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

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This instruction implements Department of Defense Directive (DoDD) 5230.11, *Disclosure of Classified Military Information to Foreign Governments and International Organizations;* DoD Instruction (DoDI) 2040.02, DoDD 5230.20, *Visits and Assignments of Foreign Nationals, International Transfers of Technology, Articles, and Services; DoDI 3020.46, The Military Critical Technologies List (MCTL)*; DoDI 5030.14, *Disclosure of Atomic Information to Foreign Governments and Regional Defense Organizations*; and Air Force Policy Directive (AFPD) 16-2, *Disclosure of Military Information to Foreign Governments and International Organization, the* Arms Export Control Act (AECA), as implemented by the International Traffic in Arms Regulation (ITAR), the Export Administration Act of 1979, as amended and implemented by the Export Administration Regulation, and the Foreign Assistance Act, as amended. These guidelines also apply to material exempt under Freedom of Information Act (FOIA) exemption 552(b)(3) of Title 5, United States Code, based on specific statutory controls for technical data with military or space applications, National Security Decision Memorandum 119, as

implemented by the *National Policy and Procedures for the Disclosure of Classified Military Information to Foreign Governments and International Organizations* These references provide the statutory and policy basis for access to U.S. Classified Military Information (CMI) and Controlled Unclassified Information (CUI) by foreign representatives. This instruction applies to all Air Force personnel and units, to include the Air Force Reserve Command and the Air National Guard. Refer recommended changes and questions about this publication to the Office of Primary Responsibility (OPR) using the AF Form 847, *Recommendation for Change of Publication;* route AF Forms 847 from the field through the appropriate functional chain of command. Ensure that all records created as a result of processes prescribed in this publication are maintained in accordance with (IAW) Air Force Manual (AFMAN) 33-363, *Management of Records*, and disposed of IAW Air Force Records Disposition Schedule (RDS) located in the Air Force Records Information Management System (AFRIMS). This publication may be supplemented at any level, but all direct supplements must be routed to the OPR of this publication for coordination prior to certification and approval. The authorities to waive wing/unit level requirements in this publication are identified with a Tier ("T-0, T-1, T-2, T-3") number following the compliance statement. See AFI 33-360, *Publications and Forms Management*, Table 1.1 for a description of the authorities associated with the Tier numbers. In this document, the tiering level will follow the sentence detailing the deliverable. The Air Force Foreign Disclosure and Technology Transfer Office, SAF/IAPT, is the waiver authority for all non-tiered compliance items targeted for units above the wing or equivalent level and above DRUs/FOAs.

**(AFMC)** This supplement implements AFI 16-201, *Air Force Foreign Disclosure and Technology Transfer Program*. It provides clarification and processes for Air Force Materiel Command (AFMC) personnel. This supplement clarifies guidance on the use of the AFMC Form 191, *Foreign Disclosure Procurement Decision Worksheet*. It expands the guidance provided in AFI 16-201 and applies to all AFMC field units. This publication does not apply to the Air National Guard (ANG) or Air Force Reserve Command (AFRC) units. This publication may be supplemented by lower organizational elements, but all direct Supplements must be routed to the Office of Primary Responsibility (OPR) of this publication for coordination prior to certification and approval. The authorities to waive wing/unit level requirements in this publication are identified with a Tier ("T-0, T-1, T-2, T-3") number following the compliance statement. See AFI 33-360, *Publications and Forms Management*, Table 1.1 for a description of the authorities associated with the Tier numbers. Refer recommended changes and questions about this publication to the OPR using the AF Form 847, *Recommendation for Change of Publication;* route AF Forms 847 from the field through the appropriate functional~~'s~~ chain of command. Ensure that all records created as a result of processes prescribed in this publication are maintained in accordance with AFMAN 33-363, *Management of Records*, and disposed of in accordance with the Air Force Records Information Management System (AFRIMS) Records Disposition Schedule (RDS). See **Attachment 1** for a glossary of references and supporting information.

## *SUMMARY OF CHANGES*

This document has been substantially revised and should be completely reviewed. Major changes include clarification on the use of the Not Releasable for Foreign Nationals (NOFORN)

caveat (2.4.3.1), guidance on delegation of disclosure authority procedures (2.9), guidance on base access responsibilities (6.9.2), and reporting unauthorized access to CUI (9.3). Also, attachments 6, 15, 16, 17, and 18 have been added to provide assistance and examples to field foreign disclosure offices. This publication incorporates a self-inspection program checklist at attachment 5, which highlights compliance criteria and deliverables, to facilitate standardization across USAF foreign disclosure offices/programs.

**(AFMC)** This document has been substantially revised and must be completely reviewed. Major changes include the exception of nuclear weapon related technical orders (TOs) from Security Assistance Technical Order Data System (SATODS) processing (4.10), supplemental guidance on U.S. citizens acting as representatives of a foreign government or international organization (6.2), additional security plan requirements for extended visitors (6.6), and clarification on the processing of Small Business Innovative Research (SBIR) and Small Business Technology Transfer (STTR) requests (8.2).

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# Chapter 1

## PROGRAM DESCRIPTION

**1.1. Program Definition.** Military information is a national security asset which is conserved and protected and which may be shared with foreign representatives only when there is a clearly defined advantage to the United States. It is United States policy to avoid creating false impressions of its readiness to make defense articles, technologies, services or information available. Therefore, Air Force personnel must ensure compliance with this Air Force Instruction (AFI) as part of the initial planning for international activities. **(T-1)**. Only designated foreign disclosure officers (FDOs) may approve the disclosure of classified and controlled unclassified information to foreign representatives. This instruction documents requirements of the United States Air Force Foreign Disclosure and Technology Transfer Program; its applicability to Air Force organizations and activities; responsibilities of Major Command (MAJCOM), Direct Reporting Unit (DRU) and Field Operating Agency (FOA) Commanders; responsibilities of Foreign Disclosure Officers at all command levels; and guidance for authorizing the disclosure of Classified Military Information (CMI) and Controlled Unclassified Information (CUI) to foreign representatives. (See explanation of terms CMI and CUI.) This AFI also provides guidance for authorizing disclosures of information that is not CMI or CUI and for approving foreign national visits to bases and facilities.

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

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

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

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

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

1.2.5. Notification and approval process for visits that are sponsored, controlled, administered, and recorded by U.S. European Command under its J5/8, Policy, Strategy, Partnering and Capabilities Directorate; by the U.S. Africa Command under its African Cooperation Fund; by the U.S. Southern and Northern Commands under their Latin American Cooperation Fund; by COCOM Traditional Commanders Activities Programs; by the Air Force Office of Scientific Research; or by the Bureau of Educational and Cultural Affairs, Department of State.

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

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

**1.3. Responsibilities.**

1.3.1. As the Air Force Principal Disclosure Authority, the Deputy Under Secretary of the Air Force, International Affairs Policy Directorate (SAF/IAP) ensures CMI and CUI disclosure actions originating within the United States Air Force are consistent with the National Disclosure Policy (NDP) and applicable U.S. legislation.

1.3.2. As the Air Force Designated Disclosure Authority, the Foreign Disclosure and Technology Transfer Division (SAF/IAPT) will:

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

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

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

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

1.3.2.5. Be the OPR for coordinating initiatives within Headquarters Air Force involving foreign military sales (FMS) and direct commercial sales (DCS) of Air Force systems and commercially developed non-U.S. inventory systems. The coordination process is known as the "Topline" process.

1.3.2.6. Delegate disclosure authority to Major Command (MAJCOM), Forward Operating Agency (FOA), and Direct Reporting Units (DRU) Foreign Disclosure Officers (FDOs).

1.3.2.7. Train United States Air Force FDOs to make decisions regarding disclosure of CMI and CUI.

1.3.2.8. Oversee Air Force implementation of (NDP), ITAR, and EAR.

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

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

1.3.2.11. Be the Headquarters Air Force FDO.

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

1.3.2.13. Approve or deny U.S. government sponsored visits by foreign representatives to U.S. defense contractor facilities.

1.3.3. MAJCOM, DRU, and FOA commanders will:

1.3.3.1. Designate in writing one or more individuals as command FDOs who report directly to supervisors in the grade of Colonel or higher (military), or GS-15 or higher (civilian). **(T-1)**

1.3.3.2. Ensure command FDOs have access to senior command leaders in order to identify and resolve disclosure and technology transfer issues. **(T-1)**

1.3.3.3. Ensure disclosure offices have the appropriate number of manpower authorizations, office space, and equipment to effectively perform disclosure duties**. (T-1)**. Commanders will assign Foreign disclosure officers at ranks or grades equivalent to other United States Air Force personnel in the organization having responsibilities and authority commensurate with the FDO's. **(T-1)**.

1.3.4. MAJCOM, DRU and FOA FDOs will:

1.3.4.1. Authorize disclosure of CMI and CUI in accordance with this instruction, established United States Air Force procedures, and delegation of disclosure authority letters. **(T-1)**

1.3.4.1. **(AFMC)** The Air Force Life Cycle Management Center's (AFLCMC's) Air Force Security Assistance and Cooperation Directorate (AFSAC), Foreign Disclosure Policy Office (AFLCMC/WFNJ), is the command designated foreign disclosure and policy office for AFMC. AFLCMC/WFNJ will:

1.3.4.1.1. **(Added-AFMC)** Provide certification to release CUI and CMI information to appointed foreign disclosure officers assigned to all field locations throughout AFMC. **(T-2)** AFLCMC/WFNJ may withdraw disclosure authority based on failure to meet disclosure requirements as prescribed by AFI 16-201 or this supplement. Any unit or organization that does not have a MAJCOM (AFLCMC/WFNJ) trained and certified disclosure officer does not hold disclosure authority. Levels of disclosure authority and certification are managed by AFLCMC/WFNJ and are achieved with completion of training requirements, demonstrated use/compliance of foreign disclosure procedures, principles, and experiences. In the absence of a qualified foreign disclosure officer, contact AFLCMC/WFNJ for guidance.

1.3.4.1.2. **(Added-AFMC)** Develop and implement as appropriate, a Command Staff Assistance Visit (SAV) program. This will include visits to all AFMC field foreign disclosure offices once every 24 months or sooner if required. **(T-2)** The purpose of the SAV program is to review, evaluate and ensure effective establishment and operation of all AFMC field foreign disclosure offices. AFLCMC/WFNJ will comply with AFI 90-201 AFMC Supplement, *The Air Force Inspection System*, paragraph 2.9 for requesting SAV approval.

1.3.4.1.3. **(Added-AFMC)** Develop the Self-Assessment Checklist (SAC) for the AFMC Foreign Disclosure Program and provide representation to the HQ AFMC Inspector General (IG) Team to conduct unit effectiveness inspections (UEIs) of AFMC units, as required. **(T-2)** UEIs may be used to fulfill the 24-month SAV requirement in **paragraph 1.3.4.1.2** above.

1.3.4.2. Exercise their delegated disclosure authority consistent with established United States Air Force suspenses. **(T-1)**

1.3.4.3. Implement United States Air Force disclosure and technology transfer processes within their commands and develop command requirements, as necessary. **(T-1)**

1.3.4.4. Redelegate delegated disclosure authority to subordinate FDOs as necessary and when specifically authorized by SAF/IAPT. **(T-1)**

1.3.4.4.1. **(Added-AFMC)** The process for obtaining disclosure authority within AFMC units starts with the field foreign disclosure officer forwarding to AFLCMC/WFNJ a memorandum documenting completion of all training requirements (see **Attachment 19**). The Chief, AFLCMC/WFNJ, will make the final determination based on the completion of training requirements, which are documented in a memorandum forwarded to AFLCMC/WFNJ and demonstrated proficiency in AFMC foreign disclosure policies and processes. AFLCMC/WFNJ will issue an interim memorandum to the affected field office providing disclosure authority consistent with completion of training objectives and demonstrated proficiency. **(T-2)**

1.3.4.4.1.1. **(Added-AFMC)** AFMC Field FDOs are required to provide the following information to AFLCMC/WFNJ upon becoming a FDO or as changes to the information occur: Individual's full name and grade, current security clearance level, functional address symbol, complete mailing address, commercial and Defense Switched Network (DSN) phone numbers for voice and fax, and classified and unclassified electronic mail addresses. **(T-2)**

1.3.4.4.2. **(Added-AFMC)** The Director of AFSAC (AFLCMC/WF) will designate AFMC FDOs based on the recommendation of the Chief of the Foreign Disclosure Policy Branch (AFLCMC/WFNJ). **(T-2)**

1.3.4.5. Approve or deny visits by foreign representatives to their MAJCOM, DRU or FOA locations when electronically connected to the SPAN, and to their subordinate activities that are not connected to SPAN. **(T-1)**

1.3.4.6. Forward recommendations to SAF/IAPT to approve or deny visits by foreign representatives to their MAJCOM, DRU, FOA or subordinate locations when not electronically connected to SPAN. **(T-1)**

1.3.4.7. Establish foreign disclosure education and oversight programs for subordinate command FDOs and MAJCOM, DRU, or FOA personnel. **(T-1)**

1.3.4.8. Provide SAF/IAPT with current information on all appointed MAJCOM, DRU, FOA, and subordinate element FDOs including name, grade, functional address symbol, mailing and message addresses, telephone numbers, and classified and unclassified electronic mail addresses. **(T-1)**

1.3.4.9. **(Added-AFMC)** Disclosure authority of a certified AFMC FDO is limited to the following:

1.3.4.9.1. **(Added-AFMC)** The authorized security classification disclosure level determined by AFLCMC/WFNJ. **(T-2)**

1.3.4.9.2. **(Added-AFMC)** Limitations established in the Delegation of Disclosure Authority Letters (DDLs) re-delegated by AFLCMC/WFNJ to the foreign disclosure office to which the FDO is assigned. **(T-0)**

1.3.4.9.3. **(Added-AFMC)** No other authorization is expressed or authorized without prior written coordination with AFLCMC/WFNJ.

1.3.5. Installation Commanders will:

1.3.5.1. Designate in writing one or more individuals as installation FDOs, as required. **(T-1)**. Installation FDOs report directly to supervisors in the grade of Colonel or higher (military), or GS-15 or higher (civilian).

1.3.5.1. **(AFMC)** Accomplishment of the designation letter is required upon designation as an FDO. **(T-2)**

1.3.5.2. Ensure that disclosure offices have the appropriate number of manpower authorizations, office space, and equipment to perform disclosure duties effectively. **(T-1)**. Installation commanders will assign Foreign disclosure officers at ranks or grades equivalent to other United States Air Force personnel in the organization having responsibilities and authority commensurate with the FDO's. **(T-1)**.

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

1.3.6.1. Supervisors in the grade of Colonel or higher (military) or GS-15 or higher (civilian) must request the establishment of new disclosure offices from their MAJCOM disclosure office. **(T-0)** Requests need to justify why support from existing FDOs is not practical.

1.3.6.2. Commanders of tenant organizations must ensure visits by foreign representatives to their organizations are processed consistent with installation FDO procedures. **(T-0)**

1.3.6.3. Tenant organization commanders must ensure that their disclosure offices have the appropriate number of manpower authorizations, office space, and equipment to perform disclosure duties effectively. **(T-1)** FDOs should be assigned at ranks or grades equivalent to other United States Air Force personnel in the organization who have responsibilities and authority commensurate with the FDO's.

1.3.6.4. **(Added-AFMC)** The Director, AFLCMC/WF, is the FDO designating authority for AFMC. (see **paragraph 1.3.4.4.1** for process)

1.3.7. Element FDOs will:

1.3.7.1. Authorize disclosures of CMI and CUI in accordance with this instruction, established United States Air Force procedures, and DDLs. **(T-1)**

1.3.7.2. Implement United States Air Force disclosure and technology transfer processes for their supported activities and develop local requirements, as necessary. **(T-1)**

1.3.7.3. Approve or deny visits by foreign representatives to their supported organizations when electronically connected to SPAN or make such recommendations to their MAJCOM, DRU, or FOA FDO when SPAN is not available. **(T-1)**

1.3.7.4. Establish an initial and refresher foreign disclosure education program for personnel assigned to supported organizations. **(T-1)**

1.3.8. SCOs will:

1.3.8.1. Report to SAF/IAPT any confirmed or suspected host nation violations of USG security conditions/requirements contained in applicable Letters of Offer and Acceptance (LOAs), MOUs, MOA, or military information security agreements. **(T-1)**

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

1.3.8.3. Submit to SAF/IAPT all issues involving disclosure of United States Air Force military information and to the host government, through the appropriate SAF/IA country director for resolution. **(T-1)**

1.3.9. **(Added-AFMC)** Field Unit Foreign Disclosure Offices will:

1.3.9.1. **(Added-AFMC)** Meet, at a minimum, annually with the host supervisor of Defense Personnel Exchange Program (DPEP) and Cooperative Program Personnel (CPP) foreign national visitors to review all disclosure aspects involved in the assignment, review pertinent disclosure policy, and present a copy and discuss the applicable DDL for the assignment. Document the review date in the extended visitor's records. **(T-2)**

1.3.9.2. **(Added-AFMC)** Meet with the foreign national DPEP or CPP participant within 45 days of the foreign national's arrival. The FDO will notify DPEP and CPP foreign nationals of the role of the FDO and assistance the FDO can provide when necessary. Document this meeting in the extended visitor's records. **(T-2)**

1.3.9.3. **(Added-AFMC)** Establish an initial (within 45 days) and annual refresher Foreign Liaison Officer (FLO) Orientation program for all AFMC hosted FLOs. **(T-2)** AFLCMC/WFNJ has developed a baseline orientation to facilitate standardization of information to be presented for this initial orientation and refresher training within AFMC (**Attachment 20**). The attached guideline is provided with the intent that each location will tailor, as required, to address unique issues and practices at their respective locations.

1.3.9.4. **(Added-AFMC)** Track initial orientation and annual refresher training for FLOs assigned to units they directly support. At a minimum, documentation of the training will include names of attendees, names of briefers, and date of completed training. **(T-2)**

1.3.9.5. **(Added-AFMC)** AFMC Field FDO offices will utilize the MAJCOM provided Case Log Access Data Base or an AFLCMC/WFNJ approved system for recording and

tracking of disclosure related activities. **(T-3)** This process will standardize FDO metric reporting across AFMC.

1.3.9.5.1. **(Added-AFMC)** Directed units will provide command level metrics per the designated format to AFLCMC/WFNJ by the fifth business day of every month. **(T-3)**

1.3.9.6. **(Added-AFMC)** Provide foreign disclosure orientation to their supported organizations annually. FDO orientation is to be in a formal classroom environment using a curriculum approved by AFLCMC/WFNJ. Field FDO units will submit their curriculum and any Power Point slides to the AFLCMC/WFNJ Organizational Mailbox for review and approval prior to presentation. **(T-2)**

## Chapter 2

## UNITED STATES AIR FORCE FOREIGN DISCLOSURE AUTHORITY

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

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

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

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

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

2.4.2. With the consent of the originator, SAF/IAPT develops and delegates disclosure guidelines for CMI or CUI officially obtained from a foreign source, combined military information, joint information, information originated by or for any U.S. department or agency, and proprietary information

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

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

2.4.3.2. DCID 6/6 and 6/7 authorize use of the NOFORN caveat on intelligence information in order to protect sources, methods, techniques, and operations. Therefore, disclosure restriction on release of NOFORN applies to Category 8 (Military Intelligence) information only.

2.4.3.3. If the security classification guide reflects the material to be NOFORN, then the security classification guide is changed to ensure compliance with DCID 6/6 and 6/7.

2.4.3.4. All material that is not intelligence information is reviewed for proper markings, as defined by the information Security Oversight Office (ISSO) Directive Number 1, dated 25 Mar 2003. Improperly applied dissemination controls are removed. Non-intelligence information marked with the NOFORN dissemination control is reviewed by a subject matter expert to ensure intelligence information is not included. If the NOFORN caveat is determined to be improperly applied the servicing FDO may make a disclosure decision to remove the caveat.

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

2.4.3.6. Information marked with a Special Access Required caveat in accordance with AFI 16-701, *Special Access Programs.*

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

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

**2.5. (AFMC)Local foreign disclosure authorities must:** Examine the entire scope of a program when reviewing information proposed for release. The Foreign Disclosure Office must consider the classification of hardware, software, documents, and other information or material needed for operations, maintenance, and training as well as information on vulnerabilities of the system that will be released, or that could be discerned, through exploitation of the disclosed material. The Foreign Disclosure Office's initial disclosure review must not be limited solely to introductory or promotional material but must consider the "whole picture" and evaluate any possible follow-on releases that might result. **(T-2)** Air Force designated disclosure authorities may authorize disclosures when all the basic disclosure criteria identified in AFI 16-201 are satisfied. This criteria review is applicable to, and required, for all disclosures. Programs involving classified information will have a Security Classification Guide (SCG). The local FDO should contact the Program Office for access to the latest SCG.

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

2.5.2. Disclosure is consistent with U.S. military and security objectives.

2.5.3. The foreign recipient affords U.S. information the same degree of security protection as that provided to it by the United States.

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

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

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

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

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

2.6.3. An assessment of how each of the disclosure criteria and conditions is met. The assessment of criteria and conditions is provided by the office requesting disclosure approval.

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

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

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

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

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

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

2.7.1. Each Topline proposal contains the following elements:

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

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

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

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

2.7.1.5. A description of precedent cases, if any.

2.7.2. Foreign sales initiatives are coordinated through SAF/AQ, SAF/IA, SAF/US, SAF/CIO/A6, AF/A3, AF/A4/7, AF/A5, and approved by CSAF when any of the following conditions apply:

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

2.7.2.2. The proposed sale results in foreign access to U.S. classified software source code.

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

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

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

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

2.7.3. Proposed international sales that involve any of the following items are coordinated at the Directorate level in SAF/AQ, SAF/US, SAF/CIO/A6, AF/A3, AF/A4/7, AF/A5, and approved by SAF/IA:

2.7.3.1. Aircraft and air vehicles,

2.7.3.2. Jet or rocket engines,

2.7.3.3. Precision guided munitions and precision targeting systems,

2.7.3.4. Unmanned aerial vehicles,

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

2.7.3.6. Radars,

2.7.3.7. Intelligence collection systems,

2.7.3.8. Command, control and communications systems,

2.7.3.9. Information warfare and defensive countermeasure systems,

2.7.3.10. Ballistic missile defense systems, or

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

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

2.7.5. Staff officer must justify in writing recommendations to non-concur and to impose conditions and limitations on a proposed sale. **(T-0)**. Their justification is based on substantiated risk to US military security, national security, or foreign policy objectives.

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

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

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

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

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

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

2.9.1. To establish disclosure guidance for new international programs:

2.9.1.1. Proponents for international programs will identify program objectives, program information proposed for disclosure, and the classification and originator of the information proposed for disclosure to their supporting FDO. **(T-0)** Proponents must also be prepared to assist the FDO in documenting how the program satisfies the disclosure criteria in **paragraph 2.5**. **(T-0)**

2.9.1.2. FDOs supporting international programs must participate in initial and continuing international program planning activities, as necessary, to ensure that disclosure guidance can be developed, coordinated at the local levels, and forwarded to SAF/IAPT in advance of program activities commencing. **(T-0)**

2.9.1.3. Servicing FDOs must forward requests for initial or updated program disclosure guidance, including the evaluation of the appropriate disclosure criteria, through disclosure channels to SAF/IAPT through their MAJCOM, DRU or FOA. **(T-0)** FDOs should coordinate requests for disclosure guidance with all command offices having a

functional interest in the program, and information to be disclosed, prior to forwarding their requests to SAF/IAPT.

2.9.1.3.1. Specifically for armaments cooperation programs, MAJCOM FDOs will forward MAJCOM-approved DDLs to SAF/IAPQ or SAF/IAPS as part of the coordination package.

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

2.9.1.4. FDOs will ensure proposed DDLs are consistent with the format at **Attachment 3**. **(T-1)**

2.9.1.4.1. **(Added-AFMC)** Contact AFLCMC/WFNJ for current guidance or support before preparing a DDL.

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

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

2.10.1. FDOs will submit their requests to transfer their DDLs to SAF/IAPT Workflow. **(T-1)** Once they received approval from SAF/IAPT, FDOs may provide information copies of DDLs to Air Force offices to guide international program development, support assignment of foreign representatives in United States Air Force organizations, or to facilitate sanitization of information in preparation for disclosure review. An FDO's decision to provide DDL copies outside of FDO channels is based on a program proponent's need for frequent access to the DDL and when physical separation from the FDO makes it impractical to review the DDL at the disclosure office.

2.10.2. The FDO will transmit the DDL under a cover memo that documents specifically why the DDL is being provided. **(T-1)** Clearly state the DDL may not be copied in whole or in part, may not be incorporated into other documents, and the transmittal memo remains attached to the DDL. A sample transmittal memo is at **Attachment 4**.

2.10.3. The following statement is conspicuously placed on the transmittal memo to the DDL disseminated outside of foreign disclosure channels:

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

2.10.4. SAF/IAPT must approve, in writing, all delegations of United States Air Force disclosure authority outside United States Air Force. Proponents for such delegation must justify their requests in writing to SAF/IAPT through disclosure channels. **(T-1)**

## Chapter 3

## PROGRAM MANAGEMENT

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

**3.2. Program Oversight.** SAF/IAPT will evaluate implementation and management of MAJCOM, DRU, and FOA Foreign Disclosure and Technology Transfer Programs. SAF/IAPT will conduct staff assistance visits in accordance with the guidelines at Attachment 5. SAF/IAPT will determine the staff assistance schedule.

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

**3.4. United States Air Force Standard Suspenses for Disclosure Activities.** In order to respond promptly to disclosure requests made by supported activities, FDOs will track their response time for document and visit requests. **(T-1)**

3.4.1. The United States Air Force standard for responding to document requests is ten working days from the date of receipt. Within the ten-day period, FDOs will approve, deny, return without action (if the requestor provides insufficient information on which to make a disclosure decision), coordinate an extension (if necessary), or refer the request to the appropriate disclosure authority. **(T-1)**

3.4.1. **(AFMC)** Requests for technical order releases and/or any information defined as technical data in accordance with International Traffic in Arms Regulation (ITAR), § 120.10 are considered documentary disclosures and are subject to the standard 10 day suspense.

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

**3.5. Staffing and Recording of Disclosure Decisions.** Air Force FDOs will use SPAN for staffing and recording cases, decisions and reference data in support of departmental responsibilities assigned by the National Disclosure Policy, the Arms Export Control Act and the Export Administration Act. **(T-1)**

3.5.1. FDOs will document SIPRNet communications requirements to establish SPAN access locally. **(T-1)**

3.5.2. All classified disclosure decisions are documented in the Foreign Disclosure System. Foreign Disclosure offices without SPAN connectivity work with their MAJCOM FDO office to ensure that classified disclosure decisions are documented in SPAN.

**3.6. Training Requirements.** Prior to authorizing disclosures of CMI and CUI, FDOs must complete the United States Air Force Foreign Disclosure Officer Training Course sponsored by SAF/IAPT. **(T-1)**

**3.6. (AFMC)AFMC Foreign Disclosure Officer Training Program.**

3.6.1. SAF/IAPT will recertify MAJCOM FDOs on an annual basis. The MAJCOM FDOs will then provide requisite training and certification for FDOs of subordinate organizations within their chain of command.

3.6.1. **(AFMC)** Newly appointed AFMC FDOs are required to attend the following training: **(T-2)**

3.6.1.1. **(Added-AFMC)** AFMC Foreign Disclosure Training Course #MWEFMS0008600SU is scheduled with AFLCMC/WFNJ.

3.6.1.2. **(Added-AFMC)** Defense Institute of Security Assistance Management (DISAM) Security Cooperation Management CONUS (SCM-C) Course. To be completed in the first 18 months from appointment as an FDO. Contact AFLCMC/WFNJ if this course has been previously completed.

3.6.1.3. **(Added-AFMC)** International Programs Security Requirements (IPSR). This course is available as a standalone course (recommended) or, at the time of publication of this supplement, IPSR training is included in DISAM SCM-C course curriculum (abbreviated training). Online IPSR training can also be scheduled through the DISAM website at **www.disam.dsca.mil**.

3.6.1.4. **(Added-AFMC)** Completion of courses listed in sections 3.6.1.1 and 3.6.1.2. allow for CUI release authority upon receipt of appointment letter as an AFMC FDO. It is the responsibility of the foreign disclosure officer to maintain copies of completion certificates and provide to AFLCMC/WFNJ.

3.6.1.5. **(Added-AFMC)** Increased levels of disclosure authority, Confidential and Secret, will be issued by the Chief, AFLCMC/WFNJ. Classified disclosure authority is based on completion of training requirements and demonstrated proficiency in the execution of the AFMC Foreign Disclosure Program.

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

3.7.1. Contractors will not exercise foreign disclosure decision authority for disclosures of CMI and CUI nor any other duties considered to be inherently governmental, in accordance with Part 7.5 of the Federal Acquisition Regulations (FAR). **(T-0)**

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

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

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

3.7.5. **(Added-AFMC)** Field foreign disclosure offices that obtain contractor support must notify AFLCMC/WFNJ. **(T-3)**

**3.8. Waivers to Air Force Policy.** SAF/IAPT will consider and may approve United States Air Force requests to waive disclosure policies and procedures when the policy will negatively impact a United States Air Force international program, and the waiver does not conflict with U.S. law or interagency policies and procedures (including NDP-1 and relevant DoD instructions, directives, and procedures). Personnel in the grade of Colonel or higher (military) or GS-15 or higher (civilian) must sign all requests for waiver to this instruction. **(T-1)** Each waiver should be submitted through local FDO channels enroute to SAF/IAPT. The written request identifies the following:

3.8.1. The specific policy to be waived;

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

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

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

# Chapter 4

## DISCLOSING INFORMATION

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

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

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

4.2.1.1. Unless other government-to-government channels are established (see **paragraph 4.2.2.1**), foreign governments or international organizations should submit requests for information through either their accredited attaché in Washington DC or the U.S. Security Cooperation Office (SCO) in country. Foreign governments and international organizations should submit electronic requests via the Foreign Disclosure System or via written request if they are not a SPAN user. Requests contain the information specified in the SPAN Foreign Disclosure System.

4.2.2. United States Air Force personnel will submit requests to disclose CMI or CUI to foreign recipients in the United States or abroad to their servicing FDO. **(T-1)**

4.2.2.1. When designated by their government to conduct business with the United States Air Force, foreign representatives should use established procedures to submit requests related to specific foreign military sales programs or armaments cooperation agreements. Generally, such requests are submitted through the in-country SCO to United States Air Force individuals appointed as case managers or technical project officers, respectively. The case manager or technical project officer will submit requests to the servicing FDO. **(T-1)**

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

4.2.3. United States Air Force proponents must provide a written request to their servicing FDO. (T-1). (If the disclosure action is based on a written request from a foreign government or international organization, an additional request from the United States Air Force proponent may not be necessary if the request contains the information required below) The United States Air Force proponent will include the following information in the request to the FDO: **(T-1)**

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

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

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

4.2.3.4. For documentary disclosures, proponents must provide a copy of the document to be disclosed and identify any portions of the document that are not part of the disclosure request. **(T-1)**.

4.2.3.5. For oral and visual disclosures, proponents must provide written details identifying information to be discussed. **(T-1)**.

4.2.3.6. Requested release date.

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

**4.3. Processing Requests To Disclose Information.** FDOs coordinate disclosure proposals with offices having a functional interest in the information to be disclosed (including interests within a geographic COCOM AOR). This coordination ensures programmatic, policy, operational, technology, and security related issues are evaluated. Subject matter experts will be enlisted to provide assessments within their functional area. **(T-0)**

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

4.4.1. FDOs approve disclosure requests consistent with their delegated disclosure authority. FDOs will ensure disclosure approvals are consistent with the formats at **Attachment 6** and **Attachment 7**. **(T-1)**

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

4.4.1.2. FDOs will forward requests through disclosure channels to SAF/IAPT when their delegated authority is exceeded. **(T-1)** MAJCOM, FOA, and DRU FDOs will forward requests to SAF/ IAPT when their authority is exceeded. **(T-1)**

4.4.1.2.1. **(Added-AFMC)** Disclosure requests that exceed AFMC field FDO delegated authority must be forwarded to AFLCMC/WFNJ. **(T-1)** Requests should include comprehensive supporting justification in accordance with AFI 16-201. Incomplete requests will be returned without action. If release determination cannot be made at the Command level, a Command position will be added, and the request will be forwarded to SAF/IAPT for a final decision. Use of AFMC Form 458, *Foreign Disclosure Release Worksheet,* is required when delegated authority is not at

the field level. **(T-3)** Guidance for use of AFMC Form 458 is at **Attachment 21**. The SAF/IAPT decision will be routed back to the field foreign disclosure office through official disclosure channels.

4.4.1.3. Requests include the information required by **paragraphs 4.2.3**.

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

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

4.4.2.2. The following statement is stamped or typed on the front or cover page of documents containing CMI or CUI:

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

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

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

4.4.3. FDOs must ensure the proper information is included in all foreign disclosures: **(T-1)**

4.4.3.1. "The U.S. Government sponsor is responsible to ensure that U.S. participants (government or contractor) involved in technical discussions of U.S. export-controlled or classified information during briefings, meetings, conferences, or events are provided advanced notification of the approved scope and limitations of this disclosure decision."

4.4.3.2. "To reduce the risk associated with latent metadata capture in digital products, documentary release is limited to paper copy only. When mission requirements dictate and are acknowledged by the responsible USG authority, release of digital products is permitted in read-only .pdf or .tif format."

4.4.3.3. "Prepare the briefing by adding the following as a header and footer to the title page and each subsequent page containing FOUO information "For Official Use Only." Portion mark all "For Official Use Only" paragraphs, bullets, sub-bullets and notes pages "FOUO" and all FOUO graphic depictions, pictures, or charts "For Official Use Only" where applicable. Presentations must conform to the security classification marking requirements stipulated in DoDM 5200.01, Volumes 1–4."

4.4.3.4. "Discussions and documentary release beyond the contents of this release authorization will require a separate disclosure review."

4.4.3.5. FDO's presentation must conform to DoDM 5200.01, Volumes 1–4. **(T-0)**.

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

4.5.1. Air Force proponents will ensure all disclosures to foreign representatives are consistent with guidance received from the servicing disclosure office. **(T-0)**

4.5.1.1. Air Force proponents will ensure any information not approved for disclosure is removed from material prior to transfer. **(T-0)**

4.5.1.2. Air Force proponents must verify to the servicing FDO the date that disclosures of CMI and CUI were made. **(T-0)**

4.5.2. CMI is transferred on a government-to-government basis. Such transfers may be made through government-to-government channels or other channels mutually agreed upon by the appropriate policy authorities of the sending and receiving governments. FDOs or Air Force proponents will use Air Force Form 349, *Receipt for Documents Released to Accredited Representatives of Foreign Nations*, when transmitting CMI to a foreign government or international organization. **(T-1)** Air Force organizations releasing classified information must maintain forms as prescribed in Air Force Records Disposition Schedule, *Air Force Records Information Management System (AFRIMS).* **(T-1)**

**4.6. Documenting Disclosure Decisions.** FDOs will document disclosures and denials of classified information in the Foreign Disclosure System, unless this requirement has been exempted. **(T-1)**

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

4.7.1. The intended recipient is a representative of a foreign government or international organization and the information is being provided for an official United States Air Force purpose. (***Note:*** Air Force personnel must ensure any information to be provided to the general public, including foreign nationals, must be released in accordance with the provisions of AFI 35-102, *Security and Policy Review Process.* **(T-1)** A FOIA release determination, in accordance with DoD Regulation 5400.7-R_AFMAN 33-302, *DoD Freedom of Information Act (FOIA) Program*, is made if a written request has been received for Air Force Records.).

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

4.7.3. The information is not CUI; and

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

4.7.5. The disclosure is for information purposes only. There is no U.S. government intent to sell, loan, lease, co-develop, or co-produce defense articles (ITAR-related), or

4.7.6. Participate in any operational or exercise activities, support any current foreign military sales or armaments cooperation program, or assign foreign nationals to Air Force organizations (SC-related); and

4.7.7. Originator consent for the disclosure is obtained; and

4.7.8. The following statement is conspicuously displayed at the front or beginning of the disclosed information:

4.7.8.1. "This briefing, presentation, or document is for information only. No U.S. Government commitment to sell, loan, lease, co-develop or co-produce defense articles or provide defense services is implied or intended."

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

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

**4.9. Foreign Access to Secure Internet Protocol Router Network (SIPRNet), Non-secure Internet Protocol Router Network (NIPRNet) or Stand-Alone Systems.** AFI 33-200, *Information Assurance (IA) Management*, and AFMAN 33-282, *Computer Security*, describe requirements for foreign national access to Air Force information systems. Access to Air Force information systems is controlled by the information owner with access guidance by Foreign Nationals, provided in the System Security Plan, IAW AFI 33-210, *Air Force Certification and Accreditation (C&A) Program (AFCAP)*. Authority to connect to the SIPRNet, NIPRNet or other networks by foreign nationals does not equate to authority to disclose data or access systems located on that network. A disclosure review by the servicing FDO is a prerequisite for access to information resident on SIPRNet, NIPRNet, or other networks.

4.9.1. **(Added-AFMC)** MAJCOM FDO approval is required IAW AFMAN 33-282, *Computer Security (COMPUSEC)* and AFI 33-200, *Information Assurance (IA) Management*. Field FDOs submit all requests for Foreign National (FN) computer access to AFLCMC/WFNJ. **(T-1)**

**4.10. Technical Orders.**

**4.10. (AFMC)FDOs will:** Establish a written process with the Technical Order Manager (TOMA) to facilitate the initial review of Technical Orders (TOs). **(T-2)** The TOMA, or other appropriate official, will provide written verification the TO meets FMS customer's configuration and authorized maintenance level. FDOs approve or deny release of TOs in the SATODS in accordance with the *Software User Manual for the Security Assistance Technical Order Data System*. **Exception:** Nuclear Weapon and Nuclear Related EOD TOs are not processed in SATODS. For further information, reference USAF TO, 00-5-1.

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

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

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

4.10.2. For safety reasons, FDOs will not sanitize United States Air Force technical orders. **(T-1)**

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

# Chapter 5

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

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

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

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

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

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

5.2.4. The U.S. contact officer for any foreign representative and foreign national visit must ensure physical controls are implemented to limit visitor access to that information authorized for disclosure. **(T-1)** SAF/IAPT does not usually require written security plans for one-time or recurring visits. However, SAF/IAPT or other functional program managers, in response to specific circumstances may require U.S. contact officers to prepare security plans on a case-by-case basis for one-time or recurring visits.

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

5.2.6. Air Force military or civilian personnel assigned to the organization will escort foreign representatives in facilities where access to CMI or CUI will or may occur. **(T-1)** One time and recurring visits require escorts to access Air Force facilities. Escorts for foreign representatives to and within other facilities are subject to local base security procedures. U.S. contractors, foreign representatives or U.S. foreign representative or U.S. citizen representing foreign nation cannot serve as escort.

5.2.6. **(AFMC)** Installation Security Forces control installation access for official and unofficial visits. The U.S. point of contact (POC) is responsible for coordinating and following local base security procedures.

5.2.7. Air Force contact officers organizing U.S. guest lecturers for professional military education activities inform such guests that foreign nationals are in attendance and that the guests need disclosure approval from their servicing FDO prior to any presentation where CMI or CUI may be discussed. **(T-1)**

5.2.8. Air Force contact officers organizing foreign guest lecturers for professional military education activities will brief students regarding disclosure guidelines prior to the arrival of foreign guest lecturers. **(T-1)**

**5.3. Submitting Visit Requests for Foreign Representatives.** Air Force and foreign proponents of foreign representative visits will submit requests to the servicing Air Force foreign disclosure office as required below. **(T-0)**

5.3.1. Visits to Air Force Organizations and Installations.

5.3.1.1. Foreign governments will submit requests under the IVP for visits proposed by their representatives and when invited by an Air Force organization, ideally 30 days prior to the visit start date. SPAN automatically assigns visit responsibility to either SAF/IAPT or to a subordinate FDO based on SAF/IAPT guidance.

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

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

5.3.1.4. Air Force proponents for basic research visits by foreign nationals will submit proposals to the servicing FDO of the activity to be visited and provide information copies to additional organizations as appropriate. **(T-0)** The Air Force Office of Scientific Research (AFOSR) international offices are appropriate organizations to which basic research proponents should provide information copies of basic research visit proposals occurring within their respective geographical regions. The European Office of Aerospace Research and Development (EOARD), the Asian Office of Aerospace Research and Development (AOARD), Southern Office of Aerospace Research &

Development (SOARD), the External Programs & Resources Interface, and the Air Force Office of Scientific Research (AFOSR/NI) are the Air Force proponents for basic research visits to the United States Air Force.

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

5.3.1.5.1. Proponents will provide the supporting FDO with the names of the proposed visitors, organization/agency, nationality, visit location, and specific purpose for the visit. **(T-0)**. Justification for the visit includes the advantage to the United States. If there is no established program, the visit dates and the information to be disclosed during the visit are outlined.

5.3.1.6. U.S. defense contractors employing foreign nationals may directly arrange visits to Air Force organizations consistent with the requirements of the National Industrial Security Program Operating Manual (NISPOM). Air Force organizations to be visited will request a copy of the export license or other written authorization, as applicable, to assist in planning for the visit. **(T-0)** Foreign national access to CMI in these cases is not authorized unless the U.S. Government has granted the individual a Limited Access Authorization. Air Force hosts coordinate the visit with their servicing FDO.

5.3.1.7. The NATO security office submits visit requests for representatives of any NATO Command or Agency, or the NATO International Staff (including U.S. citizens assigned to NATO positions or schools).

5.3.1.7.1. NATO security officials process visits of representatives of NATO commands, agencies, schools or the NATO International Staff under the United States Security Authority for North Atlantic Treaty Organization Affairs (USSAN) Instruction 1-69, *Implementation of NATO Security Procedures*, only when access to NATO classified information is needed. Recurring visits related to NATO Production and Logistics Organization or NATO Industrial Advisory Group activities are processed under USSAN 1-70, *Implementation of NATO Requirements*.

5.3.1.8. Foreign students, to include international military students, international civilian students, and U.S. citizens who represent a foreign nation, who participate in security assistance training on Invitational Travel Orders (ITOs), pursuant to DSCA 5105.38-M, are not required to submit a visit request to attend training. In accordance with DoD guidance, Air Force recognizes ITOs issued by SCOs as validation of security assurances for international military students participating in formal Air Force training courses. The SCO must obtain the required security assurances from the parent government before students arrive for training. **(T-0).** SCOs issue ITOs consistent with the requirements of AFI 16-105, *Joint Security Cooperation Education and Training* and when the training is approved for disclosure to the foreign government.

5.3.1.8.1. Air Force personnel responsible for administration of training courses with foreign students coordinate visits to other Air Force or DoD organizations that are part of the formal approved course through their servicing FDO.

5.3.1.8.2. Students must submit a visit request through their Embassy in Washington DC, if they are wishing to participate in official activities that are not part of their formal training program. **(T-0)**.

5.3.1.8.3. International Military Student Office (IMSO)s will provide a course roster of foreign national students on ITOs to applicable security personnel for access to organizations and installations where training is to occur.

5.3.2. Visits Including Flights on U.S. Military Aircraft.

5.3.2.1. Foreign visits that include flights on Air Force aircraft require specific approval for the flight itself in accordance with AFI 11-401, *Aviation Management*, in addition to authorization for the visit.

5.3.2.2. No visit request is needed for flying missions performed by Air Force units under the sponsorship of a Combatant Commander, Unified Command or other Service, unless Air Force organizations disclose CMI or CUI. Air Force units coordinate such missions with their servicing FDO to obtain disclosure guidance.

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

5.3.2.4. **(Added-AFMC)** Requests for foreign nationals flying on US Air Force aircraft from AFMC units will be staffed in accordance with AFMC Supplement I to AFI 11-401, *Aviation Management*, to the appropriate CC, by the hosting organization. **(T-1)** See AFMC Supplement I to AFI 11-401, for specific instructions. Approvals are contingent upon the local foreign disclosure review and approval. Circumstances vary considerably which require each request to be reviewed for foreign disclosure on a case by case basis depending on purpose, justification and access involved. If purpose is validated and covered by existing delegated policy, disclosure approval, with limitations, will be accomplished by the local field foreign disclosure office. If the request exceeds field unit foreign disclosure authority, the request should be forwarded to AFLCMC/WFNJ for a release determination.

5.3.3. Visits to U.S. Contractor Facilities.

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

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

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

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

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

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

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

**5.4. Coordinating Visit Requests for Foreign Representatives.** FDOs will establish processes, so that all functional offices with an interest in a proposed visit have an opportunity to review and make recommendations regarding the request. **(T-1)**

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

5.5.1. FDOs will document disclosure guidance for each visit and provide it to the U.S. point of contact in advance of the visit. **(T-0)** The FDO will provide information copies of the approval, as necessary. **(T-0)**

5.5.2. FDOs will provide the requester any information necessary for the visitor to complete arrangements for the visit, for example, name of U.S. point of contact, contact's phone number, uniform requirements, etc. **(T-1)**

5.5.3. FDOs will not sponsor foreign visits to U.S. contractor facilities unless approval under **paragraph 7.5** of this instruction has been obtained. **(T-0)** Air Force sponsorship of foreign visits to U.S. contractor facilities may constitute an exemption to the licensing requirements of the ITAR and Export Administration Act.

**5.6. Denying Visit Requests for Foreign Representatives.** FDOs notify the requester when a visit has been denied. FDOs will provide the requester with justification for the denial. **(T-0)** Organizations may deny visits for reasons such as operational, mission or programmatic impacts, political or military considerations, no legal basis, or for administrative reasons. Organizations may use administrative reasons when visit length or type is inappropriate for the visit purpose, submission of a duplicate requests occurs, the U.S. contact officer is unavailable, etc.

**5.7. Visits Hosted By Foreign Tenants on Air Force Installations.** Air Force hosts various foreign organizations on Air Force bases within the United States. These foreign-tenant organizations may host visits by U.S. or other foreign representatives. Foreign representative visits to foreign-tenant organizations may be conducted without submitting a request through the IVP. However, foreign tenant organizations coordinate with and obtain approval for base access from the U.S. host organization consistent with local procedures prior to such visits. U.S. organizations developing arrangements for long-term foreign tenants must ensure visit approval procedures, developed in concert with local Air Force authorities, are included in the applicable LOA, international agreement, or implementing arrangement. **(T-0).** The Air Force host organization maintains final approval authority for base access during such visits.

**5.8. Air Force Personnel Visiting Foreign Government or International Organization Establishments Overseas.** Air Force personnel will obtain approval to visit foreign establishments overseas in accordance with DoD 4500.54-G, the *DoD Foreign Clearance Guide*. **(T-0)** Prior to commencing foreign travel, Air Force personnel will obtain disclosure approval from their servicing FDO for CMI and CUI that is to be discussed during their visit. **(T-0)**. Travelers will record the designated FDO, by office symbol, which approved disclosure of the information to be discussed during their visits in the personnel clearance request. **(T-0)**

**5.8. (AFMC)The following requirements apply to:** All AFMC civilian and military personnel traveling overseas on temporary duty (TDY) when the purpose of the travel involves disclosure of CMI or CUI to international defense organizations, foreign governments, industry or other foreign nationals:

5.8.1. **(Added-AFMC)** AFMC Government civilian and military member international travelers must use AFMC Form 193, *Foreign Disclosure Travel Worksheet.* **(T-2)** Contractor employees do not use AFMC Form 193; instead, they will process visit requests according to the process outlined in DoD 5220.22-M, *National Industrial Security Program Operating Manual* (NISPOM). The AFMC Form 193 is prepared by the traveler. Do not use acronyms on the form. Guidance on the use of this form is provided in **Attachment 22**. The foreign disclosure office will:

5.8.1.1. **(Added-AFMC)** Verify the need for disclosing military information. **(T-2)**

5.8.1.2. **(Added-AFMC)** Ensure proposed disclosure is consistent with U.S. export control regulations and AFI 16-201 and does not exceed the applicable program or country DDL involved. **(T-1)**

5.8.1.3. **(Added-AFMC)** Brief the traveler(s) on disclosure permitted and any special conditions that may apply. **(T-2)**

5.8.1.4. **(Added-AFMC)** The foreign disclosure office must limit travelers to disclosing public domain or public releasable information when the purpose of the travel is attending or presenting a paper at an international conference or symposium. Such information will be approved by the appropriate AFMC Public Affairs (PA) Office.

5.8.1.5. **(Added-AFMC)** Terms or guidance of approved disclosure authority stated as specific limitations and extracted from a DDL or limitations imposed on specific disclosures may not be revealed to foreign governments, foreign nationals or any representatives thereof.

5.8.1.6. **(Added-AFMC)** If disclosure approval is granted by identifying the DDL number only, without additional detail, the AFMC Form 193 remains unclassified.

5.8.2. **(Added-AFMC)** Supervisors of AFMC USG (military and civilian) employees traveling overseas on official business will ensure the traveler provides complete and accurate information in the AFMC Form 193 in the Purpose of Travel and the Description/List of Information to be Disclosed to Foreign National blocks. **(T-2)** These blocks identify information to be released.

## Chapter 6

## ASSIGNMENTS AND PLACEMENTS OF FOREIGN NATIONALS

**6.1. Introduction.** Foreign representatives may be assigned to or placed in Air Force organizations only in accordance with the terms of a written agreement or foreign military sales (FMS) LOA concluded in accordance with applicable laws and regulations. These terms identify administrative support, liability, obligations, and responsibilities of all parties. The LOA or agreement also establishes the extended visit position. Sample terms that apply to placement and assignment of foreign representatives are at **Attachment 8**. The exact language may differ as a result of the negotiation of an agreement or LOA, but all requirements of these terms are addressed. An extended visit request identifies the individual who is assigned to the position. Extended visit requests are needed for personnel participating in the Military Personnel Exchange Program (MPEP). This chapter outlines six extended visit categories, five of which are currently defined by DoD policy. The sixth category refers to foreign nationals under contract to the Air Force. Do not make any commitments to assign visitors to Air Force organizations under extended visits unless the requirements of this chapter have been met. Proponents will forward proposals with sufficient justification, a description of duties to be assigned and proposed disclosure guidelines through command channels to SAF/IAPT for a policy evaluation, for extended visits other than one of the six types defined in this chapter. **(T-0)**.

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

**6.2. (AFMC)U.S. citizens acting on behalf of:** A foreign government or international organization or its representative may fall under one of the above programs and shall, therefore, be on an extended visit (regardless of any other concurrent U.S. Department of Defense (DoD) credentials). **(T-1)** To protect the personally identifiable information of such U.S. citizens, social security numbers will not be used to identify them in SPAN. Instead, a state issued identification number or U.S. Passport number may be used to identify these individuals.

**6.3. Bases for Extended Visit Positions.** MPEP, APEP and ESEP exchanges require an international agreement that provides for the exchange of personnel between governments. The authority for CPP is a cooperative RDT&E or production agreement that establishes a specific cooperative program between parties and includes provisions for placing CPP. The CLO is established through an FMS case that provides for the placement of CLO personnel to assist with administrative details for international military students from the CLO's country. CLOs are assigned through the Air Force Security Assistance Training Squadron (AFSAT). The establishment of a FLO is by an FMS case that provides for the placement of FLO personnel and defines the specific support or services to be provided to the FLO by the DoD. A FLO may also be established by international agreement. However, an LOA is also required for reimbursement to the DoD when support or services are provided. FLOs are assigned through the Air Force

Security Assistance and Cooperation Directorate (AFSAC) and have a more limited role in FMS cases.

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

6.3.2. Armaments Cooperation Division, Directorate of Policy, Deputy Under Secretary for International Affairs (SAF/IAPQ) provides policy guidance regarding establishment and management of APEP, ESEP positions, see AFI 16-110, *U.S. Air Force Participation in International Armaments Cooperation (IAC)* Programs. CPP policy guidance is covered under AFMAN 16-114, *Procedures for U.S. Air Force Participation in International Armaments Cooperation (IAC) Programs.* International focal points may be designated at MAJCOM or subordinate activities to provide advice and assistance regarding implementation of international armaments cooperation policies.

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

6.3.4. Local contracting activities will coordinate contracts to hire foreign nationals with the FDO prior to advertising the contract. **(T-0)**

**6.4. Establishing Extended Visit Positions.**

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

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

6.4.1.1. **(AFMC)** AFLCMC/WFNJ maintains the Long Term Foreign National Data Base (LTFNDB). When establishing new positions, or processing newly assigned extended visitors to established positions, the servicing field FDO unit will report these changes through the AFLCMC/WFNJ Organizational Mailbox. AFLCMC/WFNJ will notify SAF/IAPT of all new positions.

6.4.1.2. **(Added-AFMC)** ESEP positions will only be pursued for establishment following review, support and coordination with the Air Force Office of Scientific

Research (AFOSR) and AFLCMC/WFNJ. Contact AFLCMC/WFNJ for appropriate AFOSR representative contact information.

6.4.1.2.1. **(Added-AFMC)** ESEP positions within AFMC will only be assigned to Air Force Research Laboratory (AFRL) units.

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

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

6.4.2.2. ESEP, CPP, and MPEP participants will not perform liaison functions between the United States Air Force and the parent service. **(T-0)** FLOs will not act in an official capacity for the Air Force. **(T-0)**

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

6.5.1. Proposed arrangements ensure that such "dual assignments" would not be detrimental to the cooperative program involved and that responsibility and funding for the FLO functions are separately maintained. This requirement exists since FLO and CPP positions rely on different U.S. legal authorities.

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

**6.6. Coordinating Extended Visit Requests.** FDOs are notified of proposed assignments to extended visit positions either via SPAN, recommend 30 days prior to visit start date, or by the Air Force supervisor of a foreign exchange officer. FDOs will establish processes so that all functional offices with an interest in the proposed assignment have an opportunity to review and make recommendations regarding the request. **(T-0)**

6.6.1. The FDO, Air Force contact officer, and other subject matter experts as necessary, will develop a security plan that documents access controls to information and facilities within the organization and installation. **(T-0)** See **Attachment 10** for a sample security plan.

6.6.1.1. **(Added-AFMC)** Locally developed security plans will include all elements of the attached sample security plan, as well as any pertinent local security procedures. **(T-2)**

6.6.1.2. **(Added-AFMC)** The extended foreign visitor shall be briefed on sections of the security plan which are releasable to foreign nationals. A memorandum should be signed by the extended foreign visitor, highlighting the assigned duty areas and access controls. A copy of this memorandum should be provided to the extended foreign visitor. The

appropriate organization security manager is responsible for maintaining the original security plan documentation. **(T-2)**

6.6.2. The FDO and Air Force contact officer will initially determine any other locations the assigned visitor may be required to visit during the term of his assignment to carry out responsibilities and duties under the approved position description. **(T-0)** The FDO and Air Force contact officer will periodically review the initial determination. **(T-0)**

6.6.2.1. Recurring visits for APEP, ESEP, MPEP, and CPP may be directly arranged between Air Force organizations. SAF/IAPT also supports directly arranged visits with other Services and Defense Agencies for MPEP and CPP. However, Air Force contact officers must comply with the policies and regulations of the Service or Agency to be visited. **(T-0)** Air Force contact officers coordinates visits with their servicing FDOs, and they will ensure disclosure guidance is in place prior to the commencement of the visit. FDOs will use SPAN procedures to coordinate these visits. **(T-0)**

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

6.6.2.3. **(Added-AFMC)** Foreign disclosure offices will annually screen expiration dates on approved visit authorizations for foreign nationals assigned on extended visit authorizations. Requests for extensions to currently assigned foreign nationals must be submitted by the foreign national's government through FVS. The field FDO will contact the foreign national's supervisor to determine whether the host unit supports extending the visiting foreign national's assignment before approving the extension. Assignment extensions should be submitted by the foreign national's embassy with sufficient lead time (typically, NLT 30 days from current approved extended visit request) for the field FDO to process the request prior to the current visit's expiration date. Once the visit authorization has expired, the foreign national is no longer authorized access to U.S. Government installations or facilities. **(T-0)**

**6.7. Approving Extended Visit Requests.** FDOs shall not approve extended visit requests until verifying that an appropriate agreement or LOA authorizing the extended position exists. **(T-0)**

6.7.1. FDOs will approve the release of CMI and CUI in accordance with delegated disclosure authority to support the assignment. **(T-0)**

6.7.2. FDOs will document disclosure guidance for each visit. **(T-0)** This guidance is provided to the U.S. contact officer for the visit and to information addressees, as necessary.

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

6.7.4. FDOs will maintain a file for each extended visit made to organizations that they support. **(T-0)** At a minimum, files include a copy of the extended visit request (if the FDO is not an on-line SPAN user), verification of the legal basis for the visit, the security plan, and coordination and approval records for MPEP and CPP visits to other locations. FDOs notify the requester when a visit has been approved. The FDO will also provide the requester the name and telephone number of the visit point of contact and the terms of the visit approval. **(T-0)**.

**6.8. Security Requirements.**

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

6.8.2. Exchange personnel shall not have personal custody of classified or controlled unclassified information. **(T-0)**

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

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

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

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

6.9.1. Air Force personnel will not approve unescorted access for foreign representatives to Air Force restricted or controlled areas or other facilities where access to CMI or CUI will or may occur, unless all of the following conditions have been met: **(T-0)**

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

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

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

6.9.1.4. A badge or pass is issued that clearly identifies the bearer as a foreign representative. Such identification is valid only for a specific facility during normal duty hours. Air Force contact officers will make specific arrangements for access during non-duty hours on a case-by-case basis, with the FDO and all offices having a functional interest in the extended duty hours. **(T-0)**

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

6.9.2. Base access is a security issue and is not the responsibility of FDOs. For base access, each base should follow AFI 31-113, *Installation Perimeter Access Control*, and local Security Forces to determine proper base access procedures.

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

6.10.1. Maintain a file for each extended visit for which they are the contact officer. **(T-1)**. At a minimum, the file includes a copy of the extended visit authorization, verification of the basis for the visit, the security plan, certification form signed by the foreign national, and any coordination or approval records for visits to other locations;

6.10.2. Ensure the visitor understands his or her duties, the terms and conditions of physical access to the organization, and obligations, rights, and responsibilities; **(T-1)**.

6.10.3. Ensure the visitor signs the certification form (See sample certifications at **Attachment 9**);**(T-1)**.

6.10.4. Ensure the visitor is provided access only to that CMI and CUI that has been authorized by the FDO in order to perform assigned duties; **(T-1)**.

6.10.5. Ensure the visitor's coworkers are informed of the limitations on visitors' access to information; and **(T-1)**.

6.10.6. Advise the servicing FDO of any changes regarding the position or visitor. **(T-1)**.

**6.11. Ensure Termination of Visit Approvals. (T-1)**. FDOs will monitor visit approvals and will terminate all approvals at the conclusion of the visit period or when the visit purpose is concluded. **(T-0)** FDOs will ensure all offices having a functional interest in the visit are notified of the termination. **(T-0)**

## Chapter 7

## TECHNOLOGY TRANSFER

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

**7.2. ITAR Licensing Requirements.** By law, the U.S. Government and contractors must comply with the provisions of the ITAR before exporting defense articles, technical data, or defense services controlled by the ITAR. **(T-0)**

7.2.1. Exports by Air Force Organizations. Air Force organizations are not authorized to export CMI or CUI without an export license. Exceptions are described in **paragraph 7.4.1** below.

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

7.2.2. **(AFMC)** U.S. contractors invited to attend and participate in international worldwide reviews must satisfy the International Traffic in Arms Regulation (ITAR) by having an export license prior to making a presentation at the meeting.

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

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

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

**7.3. Air Force Requests for Export Licenses.** Air Force disclosures and technology transfers are approved by designated FDOs pursuant to the conditions in **paragraph 7.4.1.1** and **7.4.1.2** below. Therefore, licenses issued by DoS are usually not required. However, circumstances

may exist when Air Force organizations may require a license. The following provides guidance to determine when the Air Force obtains an export license from the DoS.

7.3.1. Licenses are needed to employ foreign nationals either as civil servants or under contract. Air Force organizations must obtain DoS approval through SAF/IAPT prior to employing foreign nationals in positions requiring access to CUI. **(T-0)** Personnel in the rank of Colonel or higher (military) or GS-15 or higher (civilian) must sign the request. **(T-0)** The written request identifies the following:

7.3.1.1. The foreign national's name, citizenship, and identification number,

7.3.1.2. Justification why the foreign national employment is essential to the national security of the United States,

7.3.1.3. Skills, knowledge or abilities the foreign national possesses that are otherwise not available from U.S. domestic sources,

7.3.1.4. Proposed disclosure guidance to support the foreign national's access to CUI.

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

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

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

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

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

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

7.4.1.3. Combined military operations and training.

7.4.1.4. Unilateral U.S. military operations abroad.

7.4.2. SAF/IAPT may certify the use of exemptions, consistent with DoD guidelines for certifying exemptions, for defense contractors on a case-by-case basis in the following cases:

7.4.2.1. The services of private U.S. persons or companies are needed pursuant to activities enumerated in **paragraphs 7.4.1.1** through **7.4.1.4**.

7.4.2.2. Air Force requires the participation of private U.S. persons or companies in initial planning discussions/negotiations with foreign governments and international organizations pursuant to the activities enumerated in **paragraphs 7.4.1.1** through **7.4.1.4**

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

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

7.4.3. In order to request an exemption certification for a U.S. private person or company, the sponsoring Air Force office forwards an official written request through disclosure channels to SAF/IAPT. A senior management official, at least a Colonel or higher (military) or GS-15 or higher (civilian) must sign the request and is accompanied by a completed "USAF ITAR Exemption Certification Checklist" (Attachment 15). **(T-0)**. The written request identifies the following:

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

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

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

7.4.3.4. A copy of all briefings, documents, or information to be disclosed by the individual or company. If it is impractical to attach the actual information, a detailed description of the subject matter (including NDP category and highest classification of the information) may be forwarded. Alternatively, the servicing FDO will provide a statement, which will suffice, certifying the material proposed for release is authorized for disclosure under an existing DDL. **(T-0)**. (ITAR Exemption Checklist, Attachment 15)

7.4.4. SAF/IAPT will approve exemption certification requests and include the following items:

7.4.4.1. ITAR exemption number;

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

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

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

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

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

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

7.4.5.1. Record the decision to sponsor the visit in SPAN when a foreign visit is involved, and identify the SAF/IAPT approved exemption as authority to sponsor the visit; **(T-0)**.

7.4.5.2. Review all briefings, documents, and other information proposed for release by contractors, if the actual briefings, documents, etc., have not been provided to SAF/IAPT; and **(T-0)**.

7.4.5.3. Ensure an Air Force representative familiar with the program (military or civilian employee) is present at all activities to ensure contractor compliance with the terms and conditions of the exemption. **(T-0)**.

**7.5. Nonsponsored and Sponsored Foreign Visits to U. S. Defense Industry.**

7.5.1. FDOs will generally not sponsor foreign requests to visit U.S. defense facilities. **(T-0)**. When visits are not sponsored, contractors may only disclose CMI or CUI provided that such information is authorized for release pursuant to the Department of State's ITAR or the Department of Commerce's Export Administration Regulations (EAR).

7.5.2. FDOs will only sponsor foreign visit requests to U.S. defense facilities after obtaining SAF/ IAPT approval for the required license exemption certification in accordance with **paragraph 7.4.3**. **(T-0)**

## Chapter 8

## AIR FORCE PROCUREMENT ACTIVITIES WITH FOREIGN INDUSTRY

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

**8.2. Reviewing Planned U. S. Procurements.**

8.2.1. Air Force contracting authorities announce planned Air Force procurements on the Federal Business Opportunities (FBO) website at **www.FedBizOpps.gov**. Contracting authorities coordinate invitations to bid, requests for proposals, pre-solicitation, pre-bidders, pre-proposal, and pre-award meetings etc., with their servicing FDO prior to announcing procurement activities so that restrictions can be identified to foreign bidders.

8.2.1. **(AFMC)** AFMC Form 191, *Foreign Disclosure Procurement Decision Worksheet* is used to identify sensitive information known prior to contract award, or such information that may be generated during contract performance. Air Force activities must obtain advance authorization from a designated disclosure authority before releasing any classified or unclassified export controlled information, documents or materials to a foreign government, foreign national, international organization or any representative thereof. An AFMC Form 191 (electronic) will be used for review of proposed procurement activities. **(T-1)** Guidance on the use of this form is provided in **Attachment 23**.

8.2.1.1. FDOs identify necessary restrictions on foreign participation before the procurement is announced on the FBO website.

8.2.1.2. When it is not possible to review all procurements prior to the FBO announcement, Contracting Officers must ensure announcements include notification that restrictions regarding foreign bidders may be placed on the contract. **(T-0)**. Also, foreign bidders are instructed to indicate interest in the procurement to the contracting officer prior to submitting a proposal. Once foreign interest is identified, FDOs must review the procurement announcement in a timely manner so that foreign bidders can submit proposals to meet contracting office submission deadlines. **(T-0)**

8.2.1.2.1. **(Added-AFMC)** FDOs will request an AFMC Form 191 for evaluation when contracts involve a potential award to foreign companies or potential employment of a foreign national on a new or existing contract. The Form 191 should be completed by the government person with technical cognizance of the work to be performed under the contract.

8.2.1.2.1.1. **(Added-AFMC)** SBIR and STTR present unique opportunities for foreign national access to U.S. defense technology. To prevent an unintended release of sensitive information, all SBIR and STTR topic areas require AFMC Form 191 review during the pre-solicitation process.

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

8.2.1.3.1. **(Added-AFMC)** The FDO will recommend to the contracting officer and buyer that appropriate clauses be inserted in the contract to alert contractors of their reporting requirements when export controlled information will or may be disclosed to foreign nationals, whether in the U.S. or abroad. The award of a government contract does not negate the contractor's responsibility to comply with export control requirements under the Arms Export Control Act (Department of State) or the Export Administration Regulations (Department of Commerce).

8.2.1.4. The Overseas Workload Program (OWLP) is managed by HQ AFMC/A4 and outside the purview of FDO review. Questions should be directed to HQ AFMC/A4. (See AFMCI 21-201, *The Overseas Workload Program*, para 1.3.1.1.)

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

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

8.2.2.2. Companies who mitigate FOCI using a Special Security Agreement may be awarded most types of classified contracts. However, contracts requiring access to proscribed information (i.e., Sensitive Compartmented Information, COMSEC, Restricted Data, Special Access Programs, Top Secret) are not awarded unless there is an overriding national interest to support the contract award and the associated risks are minimal.

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

8.2.2.3. FDOs must maintain constant relationship with the DSS on all FOCI matters. **(T-0)**

**8.3. Appeals Regarding Decisions to Exclude Foreign Contractors.** FDOs will forward foreign requests to appeal denials through channels to SAF/IAPT. **(T-0)**

# Chapter 9

## SECURITY REQUIREMENTS

**9.1. Introduction.** This chapter provides guidance for reporting compromises of both United States and foreign classified information and unauthorized access to controlled unclassified military information. Personnel must understand these requirements to ensure that Air Force responsibilities under Executive Order 13526, as amended and General Security of Military Information Agreements with foreign countries are executed properly. **(T-0)**.

**9.2. Reporting Compromises of Classified Information**

9.2.1. Any Air Force activity aware of known or suspected compromises of United States or foreign government classified information notifies SAF/IAPT and make initial notifications in accordance with DoDM 5200.01, Volumes 1-4, *Information Security Program,* and AFI 31-401, *Information Security Program Management*. SAF/AAZ notifies SAF/IAPT of any reports of compromises or probable compromises of NATO classified information, foreign government classified information or U.S. classified information to or by foreign representatives.

9.2.2. At the conclusion of an Air Force evaluation, damage assessment, or investigation, Air Force officials authorized to finally approve or close out investigations will furnish one copy of the complete investigation or damage assessment to SAF/IAPT. **(T-0)**

**9.3. Reporting Unauthorized Access to Controlled Unclassified Information.** Any Air Force activity aware of a known or suspected unauthorized access to U.S. CUI by a foreign government, international organization, or their representative notifies SAF/IAPT through disclosure channels.

**9.3. (AFMC)When information accessed is documentary:** Notification to the Foreign Disclosure Office will include a copy of the information accessed.

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

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

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

HEIDI H GRANT
Deputy Under Secretary of the Air Force, International Affairs

**(AFMC)**

GREGORY M. GUTTERMAN, Brigadier General, USAF
Director, Air Force Security Assistance and Cooperation Directorate

## Attachment 1

## GLOSSARY OF REFERENCES AND SUPPORTING INFORMATION

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***Adopted Forms***

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***Abbreviations and Acronyms***

**AECA**—Arms Export Control Act

**AFI**—Air Force Instruction

**AFPD**—Air Force Policy Directive

**AFRIMS**—Air Force Records Information Management System

**AFSAC**—Air Force Security Assistance Command

**AFSAT**—Air Force Security Assistance Training Squadron

**APEP**—Administrative and Professional Exchange Program (part of DPEP)

**CCL**—Commodity Control List

**CLO**—Country Liaison Officer (AF and DoS term)

**CMI**—Classified Military Information

**COMSEC**—Communications Security

**CPP**—Cooperative Program Personnel

**CUI**—Controlled Unclassified Information

**DCID**—Director of Central Intelligence Directive

**DDL**—Delegation of Disclosure Authority Letter

**DIPEP**—Defense Intelligence Personnel Exchange Program (part of DPEP)

**DoD**—Department of Defense

**DoDD**—Department of Defense Directive

**DoS**—Department of State

**DPEP**—Defense Personnel Exchange Program (includes APEP, DIPEP, ESEP and MPEP)

**DRU**—Direct Reporting Unit

**DSS**—-Defense Security Service

**EAR**—Export Administration Regulations

**ENDP**—Exception to National Disclosure Policy

**ESEP**—Engineer and Scientist Exchange Program (part of DPEP)

**FAR**—Federal Acquisition Regulation

**FBO**—Federal Business Opportunities

**FDO**—Foreign Disclosure Office or Officer

**FLO**—Foreign Liaison Officer

**FMS**—Foreign Military Sales

**FOA**—Field Operating Agency

**FOCI**—Foreign Ownership, Control, or Influence

**FOIA**—Freedom of Information Act

**GSOMIA**—General Security of Military Information Agreement

**HQ**—Headquarters

**ICR**—Information Collections and Reports

**IG**—Inspector General

**IMSO**—International Military Student Office

**ITAR**—International Traffic in Arms Regulations

**JAIEG**—Joint Atomic Information Exchange Group

**LO/CLO**—Low Observable/Counter Low Observable

**MAJCOM**—Major Command

**MPEP**—Military Personnel Exchange Program (part of DPEP)

**NDP**—National Disclosure Policy

**NDPC**—National Disclosure Policy Committee

**NIPRNET**—Non-secure Internet Protocol Router Network

**NISPOM**—National Industrial Security Program Operating Manual

**NOFORN**—Not Releasable to Foreign Nationals

**ORCON**—Originator Controlled

**OUSD (P)**—Office of the Under Secretary of Defense (Policy)

**PROPIN**—Caution-Proprietary Information Involved

**SAF**—Secretary of the Air Force (organization)

**SATODS**—Security Assistance Technical Order Distribution System

**SCO**—Security Cooperation Office or Officer

**SECAF**—Secretary of the Air Force (individual)

**SIPRNET**—Secure Internet Protocol Router Network

**SPAN**—Security Policy Automation Network

**US**—United States

**USAF**—United States Air Force

**USC**—United States Code

**USML**—United States Munitions List

***Terms***

**Classified Information**—Information that has been determined pursuant to Executive Order 13526 or any predecessor order to require protection against unauthorized disclosure and is marked to indicate its classified status when in documentary form.

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

**Classified Military Information (CMI)**—Information originated by or for, or under the jurisdiction or control of, the Department of Defense or its Agencies which requires protection in the interest of national security. CMI is designated TOP SECRET, SECRET or CONFIDENTIAL as described in Executive Order 13526 or subsequent order. CMI includes information in tangible (e.g., equipment, documents, software, etc.) and in intangible (e.g.,

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

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

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

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

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

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

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

**Cooperative Program Personnel (CPP)**—Foreign government personnel, assigned to a multinational program office that is hosted by a DoD Component pursuant to the terms of a Cooperative Program International Agreement, who report to and take direction from a DoD-

appointed Program Manager (or Program Manager equivalent) for the purpose of carrying out a multinational project or program.

**Country Liaison Officer (CLO)**—The CLO is established through an FMS case that provides for the placement of CLO personnel to assist with administrative details for international military

students from the CLO's country. He/she is an officer or non-commissioned officer (NCO) of a foreign military establishment selected by his or her government and attached to a MILDP or DoD agency for the primary purpose of helping administer International Military Student (IMS) from his or her home country. For administrative purposes, the CLO is considered in a student status. In State Department terms, the CLO is the Community Liaison Officer, similar to an MWR officer in the military.

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

**Defense Service**—The furnishing of assistance (including training) to foreign persons, whether in the US or abroad in the design, development, engineering, manufacture, production, assembly, testing, repair, maintenance, modification, operation, demilitarization, destruction, processing or use of defense articles.

**Defense Personnel Exchange Program (DPEP)**—A program under which military and civilian personnel of the Department of Defense and military and civilian personnel of the defense ministries and/or military services of foreign governments, pursuant to the terms of an international agreement, occupy positions with and perform functions for a host organization to promote greater understanding, standardization, and interoperability. The DPEP consists of APEP, DIPEP, ESEP and MPEP programs. (AFI 16-107)

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

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

are comprised of a formal delegation letter that includes a basic delegation and country or system specific delegations.

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

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

**Federal Business Opportunities**—A USG database where a business can search for contracting opportunities on a wide range of business niches. The FedBizOpps.gov site has a number of features that allows you to locate and apply for specific Federal contracts. With over 24,000 listed opportunities, the site offers vendors a direct connection with both big and small contracts.

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

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

**Foreign Liaison Officer (FLO)**—A foreign government military member or civilian employee who is authorized by his or her government, and is certified by a DoD Component, to act as an official representative of that government in its dealings with a DoD Component in connection with programs, projects, or agreements of interest to the governments. There are three types of FLOs:

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

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

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

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

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

**FOCI Board Resolution or Security Control Agreement**—"For a detailed discussion of FOCI arrangements and agreements, refer to the International Programs and NISPOM Security Handbook." (DISAM "The Management of Security Cooperation" Green Book, 32d Ed, pg. 7-28, para 2)

**FOCI Limited Facility Clearance (Agreement)**—"For a detailed discussion of FOCI arrangements and agreements, refer to the International Programs and NISPOM Security Handbook." (DISAM "The Management of Security Cooperation" Green Book, 32d Ed, pg. 7-28, para 2)

**FOCI Special Security Agreement**—"For a detailed discussion of FOCI arrangements and agreements, refer to the International Programs and NISPOM Security Handbook." (DISAM "The Management of Security Cooperation" Green Book, 32d Ed, pg. 7-28, para 2)

**FOCI Voting Trust Agreement of Proxy Agreement**—"For a detailed discussion of FOCI arrangements and agreements, refer to the International Programs and NISPOM Security Handbook." (DISAM "The Management of Security Cooperation" Green Book, 32d Ed, pg. 7-28, para 2)

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

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

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

**General Security of Military Information Agreement (GSOMIA)**—"The foreign recipient of the information will afford it substantially the same degree of security protection given to it by the US. The intent of a foreign government to protect US CMI is established in part by the negotiation of a general security of military information agreement (GSOMIA) or other similar international agreement." (DISAM "The Management of Security Cooperation" Green Book, 32d E, pg 7-13, para 2, 2. "If CMI is to be released in support of an FMS sale, and there is no GSOIA or GSOMIA, a program specific security agreement developed and approved by the Defense Technology Security Administration (DTSA) containing the security requirements must be concluded prior to discussion of CMI with the purchasing government." (SAMM, C.3.2.6)

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

**International Visits Program (IVP)**—A program established to process visits by and assignments of authorized representatives to DoD Components and DoD contractor facilities. This program is designed to ensure that CMI and CUI disclosed to authorized foreign representatives has been properly authorized for disclosure to their governments, to ensure the requesting foreign government provides security assurance when classified information

is involved in the visit or assignment, and to facilitate administrative arrangements (e.g., date, time, and place) for the visit or assignment.

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

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

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

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

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

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

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

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

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

**Parent Government/Service**—The government/service of a foreign representative assigned to the United States Air Force.

**Public Domain Information**—Unclassified information that has undergone a security and policy review to ensure: the material proposed for public release does not contain classified information; does not conflict with established Air Force, DoD, or U.S. Government policy; and has been cleared by a competent public affairs authority within the public affairs office. Also, information generally sold at newsstands or bookstores, available by subscription or purchase without restrictions to any person, taught in schools or universities that are open to the public, freely available at public libraries and trade shows; through published fundamental research accomplished at an accredited institution of higher learning that was not funded by the U.S. Government or to which other controls have not been imposed.

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

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

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

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

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

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

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

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

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

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

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

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

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

## Attachment 1 (AFMC)

## GLOSSARY OF REFERENCES AND SUPPORTIVE INFORMATION

***References***

AFI 16-201, *Air Force Foreign Disclosure and Technology Transfer Program,* 2 June 2015

AFI 11-401_AFMCSUP, *Aviation Management,* 20 April 2010

AFI 90-201_AFMCSUP, *The Air Force Inspection System,* 6 March 2014

*Software User Manual for the Security Assistance Technical Order Data System (SATODS),* 25 February 2011

***Prescribed Forms***

AFMC Form 191, *Foreign Disclosure Procurement Decision Worksheet,* 07 January 2008

AFMC Form 193, *Foreign Disclosure Travel Worksheet,* 29 August 2013

AFMC Form 458, *Foreign Disclosure Release Worksheet,* 05 September 2013

***Adopted Forms***

No forms are adopted in this publication.

***Abbreviations and Acronyms***

**AFMC —**Air Force Materiel Command

**AFRC —**Air Force Reserve Command

**ANG** —Air National Guard

**CC —**Commander

**UEI —**Unit Effectiveness Inspection

**DISAM —**Defense Institute of Security Assistance Management

**FDS —**Foreign Disclosure System

**FVS —**Foreign Visitor System

**IPSR —**International Programs Security Requirements

**LOA —**Letter of Agreement

**LTFNDB —**Long Term Foreign National Database

**OPR** —Office of Primary Responsibility

**ORI —**Operational Readiness Inspection

**PA —**Public Affairs

**POC —**Point of Contact

**RDS** —Records Disposition System

**SCM-C —**Security Cooperation Management CONUS Course

**SAV —**Staff Assistance Visit

**SCG —**Security Classification Guide

**TOMA —**Technical Order Manager

**TO —**Technical Order

**USG** —United States Government

## Attachment 2

## NATIONAL DISCLOSURE POLICY (NDP-1) FUNCTIONAL CATEGORIES OF INFORMATION

**A2.1. Category 1, Organization, Training, and Employment of Military Forces:** Military information of a general nature necessary to the organization of military, paramilitary, or irregular forces to include those tactics, techniques, and tactical doctrine (including military intelligence and counterintelligence doctrine and techniques) necessary to train and employ those forces. This category does not include specific technical data and training needed to operate and maintain individual items of military materiel and munitions.

**A2.2. Category 2, Military Materiel and Munitions:** All military materiel, arms and munitions procured and controlled by the U.S. government for the equipage, operation, maintenance and support of its military forces or the military, paramilitary, or irregular forces of its allies. Items developed by U.S. private interests as a result of U.S. Government contracts or derived from technology paid for by the U.S. Government are included within this category. It also includes items on the U.S. Munitions List which may be proposed for sale abroad by the U.S. Private interests under the International Traffic in Arms Regulations or items specifically covered by other U.S. Government prescribed export control regulations fall within this definition. (Items under development fall under Category 3.) This category also comprises information to include technical data and training necessary to operate, maintain, or support specific military materiel, arms, or munitions. It <u>does not</u> include information necessary to produce, coproduce, or in any other way manufacture the item.

**A2.3. Category 3, Applied Research and Development Information and Materiel:** Classified military information resulting from the extension of fundamental theories, designs, and data from a purely theoretical or experimental investigation into possible military applications to include research, the construction and testing of prototypes, and such design changes affecting qualitative performance as may be required during the service life of an item. This also includes engineering data, general operational requirements, concepts, and military characteristics required to adopt the item for production. Development ceases when materiel has completed operational suitability testing or has, for all practical purposes, been adopted for military use or production. It includes tactics, techniques, and tactical doctrine pertaining to specific equipment not yet in production or not yet approved for adoption by US forces. It includes military information, materiel, or munitions under development by US private interests as a result of US Government contracts or derived from technology paid for by the US Government.

**A2.4. Category 4, Production Information:** Designs drawings of chemical and mathematical equations, specifications, models, manufacturing techniques, software source code, and related information (excluding information under Category 2 and 3) necessary to manufacture or substantially upgrade military materiel and munitions.

**A2.5. Category 5, Combined Military Operations, Planning, and Readiness:** That information necessary to plan, assure readiness for, and provide support to the achievement of mutual force development goals or participation in specific combined operations and exercises. This includes information regarding installations and facilities located within the territory under jurisdiction of, or of direct concern to, the recipient foreign government or international

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

**A2.6. Category 6, United States Order of Battle:** Information pertaining to U.S. forces located within territory which is under the jurisdiction of a recipient government or is otherwise of direct concern to a foreign government or an international organization. In general, authorization is limited to U.S. order of battle in the recipient countries or in adjacent geographical areas.

**A2.7. Category 7, North American Defense:** North American Defense Information is that which concerns plans, programs, projects, operations, and certain specific technical data pertaining to equipment directly related to North American defense, especially when it is originated by or under the mission and control of NORAD.

**A2.8. Category 8, Military Intelligence:** Military intelligence comprises information of a military character pertaining to foreign nations and areas.

# Attachment 3

## DELEGATION OF DISCLOSURE AUTHORITY LETTER (DDL) EXAMPLE

### Figure A3.1. DDL Example

**Country Delegation #** (Provided by SAF/IAPD) **DDL Title** _____

1. (U) Classification: Highest classification level of information to be released during the program. If more than one category is involved, indicate the highest classification for each category, if appropriate. ***NOTE:*** If multiple nations are involved or for exchange officer DDLs, the first paragraph will identify participating nations, with this paragraph and subsequent paragraphs renumbered accordingly.

2. (U) Disclosure Methods: Either "Oral, visual, and documentary" or any combination of the three methods.

3. (U) Category(ies) Permitted: Specify disclosure category or categories (1 through 8), as specified in AFI-16-201.

4. (U) Scope: Describe the purpose of the disclosure, to which country(ies) disclosure is authorized, which MAJCOM(s) is/are authorized to disclose the information or materiel, and the source of the program (i.e., Letter of Offer and Acceptance (LOA), Memorandum of Understanding (MOU) or Memorandum of Agreement (MOA), NDPC Record of Action (RA), etc.). The purpose of the disclosure must define the intent of the program (e.g., end-item sale, cooperative development, co- production, etc.)

5. (U) Authorized to Disclose: Describe the information or materiel that can be disclosed to support the program. This section, and the "Not Authorized to Disclose" paragraph, cannot address every possible situation, particularly for major programs. Therefore, it is particularly important that the previous paragraphs clearly and adequately define the delegated authority so the FDO can interpret the DDL in situations specifically addressed in this and the following paragraphs.

6. (U) Not Authorized to Disclose: Describe information or materiel that cannot be disclosed under the program. This paragraph and the preceding paragraph should clearly define the limits of delegated authority rather than listing everything that may or may not be disclosed.

7. (U) Additional Guidance/Procedures: Identifies program-unique requirements and additional offices which need to coordinate, etc. Also, identifies where requests that fall outside the scope and authority of the DDL should be submitted.

8. (U) Re-delegation: "Not authorized" or "(Identify the MAJCOM) may re-delegate authority to disclose information to FDOs in subordinate elements as required to insure effective implementation of this delegation. Authority to disclose classified information may be re-delegated only by designated disclosure officials who have been trained by SAF/IAPD. Re-delegation of disclosure authority to other than designated disclosure officials must be approved by SAF/IAPD. All re-delegations will be in writing and copies provided to SAF/IAPD."

# Attachment 4

## DISSEMINATING DDL INFORMATIONAL COPIES

### Figure A4.1. Example Cover Letter for Disseminating DDL Informational Copies

(Your Organizational Letterhead)

Insert Date

MEMORANDUM FOR (Identify Office Receiving DDL)

FROM: (Identify FDO Disseminating DDL)

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

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

a. This DDL may not be copied in whole or in part.

b. This DDL may not be incorporated into other documents.

c. This transmittal memo must remain attached to the DDL.

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

(FDO SIGNATURE BLOCK)

Attachment:
(Identify Specific DDL)

## Attachment 5

## UNITED STATES AIR FORCE FOREIGN DISCLOSURE AND TECHNOLOGY TRANSFER SELF INSPECTION PROGRAM CHECKLIST

**Figure A5.1. USAF Foreign Disclosure Self Inspection Checklist**

| **USAF Foreign Disclosure Self Inspection Checklist** | | | | |
|---|---|---|---|---|
| **1. PURPOSE:** The purpose of the Self Inspection Checklist is to assist foreign disclosure field offices with implementing and managing their foreign disclosure and technology transfer self-inspection programs (SIP). | | | | |
| **2. AUTHORITY:** National Disclosure Policy directs that department and agency heads shall designate a principal disclosure authority responsible for the direction and administration of the department's or agency's foreign disclosure program. Heads of all departments and agencies which have need to disclose classified military information shall establish procedures and channels to assure that disclosures are considered, authorized, and handled in accordance with the National Disclosure Policy. Further, it is in the national interest to expedite decisions on disclosure of classified military information. All departments and agencies which are responsible for implementation of this policy will issue detailed directives and instructions which assure that disclosure decisions are made promptly and disclosure activities under their jurisdiction are carried out effectively. SECAF Order 114.1 designates SAF/IA as the principal disclosure authority for the Air Force. The Foreign Disclosure and Technology Transfer Division (SAF/IAPD) implements the Air Force Foreign Disclosure and Technology Transfer Program on behalf of SAF/IA. | | | | |
| **3. CRITERIA:** SAF/IAPD recommends MAJCOM foreign disclosure offices use this checklist in the management of their self-inspection programs. SAF/IAPD will utilize this checklist during staff assistance visits (SAV)s and formal inspections. MAJCOM foreign disclosure offices are encouraged to supplement this checklist to incorporate any established, MAJCOM specific, requirements. This checklist is divided into sections that correspond with the chapters in this AFI. | | | | |
| | | | | |
| Requirement: | AFI 16-201 Reference: | Y | N | N/A |
| | | | | |
| **Chapter 1: PROGRAM DESCRIPTION** | | | | |
| A.5.1.1. Has the MAJCOM, DRU, or FOA commander designated in writing one or more individuals as command FDOs who report directly to supervisors in the grade of Colonel or higher (military), or GS-15 or higher (civilian)? **(T-1)** | Para 1.3.3.1. | | | |
| A.5.1.2. Does the MAJCOM, DRU, or FOA commander ensure command FDOs have access to senior command leaders in order to identify and resolve disclosure and technology transfer issues? **(T-1)** | Para 1.3.3.2. | | | |

| | | | | |
|---|---|---|---|---|
| A.5.1.3. Does the MAJCOM, DRU, or FOA commander ensure disclosure offices have the appropriate number of manpower authorizations, office space, and equipment to effectively perform disclosure duties. Foreign disclosure officers should be assigned at ranks or grades equivalent to other United States Air Force personnel in the organization having responsibilities and authority commensurate with the FDO's? **(T-1)** | Para 1.3.3.3. | | | |
| A.5.1.4. Do MAJCOM, DRU, or FOA FDOs authorize disclosure of CMI and CUI in accordance with this instruction, established United States Air Force procedures, and delegation of disclosure authority letters? **(T-1)** | Para 1.3.4.1. | | | |
| A.5.1.5. Do MAJCOM, DRU, or FOA FDOs exercise their delegated disclosure authority consistent with established United States Air Force suspenses? **(T-1)** | Para 1.3.4.2. | | | |
| A.5.1.6. Do MAJCOM, DRU, or FOA FDOs implement USAF disclosure and technology transfer processes within their commands and develop command requirements, as necessary? **(T-1)** | Para 1.3.4.3. | | | |
| A.5.1.7. Do MAJCOM, DRU, or FOA FDOs redelegate delegated authority to subordinate FDOs as necessary and when specifically authorized by SAF/IAPD. **(T-1)** | Para 1.3.4.4. | | | |
| A.5.1.8. Do MAJCOM, DRU, or FOA FDOs approve or deny visits by foreign representatives to their MAJCOM, DRU, or FOA locations when electronically connected to the SPAN, and to their subordinate activities that are not connected to SPAN? **(T-1)** | Para 1.3.4.5. | | | |
| A.5.1.9. Do MAJCOM, DRU, or FOA FDOs forward recommendations to SAF/IAPD to approve or deny visits by foreign representatives to the MAJCOM, DRU, FOA or subordinate locations when not electronically connected to SPAN? **(T-1)** | Para 1.3.4.6. | | | |

| | | | | |
|---|---|---|---|---|
| A.5.1.10. Do MAJCOM, DRU, or FOA FDOs establish foreign disclosure education and oversight programs for subordinate command FDOs and MAJCOM, DRU, or FOA personnel? **(T-1)** | Para 1.3.4.7. | | | |
| A.5.1.11. Do MAJCOM, DRU, or FOA FDOs provide SAF/IAPD with current information on all appointed MAJCOM, DRU, FOA, and subordinate element FDOs including name, grade, functional address symbol, mailing and message addresses, telephone numbers, and classified and unclassified electronic mail addresses? **(T-1)** | Para 1.3.4.8. | | | |
| A.5.1.12. Has the installation commander designated in writing one or more individuals as installation FDOs, as required, who report directly to supervisors in the grade of Colonel or higher (military), or GS-15 or higher (civilian)? **(T-1)** | Para 1.3.5.1. | | | |
| A.5.1.13. Has the installation commander ensured that disclosure offices have the appropriate number of manpower authorizations, office space, and equipment to perform disclosure duties effectively? | Para 1.3.5.2. | | | |
| A.5.1.14. Supervisors in the grade of Colonel or higher (military) or GS-15 or higher (civilian) must request the establishment of new disclosure offices from their MAJCOM disclosure office. Requests need to justify why support from existing FDOs is not practical. **(T-0)** | Para 1.3.6.1. | | | |
| A.5.1.15. Commanders of tenant organizations must ensure visits by foreign representatives to their organizations are processed consistent with installation FDO procedures. **(T-0)** | Para 1.3.6.2. | | | |
| A.5.1.16. Tenant organization commanders must ensure that their disclosure offices have the appropriate number of manpower authorizations, office space, and equipment to perform disclosure duties effectively. FDOs should be assigned at ranks or grades equivalent to other United States Air Force personnel in the organization who have responsibilities and authority commensurate with the FDO's. **(T-1)** | Para 1.3.6.3. | | | |

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| A.5.1.17. Do Field FDOs authorize disclosures of CMI and CUI in accordance with this instruction, established United States Air Force procedures, and DDLs? **(T-1)** | Para 1.3.7.1. | | | |
| A.5.1.18. Do field FDOs implement USAF disclosure and technology transfer processes for their supported activities and develop local requirements, as necessary? **(T-1)** | Para 1.3.7.2. | | | |
| A.5.1.19. Do field FDOs approve or deny visits by foreign representatives to their supported organizations when electronically connected to SPAN or make such recommendations to their MAJCOM, DRU, or FOA FDO when SPAN is not available? **(T-1)** | Para 1.3.7.3. | | | |
| A.5.1.20. Do field FDOs establish an initial and refresher foreign disclosure education program for personnel assigned to supported organizations? **(T-1)** | Para 1.3.7.4. | | | |
| A.5.1.21. Do SCOs report to SAF/IAPD any confirmed or suspected host nation violations of USG security conditions/requirements contained in applicable Letters of Offer and Acceptance (LOAs), MOUs, MOA, or military information security agreements? **(T-1)** | Para 1.3.8.1. | | | |
| A.5.1.22. Do SCOs advise host nation representatives to submit their requests for visits or information through their embassy in Washington DC? **(T-1)** | Para 1.3.8.2. | | | |
| A.5.1.23. Do SCOs submit to SAF/IAPD all issues involving disclosure of United States Air Force military information and to the host government, through the appropriate SAF/IA country director for resolution? **(T-1)** | Para 1.3.8.3. | | | |
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| **Chapter 2: UNITED STATES AIR FORCE FOREIGN DISCLOSURE AUTHORITY** | | | | |
| A.5.2.1. Does the FDO notify US Air Force personnel responsible for implementation of international programs when disclosure guidance related to their program has been received? **(T-0)** | Para 2.8.3. | | | |

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| A.5.2.2. Proponents for international programs will identify program objectives, program information proposed for disclosure, and the classification and originator of the information proposed for disclosure to their supporting FDO. **(T-0)** | Para 2.9.1.1. | | | |
| A.5.2.2.1. Are proponents prepared to assist the FDO in documenting how the program satisfies the disclosure criteria in **paragraph 2.5**.? **(T-0)** | Para 2.9.1.1. | | | |
| A.5.2.3. Do FDOs supporting international programs must participate in initial and continuing international program planning activities, as necessary, to ensure that disclosure guidance can be developed, coordinated at the local levels, and forwarded to SAF/IAPD in advance of program activities commencing? **(T-0)** | Para 2.9.1.2. | | | |
| A.5.2.4. Does the servicing FDO forward requests for initial or updated program disclosure guidance, including the evaluation of the appropriate disclosure criteria, through disclosure channels to SAF/IAPD, MAJCOM, DRU or FOA. **(T-0)** | Para 2.9.1.3. | | | |
| A.5.2.5. Are proposed DDLs for international initiatives, other than armaments cooperation programs, originating within subordinate elements, prepared by the servicing FDO and forwarded to SAF/IAPD through the MAJCOM, DRU, of FOA FDO? **(T-0)** | Para 2.9.1.3.2. | | | |
| A.5.2.6. When submitting draft DDLs to SAF/IAPD for approval consideration, has the field FDO unit submitted the draft DDL in accordance with the format in attachment 3 of AFI 16-201? **(T-1)** | Para 2.9.1.4. | | | |
| A.5.2.7. When re-delegation authority has not already been provided, has the field FDO office submitted their redelegation requests to SAF/IAPD in accordance with AFI 16-201, para 2.10.1? **(T-1)** | Para 2.10.1. | | | |

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| A.5.2.8. When transmitting DDLs has the FDO done so under a cover memo documenting specifically why the DDL is being provided and in accordance with AFI 16-201, para 2.10.2? **(T-1)** | Para 2.10.2. | | | |
| A.5.2.8.1. Is the cover letter clearly marked with a statement with following language: "This DDL may not be copied in whole or in part and may not be incorporated into other documents." and remain attached to the DDL? **(T-1)** | Para 2.10.2. | | | |
| A.5.2.9. Has the following statement been conspicuously placed on the transmittal memo to the DDL disseminated outside of foreign disclosure channels, "This DDL is for information only. It does not constitute authority to release equipment, technology or information and may not be used for such purpose. This DDL may not be copied in whole or in part. Information contained in the DDL may not be incorporated into other documents?" **(T-1)** | Para 2.10.3. | | | |
| A.5.2.10. Have proponents for delegation of Air Force disclosure authority to organizations outside of the Air Force justified their requests in writing to SAF/IAPD through disclosure channels? **(T-1)** | Para 2.10.4. | | | |
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| **Chapter 3: PROGRAM MANAGEMENT** | | | | |
| A.5.3.1. Do MAJCOM, FOA, and DRU coordinate supplements to this instruction with SAF/IAPD? **(T-1)** | Para 3.3. | | | |
| A.5.3.2. Does the FDO office track their response time for document disclosures and foreign visit requests? **(T-1)** | Para 3.4. | | | |
| A.5.3.3. Does the FDO office respond to document requests within ten working days from the date of receipt, in accordance with AFI 16-201, para 3.4.1? **(T-1)** | Para 3.4.1. | | | |
| A.5.3.4. Does the field FDO office respond to visit requests no later than five working days prior to the visit start date for one-time visits, if the request is submitted at least 15 working days prior to the visit start date? **(T-1)** | Para 3.4.2. | | | |

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| A.5.3.5. Are responses to visit requests received less than 15 days before the start date made as far in advance of the visit start date as possible? **(T-1)** | Para 3.4.2. | | | |
| A.5.3.5.1. Are responses for recurring and extended visits made within 30 calendar days of receipt of a visit request or prior to any visit or assignment of a foreign representative? **(T-1)** | Para 3.4.2. | | | |
| A.5.3.6. Do Air Force FDOs use SPAN for staffing and recording cases, decisions and reference data in support of departmental responsibilities assigned by the National Disclosure Policy, the Arms Export Control Act and the Export Administration Act? **(T-1)** | Para 3.5. | | | |
| A.5.3.7. Do field FDOs document SIPRNet communications requirements to establish SPAN access locally? **(T-1)** | Para 3.5.1. | | | |
| A.5.3.8. Does the FDO use the Foreign Disclosure System to document all disclosure decisions related to CMI and CUI? **(T-1)** | Para 3.5.2. | | | |
| A.5.3.8.1. If SPAN connectivity is unavailable, does the FDO use the SPAN off-line application to document disclosure decisions locally and provide that information electronically to SAF/IAPD on a recurring basis as established by SAF/IAPD? **(T-1)** | Para 3.5.2 | | | |
| A.5.3.9. Has the FDO completed the United States Air Force Foreign Disclosure Officer Training Course sponsored by SAF/IAPD prior to authorizing disclosures of CMI and CUI? **(T-1)** | Para 3.6. | | | |
| A.5.3.10. Are contracted FDO support prevented from exercising foreign disclosure decision authority for disclosures of CMI and CUI nor any other duties considered to be inherently governmental, in accordance with Part 7.5 of the Federal Acquisition Regulations (FAR)? **(T-0)** | Para 3.7.1. | | | |

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| A.5.3.11. Are requests to waive disclosure policies and procedures, when the policy will negatively impact a United States Air Force international program and the waiver does not conflict with U.S. law or interagency policies and procedures (including NDP-1 and relevant DoD instructions, directives, and procedures), submitted through local FDO channels en route to SAF/IAPD? **(T-0)** | Para 3.8. | | | |
| A.5.3.12. Are requests signed by personnel in the grade of Colonel or higher (military) or GS-15 or higher (civilian)? **(T-1)** | Para 3.8. | | | |
| A.5.3.12.1. Does the written request identify the specific policy to be waived? **(T-0)** | Para 3.8.1. | | | |
| A.5.3.12.2. Does the written request identify the specific impact if the policy is not waived? **(T-0)** | Para 3.8.2. | | | |
| A.5.3.12.3. Does the written request identify why the policy cannot be met? **(T-0)** | Para 3.8.3. | | | |
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| **Chapter 4: DISCLOSING INFORMATION** | | | | |
| A.5.4.1. Do United States Air Force personnel submit requests to disclose CMI or CUI to foreign recipients in the United States or abroad to their servicing FDO? **(T-1)** | Para 4.2.2. | | | |
| A.5.4.2. When designated government foreign representatives conducting business with the USAF submit their requests, related to FMS and armaments cooperation agreements, does the in-country SCO to the USAF, appointed as a case manager or technical project officer, submit the requests to the servicing FDO? **(T-1)** | Para 4.2.2.1. | | | |
| A.5.4.3. When required, do USAF proponents provide a written disclosure request to their servicing FDO? **(T-1)** | Para 4.2.3. | | | |
| A.5.4.3.1. Does the USAF proponent include the appropriate information outlined in AFI 16-201, Paras 4.2.3.1. through 4.2.3.6. in the request to the FDO? **(T-1)** | Para 4.2.3. | | | |
| A.5.4.4. Do Air Force organizations obtain assistance from their servicing FDO, when receiving requests directly from foreign governments, international organizations, etc.? **(T-1)** | Para 4.2.4. | | | |

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| A.5.4.5. Do FDOs coordinate disclosure proposals with offices having functional interest in the information to be disclosed (including interests within a geographic COCOM AOR)? **(T-0)** | Para 4.3. | | | |
| A.5.4.5.1. When necessary, are subject matter experts enlisted to provide assessments within their functional areas? **(T-0)** | Para 4.3. | | | |
| A.5.4.6. Do FDOs ensure disclosure approvals are consistent with the formats at Attachments 6 and 7? **(T-1)** | Para 4.4.1. | | | |
| A.5.4.7. Do FDOs assist Air Force proponents in requesting a new, or revising a current, DDL, when the continuing authority is appropriate? **(T-1)** | Para 4.4.1.1. | | | |
| A.5.4.8. Do FDOs forward requests through disclosure channels to SAF/IAPD when their delegated authority is exceeded? **(T-1)** | Para 4.4.1.2. | | | |
| A.5.4.8.1. Do MAJCOM, FOA, and DRU FDOs forward their requests to SAF/IAPD when their authority is exceeded? **(T-1)** | Para 4.4.1.2. | | | |
| A.5.4.9. Do [FDO] requests include the information required by paragraph 4.2.3., in AFI 16-201? **(T-1)** | Para 4.4.1.3. | | | |
| A.5.4.10. Is the following statement stamped or typed on the **front or cover page** of documents containing CMI or CUI? *"This information is furnished on the condition that it will not be released to another nation without specific authority of the Department of the Air Force of the United States, that it will be used for military purposes only, that individual or corporate right originating in the information, whether patented or not, will be respected, that the recipient will report promptly to the United States any known or suspected compromise, and that the information will be provided substantially the same degree of security afforded it by the Department of Defense of the United States. Also, regardless of any other markings on the document, it will not be downgraded or declassified without written approval of the originating U.S. agency."* **(T-0)** | Para 4.4.2.2. | | | |

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| A.5.4.11. Is the following statement included at the **beginning of electronic media** containing CMI or CUI? *"This information is furnished on the condition that it will be given substantially the same degree of security protection given to it by the United States and will not be released to another nation without United States Air Force authorization."* **(T-0)** | Para 4.4.2.3. | | | |
| A.5.4.12. Do FDO ensure the proper information in included in all foreign disclosures, IAW Paras 4.4.3.1. through 4.4.3.5. in AFI 16-201? **(T-1)** | Para 4.4.3. | | | |
| A.5.4.13. Do Air Force proponents ensure all disclosures to foreign representatives are consistent with guidance received from the servicing disclosure office? **(T-0)** | Para 4.5.1. | | | |
| A.5.4.14. Do Air Force proponents ensure any information not approved for disclosure is removed from material prior to transfer? **(T-0)** | Para 4.5.1.1. | | | |
| A.5.4.15. Do Air Force proponents verify to the servicing FDO the date that disclosures of CMI and CUI were made? **(T-0)** | Para 4.5.1.2. | | | |
| A.5.4.16. Is CMI transferred on a government-to-government basis only? **(T-0)** | Para 4.5.2. | | | |
| A.5.4.16.1. Do FDOs or Air Force proponents use Air Force Form 349, *Receipt for Documents Released to Accredited Representatives of Foreign Nations,* when transmitting CMI to a foreign government or international organization? **(T-1)** | Para 4.5.2. | | | |
| A.5.4.16.2. Do Air Force organizations releasing classified information must maintain forms as prescribed in Air Force Records Disposition Schedule, *Air Force Records Information Management System (AFRIMS)?* **(T-1)** | Para 4.5.2. | | | |
| A.5.4.17. Do FDOs document disclosures and denials of CMI and CUI in the Foreign Disclosure System, unless this requirement has been exempted? **(T-1)** | Para 4.6. | | | |

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| A.5.4.18. Do Air Force personnel ensure any information to be provided to the general public, including foreign nationals, are released in accordance with the provisions of AFI 35-102, *Security and Review Process*? **(T-1)** | Para 4.7.1. | | | |
| A.5.4.18.1. Is FOIA release determinations, in accordance with the DoD Regulation 5400.7-R_AFMAN 33-302, *Freedom of Information Act (FOIA) Program*, made if a written request had been received from Air Force Records? **(T-0)** | Para 4.7.1. | | | |
| A.5.4.19. Do FDOs not sanitize United States Air Force technical orders, for safety reasons? **(T-1)** | Para 4.10.2. | | | |
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| **Chapter 5: ONE-TIME AND RECURRING VISITS BETWEEN AIR FORCE PERSONNEL AND REPRESENTATIVES OF FOREIGN GOVERNMENT AND INTERNATIONA ORGANIZATIONS** | | | | |
| A.5.5.1. Do Letters of Offer and Acceptance (LOAs), international agreements with a foreign government or international organization, or other appropriate legal arrangements conclude prior to FDO authorization of disclosures of CMI and CUI, related to the transfer of defense articles, services, or technical data? **(T-0)** | Para 5.2.2. | | | |
| A.5.5.2. Does the U.S. contact officer for any foreign representative and foreign national visit ensure physical controls are implemented to limit visitor access to that information authorized for disclosure? **(T-1)** | Para 5.2.4. | | | |
| A.5.5.3. Does the Air Force military or civilian personnel assigned to the organization escort foreign representatives in facilities where access to CMI or CUI will or may occur? **(T-1)** | Para 5.2.6. | | | |
| A.5.5.4. Do Air Force contact officers organizing U.S. guest lecturers for professional military activities inform such guests that foreign nationals are in attendance? **(T-1)** | Para 5.2.7. | | | |

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| A.5.5.4.1. Do [U.S.] guests [lecturers] obtain disclosure approval from their servicing FDO prior to any presentation where CMI or CUI may be discussed? **(T-1)** | Para 5.2.7. | | | |
| A.5.5.5. Do Air Force contact officer organizing foreign guest lecturer for professional military education activities brief student regarding disclosure guidelines prior to the arrival of foreign guest lecturer? **(T-1)** | Para 5.2.8. | | | |
| A.5.5.6. Do Air Force and foreign proponents of foreign representative visits submit requests to the servicing Air force foreign disclosure officer as required IAW AFI 16-201, Paras 5.3.1.1. through 5.3.1.5? **(T-0)** | Para 5.3. | | | |
| A.5.5.7. Do DOD proponents responsible for managing peacetime engagement programs, such as the EUCOM military contact program, the Latin American Cooperation Fund, and the African Cooperation Fund, submit visit requests to SAF/IAPD? **(T-0)** | Para 5.3.1.3. | | | |
| A.5.5.7.1. Do requests include proposed dates of [the] visit, facility to be visited, points of contact, purpose of [the] visit, and the visitor's? **(T-0)** | Para 5.3.1.3. | | | |
| A.5.5.8. Do Air Force proponents, for basic research visits by foreign nationals, submit proposals to the servicing FDO of the activity to be visited and provide information copies to additional organizations as appropriate? **(T-0)** | Para 5.3.1.4. | | | |
| A.5.5.9. Do Air Force personnel coordinate with their servicing FDO before extending visit invitations to foreign representatives? **(T-0)** | Para 5.3.1.5. | | | |
| A.5.5.10. Do proponents provide the supporting FDO with the names of the proposed visitors, organization/agency, nationality, visit location, and specific purpose for the visit? **(T-0)** | Para 5.3.1.5.1. | | | |
| A.5.5.10.1. Does the justification for the visit include the advantage to the United States? **(T-0)** | Para 5.3.1.5.1. | | | |
| A.5.5.10.2. Are the visit dates and the information to be disclosed during the visit outlined, if there is not [an] established program? **(T-0)** | Para 5.3.1.5.1. | | | |

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| A.5.5.11. Do Air force organizations to be visited request a copy of the export license or other written authorization, as applicable, to assist in planning for the visit? **(T-0)** | Para 5.3.1.6. | | | |
| A.5.5.11.1. Do Air Force hosts coordinate the visit with their servicing FDO? **(T-0)** | Para 5.3.1.6. | | | |
| A.5.5.12. Do Air Force personnel responsible for administration of training courses, with foreign students, coordinate visits to other Air Force or DoD organizations that are part of the formal approved course, through their servicing FDO? **(T-0)** | Para 5.3.1.8.1. | | | |
| A.5.5.13. Do IMSOs provide a course roster of foreign national students on ITOs to applicable security personnel, for access to organizations and installations where training is to occur? **(T-0)** | Para 5.3.1.8.3. | | | |
| A.5.5.14. Have field FDOs established processes so that all functional offices with an interest in a proposed visit have an opportunity to review and make recommendations regarding the request? **(T-1)** | Para 5.4. | | | |
| A.5.5.15. Do FDOs notify both the requested and U.S. contract officer when a visit request is approved? **(T-0)** | Para 5.5. | | | |
| A.5.5.16. Do FDOS document disclosure guidance for each visit and provide it to the U.S. point of contact, in advance of the visit? **(T-0)** | Para 5.5.1. | | | |
| A.5.5.16.1. Do FDOs provide information copies of the approval, as necessary? **(T-0)** | Para 5.5.1. | | | |
| A.5.5.17. Do FDOs provide the requester any information necessary for the visitor to complete arrangements for the visit, for examples, name of U.S. point of contact, contact's phone number, uniform requirements, etc.? **(T-1)** | Para 5.5.2. | | | |
| A.5.5.18. Do FDOs not sponsor foreign visits to U.S. contactor facilities, unless approval has been obtained IAW AFI 16-201, Para 7.5? **(T-0)** | Para 5.5.3. | | | |
| A.5.5.19. Do FDOs notify the requestor when a visit has been denied? **(T-0)** | Para 5.6. | | | |
| A.5.5.19.1. Do FDOs provide the requester with justification for the denial? **(T-0)** | Para 5.6. | | | |

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| A.5.5.20. Prior to travel, do Air Force personnel obtain approval to visit foreign establishments overseas, in accordance with DoD 4500.54-G, the *DoD Foreign Clearance Guide*? **(T-0)** | Para 5.8. | | | |
| A.5.5.20.1. Prior to commencing travel, do Air Force personnel obtain disclosure approval from their servicing FDO for CMI and CUI that will be discussed during their visit? **(T-0)** | Para 5.8. | | | |
| A.5.5.20.2. Do travelers record the designated FDO, by office symbol, which approved disclosure of the information to be discussed during their visits in the personnel clearance request? **(T-0)** | Para 5.8. | | | |
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| **Chapter 6. ASSIGNMENTS AND PLACEMENTS OF FOREIGN NATIONALS** | | | | |
| A.5.6.1. Are the terms addressed that apply to the placement and assignment of foreign representatives, IAW AFI 16-201, Attachment 8? **(T-0)** | Para 6.1. | | | |
| A.5.6.1.1. Do proponents for extended visits, other than one of the six defined typed, forward proposals with sufficient justification, a description of duties to be assigned, and proposed disclosure guidelines through command channels to SAF/IAPD, for a policy evaluation? **(T-0)** | Para 6.1. | | | |
| A.5.6.2. Do local contracting activities coordinate contracts with the FDO, to hire foreign nationals, prior to advertising the contract? **(T-0)** | Para 6.3.4. | | | |
| A.5.6.3. Do Air Force proponents seeking to establish an extended visitor position coordinate with the appropriate OPR within their command to verify that an appropriate agreement exists to establish the bases for the assignment? **(T-0)** | Para 6.4.1. | | | |
| A.5.6.3.1. Do proponents advise the servicing FDO of initiatives to create extended visit positions and include the FDO in planning for such assignments? **(T-0)** | Para 6.4.1. | | | |
| A.5.6.4. Are position descriptions included in the staff packages requesting extended visit positions under the ESEP, CPP, and MPEP programs? **(T-0)** | Para 6.4.2.1. | | | |

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| A.5.6.5. Are ESEP, CPP, and MPEP participants notified that they will not perform liaison functions between the United States Air Force and the parent service? **(T-0)** | Para 6.4.2.2. | | | |
| A.5.6.5.1. Are FLOs prevented from acting in an official capacity for the Air Force? **(T-0)** | Para 6.4.2.2. | | | |
| A.5.6.6. Are requests for dual-assignment foreign nationals forwarded to SAF/IAPD for approval through disclosure channels? **(T-0)** | Para 6.5. | | | |
| A.5.6.7. Do proposed arrangements ensure that "dual-assignments" are not detrimental to the cooperative program involved and that responsibility and funding for the FLO functions are separately maintained? **(T-0)** | Para 6.5.1. | | | |
| A.5.6.8. Has the FDO established a process(es) so that all functional offices with an interest in the proposed assignment have an opportunity to review and make recommendations regarding the request? **(T-0)** | Para 6.6. | | | |
| A.5.6.9. Does the FDO, Air Force contact officer, and other subject matter experts, as necessary, develop a security plan that documents access controls to information and facilities within the organization and installation (IAW 16-201, Attachment 10)? **(T-0)** | Para 6.6.1. | | | |
| A.5.6.10. Have the FDO and Air Force contact officers determined any other locations the assigned visitor may be required to visit during the term of his/her assignment to carry out responsibilities and duties under the approved position description? **(T-0)** | Para 6.6.2. | | | |
| A.5.6.10.1. Do the FDO and Air Force contact officers periodically review the initial determination? **(T-0)** | Para 6.6.2. | | | |
| A.5.6.11. When directly arranging recurring visits, do Air Force contact officers comply with the policies and regulations of the Service or Agency to be visited? **(T-0)** | Para 6.6.2.1. | | | |
| A.5.6.11.1. Do Air Force contact officers coordinate visits with their servicing FDO, and do they ensure disclosure guidance is in place, prior to the commencement of the visit? **(T-0)** | Para 6.6.2.1. | | | |

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| A.5.6.11.2. Do FDOs use SPAN procedures to coordinate these recurring visits? **(T-0)** | Para 6.6.2.1. | | | |
| A.5.6.12. Do FDOs not approve extended visit requests until verifying that an appropriate agreement or LOA authorizing the extended position exists? **(T-0)** | Para 6.7. | | | |
| A.5.6.13. Do FDOs approve the release of CMI and CUI in accordance with delegated disclosure authority to support the assignment? **(T-0)** | 6.7.1. | | | |
| A.5.6.14. Do FDOs document disclosure guidance for each visit? **(T-0)** | Para 6.7.2. | | | |
| A.5.6.14.1. Is disclosure guidance provided to the U.S. contact officer for the extended visit and to information addressees, as necessary? **(T-1)** | Para 6.7.2. | | | |
| A.5.6.15. Do FDOs brief Air Force contact officers on their responsibilities related to visitors assigned on an extended basis? **(T-0)** | Para 6.7.3. | | | |
| A.5.6.16. Do FDOs maintain files for each extended visit made to organizations that they support? **(T-0)** | Para 6.7.4. | | | |
| A.5.6.16.1. As a minimum, do files include a copy of the extended visit request (if the FDO is not an on-line SPAN user), verification of the legal basis for the visit, the security plan, and coordination and approval records for MPEP and CPP visits to other locations? **(T-0)** | Para 6.7.4. | | | |
| A.5.6.16.2. Do FDOs notify the requester when a visit has been approved? **(T-0)** | Para 6.7.4. | | | |
| A.5.6.17. Do exchange personnel not have personal custody of classified or controlled unclassified information (CUI)? **(T-0)** | Para 6.8.2. | | | |
| A.5.6.18. Do Air Force personnel not approve unescorted access for foreign representatives to the Air Force restricted or controlled areas or other facilities where access to CMI or CUI will or may occur, unless the conditions in AFI 16-201, Paras 6.9.1.1. thru 6.9.1.4. have been met? **(T-0)** | Para 6.9.1. | | | |

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| A.5.6.19. Is a badge or pass issued that clearly identifies the bearer as a foreign representative, and is such identification valid only for a specific facility during normal duty hours? **(T-0)** | Para 6.9.1.4. | | | |
| A.5.6.19.1. Do Air Force contact officers make specific arrangements for access during non-duty hours, on a case-by-case basis, with the FDO and all offices having a al interest in the extended duty hours? **(T-0)** | Para 6.9.1.4. | | | |
| A.5.6.20. Is the badge or pass displayed on the outer clothing so that it is clearly visible? **(T-1)** | Para 6.9.1.5. | | | |
| A.5.6.21. Do Air Force officials designated as contact officers for extended visits comply with paragraphs 6.10.1. through 6.10.6.? **(T-1)** | Para 6.10. | | | |
| A.5.6.22. Do FDOs monitor visit approvals and terminate all approvals at the conclusion of the visit period or when the visit purpose is concluded? **(T-0)** | Para 6.11. | | | |
| A.5.6.22.1. Do FDOs ensure all offices having a functional interest in the visit are notified of the termination? **(T-0)** | Para 6.11. | | | |
| | | | | |
| **Chapter 7. TECHNOLOGY TRANSFER** | | | | |
| A.5.7.1. Do U.S. Government and contractors comply with the provisions of the ITAR, before exporting defense articles, technical data, or defense services controlled by the ITAR? **(T-0)** | Para 7.2. | | | |
| A.5.7.2. Do Air Force organizations obtain DoS approval through SAF/IAPD prior to employing foreign nationals in positions requiring access to CUI? **(T-0)** | Para 7.3.1. | | | |
| A.5.7.2.1. Do personnel in the rank of Colonel or higher (military) or GS-15 or higher (civilian) sign the request with the information covered in Paras 7.3.1.1 through 7.3.1.4., AFI 16-201? **(T-0)** | Para 7.3.1. | | | |

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| A.5.7.3. Is an official request, through disclosure channels to SAF/IA signed by a senior management official, at least a Colonel or higher (military) or GS-15 or higher (civilian), and accompanied by a completed "USAF ITAR Exemption Certification Checklist", IAW Attachment 5, and Paras 7.4.3.1. through 7.4.3.4., AFI 16-201? **(T-0)** | Para 7.4.3. | | | |
| A.5.7.4. Upon receipt of the approved ITAR exemption, does the servicing FDO complete the requirements IAWAFI 16-201, Para 7.4.5.1. through 7.4.5.3? **(T-0)** | Para 7.4.5. | | | |
| A.5.7.5. Do FDOs only sponsor foreign visit requests to U.S. defense facilities after obtaining SAF/IAPD approval for required license (ITAR) exemption certification, IAW Para 7.4.3., AFI 16-201? **(T-0)** | Para 7.5.2. | | | |
| | | | | |
| **Chapter 8. AIR FORCE PROCUREMENT ACTIVITIES WITH FOREIGN INDUSTRY** | | | | |
| A.5.8.1. Do contracting authorities coordinate invitations to bid, requests for proposals (RFP), pre-solicitation, pre-bidders, pre-proposal, and pre-award meetings, etc., with their servicing FDO, prior to announcing procurement, so that restrictions can be identified to foreign bidders? **(T-0)** | Para 8.2.1 | | | |
| A.5.8.2. Do field FDOs identify necessary restrictions on foreign participation before the procurement is announced on the FBO website? **(T-1)** | Para 8.2.1.1. | | | |
| A.5.8.3. When it is not possible to review all procurements, prior to the FBO announcement, do Contracting Officers ensure announcements include notification that restrictions, regarding foreign bidders, may be place on the contract? **(T-0)** | Para 8.2.1.2. | | | |
| A.5.8.3.1. Are foreign bidders instructed to indicate their interest in a procurement to the contracting officer, prior to submitting a Request for proposal (RFP)? **(T-0)** | Para 8.2.1.2. | | | |

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| A.5.8.3.2. Once foreign interest is identified, do FDOs review the procurement announcement in a timely manner, so that foreign bidders can submit their [Request for] proposals (RFP), to meet contacting officer submission deadlines? **(T-0)** | Para 8.2.1.2. | | | |
| A.5.8.4. Do FDOs maintain a constant relationship with the Defense Security Service (DSS), on all FOCU matters? **(T-0)** | Para 8.2.2.3. | | | |
| A.5.8.5. Do FDOs forward foreign requests to appeal denials through channels to SAF/IAPD. **(T-0)** | Para 8.3. | | | |
| | | | | |
| **Chapter 9. SECURITY REQUIREMENTS** | | | | |
| A.5.9.1. Has the FDO notified SAF/IAPD of any suspected compromises of United States or foreign government classified information and made initial notification in accordance with DoD Regulation 5200.1-R, *Information Security Program*, and AFI 31-401, *Information Security Program Management*? **(T-0)** | Para 9.2.1. | | | |
| A.5.9.2. At the conclusion of an Air Force evaluation, damage assessment, or investigation, Do Air Force official authorized to finally approve or close out investigation, furnish on copy of the complete investigation or damage assessment to SAF/IAPD? **(T-0)** | Para 9.2.2. | | | |
| A.5.9.3. Does the FDO notify SAF/IAPD of any known or suspected unauthorized access to U.S. CUI, by a foreign government, international organization, or their representatives notify SAF/IAPD through disclosure channels? **(T-0)** | Para 9.3. | | | |
| A.5.9.4. Do notifications identify where the access occurred, specific information accessed, individual, group, or organization permitting access, facts and circumstances surrounding the unauthorized access, and impact of the unauthorized access on the U.S.? **(T-0)** | Para 9.3.1. | | | |

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| A.5.9.5. Are suspected instances of fraud, abuse, bribery, or other violations of the Arms Export Control Act, and implementing regulation; other laws governing exports, or illicit diversions of U.S. export-controlled technology, articles, or services reported to the Air Force Office of Special Investigations? **(T-0)** | Para 9.3.3. | | | |
| | | | | |
| **Attachment 9. SAMPLE LANGUAGE TO ADDRESS ADMINISTRATIVE RESPONSIBILITIES FOR EXTENDED VISIT POSITIONS** | | | | |
| A.9.A. Has the field FDO reviewed the signed agreements for the positions he/she manages to verify specific requirements for extended visitor positions assigned to units they support? **(T-1)** | A9.1. | | | |
| | | | | |
| **Attachment 11. SECURITY PLAN SAMPLE FORMAT** | | | | |
| A.11.A. Does the field FDO ensure that foreign nationals visiting on an approved extended visit request, and assigned to units the FDO supports, have a security plan addressing, at a minimum, the areas outlined in attachment 11? **(T-1)** | A11.1. | | | |

## Attachment 6

## SUBMITTING FOREIGN DISCLOSURE REQUESTS TO SAF/IAPT

**A6.1.** When submitting requests to SAF/IAPT for disclosure determination, the information below is addressed in the submission. Failure to address each question below may result in your request being returned without action, with a determination pending responses to the required information listed below. Submit your completed submission to the SAF/IAPT workflow email account at **usaf.pentagon.saf-ia.list.rss-saf-IAPT@mail.mil.**

**A6.2.** Describe the Foreign Disclosure request in a detailed and concise manner, answering the following:

A6.2.1. Specific information sought (e.g., Third Party Transfer, FMS Case, request for data or information, briefing clearance, conference attendance, visits, etc.).

A6.2.2. Requested completion date.

A6.2.3. What defense article, service or technical data is being proposed for disclosure (Be specific: model, make, version, etc.).

A6.2.4. Highest level of classification of release sought for this defense article, service or technical data.

A6.2.5. Originator/owner for the defense article, service or technical data (AF, other Service, commercial, international partner, etc.).

A6.2.6. What does this Foreign Disclosure release support? For example, its relation to the Air Force/DoD/USG building partnership capacity initiatives (e.g., What is the purpose/ importance of the disclosure? FMS, loans, leases, MOUs, cooperative development, acquisition, combined operations, exercises, etc.?).

A6.2.7. Proposed end-use or end-user for this article.

A6.2.8. Was this an FMS case, DCS case, etc. What is its original acquisition value (This information is necessary for Congressional reporting.), and the FMS case number, if applicable.

A6.2.9. What are the Air Force equities associated with the defense article, service, or technical data? If there are other Service/Agency equities, list what and who you were/are dealing with, the other Service/Agency.

A6.2.10. Any other political/military factor(s) that would further support your recommendation to disclose/deny/defer (Be specific.).

A6.2.11. Existing precedent for this case/previous related disclosure requests/Record(s) of Action.

## Attachment 7

## FORMAT FOR AUTHORIZING DISCLOSURE OF CMI

**A7.1.** The following template is provided for use when drafting memoranda authorizing disclosure of CMI information:

**Figure A7.1. Example CMI Disclosure Authorization Letter**

(Your organizational letterhead)

Date of Memo

MEMORANDUM FOR (Identify Requesting Office)

FROM: (Identify FDO Authorizing Disclosure)

SUBJECT: (Subject of Disclosure Request)

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

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

"This information is furnished on condition that it will not be released to another nation without specific authority of the Department of the Air Force of the United States, that it will be used for military purposes only, that individual or corporate rights originating in the information, whether patented or not, will be respected, that the recipient will report promptly to the United States any known or suspected compromise, and that the information will be provided substantially the same degree of security afforded it by the Department of Defense of the United States. Also, regardless of any other markings on the document, it will not be downgraded or declassified without the written approval of the originating U.S. agency." (Para 4.4.2.2.)

b. The beginning statement for electronic media containing CMI or CUI is as follows.

"This information is furnished on the condition that it will be given substantially the same degree of security protection given to it by the United States and will not be released to another nation without United States Air Force authorization." (Para 4.4.2.3.)

c. Transfer of classified information and material will be accomplished only through official government-to-government channels. U.S. Government responsibilities are included in the following statement.

"The U.S. Government sponsor is responsible to ensure that U.S. participants (government or contractor) involved in technical discussion of U.S. export-controlled or classified information during briefings, meetings, conferences, or events are provided advanced notification of the approved scope and limitations of this disclosure decision." (Para 4.4.3.1.)

d. Discussions and documentary release beyond the scope of the foreign disclosure release are covered in the following statement.

"Discussions and documentary release beyond the contents of this release authorization will require a separate disclosure review." (Para 4.4.3.4.)

e. "FDO presentations must conform to DoDM 5200.1, Vols 1-4." (Para 4.4.3.5.)

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

g. A signed AIR FORCE Form 349, *Receipt for Documents Released to Accredited Representatives of Foreign Nations*, must be completed, signed by the recipient and returned to (Identify the FDO who authorized the disclosure).

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

(Signature Block of Authorizing FDO)

## Attachment 8

## FORMAT FOR AUTHORIZING DISCLOSURE OF CUI

**A8.1.** The following template is provide for use when drafting memoranda authorizing disclosure of CUI:

**Figure A8.1. Example CUI Disclosure Authorization Letter**

(Your organizational letterhead)

Date of Memo

MEMORANDUM FOR (Identify Requesting Office)

FROM: (Identify FDO Authorizing Disclosure)

SUBJECT: (Subject of Disclosure Request)

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

a. (Identify any other conditions that must be met prior to disclosure and include the following).

b. Include the following statement at the beginning of electronic media containing CMI or CUI: (Para 4.4.2.3.)

"This information is furnished on the condition that it will be given substantially the same degree of security protection given to it by the United States and will not be released to another nation without United States Air Force authorization." (Para 4.4.2.3.)

c. Include the following statement, covering U.S. Government responsibilities.

"The U.S. Government sponsor is responsible to ensure that U.S. participants (government or contractor) involved in technical discussions of U.S. export-controlled or classified information during briefings, meetings, conferences, or events, are provided advanced notification of the approved scope and limitations of this disclosure decision." (Para 4.4.3.1.)

d. The front page of the (identify document and/or electronic media, i.e., briefing, report, videotape, etc.) will contain the following statement:

"This information is furnished on condition that it will not be released to another nation without specific authority of the Department of the Air Force of the United States, that it will be used for military purposes only, that individual or corporate rights originating in the information, whether patented or not, will be respected, that the recipient will report promptly to the United States any known or suspected compromise, and that the information will be provided substantially the same degree of security afforded it by the Department of Defense of the United States. Also, regardless of any other markings on the document, it will not be downgraded or declassified without the written approval of the originating U.S. agency." (Para 4.4.2.2.)

e. Include the following statement, covering digital metadata and documentary release.

"To reduce the risk associated with latent metadata capture in digital products, documentary release is limited to paper copy only. When mission requirements dictate and are acknowledged by the responsible USG authority, release of digital products is permitted in read-only .pdf or .tif format." (Para 4.4.3.2.)

f. Include the following, covering "For Official Use Only" information.

"Prepare the briefing by adding the following as a header and footer to the title page and each subsequent page containing FOUO information "For Official Use Only." Portion mark all "For Official Use Only" paragraphs, bullets, sub-bullets and notes pages "FOUO" and all FOUO graphic depictions, pictures, or charts "For Official Use Only" where applicable. Presentations must conform to the security classification marking requirements stipulated in DoDM 5200.1, Volumes 1 – 4." (Para 4.4.3.3. and 4.4.3.5.)

g. Included the following statement, covering the scope of the foreign disclosure release.

"Discussions and documentary release beyond the contents of this release authorization will require a separate disclosure review." (Para 4.4.3.4)

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

(Signature of Authorizing FDO)

## Attachment 9

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

**A9.1.** The purpose of this attachment is to provide FDOs sample language used in the DoD International Agreements Generator to identify administrative support, liability, obligations, and responsibilities for Cooperative Program Personnel. Similar language is used to address support requirements for MPEP, APEP, and ESEP positions. FDOs and U.S. Contact Officers must review signed agreements for the positions they manage to verify specific requirements for each position. **(T-1)**

## Figure A9.1. Example Language Draft for Use in International Agreements

1. Purpose and Scope

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

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

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

2. Security

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

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

2.3. The Host and Parent Party shall use their best efforts to ensure that [foreign nationals] assigned to a Host Party's facility to conduct a **(name of MOU/MOA Activity, Project, effort, etc.)** are aware of the requirements of the **(title of MOU/MOA)**. On arrival, [foreign nationals] and their dependents shall be informed by the host Party's representative about applicable laws, orders, regulations, and customs and the need to comply with them. Prior to commencing assigned duties,[foreign nationals] shall, if required by the Host Party's government laws, regulations, policies or procedures, sign a certification concerning the conditions and responsibilities of [foreign nationals assigned to UNITED STATES AIR FORCE organizations].

2.4. [Foreign nationals] shall at all times be required to comply with the security and export control laws, regulations, and procedures of the Host Party's government. Any violation of

security procedures by [foreign nationals] during their assignment shall be reported to the Parent Party for appropriate action. [Foreign nationals] committing significant violations of security laws, regulations, or procedures during their assignments shall be withdrawn from the Project with a view toward appropriate administrative or disciplinary action by their Parent Party.

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

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

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

3. Technical and Administrative Matters

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

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

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

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

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

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

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

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

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

3.3.1. Working hours, including holiday schedules.

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

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

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

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

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

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

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

3.5.3. Duty assignments in which direct hostilities are likely. Should a Host Party's facility become involved in hostilities unexpectedly, [foreign nationals] assigned to that facility shall not

be involved in the hostilities. Any such [foreign national] approved by the Host Party and Parent Party for involvement in hostilities shall be given specific guidance as to the conditions under which the assignment shall be carried out by the appropriate authorities of the Host Party and Parent Party.

## Attachment 10

## INSTRUCTIONS FOR CREATING POSITION DESCRIPTIONS FOR EXTENDED VISIT POSITIONS

**A10.1.** The information below serves as a template to be used when creating position descriptions for foreign nationals assigned as Engineer and Scientist Exchange Program (ESEP) positions, as Foreign Liaison Officers, and as Cooperative Program Personnel (CPP) within U.S. Air Force Organizations. (*Position descriptions supporting Defense Personnel Exchange Program positions should be developed IAW AFI 16-107, Military Personnel Exchange Program (MPEP).*

**Figure A10.1. Example Position Description**

**1. POSITION LOCATION:** Identify the organizational address of the organization where the foreign representative will perform his/her duties.

**2. POSITION TITLE:** Identify the title that describes the position that the foreign representative will perform duties as.

**3. DESCRIPTION OF DUTIES, SKILLS AND RESPONSIBILITIES:** This section identifies the types of activities that the individual will be expected to perform as well as how that activity will be used. This development process may require several revisions to ensure the duties are sufficiently described. This description is important for three reasons. First, it will be used as the foundation upon which the delegation of disclosure authority letter (DDL) will be built or to verify that an existing DDL will support the position. Second, it ensures that both USAF and the foreign government agree to the duties to be performed by the foreign representative. Third, it helps the contact officer educate other USAF personnel working with the foreign representative understand the specific assigned duties of the foreign representative.

The following examples are provided to demonstrate the type of detail that the creator of the position description needs to provide in order to help facilitate the establishment of a long- term visitor position within the organization. They are grouped into UNSATISFACTORY and SATISFACTORY examples of descriptions of duties:

UNSATISFACTORY - Records and reports test results.
SATISFACTORY - Knowledge of the terminology used with a variety of diagnostic and treatment procedures provided general medical patients to record and report medical information such as x-ray and test results.

UNSATISFACTORY - Knowledge of engineering concepts to perform military research.
SATISFACTORY - Knowledge of materials science to research, develop and apply static and dynamic material properties measurement tests to energetic materials and simulants.

UNSATISFACTORY - Individual will use standard laboratory techniques.
SATISFACTORY - Individual will adapt and apply standard laboratory techniques for the assessment of material properties. Test techniques to be used will include Split Hopkinson Pressure Bar Tests, Tensile Tests, and Fracture Toughness Tests for both high explosives and simulants.

UNSATISFACTORY - Individual will review and evaluate engineering designs.
SATISFACTORY- Individual will review engineering drawings for the proposed demonstrator using knowledge of mechanical engineering principles and evaluate the proposed design against XYZ program requirements.

UNSATISFACTORY - Specific duties will include, but not be limited to, the collection of samples, chemical analysis, data reduction and groundwater treatment process evaluation. (The phrase *but not limited to* indicates there are other duties, if so they should be identified.)
SATISFACTORY - Develop concept of operations and packaging concept for Tactical and Special Mission ground stations. Include deployment requirements, physical and functional

layouts, data link requirements and procedure development issues.

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

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

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

## Attachment 11

## SECURITY PLAN SAMPLE FORMAT

**A11.1.** The purpose of this sample format is to assist U.S. contact officers in documenting physical controls necessary to ensure that extended visitors access to information and sensitive work areas is consistent with the disclosure guidance supporting the visitor's placement. All U.S. individuals coming into contact with the foreign national are made aware of the contents of this plan as well as the disclosure guidance pertaining to the extended visitor's placement. The extended visitor's U.S. Contact Officer, the Foreign Disclosure Officer and the local Information Security Program Manager must approve the security plan. **(T-1)**.

**Figure A11.1. Example Security Plan**

**1. EXTENDED VISITOR**: Identify the individual's name, rank, and country.

**2. ASSIGNED DUTY AREA**: Identify the physical location of the individual's work area to include physical address, building, and room number. Identify the extended visitor's normal work hours. Also, identify any other local organizations that the extended visitor will be required to visit during their placement.

**3. US CONTACT OFFICER**: Identify the name, organizational address, and telephone number of the USAF official designated in writing to oversee and control all contacts, requests for information, consultations, access, and other activities of the extended visitor.

**4. ACCESS CONTROLS**: A general requirement is that all extended visitors identify themselves as members of their parent service in all communications. This requirement ensures that U.S. personnel communicating with the extended visitor are aware that he is an international officer. The extended visitor will be informed to identify himself as a member of his parent service in all written, electronic, and telephonic communications. The following items must be addressed separately. It may be necessary to identify other controls depending upon the activities taking place at the organization. To identify if other controls are necessary, review activities of U.S. personnel who have similar responsibilities.

a. Computer Access: The supporting foreign disclosure office and systems accreditation authorities must be included in the approval process. Document the approved computer access with any conditions that apply.

b. Other Equipment Use: Identify the equipment and the location that the extended visitor is authorized to use. Are there any requirements which must be met before the equipment can be used (i.e., use logs, etc.), if so identify them.

c. Physical Access: Identify whether the extended individual will have escorted or unescorted access to the work area or any other areas. For unescorted access, identify that the extended visitor has been issued a badge or pass that clearly identifies him as a foreign national, the badge is valid for specific facilities during normal duty hours, and the organization has received a security assurance from the individual's government verifying that he meets all clearance requirements for unescorted access to the facility(ies). Identify for what official purposes unescorted access is required on a frequent basis. Identify how the unescorted access will be prevented outside normal duty hours.

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

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

f. Extended Visitor Visits:

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

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

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

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

## Attachment 12

## SAMPLE CERTIFICATION OF CONDITIONS AND RESPONSIBILITIES FOR DEFENSE PERSONNEL EXCHANGE PROGRAM (DPEP) PERSONNEL

**A12.1.** The following is provided for use as a template for drafting certification of conditions and responsibilities letters for DPEP personnel:

**Figure A12.1. Example Certification of Conditions and Responsibilities Letter**

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

1. The purpose of this assignment is to gain knowledge of the organization and management of UNITED STATES AIR FORCE (*cite area of assignment*) activities. There shall be no access to information except as required to perform the duties described in the position description (PD) of the position to which I am assigned, as determined by my designated United States Air Force supervisor.

2. I shall perform only functions that are properly assigned to me as described in the PD for my assignment and shall not act in any other capacity on behalf of my government or my parent Service.

3. All information to which I may have access during this assignment shall be treated as information provided to me in confidence and shall not be further released by me to any other person, firm, organization or government, including my parent government, without the prior written authorization of the United States Air Force.

4. When dealing with individuals outside my immediate office of assignment on official matters, I shall inform such individuals that I am a foreign exchange person.

5. I have been briefed on, understand, and shall comply with all applicable security regulations of the United States Air Force and Host Organization.

6. I shall immediately report to my supervisor any attempts by unauthorized personnel to obtain classified, proprietary, or controlled unclassified information to which I may have access as a result of this assignment.

| | |
|---|---|
| *(Printed/Typed Name)* | *(Signature)* |
| *(Rank/Title)* | *(Date)* |

## Attachment 13

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

**A13.1.** The following serves as the template for use when drafting the commitment regarding inventions made and technical information developed by visiting scientists and engineer's letter:

**Figure A13.1. Example Commitment Agreement Regarding Inventions Made and Technical Information Developed by Visiting Scientists and Engineers**

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

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

_____

*(Signature of Exchange Personnel)* *(Date)*

## Attachment 14

## SAMPLE CERTIFICATION OF CONDITIONS AND RESPONSIBILITIES FOR COOPERATIVE PROJECT PERSONNEL (CPP)

**A14.1.** The following serves as the template for use when drafting the certification of conditions and responsibilities letter for cooperative program personnel (CPP):

**Figure A14.1. Example CPP Certification of Conditions and Responsibilities Letter**

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

1. The purpose of the assignment is to provide my expertise to the Project [or Program]. There shall be no access to Project Information except as required to perform my assigned duties or as otherwise authorized in accordance with the MOU/MOA.

2. All [identify agreement which provides for the cooperative program] Project Information to which I may have access during this assignment shall be treated as information provided to my government in confidence and shall not be further released or disclosed by me, except as authorized by the MOU/MOA.

3. I have been briefed on, understand, and shall comply with all applicable laws and regulations pertaining to Classified Information and Material and Controlled Unclassified Information as well as the requirements of [identify applicable MOU/MOA Articles; i.e., Article IX (Disclosure and Use of Project Information, Article X (Visits to Establishments), Article XI (Controlled Unclassified Information), Article XII (Security)], and the Project Security Instruction and Classification Guide.

4. When dealing with individuals outside of my immediate office of assignment on official matters, I shall properly identify myself.

5. I shall immediately report to my designated supervisor all unauthorized attempts to obtain Classified Information and Material or Controlled Unclassified Information to which I may have access as a result of this assignment.

6. [Include the information in Attachment 13, Commitment Regarding Inventions Made and Technical Information Developed by Visiting Scientists and Engineers, verbatim.]

_____

*(Printed/Typed Name)* *(Signature)*

_____

*(Rank/Title)* *(Date)*

## Attachment 15

## SAMPLE CERTIFICATION OF CONDITIONS AND RESPONSIBILITIES FOR FOREIGN LIAISON OFFICERS (FLO)

**A15.1.** The following serves as the template for use when drafting the certification of conditions and responsibilities letter for Foreign Liaison Officers (FLO):

**Figure A15.1. Example FLO Certification of Conditions and Responsibilities Letter**

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

1. The purpose of the assignment is to provide my expertise to the [identify FMS program(s) for which the individual will be a liaison officer]. There shall be no access to US Information except as required to perform my liaison duties.

2. All [identify LOA that provides for the liaison activity] information to which I may have access during this assignment shall be treated as information provided to my government in confidence and shall not be further released or disclosed by me, except as authorized by the US Government.

3. I have been briefed on, understand, and shall comply with all applicable laws and regulations pertaining to Classified Information and Material and Controlled Unclassified Information as well as the requirements of [identify any applicable host organization security instructions].

4. When dealing with individuals outside of my immediate office of assignment on official matters, I shall properly identify myself as a foreign liaison officer.

5. I shall immediately report to my designated supervisor all unauthorized attempts to obtain Classified Information and Material or Controlled Unclassified Information to which I may have access as a result of this assignment.

_____

*(Printed/Typed Name)* *(Signature)*

_____

*(Rank/Title)* *(Date)*

## Attachment 16

## SAMPLE ITAR EXEMPTION CERTIFICATION REQUEST LETTER

**A16.1.** The following serves as the template for use when drafting ITAR Exemption request letters for submission to SAF/IAPT:

**Figure A16.1. Example ITAR Exemption Certification Request Letter**

(Your organizational letterhead)

Date of Memo

MEMORANDUM FOR Field FDO Office Symbol
MAJCOM FDO Office Symbol
SAF/IAPD Attn: Mr./Ms./Dr. (Insert name of IAPD Branch Chief)
1080 Air Force Pentagon
Washington, DC 20330-1080

FROM: (Your office)
(Your address)
(Supporting Office Location) 12345-6789

SUBJECT: Request for Certification of ITAR Exemption or Extension for (contractor name)

1. (Subject Program Office) has requested an ITAR Exemption under 125.4(b) (1) and/or 126.4 for (CONTRACTOR) to support (FMS Case XX-Q-XXX or contract ###). The exemption will enable (CONTRACTOR) to provide or continue providing technical data and defense services to the Government of XXX in support of FMS or contract. (Then state the benefit to the US in allowing the contractor to provide the information). Request this extension be approved from (insert dates requested) or until TAA is approved and granted.

2. (CONTRACTOR) supports the (Program Office), as the Chief Engineer for the Program contract. As the Chief Engineer, (CONTRACTOR) supports Field Level and provides oversight responsibility on behalf of the U.S. government at various meetings which include assigned supporting and operational (Country/Foreign National) personnel. (Country/Foreign National) provides (insert responsibilities and justification). These Exemptions apply to (CONTRACTOR) technical staff that directly supports the Program Office at (SUPPORTING OFFICE LOCATION). (CONTRACTOR) has certified their compliance with and shall remain eligible for these Exemptions pursuant to ITAR 120.1, as well as other ITAR conditions applicable to the use of Exemptions.

3. Justification for this request is as follows: (CONTRACTOR) submitted a Technical Assistance Agreement TAA to the Department of State – Directorate of Defense Trade Controls DDTC. (CONTRACTOR) was assigned a DDTC Case#: (insert contractor license info and date requested). (CONTRACTOR) shall immediately acquire signatures of e.g., Bandaria as soon as the approved TAA is received from the DDTC. Denial of this request would significantly impact the U.S. government's oversight responsibility for critical technical assistance in support of our nation's air, missile, and space warning systems (provide rationale for urgency of request).

4. All proposed disclosures of technical data or assistance to (Country/Foreign National) personnel shall be authorized by Field Foreign Disclosure Office or MAJCOM Foreign Disclosure Office, IAW the applicable Delegation Disclosure Authority Letters DDL (insert applicable DDL number and/or policy and date of document). USG personnel, who have been trained as escorts and are familiar with the DDLs, and limitations of this exemption, shall be in

attendance at all meetings whenever (Country/Foreign National) are present. No defense articles software/hardware will be shipped under provisions of the Exemptions to Country Y.

5. My POC for this request is Ms. Jane Doe, Title (YOUR OFFICE) Phone 000-000-0000 DSN 000-0000.

Requesting official's signature block
(Must be an O-6 or GS-15)

## Attachment 17

## ITAR EXEMPTION CERTIFICATION CHECKLIST

**A17.1.** The purpose of this checklist is to assist disclosure officers at SAF/IAPT, MAJCOM, and field levels to ensure that ITAR exemption certification requests contain the appropriate details required to complete certification. This checklist captures lessons learned from processing previous ITAR exemption certifications.

**A17.2.** The information requested in the questions below is needed for each ITAR exemption certification request submitted to SAF/IAPT for processing:

**Figure A17.1. ITAR Exemption Certification Checklist**

ITAR EXEMPTION CHECKLIST

1. Identify whether the certification requested is to support exports by U.S. contractors only. (The answer must be "yes" to proceed with the ITAR exemption).

2. Identify the expertise provided by the contractor to USAF (as related to the USAF requirement).

3. Identify the relationship between USAF and the U.S. contractor (provide contract number if one exists).

4. Identify the services provided to the USAF under the contract.

5. Identify the export license application number, if the contractor has applied for one, to support exports under the contract. If this information is unknown, or if the contractor has not submitted a license application, please indicate. NOTE: The following statement will be included on all ITAR Exemption Certifications: "SAF/IAPD is granting this ITAR Exemption Certificate on the understanding that the requestor must submit a Technical Assistance Agreement (TAA) to the Department of State's Directorate of Defense Trade Controls (DDTC) to ensure that they have the legal authority to export defense services and/or technical data for further activities as described herein."

6. Specifically identify (by title, number) the relationship between the USAF and foreign government end use (i.e., the LOA or international agreement under which the exports will be made).

7. Specifically identify (by full/accurate company or personal name, as applicable) any foreign contractors to whom exports are anticipated.

8. Specifically identify the defense articles, services, and technical data proposed for export; include a parts list for any/all hardware.

9. Identify the USAF organization that will transfer data regarding documentary disclosures, if requested.

10. Include contact information for the company's export control officer.

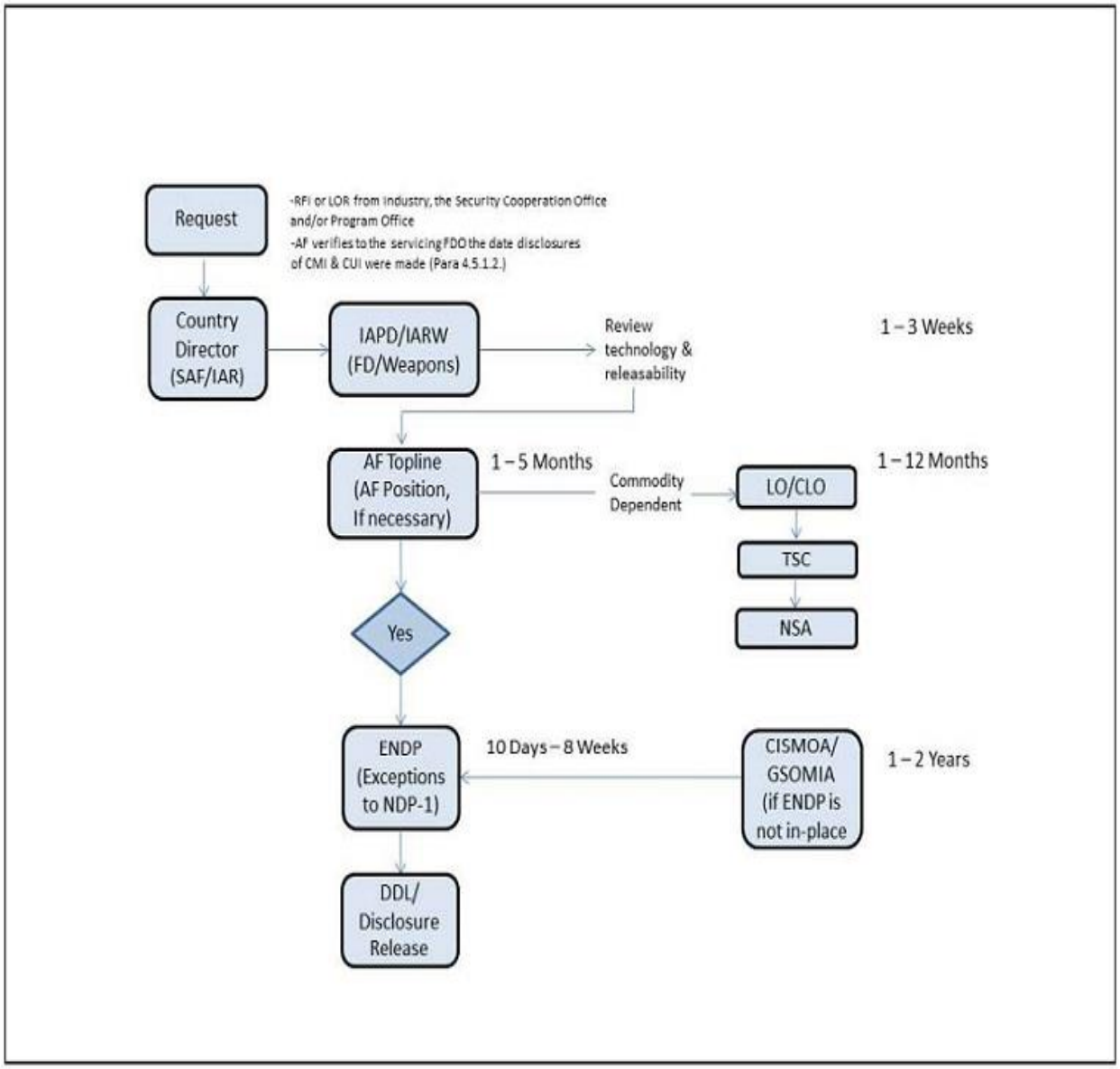
11. Identify the classification of the proposed export.

12. Provide the dates relevant to the export (i.e., the specific length of time desired for certification).

## Attachment 18

## FOREIGN DISCLOSURE PROCESS

**Figure A18.1. Foreign Disclosure Process Flowchart**



## Attachment 19 (Added-AFMC)

## SAMPLE COMPLETION OF FDO TRAINING REQUIREMENTS MEMORANDUM

**Figure A19.1. Sample Completion of FDO Training Requirements Memorandum**

Date

MEMORANDUM FOR AFLCMC/WFNJ

FROM: Your Unit/Organization

SUBJECT: Completion of FDO Training Requirements

1. The following individual(s) has/have completed the FDO training requirements as outlined in the AFMC Supplement to AFI 16-201 and are submitted to AFLCMC/WFNJ for consideration of formal appointment as an AFMC Foreign Disclosure Officer assigned to (insert unit/organization name):

- Individual(s) full name and grade.
- Current security clearance level.
- Functional address symbol.
- Complete mailing address.
- Commercial and DSN phone numbers for voice and fax.
- Classified and Unclassified electronic mail addresses.

2. The above named individual(s) will perform all assigned duties and responsibilities as outlined in AFI 16-201, *Air Force Foreign Disclosure and Technology Transfer Program*.

3. My point of contact is (name, office symbol, phone number).

Supervisor's Signature Block

## Attachment 20 (Added-AFMC)

## BASELINE TOPICS FOR AFMC FLO INITIAL ORIENTATION AND ANNUAL REFRESHER TRAINING

**A20.1. (AFMC) Access Limitations.** Limited by your country security clearance, programs supported on behalf of your country and need to know.

**A20.2. (AFMC) Requirements for Release of U. S. Govovernment or Military Information (request for information):**

A20.2.1. **(AFMC)** Submit to United States Government (USG) supervisor or case manager or program manager or technical project manager. These individuals will place request into foreign disclosure channels.

A20.2.2. **(AFMC)** Information you need to provide (formal request): Country requesting the information, detailed description of what is being requested, justification for the request (in support of), e.g. under what approved U.S. program (FMS Case, International Agreement) and requested release date (need by).

A20.2.3. **(AFMC)** The individual you submit your request to may ask for additional detail for clarification of the request. They will forward your request to Foreign Disclosure for action. You may follow-up with request for status after 10 working days.

**A20.3. (AFMC) Visit categories: One Time, Recurring and Extended**

A20.3.1. **(AFMC)** Visits to other DoD facilities (not where you are assigned): Your options are One Time and Recurring. Both must be requested through your embassy in Washington D. C. Provide to Embassy: Visitor's name, date of birth, place of birth, passport number, purpose of visit, dates of visit, visit type (one time or recurring), address of facility to be visited, knowledgeable USG POC and classification level of information involved. **NOTE**: Individual embassies may have additional requirements.

A20.3.2. **(AFMC)** Approved Extended Visits (greater than one year, typically not exceeding three years): Approved for specific location, specified length of time and purpose.

A20.3.2.1. **(AFMC)** Extended Visit Limitations - Compliance with local security requirements and access limitations (buildings and organizations). No escort privileges (except for visiting family members when authorized by local security forces/base commander). Extended visitors cannot bring other foreign nationals on base except within local limitations and they are responsible for compliance with civil laws.

A20.3.2.2. **(AFMC)** Extended Visit Privileges – Follow the local commander's policies/operating instructions regarding approval for access to base exchange, commissary, clubs, and facilities (golf, pools, gas stations, etc.). Medical treatment is limited by agreement/FMS support case.

A20.3.2.3. **(AFMC)** FLO assignments are supported/funded by an FMS case and cover office space, some equipment, phone service, etc.

**A20.4. (AFMC) For assistance (Work Related):** The POC on your approved visit request is your starting point for office support issues, legal issues, and other issues you aren't able to resolve to your satisfaction or understanding.

**A20.5. (AFMC) Unit Security Manager Briefing:**

A20.5.1. **(AFMC) Access Procedures:**

A20.5.2. **(AFMC)** Office/Building access procedures during Readiness Inspections (RI)s, holidays, natural disasters, national crisis, weather related events, exercises, etc.

A20.5.3. **(AFMC)** Installation access procedures during RIs, holidays, natural disasters, national crisis, weather related events, exercises, etc.

## Attachment 21 (Added-AFMC)

## AFMC FORM 458, FOREIGN DISCLOSURE RELEASE WORKSHEET

**A21.1. (AFMC) Purpose of the Form:** The AFMC Form 458 is used for the analysis of foreign disclosure and technology transfer issues associated with the release of AFMC documents/material to foreign governments.

**A21.2. (AFMC) Using the Form:** Use of this form is mandatory when used by AFMC field FDOs for disclosure requests that have exceeded their field FDO delegated authority.

**A21.3. (AFMC) Completing the Form:** Completion of the form will be by the Air Force proponent receiving a foreign government request for material, equipment, information etc. (AFI 16-201 paragraph 4.2.2 and subparagraphs.) Upon receipt of the AFMC Form 458 from the Air Force proponent, the foreign disclosure office will complete the Case Number and Foreign Disclosure Recommendation blocks. If purpose is validated and covered by existing disclosure policy, disclosure approval, with limitations, will be accomplished by the local field foreign disclosure office. If the request exceeds local foreign disclosure authority, the request will be elevated to AFLCMC/WFNJ for appropriate action.

**A21.4. (AFMC) Security Classification:** Blank AFMC Form 458s are unclassified, but completed forms may contain classified information. Check for proper security classification markings.

**A21.5. (AFMC) Filing and Disposition:** The FDO returns the completed AFMC Form 458 to the requestor for their files. The foreign disclosure office files a copy of the completed form with the relevant foreign disclosure case.

## Attachment 22 (Added-AFMC)

## AFMC FORM 193, FOREIGN DISCLOSURE TRAVEL WORKSHEET

**A22.1. (AFMC) Purpose of the Form:** The AFMC Form 193 is used by AFMC personnel traveling overseas on TDY to obtain disclsosure approval for CMI and CUI that will be discussed with international defense organizations, foreign governments or their representatives, and foreign industry.

**A22.2. (AFMC) Using the Form:** Use of this form is mandatory. The foreign disclosure office must ensure the traveler has provided complete and accurate information on the form and completed the first page and second page down to the Foreign Disclosure Review blocks. This provides the information to verify the need for disclosing military information and ensures the proposed disclosure is consistent with US policy, AFI 16-201, and applicable DDLs. Incomplete or vague information will delay approval.

**A22.3. (AFMC) Completing the Form:** The foreign disclosure office need only complete the Foreign Disclosure Review blocks, sign, and date. The form is available as an automated document, electronic signatures are preferred.

**A22.4. (AFMC) Security Classifications**: Blank AFMC Form 193s are unclassified. However, completed forms may contain classified information. Foreign disclosure offices must be particularly careful when completing Foreign Disclosure Review blocks to check for proper security classification marking.

**A22.5. (AFMC) Filing and Disposition:** The FDO signs and returns original AFMC Form 193 to the requester. This form is used to assist the traveler in preparing the personnel clearance message required by the Foreign Clearance Guide. It is the traveler's responsibility to comply with the Foreign Clearance Guide. The foreign disclosure office files a copy of the completed form with the relevant foreign disclosure case.

## Attachment 23 (Added-AFMC)

## AFMC FORM 191, FOREIGN DISCLOSURE PROCUREMENT DECISION WORKSHEET

**Figure A23.1. AFMC Form 191, Foreign Disclosure Procurement Decision Worksheet**

**1. Purpose of Form:** The AFMC Form 191 (automated) is used to identify sensitivities and restrictions associated with a planned procurement prior to announcement, and when Air Force organizations are sponsoring or co-sponsoring a conference where CUI or Classified Information is discussed/presented. The information gathered via the AFMC Form 191 is essential to the analysis of a foreign disclosure review.

**2. Using the Form:** Use of this form is mandatory when reviewing proposed procurement activities and Air Force sponsorship of non-public domain conferences. Use the form for all foreign disclosure actions that involve AFMC procurement of goods or services from a Foreign Owned, Controlled, or Influenced (FOCI) company; that involves an extended visit placement of a foreign national under an engineer and scientist exchange program when a foreign national was not previously placed in the organization for the same purpose; when AFMC organizations are sponsoring or co-sponsoring a conference where CUI or classified information is presented (See AFI 61-205); or at the discretion of the foreign disclosure office when a proposed release involves other significant or complex disclosure actions that require a detailed analysis. AFLCMC/WFNJ may require additional uses when necessary.

**3. Completing the Form:** The foreign disclosure office provides a blank AFMC Form 191 to the program manager or project engineer. FDO instructs the program manager or engineer to leave blank the Case Number block on the first page and the Foreign Disclosure Determination blocks on the second page. FDO will complete those blocks when AFMC Form 191 is returned to them for review. The individual completes the rest of the form and returns the form to the foreign disclosure office who assigns a case number, fills in the Case Number block on first page and completes the Foreign Disclosure Determination blocks.

**4. Security Classification:** Blank AFMC Form 191s are unclassified. Completed forms may contain classified information which would require classifying the worksheet at the level of the classified information. Foreign disclosure offices must be particularly careful when completing Foreign Disclosure Determination blocks on second page.

**5. Filing and Disposition:** The foreign disclosure office will return the completed original form to the requestor for the official contract files if for a procurement. Return to the conference sponsor if form is for sponsoring a conference not at the public domain level. Return to the originator when used for other complex release determinations. The FDO files a copy of the completed form with the relevant foreign disclosure case.