

## **APPENDIX NN**

### **REFERENCES**

- (a) Public Law 101-189, "National Defense Authorization Act for Fiscal Years 1990 and 1991," (10 U.S.C. 2350a), November 29, 1989
- (b) Public Law 94-329, "The Arms Export Control Act (AECA)," (22 U.S.C. 2751 et seq.), June 30, 1976, as amended
- (c) Title 22, Code of Federal Regulations, Parts 120-130, "International Traffic in Arms Regulations," current edition
- (d) DoD 5105.38-M, "Security Assistance Management Manual," October 3, 2003, authorized by DoD Directive 5105.65, Defense Security Cooperation Agency, October 31, 2000
- (e) Public Law 96-72, "The Export Administration Act of 1979 (EAA)," (50 U.S.C. App. 2401 et seq.), September 29, 1979, as amended and currently extended by Executive Order 13222, August 17, 2001
- (f) Public Law 83-703, "Atomic Energy Act of 1954 (AEA)", August 30, 1954, as amended (Sections 2121, 2153, and 2164 of Title 42, United States Code)
- (g) Public Law 89-554, "Freedom of Information Act," (5 U.S.C. 552), September 6, 1966
- (h) DoD Regulation 5400.7-R, "DoD Freedom of Information Act Program," September 4, 1998, authorized by DoD Directive 5400.7, September 29, 1997
- (i) Executive Order 12958, "Classified National Security Information," April 17, 1995, as amended
- (j) DoD Regulation 5200.1-R, "Information Security Program Regulation," January 14, 1997
- (k) Title 10 U.S.C. 130, Section 140c, "Authority to Withhold from Public Disclosure Certain Technical Data" (Also known as Public Law 98-94)
- (l) DoD Directive 5230.25, "Withholding of Unclassified Technical Data from Public Disclosure," November 6, 1984, Ch. 1, August 18, 1995

- (m) DoD Directive 5230.24, "Distribution Statements on Technical Documents," March 18, 1987
- (n) 32 CFR Part 2001 and 2004 "Classified National Security Information" September 22, 2003 also known as Information Security Oversight Office (ISOO) Directive Number 1.
- (o) Executive Order 12333, "United States Intelligence Activities," December 4, 1981
- (p) Director of Central Intelligence Directive 6/7, "Intelligence Disclosure Policy (U)," June 30, 1998
- (q) Director of Central Intelligence Directive 6/6, "Security Controls on the Dissemination of Intelligence Information," July 11, 2001
- (r) DoD Directive C-5230.23, "Intelligence Disclosure Policy (U)," November 18, 1983
- (s) National Disclosure Policy (NDP-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, 1988, which is a reprint of the basic document dated September 9, 1981, and includes all changes through February 18, 1999<sup>1</sup>
- (t) National Security Decision Memorandum 119, "Disclosure of Classified United States Military Information to Foreign Governments and International Organizations," July 20, 1971
- (u) Title 15, Code of Federal Regulations, Parts 768-799, Export Administration Regulations," current edition
- (v) DoD Instruction S-5225.1, "Communications Security (COMSEC) Assistance to Foreign Governments and International Organizations (U)," November 4, 1983, Ch. 1, November 16, 1994
- (w) Joint Chiefs of Staff Instruction 6510.06, "Communication Security Releases to Foreign Nations", March 25, 2003
- (x) Deputy Under Secretary of Defense (Technology Security Policy and Counterproliferation) memo Subject: DoD Guidelines for Certifying Use of

---

<sup>1</sup> 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 Technology Security Policy and National Disclosure Policy (ODUSD/TSP&NDP).

- International Traffic in Arms Regulation (ITAR) Exemptions dated March 8, 2004.
- (y) "A Comparison of Direct Commercial Sales & Foreign Military Sales for the Acquisition of U.S. Defense Articles and Services," 10 August 1989, authorized by DoD Directive 5105.38, August 10, 1978<sup>2</sup>
  - (z) DoD 5220.22-M "National Industrial Security Program Operating Manual," February 2006,
  - (aa) Public Law 95-242, "Nuclear Non-Proliferation Act 1978," March 10, 1978
  - (bb) Public Law 82-593, (35 U.S.C. 184), July 19, 1952
  - (cc) Public Law 87-195, "The Foreign Assistance Act of 1961," (22 U.S.C. 2151 et seq.), September 4, 1961, as amended
  - (dd) DoD Directive 5530.3, "International Agreements," June 11, 1987, Ch. 1, February 18, 1991
  - (ee) DoD Directive 5230.11, "Disclosure of Classified Military Information to Foreign Governments and International Organizations," June 16, 1992
  - (ff) Deputy Secretary of Defense Memorandum, "Delegation of Authority to the Military Departments and Directors of Defense Agencies," November 27, 1990
  - (gg) DoD Directive 5230.20, "Visits and Assignments of Foreign Nationals," June 22, 2005
  - (hh) International Arms Cooperation Handbook, September 2003
  - (ii) Department of Defense FAR Supplement (DFARS), January 1988
  - (jj) Public Law 94-361, "DoD Authorization Act, 1977," (10 U.S.C. 2457), July 14, 1976
  - (kk) 41 U.S.C. 10a, "Buy American Act," 1933
  - (ll) Department of Defense FAR Supplement (DFARS), Subpart 225.3, "Balance of Payments Program," January 1988
  - (mm) DoD Directive 5000.01, "Defense Acquisition System," May 12, 2003. Certified Current as of November 20, 2007

---

<sup>2</sup> Published by the Defense Security Cooperation Agency.

- (nn) DoD Instruction 5000.02, "Operation of the Defense Acquisition System," December 8, 2008
- (oo) DoD Instruction 5200.39, "Critical Program Information (CPI) Protection Within the Department of Defense," July 16, 2008
- (pp) DoD Directive 4500.54, "Official Temporary Duty Travel Abroad," May 1, 1991. Certified current as of November 21, 2003.
- (qq) DoD Directive 2100.3, "United States Policy Relative to Commitments to Foreign Governments Under Foreign Assistance Programs," July 11, 1963, Ch. 1, August 8, 1972
- (rr) DoD Instruction 2040.02, "International Transfers of Technology, Goods, Services, and Munitions," July 10, 2008
- (ss) DoD Instruction 5400.04, "Provision of Information to Congress," March 17, 2009
- (tt) DoD Directive 5405.2, "Release of Official Information in Litigation and Testimony by DoD Personnel as Witnesses," July 23, 1985
- (uu) DoD Directive 5230.09, "Clearance of DoD Information for Public Release," August 22, 2008.
- (vv) DoD Instruction 3200.14, "Principles and Operational Parameters of the DoD Scientific and Technical Information Program," May 13, 1997, Ch. 1, June 5, 1998; Ch. 2, March 20, 2000; Ch. 3, June 28, 2001.
- (ww) Title 5 United States Code, Section 552a, as amended, "The Privacy Act" and the "DoD Privacy Program" DoD Regulation 5400.11-R, May 14, 2007.
- (xx) DoD Directive 8500.01E, "Information Assurance (IA)," October 24, 2002, and its implementing instructions, DoD Instruction 8500.2, "Information Assurance (IA) Implementation," February 6, 2003
- (yy) Technical Data Control Regulations (TDCR), SOR/86-345, 20 March 1986, (Canadian)
- (zz) U.S.-Canada Joint Certification Program publication, "Control of Unclassified Technical Data with Military or Space Application," March 1991<sup>3</sup>

---

<sup>3</sup> Copies may be obtained from Defense Technical Information Center, ATTN: DTIC-BR, 8725 John J. Kingman Rd., Ste 0944, Ft. Belvoir, VA 22060-6218. See Defense Logistics Agency Manual DLAM

- (aaa) Title 10 United States Code, Section 2341 et seq., Cooperative Agreements with NATO and other Allies
- (bbb) Federal Acquisition Regulation, current edition
- (ccc) Title 10 United States Code, Sections 2667, Leases: Non-excess Property and 2675: Leases, Foreign Countries
- (ddd) DoD Directive 2010.9, "Acquisition and Cross Servicing Agreements," April 28, 2003
- (eee) DoD Instruction 2000.03, "International Exchange of Patent Rights and Technical Information," March 11, 1959, Ch. 1, February 10, 1961; Ch. 2, May 31, 1961
- (fff) DoD Instruction 5200.33, "Defense Courier Operations (DCO)," May 19, 2007
- (ggg) DoD Regulation 5200.33-R, "Defense Courier Service Regulation," January 19, 1995, Ch. 1, August 8, 1998
- (hhh) DoD Regulation 4500.9-R, "Defense Transportation Regulations," current edition
- (iii) DoD 4525.8-M, "DoD Official Mail Manual," December 26, 2001, authorized by DoD Instruction 4525.8, December 26, 2001
- (jjj) DoD Regulation 5200.2-R, "Personnel Security Program," January 1, 1987, Ch. 1, February 12, 1990; Ch. 2, July 14, 1993; Ch. 3, February 23, 1996
- (kkk) DoD 4500.54-G, "DoD Foreign Clearance Guide," January 5, 1992, authorized by DoD Directive 4500.54, May 1, 1991<sup>4</sup>
- (lll) Defense Acquisition Guidebook (formerly DoD 5000.2-R), December 20, 2004
- (mmm) Chairman of the Joint Chiefs of Staff Instruction 3170.01, "Joint Capabilities Integration and Development System," June 24, 2003
- (nnn) Chairman of the Joint Chiefs of Staff Manual, "Operation of the Joint Capabilities Integration and Development System," June 24, 2003
- (ooo) MIL-STD-1785, "System Security Engineering Program Management Requirements," September 1, 1989

---

4185.16 for registration procedures.

<sup>4</sup> Not releasable outside the U.S. Government.

- (ppp) DoD Directive 5100.55, "United States Security Authority for North Atlantic Treaty Organization Affairs," April 21, 1982
- (qqq) DoD Instruction C-5220.29, "Implementation of the North Atlantic Treaty Organization Industrial Security Procedures (U)," December 15, 1982
- (rrr) Title 10 United States Code, Section 128, "Physical Protection of Special Nuclear material: Limitation on Dissemination of Unclassified Information"
- (sss) Title 42 United States Code, Section 2162, "Restricted Data and formerly Restricted Data"
- (ttt) Title 10 United States Code, Section 1102, "Confidentiality of Medical Quality Records: Qualified Immunity Participants"
- (uuu) Title 35 United States Code, Section 181-188, "Patent Secrecy"
- (vvv) Title 50 United States Code, Section 403(d) (3), "Protection of Intelligence Sources and Methods"
- (www) Public Law 86-36," National Security Information Exemption," June 10, 1959
- (xxx) Title 18 United States Code, Section 798, "Communications Intelligence," June 10, 1959
- (yyy) DoD Instruction 7930.2, "ADP Software Exchange and Release, December 31, 1979
- (zzz) DoD 5100.76-M, "Physical Security of Sensitive Conventional Arms, Ammunition and Explosives", August 12, 2000. Issued under authority of DoD Directive 5100.76, "Physical Security Review Board," dated February 10, 1981.
- (aaaa) DoD Instruction 5230.29, "Security and Policy Review of DoD Information for Public Release, August 6, 1999
- (bbbb) DoD Instruction 5200.08, "Security of DoD Installations and Resources," December 10, 2005
- (cccc) Public Law 104-201, "National Defense Authorization Act For Fiscal Year 1997," "September 23, 1996.
- (dddd) DoD Directive 8320.02, "Data Sharing in a Net-Centric Department of Defense," December 2, 2004.