



Department of Defense
DIRECTIVE

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SUBJECT: Visits and Assignments of Foreign Representatives

- References:**
- (a) DoD Instruction 5230.20, "Control of Foreign Representatives," June 25, 1984 (hereby canceled)
 - (b) Title 22, Code of Federal Regulations, Parts 120-130, "International Traffic in Arms Regulations (ITAR)"
 - (c) Title 15, Code of Federal Regulations, Parts 730-799, "Export Administration Regulations (EAR)"
 - (d) DoD 5220.22-M, "Industrial Security Manual for Safeguarding Classified Information," January 1991, authorized by DoD Directive 5220.22, December 8, 1980
 - (e) through (r), see enclosure 1

A. REISSUANCE AND PURPOSE

This Directive:

- 1. Reissues reference (a) and updates policy and responsibilities governing visits by foreign representatives and the assignment of foreign nationals to the DoD Components.
- 2. Establishes the International Visits Program (IVP) and Defense Personnel Exchange Program (DPEP).

B. APPLICABILITY AND SCOPE

This Directive:

- 1. Applies to the Office of the Secretary of Defense (OSD), the Military Departments, the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Unified, and Specified Commands, the Defense Agencies, and the DoD Field Activities (hereafter referred to collectively as "the DoD Components").
- 2. Applies to all arrangements whereby foreign representatives visit or are assigned to the DoD Components or to facilities over which DoD Components have security responsibility.
- 3. Does not apply to visits conducted at DoD contractor facilities that involve access only to unclassified information that is not subject to export licensing under the Department of State's International Traffic in Arms Regulations (ITAR) (reference (b)) or the Department of Commerce's Export Administration Regulations (EAR) (reference (c)).

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4. Does not apply to visits to the DoD Components or DoD contractor facilities by foreign national employees of a U.S. contractor. Such visits will be processed in accordance with the ITAR, DoD 5220.22-M (references (b) and (d)), and subsection B.4. of enclosure 3.

C. DEFINITIONS

Terms used in this Directive are defined in enclosure 2. (Only these terms will be used for IVP and DPEP visits and assignments.)

D. POLICY

It is DoD policy that:

1. All visits and assignments of foreign representatives to the DoD Components that will involve access to classified or controlled unclassified information, or that will involve access to locations where access is controlled, shall be conducted under the IVP or the DPEP and in accordance with this Directive.

2. Visits by foreign representatives and assignments of liaison officers to the DoD Components shall be arranged under the procedures for a one-time visit, a recurring visit, or an extended visit as described in enclosure 3.

a. DoD visit authorizations shall not be used to circumvent export licensing requirements. (See subsection B.8. of enclosure 3.)

b. Visits shall be sponsored by the visitor's government. Requests for visits within the United States shall be submitted through the requesting government's Embassy in Washington, DC.

3. Assignments of foreign representatives to DoD Component organizations to perform functions for the host DoD organization shall be arranged only under a DPEP agreement concluded under DoD Directive 5530.3 (reference (e)) and enclosure 4.

4. Access by foreign representatives to classified information shall be in accordance with DoD Directive 5230.11 and DoD 5200.1-R (references (f) and (g)).

5. Access by foreign representatives to controlled unclassified information shall be in accordance with DoD Directives 5230.25 and 5400.7 (references (h) and (i)).

6. Exceptions to NDP-1 (reference (j)) shall not be granted to accommodate the assignment of a foreign exchange professional under the DPEP.

7. A delegation of disclosure authority letter (DDL), or equivalent written guidance, containing the information in the example in enclosure 5 shall be prepared and provided to the contact officer for each foreign national assigned to a DoD Component as a liaison officer or under a DPEP agreement.

8. A contact officer, or other experienced official, shall be designated to control the activities of foreign visitors and exchange personnel. The designated officials shall be familiar with DoD Directive 5230.11 (reference (f)), the applicable DoD Component guidelines governing the release of classified and controlled unclassified information, and the specific disclosure guidelines established in the DDL.

9. All foreign nationals, including attaches, liaison personnel, and exchange personnel who are authorized unescorted access to DoD facilities, shall be issued badges or passes that clearly identify them as foreign nationals. Decisions on issuance of badges and passes shall be made in accordance with subsection B.10. of enclosure 3.

10. The training of foreign nationals also shall be in compliance with reference (f) and DoD 5105.38-M (reference (k)).

E. RESPONSIBILITIES

1. The Under Secretary of Defense for Policy shall:

- a. Manage the Department of Defense IVP and DPEP.
- b. Manage automation support to the IVP and the DPEP through the Foreign Visits System (FVS) under DoD Instruction 5230.18 (reference (l)).
- c. Consider requests for authority to negotiate and conclude international agreements, submitted in accordance with DoD Directive 5530.3 (reference (e)), that involve the assignment of foreign exchange personnel to the DoD Components.
- d. Promulgate additional procedures, as necessary, to ensure effective implementation of this Directive.

2. The Heads of the DoD Components shall:

- a. Designate, in writing, an official to ensure effective implementation of this Directive within their Component.
- b. Promulgate written instructions, consistent with DoD Directives 5230.11, 5230.25, and 5400.7, and DoD 5200.1-R (references (f), (h), (i), and (g)), and this Directive to control access to classified and controlled unclassified information by foreign representatives who are authorized to visit or be assigned to their DoD Component.
- c. Process and record decisions on foreign visits involving access to classified and controlled unclassified information in the FVS in accordance with reference (l).
- d. Forward any inquiries concerning this Directive to the Office of the Under Secretary of Defense for Policy, Attn: Deputy Under Secretary of Defense (Security Policy).

3. The Secretaries of the Military Departments shall:

a. Establish the process at appropriate levels to approve or deny requests for visits by foreign representatives covered by this Directive to their Departments and their contractors.

b. Ensure that all agreements with foreign counterpart Military Departments involving assignments of exchange personnel are in accordance with existing laws and regulations, DoD Directive 5530.3 (reference (e)), and this Directive.

c. Direct that periodic on-site visits be made to the military organizations and facilities under their cognizance to monitor implementation of this Directive.

4. The Comptroller of the Department of Defense shall ensure that proper financial procedures affecting the DPEP are utilized.

5. The Under Secretary of Defense (Acquisition) shall promulgate procedures consistent with reference (e) and this Directive governing the negotiation and conclusion of agreements for the assignment of exchange scientific and technical personnel to the DoD Components.

6. The General Counsel of the Department of Defense shall review all international agreements submitted in accordance with reference (e) involving assignments of foreign exchange personnel to the DoD Components.

7. The Assistant Secretary of Defense for Command, Control, Communications, and Intelligence shall promulgate procedures consistent with reference (e) and this Directive governing the negotiation and conclusion of agreements that involve the assignment of foreign exchange personnel in DoD intelligence and intelligence-related positions.

8. The Chairman of the Joint Chiefs of Staff shall promulgate procedures consistent with reference (e) and this Directive governing visits by foreign representatives and assignments of foreign exchange personnel to the Unified and Specified Commands.

9. The Director, Defense Intelligence Agency shall:

a. Coordinate and process requests for visits by foreign representatives to the OSD, the Chairman of the Joint Chiefs of Staff, the Defense Agencies, and the DoD Field Activities, and their contractors, except for those visits approved by the Director of the National Security Agency (NSA) under paragraph 10., or the Secretary of Defense or the Deputy Secretary of Defense.

b. Administer, in coordination with the Office of the Deputy Under Secretary of Defense (Security Policy) (ODUSD(SP)), the assignment of exchange personnel to the OSD, the Chairman of the Joint Chiefs of Staff, the Defense Agencies, and the DoD Field Activities.

c. Promulgate a joint Service Foreign Attache Manual to provide Defense Attaches with standard instructions and formats governing visit requests, document requests, liaison officer certifications, and the processing of exchange personnel. The Manual shall be coordinated with the Military Departments, ODUSD(SP), and the Chairman of the Joint Chiefs of Staff before publication.

10. The Director, NSA, shall establish, control, and manage a system for administering visits and assignments of foreign representatives to the NSA and its contractors consistent with the policies established in this Directive. Such visits and assignments are not required to be processed through the DIA or in the automated FVS system described in enclosure 3.

F. EFFECTIVE DATE AND IMPLEMENTATION

This Directive is effective immediately. Forward two copies of implementing documents to the Under Secretary of Defense for Policy within 120 days.



Donald J. Atwood
Deputy Secretary of Defense

Enclosures - 6

1. References
2. Definitions
3. IVP
4. DPEP
5. Sample DDL for Foreign Visitors and Exchange Personnel
6. Sample Certification of Conditions and Responsibilities

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REFERENCES, continued

- (e) DoD Directive 5530.3 "International Agreements," June 11, 1987
- (f) DoD Directive 5230.11, "Disclosure of Classified Military Information to Foreign Governments and International Organizations," December 31, 1984
- (g) DoD 5200.1-R, "Information Security Program Regulation," June 1986, authorized by DoD Directive 5200.1, June 7, 1982
- (h) DoD Directive 5230.25, "Withholding of Unclassified Technical Data From Public Disclosure," November 6, 1984
- (i) DoD Directive 5400.7, "DoD Freedom of Information Act Program," May 13, 1988
- (j) National Disclosure Policy-1, "National Policy and Procedures for the Disclosure of Classified Military Information to Foreign Governments and International Organizations," (short title: National Disclosure Policy (NDP-1)), October 1, 1988¹
- (k) DoD 5105.38-M, "Security Assistance Management Manual," October 1988, authorized by DoD Directive 5105.38, August 10, 1978
- (l) DoD Instruction 5230.18, "The DoD Foreign Disclosure and Technical Information System (FORDTIS)," November 6, 1984
- (m) Executive Order 12356, "National Security Information," April 2, 1982
- (n) Section 1324b of title 8, United States Code, "The Immigration Reform and Control Act (IRCA)"
- (o) DoD Directive 5100.55, "United States Security Authority for North Atlantic Treaty Organization Affairs," April 21, 1982
- (p) DoD Instruction C-5220.29, "Implementation of the North Atlantic Treaty Organization Industrial Security Procedures (U)," December 15, 1982
- (q) DoD Directive 5200.12, "Conduct of Classified Meetings," May 16, 1988
- (r) Joint Travel Regulations, Volume 2, "Department of Defense Civilian Personnel," current edition

¹ Provided to designated disclosure authorities on a need-to-know basis from the Office of the Director for International Security Programs, Office of the Deputy Under Secretary of Defense (Security Policy) (ODUSD(SP)).

DEFINITIONS

1. Attache. A diplomatic official or military officer attached to an embassy or legation, especially in a technical capacity.
2. Certification. Formal recognition by a DoD Component of a working relationship with a representative of a foreign government (i.e., a Liaison Officer) for specified purposes and on a recurring basis over an agreed period of time.
3. Classified Military Information. Information originated by or for the Department of Defense or its Agencies or under their jurisdiction or control and that requires protection in the interests of national security. It is designated TOP SECRET, SECRET, and CONFIDENTIAL as described in E. O. 12356 (reference (m)). Classified military information may be in oral, visual, or material form. DoD Directive 5230.11 (reference (f)) further defines the eight categories into which classified military information has been subdivided.
4. Contact Officer. A DoD official designated in writing to oversee and control all contacts, requests for information, consultations, and other activities of foreign representatives who are assigned to, or are visiting, a DoD Component or subordinate organization. In the case of personnel exchange programs, the host supervisor may be the contact officer.
5. Controlled Unclassified Information. Unclassified information to which access or distribution limitations have been applied in accordance with national laws, policies, and regulations of the originating country. It includes U.S. information that is determined to be exempt from public disclosure in accordance with DoD Directives 5230.25 and 5400.7 (references (h) and (i)) or that is subject to export controls in accordance with the ITAR (reference (b)) or the EAR (reference (c)).
6. Delegation of Disclosure Authority Letter (DDL). A letter issued by the appropriate designated disclosure authority describing classification levels, categories, scope, and limitations of information under a DoD Component's disclosure jurisdiction that may be disclosed to a foreign recipient. It is used to delegate disclosure authority to subordinate disclosure authorities.
7. Designated Disclosure Authority. An official, designated by the Head of a DoD Component or by that DoD Component's Principle Disclosure Authority, who has been delegated disclosure authority in accordance with reference (f), to control disclosures of classified military information at subordinate commands or staff elements.
8. Executive Agent. The office or organization designated to negotiate and sign agreements establishing personnel exchange programs.

9. Foreign Exchange Personnel. Military or civilian officials of a foreign defense establishment (i.e., a DoD equivalent) who are assigned to a DoD Component in accordance with the terms of an exchange agreement and who perform duties, prescribed by a position description, for the DoD Component.
10. Foreign Interest. Any foreign government, agency of a foreign government, or representative of a foreign government; any form of business enterprise or legal entity organized under the laws of any country other than the United States or its possessions; and any foreign national.
11. Foreign National. A person who is not a citizen or national of the United States.
12. Foreign Representative. Any foreign interest or representative of a foreign interest.
13. Intending Citizen. Any foreign national who falls into one of the four categories under the Immigration Reform and Control Act of 1986 (reference (n)) (formerly "immigrant alien").
14. Liaison Officer. A foreign government official, either a military or civilian employee, who is certified by his or her government to act as a representative of that government to a DoD Component in connection with bilateral or multinational programs or projects.
15. Meeting. Any conference, seminar, symposium, exhibit, convention, training course, or other gathering during which classified or controlled unclassified information is disclosed.
16. Representative of a Foreign Interest. A citizen or national of the United States, or an intending citizen to the United States, who is acting as a representative of a foreign interest.
17. Security Assurance. The 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 original recipient of U.S. 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. In the case of industrial facilities, the security assurance should include a statement concerning the level of storage capability.

18. **Training.** Formal or informal instruction of foreign nationals in the United States or overseas by:

a. Officers or employees of the United States, contract technicians, or contractors (including instruction at civilian institutions); or

b. Correspondence courses; technical, educational, or information publications and media of all kinds; training aid; orientation; training exercise; and military advice to foreign military units and forces (including their military and civilian personnel).

19. **Visit Authorization.** There are three types of visit authorizations:

a. A one-time visit authorization permits contact by a foreign representative with a DoD Component or DoD contractor facility for a single short-term occasion (normally less than 30 days) for a specified purpose.

b. A recurring visit authorization permits intermittent visits by a foreign representative to a DoD Component or DoD contractor facility over a specified period of time for a Government-approved license, contract or agreement, or other program when the information to be released has been defined and approved for release in advance by the U.S. Government.

c. An extended visit authorization permits a single visit by a foreign national for an extended period of time. Extended visit authorizations are to be used when a foreign national is required to be in continuous contact with a DoD Component or a DoD contractor facility beyond 30 days for one of the following situations:

(1) A foreign government contract or joint program (e.g., joint venture, representative to a joint or multinational program, etc.);

(2) Participation in an exchange program under the DPEP;

(3) Training, except for those individuals on invitational travel orders; or

(4) Liaison officers to a DoD Component(s).

IVP

A. GENERAL

1. Control of Visitors. Visits by foreign representatives to DoD Components and DoD contractor facilities shall be controlled to ensure that the visitors receive access to only that classified and controlled unclassified information authorized for disclosure to their government by a disclosure official designated in accordance with DoD Directive 5230.11 (reference (f)).

2. International Visits Program (IVP). The IVP is established to ensure that classified and controlled unclassified information to be disclosed to foreign representatives visiting DoD Components or DoD contractor facilities has been properly authorized for disclosure to their governments, that the requesting foreign government provides a security assurance on the visitors and their firms, if applicable, and to facilitate administrative arrangements for the visit.

3. Security Assurance. Classified information shall not be disclosed to a foreign representative unless the appropriate designated disclosure authority has received a security assurance from the foreign government being represented. Classified documentary information may not be transferred to a foreign national unless the security assurance specifically states that the individual may assume custody on behalf of the foreign government. A receipt must be obtained for classified information provided to foreign representatives, regardless of its classification level.

4. Foreign Visits System (FVS). Requests for visits submitted by foreign governments shall be submitted and processed using the FVS. Requests for visits by governments that do not participate in the FVS shall be submitted directly to the applicable Military Department or the Defense Intelligence Agency (DIA), which shall enter and process the request in the FVS.

B. PROCEDURES

1. Recurring Visit Authorizations. Recurring visit authorizations shall be established to support intermittent, recurring visits associated with approved programs, such as agreements, contracts, or licenses. Authorizations shall be valid for the duration of the program, subject to annual review and revalidation.

2. Extended Visit Authorizations. Extended visit authorizations shall be used in circumstances described in paragraph 19.c. of enclosure 2. They may be used also for the assignment of a foreign contractor's employees if the foreign contractor is under contract to the DoD Component, and performance on the contract requires assignment of the employees to the DoD Component. Authorization shall be valid for the duration of the program, assignment, training, or certification, subject to annual review and revalidation.

3. Hosted Visit. Visits by foreign representatives at the invitation of DoD officials do not normally require the submission of a complete visit request by the visitors since designated disclosure officials should have authorized disclosures of information prior to the invitation being extended. To facilitate arrangements for these visits, DoD officials who extend such invitations shall notify their designated visitor control office of the invitation. They also should advise the invitees that security assurances must be submitted through their embassy before the visit, using the prescribed visit request format for this purpose referenced in paragraph E.9.c. of the basic document, above.

4. Visits by Foreign National Employees of U.S. Defense Contractors. Visits by such employees on official business to DoD Components or to other DoD contractor facilities do not require the submission of a visit request through foreign government channels. The requests shall be processed in compliance with DoD 5220.22-M (reference (d)). Access to export-controlled technical data by foreign national employees of U.S. contractors is authorized in accordance with an export license or by other written U.S. Government authorization that is obtained by the employing contractor. When these employees visit another contractor facility or a DoD Component, the employing facility should provide a copy of the export license or other written authorization to the designated disclosure authority or security office, as applicable, at the facility to be visited.

5. Visits by Representatives of the North Atlantic Treaty Organization (NATO)

a. One-time or recurring visits by representatives of NATO Commands or Agencies, or the NATO International Staff, that involve access to NATO classified information, shall be processed under United States Security Authority for North Atlantic Treaty Organization Affairs (USSAN) Instruction 1-69, attachment 1, section III., paragraph 40 (enclosure 2 of DoD Directive 5100.55 (reference (o))). Recurring visits related to NATO Production and Logistics Organization or NATO Industrial Advisory Group activities shall be processed under USSAN Instruction 1-70, section VI (enclosure to DoD Instruction C-5220.29 (reference (p))).

b. Visits by representatives of a NATO Command or Agency or the NATO International Staff, including U.S. citizens assigned to NATO positions that involve access to U.S. classified information, shall be processed in accordance with the requirements of this Directive.

6. Visits for Foreign Participation in U.S. Procurement-Related Meetings
Potential foreign attendance must be assumed when planning for meetings that may lead to contract opportunities for nations with which the United States has reciprocal procurement agreements. Security requirements for classified meetings shall be in accordance with DoD Directive 5200.12 and DoD 5200.1-R (references (q) and (g)). The following procedures also apply:

a. The DoD Components should determine the extent to which classified information may be involved throughout the life cycle of a program before the

announcement of a procurement action. Decisions on disclosures of classified information shall be in accordance with DoD Directive 5230.11 (reference (f)). The extent of foreign attendance at meetings related to the announced procurement action will be contingent upon the disclosure decision. If attendance by foreign representatives is permitted, any classified information to be disclosed must be at a level authorized for release to all foreign representatives that are present.

b. The Head of the DoD Component conducting the meeting, or a senior designee, shall approve any denials of a specific appeal for attendance at such meetings by a foreign government with which the Department of Defense has a reciprocal procurement agreement.

7. The DoD Components Supported by the DIA shall:

a. Obtain a disclosure authorization from the originating department or agency for the disclosure of any classified or controlled unclassified information that is not under the DoD Component's disclosure jurisdiction. This shall be done before notifying the DIA of the acceptance of a visit by foreign representatives that will involve access to such information.

b. Notify the DIA, ATTN: COS-4, when they extend invitations to foreign representatives to visit their organization.

8. DoD-authorized Visits to DoD Contractor Facilities. DoD-authorized visits of foreign representatives to DoD contractor facilities may constitute an exemption to the licensing requirements of the ITAR (reference (b)). DoD-authorized visits shall not be used to circumvent the licensing requirements of the ITAR. Therefore, DoD Components shall:

a. Approve the request for a visit and provide disclosure guidance if it is in support of an actual or planned U.S. Government program; or

b. If the proposed visit is not in support of a U.S. Government program, notify the requestor and applicable DoD contractor that arrangements for the visit may be made between the requestor and the DoD contractor, provided the DoD contractor has or obtains an export license for any technical data that may be disclosed and the necessary security assurance has been provided; or,

c. Deny the request for the visit if it is determined that the information associated with the proposed visit cannot be authorized for disclosure, and notify the requestor and the applicable DoD contractor of the decision.

9. Liaison Officers. Certification of a foreign government liaison officer does not bestow diplomatic or other special privileges, even though certified liaison officers who

also have attache status may have diplomatic accreditation by the Department of State. Liaison officers' activities shall be limited to the representational responsibilities of their government described in the certification. Liaison officers shall not perform duties that are reserved by law or regulation to an officer or employee of the U.S. Government. Liaison officers may assume custody of releasable documentary information when authorized in writing by their government. When operational requirements so dictate, strict reciprocity is not required for liaison officer assignments. The DoD certification shall not be used to assign foreign nationals to U.S. defense contractor facilities. The U.S. defense contractors must obtain an export license for such assignments and comply with Chapter 10 of DoD 5220.22-M (reference (d)). The following information shall be provided by foreign governments with their request for DoD certification of liaison officers:

- a. A statement by the sponsoring government that the proposed liaison officer is an officially sponsored representative of that government.
- b. Documentation describing the legal status of the proposed liaison officer (including any privileges and immunities to which the liaison officer is entitled) and sponsoring government responsibilities.
- c. A statement by the sponsoring government that the proposed liaison officer is authorized by the sponsoring government to conduct business with the Department of Defense for purposes that must be specified, citing related agreements, contracts, or other arrangements.
- d. An assurance by the sponsoring government that the proposed liaison officer holds a specified level of security clearance.
- e. A statement by the sponsoring government on whether the proposed liaison officer may assume custody of documentary information on behalf of the sponsoring government.
- f. An assurance that the sponsoring government will be responsible for any U.S. classified or controlled unclassified information provided to the proposed liaison officer.

10. Access to DoD Facilities. Foreign nationals may not have uncontrolled access to DoD facilities. Representatives of allied and friendly countries, usually attaches and liaison officers, may be authorized unescorted access to DoD facilities when all of the following conditions are met:

- a. The foreign government concerned extends commensurate reciprocal privileges to U.S. Defense personnel.

- b. The foreign national is sponsored by his or her government, the need for frequent access is justified, and the required security assurance is provided.
- c. Security measures are in place to control access to information and sensitive areas within the DoD facility.
- d. Access is required for official purposes on a frequent basis (i.e., more than once per week).
- e. A badge or pass is issued that identifies the bearer as a foreign national and that is valid for a specific facility during normal duty hours.
- f. The badge or pass is displayed on the outer clothing so that it is clearly visible.
- g. The request for issuance of the badge or pass must be in writing and describe how paragraph B.10.a. through f., above, will be met.

DPEP

A. GENERAL

1. Background. Since World War II, the Military Services and counterpart Services of friendly foreign military forces have entered into agreements establishing military personnel exchange programs. In accordance with these agreements, each party provides, on a reciprocal basis, assignments to established manpower positions within its force structure for military personnel of the other party. Similar agreements have been concluded for the exchange of civilian personnel in particular fields of expertise, such as scientists, engineers, and intelligence analysts. These personnel exchange programs are designed to foster mutual understanding between the Military Services of each party by providing exchange personnel familiarity with the organization, administration, and operations of the other Service. All such personnel exchange programs established by the DoD Components constitute the DPEP.

2. Scope. The DPEP includes all programs that involve the assignment of foreign personnel to positions with the DoD Components in exchange for the assignment of DoD personnel to positions with foreign government defense establishments, such as personnel exchanges involving the assignment of:

- a. Military or civilian personnel to positions with the Military Departments.
- b. Specialist personnel to administrative and planning positions within the OSD.
- c. Scientists and engineers to DoD Research, Development, Test, and Evaluation facilities.
- d. Intelligence analysts within the DoD intelligence community.
- e. Finance and accounting analysts within the Defense Finance and Accounting Service.

3. Restrictions. Assignment of foreign personnel under the DPEP shall not be used for training or instead of, or in combination with, liaison officer certification.

B. PROCEDURES

1. Status of Personnel. Personnel assigned to DPEP positions shall be military or civilian employees of the participating DoD Component and the foreign government defense establishment.

2. Purpose. The DPEP agreements may be negotiated to foster better understanding on the part of the participants and their governments of the organization and

management of defense programs and operations while using the specified expertise of the participating exchange personnel. The criteria in subsection B.8. of this enclosure, below, shall be considered before making commitments for the negotiation of a DPEP agreement.

3. Reciprocity. The DPEP agreements shall provide for the reciprocal assignment of DoD personnel to substantially equivalent positions within the defense establishment of the other participating government.

4. Limitations. The DPEP may not be used as a mechanism for exchanging technical data or other controlled information between the governments or for training of foreign nationals. Information exchanges shall be governed by an appropriate agreement (e.g., cooperative research and development or data exchange agreement); training of foreign nationals shall be in accordance with DoD 5105.38-M (reference (k)).

5. Executive Agents. The DoD officials who are responsible for authorizing the negotiation of personnel exchange agreements may appoint an executive agent to negotiate and administer a program for a specific country or countries.

6. Restrictions on Exchange Personnel

a. Foreign exchange personnel shall not act in the dual capacity as a DPEP participant and as a representative of their government while assigned to a DoD Component (e.g., a DPEP participant may not act as a liaison officer).

b. Foreign exchange personnel shall not serve as a conduit between the Department of Defense and their government for requests and transmission of classified and controlled unclassified information.

c. Foreign exchange personnel may 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 U.S. Government or that would afford them access to information that is not authorized for release to their government.

d. Foreign exchange personnel shall not be assigned to DoD contractor facilities.

7. Security Requirements

a. Foreign exchange personnel shall not have access to restricted areas or to the following types of information:

(1) RESTRICTED DATA and FORMERLY RESTRICTED DATA.

- (2) Information systems security information.
- (3) Classified or controlled unclassified information provided by another government, unless access is approved in writing by the originating government.
- (4) Compartmented information, unless authorized by a separate government-to-government agreement.
- (5) Information bearing a special handling notice that restricts access, except when authorized by the originator.
- (6) Any U.S. classified information that has not been authorized previously for release to the exchange professional's government by the responsible designated disclosure authority of the originating Department or Agency.
 - b. Exchange personnel may not be given security responsibilities (e.g., escort responsibility, document custodian, security checks, etc.).
 - c. Disclosure guidance, in the form of a DDL or equivalent document, shall be established for each exchange position. The DDL shall be prepared by the host supervisor, in collaboration with the DoD Component disclosure officials, and shall accompany the request to establish a DPEP position. The Deputy Under Secretary of Defense (Security Policy) will approve the DDL for the OSD, the Chairman of the Joint Chiefs of Staff, and the Defense Agency positions. The DDL for the Military Department positions shall be approved by the designated disclosure authority of the appropriate Military Department. The information in enclosure 5 must be in the DDL.
 - d. Foreign exchange personnel shall not have custody of classified or controlled unclassified information. They may have access to the information during normal duty hours at the place of assignment when access is necessary to perform the functions in their position description, if the information has been properly authorized for disclosure. They may not have unsupervised access to libraries or document catalogues unless the information therein is releasable to the public.

8. DPEP Criteria. The DoD Components shall consider the following criteria before establishing a DPEP position and shall discuss them in their requests for authority to negotiate an exchange agreement:

- a. Likely political or military advantage to be gained.
- b. Ability to adequately use a foreign exchange person in the organization considering the policy and access limitations and security requirements described in this enclosure.

- c. Financial costs to the U.S. Government.
- d. Other military arrangements with the country and the results of those arrangements.
- e. Reciprocity, particularly the ability of the DoD Component to assign a person within the defense establishment of the other country in a similar capacity.

9. Authorized Billets. Foreign exchange personnel shall serve in authorized personnel billets or in authorized overstrength or excess positions. Exceptions to this policy may be authorized by the Head of the concerned DoD Component if the assignment will result in significant military or political benefits to the Department of Defense.

10. Position Description. A position description shall be prepared for each exchange position. The position description shall contain as a minimum:

- a. The title of the position.
- b. The position location.
- c. Qualification and skills required.
- d. Description of specific duties of the position.
- e. Security clearance level required.

11. Content of DPEP Agreement. DPEP agreements shall cover the following issues:

- a. Type of exchange positions to be established (e.g., scientist and engineer, financial management).
- b. Length of tour.
- c. Financial responsibilities (e.g., travel, salary, etc.) and use of facilities.
- d. Entitlements (e.g., commissary privileges, medical care, etc.).
- e. Liabilities and claims.
- f. Status of assigned personnel, to include privileges and exemptions.
- g. Security.

h. **Disciplinary matters.**

i. **Administrative matters and oversight responsibilities (e.g., leave, dress, reviews, and performance reports).**

12. **Administrative and Operational Control.** Foreign exchange personnel shall remain under the administrative control (e.g., pay, ratings, disciplinary actions) of their parent governments. They shall be under the operational control of the host DoD Component to which they are assigned. They may participate in the functions of the host DoD Component consistent with security considerations and the limitations described in this enclosure.

13. **Financial Responsibilities**

a. The costs of participation in the DPEP shall be borne, in accordance with applicable laws and regulations, by either the participant's parent organization or by the participant, except that travel and per diem costs for travel performed in connection with assigned duties within the host country shall be paid by the organization requesting or directing such travel.

b. Costs to be borne by the Department of Defense for its personnel shall only include salary, and, in accordance with the DoD JTR, volume 2 (reference (r)), either permanent change of station (PCS) entitlements (for the employee and his or her dependents) or long-term temporary duty entitlements. An employee of the Department of Defense that performs a PCS shall agree in writing to complete the entire period of the assignment or 1 year, whichever is shorter, unless separated or reassigned at the request of the Department of Defense.

14. **Supervisor Responsibilities.** The DoD official designated to supervise a foreign exchange person shall:

a. Ensure that the person understands the duties to be performed in the position to which he or she is assigned.

b. Ensure that the person is provided access only to that classified and controlled unclassified information necessary to fulfill the duties of the position description as described in the DDL, or as otherwise authorized in writing by the originator.

c. Ensure that coworkers are informed of the limitations on access to information by the exchange person and their responsibilities in dealing with the individual.

d. Inform the person of his or her obligations, rights, and responsibilities.

15. Identification

a. Dress. Foreign exchange personnel shall wear their military uniform, if applicable, and wear in clear view a DoD building or installation pass or badge that identifies them as foreign nationals.

b. Status. Any other identification issued to foreign exchange personnel by the host DoD Component shall clearly identify the person's status as a foreign exchange person.

16. Certification of Conditions and Responsibilities

a. Foreign exchange personnel must sign a certification similar to the sample in enclosure 6 before being assigned to the host DoD Component.

b. Foreign exchange personnel assigned to positions that might provide access to technical data also must sign a certification governing the rights of the individual and the Department of Defense on inventions and rights in property.

SAMPLE DDL
FOREIGN VISITORS AND EXCHANGE PERSONNEL

The following DDL format should be used by DoD Components: (While all elements identified should be provided in the general order shown, information should be presented in the clearest and easiest-to-use manner.)

TITLE:

DATE:

1. CLASSIFICATION: Identify highest classification of information to be disclosed.
2. DISCLOSURE METHODS: E.g., oral, visual, or documentary. If documentary access is permitted, control procedures must be described in item 7., below.
3. CATEGORIES PERMITTED: Specify National Disclosure Policy categories to be disclosed.
4. SCOPE: Specify who is authorized to release material or information, and to whom disclosure is authorized.
5. AUTHORIZED FOR RELEASE AND/OR DISCLOSURE: Describe material, information, and documents to which access can be permitted. If access is permitted to information described in paragraph B.7.a. of enclosure 4, the specific agreement or other written authorization on which access is based must be cited.
6. NOT AUTHORIZED FOR RELEASE AND/OR DISCLOSURE: Describe material, information, and documents, or portions thereof, to which access is not permitted.
7. PROCEDURES: Specify review and release procedures for information that is not covered by the DDL, and describe controls and special security procedures (e.g., badges, briefings) established to limit access to information and controlled areas.
8. REDELEGATION: Specify the extent of redelegation of authority (if any) permitted to subordinate activities.

SAMPLE CERTIFICATION OF CONDITIONS AND RESPONSIBILITIES

I understand and acknowledge that I have been accepted for assignment to (name and location of organization to which assigned) as agreed between the (name of the country's defense establishment) and the United States Department of Defense. I further understand and acknowledge that I shall comply with the following conditions and responsibilities:

a. The purpose of the assignment is to gain knowledge of the organization, management, and operation of the host defense establishment. There shall be no access to technical data or other information except that which is required to perform the duties of the position to which I am assigned.

b. I shall perform only functions as described in the Position Description for my work assignment and shall not act in any other capacity for my government.

c. Access to information shall be limited to that information determined by my designated host supervisor to be necessary to fulfill the functions described in the Position Description for my work assignment.

d. All 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 to any other person, firm, organization, or government without the prior written authorization of the host government.

e. I shall not be appointed to a position that shall require me to exercise command or supervision over host government employees.

f. I have been briefed on, understand, and shall comply with all applicable security regulations of the host government.

(Signature)

(Typed Name)

(Grade and/or Title)

(Date)