Code §2357 as the process to identify, develop and integrate technology protection features into U.S. defense systems early in the acquisition process to safeguard CPI and other critical technologies and enable a system's export to partners. Technology protection typically involves Anti-Tamper and Differential Capability modifications, but may also include other program protection measures like information security, cybersecurity, trusted systems and networks protection, and communications security measures.
interoperability	The ability of systems, units or forces to provide data, information, materiel, and services to, and accept the same from, other systems, units, or forces and to use the data, information, materiel and services so exchanged to enable them to operate effectively together. Interoperability includes information exchanges, systems, processes, procedures, organizations, and missions over the life cycle and must be balanced with cybersecurity

REFERENCES

- 1) Director, Cost Assessment and Program Evaluation (CAPE), "Defense Trade Modernization," October 27, 2020.
- 2) DoD Directive 5134.01, "Under Secretary of Defense for Acquisition, Technology, and Logistics (USD(AT&L))," December 9, 2005, as amended
- 3) DoD Instruction 2010.06, "Materiel Interoperability and Standardization with Allies and Coalition Partners," July 29, 2019, as amended
- 4) DoD Instruction 2015.4, "Defense Research, Development, Test and Evaluation (RDT&E) Information," August 31, 2018
- 5) DoD Instruction 2040.02, "International Transfers of Technology, Articles, and Services," March 27, 2014, as amended
- 6) DoD Directive 5000.01, "The Defense Acquisition System," September 9, 2020.
- 7) DoD Instruction 5000.02, "Operation of the Adaptive Acquisition Framework," January 23, 2020.
- 8) DoD Instruction 5000.80, "Operation of the Middle Tier of Acquisition (MTA)," December 30, 2019.
- 9) DoD Instruction 5000.81, "Urgent Capability Acquisition," December 31, 2019.
- 10) DoD Instruction 5000.83, "Technology and Program Protection to Maintain Technological Advantage," July 20, 2020.
- 11) DoD Instruction 5000.85, "Major Capability Acquisition," August 6, 2020.
- 12) DoD Instruction 5000.87 "Operation of the Software Acquisition Pathway
- 13) DoD Instruction 5200.39, "Critical Program Information," October 1, 2020.
- 14) DoD Instruction 5200.47, "Anti-Tamper" December 22, 2020.
- 15) DoD Instruction 5530.03, "International Agreements," December 4, 2019.
- 16) DoD Instruction 8330.01 "Interoperability of Information Technology (IT), Including National Security Systems," May 21, 2014.
- 17) Joint Requirements Oversight Council Memorandum 025-19, "Conventional Arms Transfer Policy, National Security Presidential Memorandum Task 2.7, Build Exportability" Vice Chairman of the Joint Chiefs of Staff, April 15, 2019.