



# Department of Defense INSTRUCTION

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Incorporating Change 1, August 31, 2018

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USD(A&S)

SUBJECT: Defense Research, Development, Test and Evaluation (RDT&E) Information Exchange Program (IEP)

- References:
- (a) DoD Instruction 2015.4, "Mutual Weapons Development Data Exchange Program (MWDDEP) and Defense Development Exchange Program," November 5, 1963 (hereby canceled)
  - (b) [DoD Directive 5134.1](#), "Under Secretary of Defense for Acquisition, Technology and Logistics (USD(AT&L))," April 21, 2000
  - (c) Section 2358 of title 10, United States Code
  - (d) Director, International Cooperation Memorandum, "DoD-wide Implementation of the Statement of Principles between the Department of Defense and the Department of Commerce concerning the Interagency Consultation Process for Acquisition, Technology and Logistics-related International Agreements," December 13, 2000
  - (e) through (h), see enclosure 1

## 1. REISSUANCE AND PURPOSE

This Instruction reissues reference (a) to:

1.1. Implement the responsibilities of the Under Secretary of Defense for Acquisition, Technology, and Logistics (USD(AT&L)), for entering into RDT&E exchanges with allied and friendly nations, as assigned in subparagraphs 3.2.10. and 3.2.16. of reference (b).

1.2. Update procedures and responsibilities for carrying out RDT&E information exchanges with allied and friendly nations to facilitate international cooperative research and development projects and research conducted under reference (c).

## 2. APPLICABILITY

This Instruction applies to the Office of the Secretary of Defense, the Military Departments, the Chairman of the Joint Chiefs of Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities within the Department of Defense (hereafter referred to collectively as "the DoD Components").

## 3. DEFINITIONS

Terms used in this Instruction are defined in enclosure 2.

## 4. RESPONSIBILITIES

4.1. The Director, International Cooperation under the Under Secretary of Defense for Acquisition, Technology, and Logistics, shall:

4.1.1. Provide policy guidance, oversight, and procedures for RDT&E information exchanges.

4.1.2. Ensure that there is overall equitability in the flow of information with partner nations, consistent with national security policy and DoD security policy.

4.1.3. Arbitrate IEP issues with the DoD Components.

4.1.4. Coordinate with the Department of Commerce to resolve disputes concerning proposed IEP Annexes in accordance with Director, International Cooperation Memorandum (reference (d)).

4.2. The General Counsel of the Department of Defense shall ensure that negotiation and conclusion of IEP agreements shall be sufficient legally and shall conform to the requirements of DoD Directive 5530.3 (reference (e)).

4.3. The Secretaries of the Military Departments are delegated authority to negotiate and conclude IEP annexes and shall:

4.3.1. Comply with all laws and regulations and protect the rights of third parties in information that is to be exchanged.

4.3.2. Ensure that authority to exchange the information covered by the annex (e.g., Delegation of Disclosure Authority Letters (DDLs)) has been issued by the proper authorities.

4.3.3. Before concluding an annex, provide a copy to the Department of Commerce for comment and a copy to the Director, International Cooperation (IC), for information in accordance with Director, International Cooperation Memorandum (reference (d)).

4.3.4. Ensure that IEP annexes include the equitable exchange of information, consistent with national security policy and DoD security policy. Monitor the flow of information in annexes under their cognizance; and take action, where necessary, in coordination with the Director, IC, to ensure that overall equitability between the partner nation and the annexes of all three Military Services is achieved.

4.3.5. Provide a copy of each concluded annex to the Director, IC.

4.3.6. Conduct initial and periodic technical project officer (TPO) IEP management and responsibilities training, maintain a tracking and reporting database, and a distribution system for IEP information.

4.3.7. Provide the Director, IC, with current status information of IEP agreements and annexes under their cognizance.

4.3.8. Conduct periodic bilateral and multilateral reviews with partner nations of IEPs to coordinate their management.

4.3.9. Conduct periodic internal reviews of IEPs for which they are responsible. Such reviews shall include assessment of the desirability of revising or terminating annexes that either have been inactive for a period of 5 years or that lack significant activity. They shall also assess the need for new annexes.

## 5. PROCEDURES

5.1. In order to foster a climate conducive to the establishment of international cooperative research and development projects, and to improve the results of research and development that is conducted under 10 U.S.C. 2358 (reference (c)), the Department of Defense encourages the exchange of information on RDT&E activities with allied and friendly nations. All DoD Components shall encourage RDT&E information exchanges. The exchanges shall be consistent with the DoD principles governing IEPs (enclosure 3), and shall support the following objectives to:

5.1.1. Explore opportunities for and promote future international RDT&E cooperation, standardization and interoperability.

5.1.2. Establish and/or nurture relationships between the technical communities of the U.S. Government and the technical communities of other nations (for the future acquisitions and promoting broader defense relationships).

5.1.3. Be aware of developments outside the United States in defense and defense-related RDT&E (for future acquisitions).

5.1.4. Learn what other nations are developing (for acquisition and broader defense planning activities).

5.1.5. Impart to partner nations the U.S. vision of the potential impact of information exchanges on various defense equipment programs (for acquisition and broader defense planning activities).

5.1.6. Reduce costs by avoiding unnecessary duplication of RDT&E efforts.

5.2. IEP agreements, with allied and friendly nations, which are covered by this Instruction, are for promoting cooperative research and development through the exchange of RDT&E information.

5.3. All IEP agreements, and associated annexes, shall:

5.3.1. Have defined boundaries on the information to be exchanged.

5.3.2. State that the information exchanged may be used by the partner nation solely for informational and evaluational purposes.

5.4. Besides the exchange of RDT&E information, IEP agreements and annexes shall promote the exchange of visits between technical personnel, by providing the official sanction and encouragement for routine dialog and creating a framework for such dialog.

5.5. Agreements covered by this Instruction shall not authorize the transfer of the following:

5.5.1. Materials and/or equipment;

5.5.2. Technical data packages;

5.5.3. Production and/or manufacturing information and data packages;

5.5.4. Price and availability information on U.S. production and/or operational systems; and/or,

5.5.5. Money.

5.6. IEP agreements and annexes shall contain procedures that expedite the exchange of RDT&E information.

5.7. IEP agreements and/or annexes may authorize information exchanges between the Department of Defense and the defense organization (department or ministry; etc.) of allied and friendly nations and their agents.

5.8. The most current approved version of the DoD international agreements generator shall be used for preparing IEP agreements, in accordance with the Deputy Secretary of Defense Memorandum (reference (f)).

5.9. Existing bilateral or multilateral agreements and their existing annexes are not required to be amended merely to comply with this Instruction. All new IEP agreements, including any new IEP annexes, to new or existing umbrella agreements, shall be consistent with this Instruction.

5.10. Without separate authority to release, neither classified nor controlled unclassified information may be transferred under IEP agreements or annexes. Authority to release classified information shall be in accordance with NDP - 1 (reference (g)), and shall be provided by such instruments as the DDLs. DDLs, which vary from country-to-country and from technology-to-technology, shall not be disclosed to the partner nation. Authority to release controlled unclassified information must be provided by the controlling authority. IEP agreements merely serve as the vehicles for the actual transfer of classified or unclassified information.

6. SUMMARY OF CHANGE 1. This change reassigns the office of primary responsibility for this Instruction to the Under Secretary of Defense for Acquisition and Sustainment in accordance with the July 13, 2018 Deputy Secretary of Defense Memorandum (Reference (h)).

7. EFFECTIVE DATE AND IMPLEMENTATION

This Instruction is effective immediately.



**E. C. Aldridge, Jr.**  
**Under Secretary of Defense for**  
**Acquisition, Technology, and**  
**Logistics**

Enclosures - 3

- E1. References, continued
- E2. Definitions
- E3. Principles for RDT&E IEP Agreements

E1. ENCLOSURE 1

REFERENCES, continued

- (e) [DoD Directive 5530.3](#), "International Agreements," June 11, 1987
- (f) Deputy Secretary of Defense Memorandum, "Streamlining the Development of International Research and Development (R&D) Agreements," September 14, 1994
- (g) 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 2, 2000
- (h) Deputy Secretary of Defense Memorandum, "Establishment of the Office of the Under Secretary of Defense for Research and Engineering and the Office of the Under Secretary of Defense for Acquisition and Sustainment," July 13, 2018

## E2. ENCLOSURE 2

### DEFINITIONS

#### E2.1. DEFINED TERMS

E2.1.1. Classified Information. Official information that requires protection for national security and is so designated by the application of a security classification marking.

E2.1.2. Controlled Unclassified Information. Unclassified information to which access or distribution limitations have been applied in accordance with applicable national laws or regulations. Whether the information is provided or generated under an agreement, the information shall be marked to identify its "in confidence" nature. It could include information, which has been declassified, but remains controlled.

E2.1.3. IEP Agreement. A bilateral or multilateral international agreement, entered into under the information exchange program established by this Instruction, between the Department of Defense or a DoD Component, and one or more foreign governmental entities, for the exchange of RDT&E information.

E2.1.4. IEP Annex. A supplementary annex to an IEP agreement that identifies specific, potential information exchange opportunities on which the Department of Defense or a DoD Component, and one or more foreign governmental entities, may wish to exchange RDT&E information. An IEP annex is not an international agreement.

E2.1.5. Information. Knowledge acquired in any manner by study or observation and the ideas inferred, regardless of form or type, including but not limited to, that of a scientific, technical, business, financial or programmatic nature, and also including photographs, reports, manuals, threat data, experimental data, test data, designs, specifications, processes, techniques, drawings, technical writings, sound recordings, magnetic media, pictorial representations and other graphical presentations, whether on magnetic tape or disk, computer memory or any other form, and whether or not subject to copyright, patent, or other legal protection.

E2.1.6. Information Exchange Program (IEP). The program established under this Instruction for the exchange of RDT&E information under a bilateral or multilateral, stand-alone or umbrella, international agreement, between the Department of Defense or a DoD Component, and one or more foreign governmental entities.

E2.1.7. Technical Data. Any information or knowledge on RDT&E including scientific, technical, performance, business, contractual, administrative, financial information, software and source code, regardless of form or type.



### E3. ENCLOSURE 3

#### PRINCIPLES FOR RDT&E IEP AGREEMENTS

##### E3.1. PRINCIPLES

E3.1.1. The benefits of obtaining RDT&E information through exchange are, as follows:

E3.1.1.1. To see different ways of approaching a similar technical challenge (possibly as a result of different engineering cultures).

E3.1.1.2. To identify and/or reveal technical approaches that either do or do not provide good results, and to avoid the cost of duplicating RDT&E.

E3.1.1.3. To expand the RDT&E information base.

E3.1.2. The scope of annexes shall be broad enough to allow sufficient flexibility in use of annexes over their life to follow changes in RDT&E information and evolving military requirements. The duration of IEP annexes shall be between 5 and 10 years with an option for extension for a further period. Factors to consider in determining the scope and duration of individual annexes include the goals of the annex, the technology being addressed, and the objectives and requirements of the partner nation.

E3.1.3. TPOs for annexes shall be empowered and trusted. The DoD Components shall establish controls and shall ensure maintenance of records of information that is exchanged.

E3.1.4. Classified information shall be treated as a national security asset that shall be protected and conserved, and may be shared with foreign governments and international organizations, only, where there is a clearly defined advantage to the United States.