

APPENDIX D

EXPORT-CONTROL AND DISTRIBUTION STATEMENTS ON TECHNICAL DOCUMENTS

A. Export-Control Notice. Any release to qualified U.S. contractors of technical data controlled by DoD Directive 5230.25 (*reference 1*) must be accompanied by a notice to the recipient as follows. The wording and underlining of the title must be duplicated exactly.

NOTICE TO ACCOMPANY THE DISSEMINATION
OF EXPORT-CONTROLLED TECHNICAL DATA

1. The export of information contained herein, which includes in some circumstances releases to foreign nationals within the United States, without first obtaining approval or license from the Department of State for items controlled by the International Traffic In Arms Regulations (ITAR), or the Department of Commerce for items controlled by the Export Administration Regulations (EAR), may constitute a violation of law.
2. Under 22 U.S.C. 2778 the penalty for unlawful export of items or information controlled under the ITAR is up to 2 years imprisonment, or a fine of \$100,000 or both. Under 50 U.S.C., Appendix 2410, the penalty for unlawful export of items or information controlled under the EAR is a fine of up to \$1,000,000, or five times the value of the exports, which ever is greater; or for an individual, imprisonment of up to 10 years, or a fine of up to \$250,000, or both.
3. In accordance with your certification that establishes you as a "qualified U.S. contractor," unauthorized dissemination of this information is prohibited and may result in disqualification as a qualified U.S. contractor, and may be considered in determining your eligibility for future contracts with the Department of Defense.
4. The U.S. Government assumes no liability for direct patent infringement, or contributory patent infringement or misuse of technical data.
5. The U.S. Government does not warrant the adequacy, accuracy, currency, or completeness of the technical data.
6. The U.S. Government assumes no liability for loss, damage, or injury resulting from manufacture or use for any purpose of any product, article,

system, or material involving reliance upon any or all technical data furnished in response to the request for technical data.

7. If the technical data furnished by the Government will be used for commercial manufacturing or other profit potential, a license for such use may be necessary. Any payments made in support of the request for data do not include or involve any license rights.

8. A copy of this notice shall be provided with any partial or complete reproduction of these data that are provided to qualified U.S. contractors.

B. Export-Controlled Warning. All technical documents that are determined to contain export-controlled technical data shall also be marked in accordance with DoD Directive 5230.24 (*reference m*) as follows:

WARNING -- This document contains technical data whose export is restricted by the Arms Export Control Act (Title 22, U.S. C., Sec 2751, et seq.) or the Export Administration Act of 1979, as amended, Title 50, U.S.C., App. 2401 et seq. Violations of these export laws are subject to severe criminal penalties. Disseminate in accordance with provisions of DoD Directive 5230.25.

When it is technically not feasible to use the entire statement, an abbreviated marking may be used, and a copy of the full statement may be added to the "Notice To Accompany Release of Export-Controlled Technical Data" described in paragraph A., above.

C. Distribution Statements. All DoD Components generating or responsible for technical documents shall determine their distribution availability and mark them in accordance with DoD Directive 5230.24 before primary distribution. Unclassified DoD technical documents shall be assigned distribution statement A, B, C, D, E, F, or X (see below). Classified DoD technical documents shall be assigned distribution statement B, C, D, E, or F. All documents that qualify for the Export-Controlled Notice shall be assigned distribution statement B, C, D, E, F, or X.

1. **Distribution Statement A.** Approved for public release; distribution is unlimited.

a. This statement may be used only on unclassified technical documents that have been cleared for public release by competent authority in accordance with DoD Directive 5230.09 (*reference uu*). Technical documents resulting from contracted fundamental research efforts will normally be assigned Distribution Statement A, except for those rare and exceptional circumstances where there is a high likelihood of disclosing performance characteristics of military systems, or of manufacturing technologies that are unique and critical to defense, and agreement on this situation has been recorded in the contract or grant.

- b. Technical documents with this statement may be made available or sold to the public and foreign nationals, companies, and governments, including adversary governments, and may be exported.
- c. This statement may not be used on technical documents that formerly were classified unless such documents are cleared for public release in accordance with DoD Directive 5230.09.
- d. This statement shall not be used on classified technical documents or documents containing export-controlled technical data as provided in DoD Directive 5230.25.

2. **Distribution Statement B.** Distribution authorized to U.S. Government Agencies only (fill in reason) (date of determination). Other requests for this document shall be referred to (insert controlling DoD office).

- a. This statement may be used on unclassified and classified technical documents.
- b. Reasons for assigning distribution statement B include:
 - (1) **Foreign Government Information.** To protect and limit the distribution in accordance with the desires of the foreign government that furnished the technical information. This information is normally classified CONFIDENTIAL or higher in accordance with DoD Regulation 5200.1-R (*reference j*).
 - (2) **Proprietary Information.** To protect information not owned by the U.S. Government and protected by a contractor's "limited rights" statement or received with the understanding that it not be routinely transmitted outside the U.S. Government.
 - (3) **Critical Technology.** To protect information and technical data that advance current technology and/or describe new technology in an area of significant or potentially significant military application or that relate to a specific military deficiency of a potential adversary. Information of this type may be classified or unclassified; when unclassified, it is export controlled and subject to the provisions of DoD Directive 5230.25.
 - (4) **Test And Evaluation.** To protect results of test and evaluation of commercial products or military hardware when such disclosure may cause unfair advantage or disadvantage to the manufacturer of the product.
 - (5) **Contractor Performance Evaluation.** To protect information in management reviews, records of contract performance evaluation, or other advisory documents evaluating programs of contractors.
 - (6) **Premature Dissemination.** To protect patentable information on systems or processes in the developmental or concept stage from premature dissemination.

(7) **Administrative or Operational Use.** To protect technical or operational data or information from automatic dissemination under the International Exchange Program or by other means. This protection covers publications required solely for official use or strictly for administrative or operational purposes. This statement may be applied to manuals, pamphlets, technical orders, technical reports, and other publications containing valuable technical or operational data.

(8) **Software Documentation.** Releasable only in accordance with DoD Instruction 7930.2 (*reference yyy*).

(9) **Specific Authority.** To protect information not specifically included in the above reasons and discussions, but which requires protection in accordance with valid documented authority such as Executive Orders, classification guidelines, DoD or DoD Component regulatory documents. When filling out the reason, cite "Specific Authority (identification of valid documented authority)."

3. **Distribution Statement C.** Distribution authorized to U.S. Government Agencies and their contractors (fill in reason) (date of determination). Other requests for this document shall be referred to (insert controlling DoD office).

a. Distribution statement C may be used on unclassified and classified technical documents.

b. Reasons for assigning distribution statement C include:

(1) **Foreign Government Information.** Same as distribution statement B.

(2) **Critical Technology.** Same as distribution statement B.

(3) **Software Documentation.** Same as distribution statement B.

(4) **Administrative or Operational Use.** Same as distribution statement B.

(5) **Specific Authority.** Same as distribution statement B.

4. **Distribution Statement D.** Distribution authorized to the Department of Defense and U.S. DoD contractors only (fill in reason) (date of determination). Other requests shall be referred to (insert controlling DoD office).

a. Distribution statement D may be used on unclassified and classified technical documents.

b. Reasons for assigning distribution statement D include:

- (1) **Foreign Government Information.** Same as distribution statement B.
- (2) **Critical Technology.** Same as distribution statement B.
- (3) **Software Documentation.** Same as distribution statement B.
- (4) **Administrative or Operational Use.** Same as distribution statement B.
- (5) **Specific Authority.** Same as distribution statement B.

5. **Distribution Statement E.** Distribution authorized to DoD components only (fill in reason) (date of determination). Other requests shall be referred to (insert controlling DoD office).

a. Distribution statement E may be used on unclassified and classified technical documents.

b. Reasons for assigning distribution statement E include:

- (1) **Direct Military Support.** The document contains export-controlled technical data of such military significance that release for purposes other than direct support of DoD-approved activities may jeopardize an important technological or operational military advantage of the United States. Designation of such data is made by competent authority in accordance with DoD Directive 5230.25.
- (2) **Foreign Government Information.** Same as distribution statement B.
- (3) **Critical Technology.** Same as distribution statement B.
- (4) **Software Documentation.** Same as distribution statement B.
- (5) **Administrative or Operational Use.** Same as distribution statement B.
- (6) **Specific Authority.** Same as distribution statement B.
- (7) **Proprietary Information.** Same as distribution statement B.
- (8) **Premature Dissemination.** Same as distribution statement B.
- (9) **Test and Evaluation.** Same as distribution statement B.
- (10) **Contractor Performance Evaluation.** Same as distribution statement B.

6. **Distribution Statement F.** Further dissemination only as directed by (insert controlling DoD office) (date of determination) or higher DoD authority.

- a. Distribution statement F is normally used only on classified technical documents, but may be used on unclassified technical documents when specific authority exists (e.g., designation as direct military support as in statement E).
- b. Distribution statement F is also used when the DoD originator determines that information is subject to special dissemination limitation specified by paragraph 4-505, DoD Regulation 5200.1-R.

7. Distribution Statement X. Distribution authorized to U.S. Government Agencies and private individuals or enterprises eligible to obtain export-controlled technical data in accordance with DoD Directive 5230.25 (date of determination). Controlling DoD office is (insert).

- a. Distribution statement X shall be used on unclassified documents when distribution statements B, C, D, E, or F do not apply, but the document does contain technical data as explained in DoD Directive 5230.25.
- b. This statement shall not be used on classified technical documents; however, it may be assigned to technical documents that formerly were classified.