

Section 1–6. International Agreement Procedures

U.S. law requires an international agreement/arrangement (IA) for all ICPs. An international agreement/arrangement is one that is established with one or more foreign governments including their agencies, instrumentalities, or political subdivisions, or with an international organization. An international “agreement” delineates the respective “obligations” of the United States and partner nation(s) and is considered binding under international law. Similarly, an international “arrangement” delineates the respective “responsibilities” of the United States and partner nation(s) and is not considered binding under international law. [Section 1-6](#) discusses the “streamlined agreement[/arrangement] procedures” and resources applicable to all acquisition-related IAs (agreements and arrangements) under the authority of OUSD(A&S).

Per [DoDI 5000.85](#), Appendix 3C, DoD Components are encouraged to use the OUSD(A&S) “streamlined agreement procedures” for all acquisition-related IAs to comply with the more extensive IA documentation and coordination requirements described in [DoDI 5530.03](#) (para 5.2), “International Agreements.” MILDEPS and other DoD Components using these procedures should obtain authority through this process from the Executive Director, International Cooperation, OUSD(A&S)/IC, prior to initiating negotiations on or concluding such IAs. Refer to the [A&S-IC website](#) for further details on IA processes and procedures.

Section 1–6.1 Preparation, Documentation, Coordination, and Approval

The following procedures apply to DoD Components seeking to develop an acquisition-related IA:

Request for Authority to Develop and Negotiate (RAD) for an IA:

- **Pre-RAD Actions.** In the planning and development of IAs, program staff members should consult with the cognizant DoD Component’s International Programs Organization (i.e., [Deputy Assistant Secretary of the Army for Defense Exports and Cooperation](#), [Navy International Programs Office](#), [Deputy Under Secretary of the Air Force for International Affairs](#)). Program staff members should work with their foreign disclosure, legal, contracting, comptroller, and other relevant offices, and follow the provisions of the most recent version of DoD IA Generator (DoD IA Generator) products (i.e., document templates, formats, and guidance). The supporting IPO should consult with OUSD(A&S)/IC prior to the development of an IA to ensure the latest DoD IAG template or guidance is being applied. Program managers should contact their responsible IPO for specific details about obtaining and using the DoD IAG.
- **RAD Initiation.** Prior to providing proposed IA text to the foreign partner (i.e., initiating formal IA negotiations), the DoD Component should prepare and obtain OUSD(A&S)/IC approval of a RAD package. This package will be comprised of a cover memo signed by senior-level management requesting such authority, a Summary Statement of Intent (SSOI) that describes the DoD Component’s “business case” for the proposed project, a copy of any applicable master/framework IA, and the draft IA text. All such RAD packages should be submitted via OUSD(A&S)/IC’s International Agreement Tracking System (IATS) SharePoint-based website.
 - All DoD Components should prepare a complete RAD package for Memoranda of Agreement/ Understanding (MOAs/MOUs), including Master Information/Data Exchange Agreements/Arrangements (MIEAs/MDEAs), and forward the RAD package under a senior-level management cover memo to OUSD(A&S)/IC for approval.
 - The three MILDEPS and the Missile Defense Agency have delegated authority, in accordance with strict guidelines from OUSD(A&S)/IC, to develop and negotiate, but not conclude, Project Arrangements/Agreements (PAs) under a master/framework agreement/arrangement, Equipment and Material Transfer Arrangements/Agreements (E&MTAs), under a master/framework IA, and [22 USC 2796d](#) (Arms Export Control Act (AECA) Section 65) Loan Agreements (LAs). (Note: This delegated RAD approval process is further described in [Section 1-6.1.1](#)). All other DoD Components are required to provide a RAD package to OUSD(A&S)/IC for such approval.

- The three MILDEPS have authority to develop, negotiate, and conclude Information/Data Exchange Annexes (IEAs/DEAs) under MIEAs/MDEAs after obtaining the concurrence of its own legal, foreign disclosure, and other relevant officials as part of its internal approval procedures. All other DoD Components should provide a RAD (and RFA) package to OUSD(A&S)/IC for approval. In all cases, these IEAs/DEAs should be developed in accordance with [DoDI 2015.4](#).
- ICPs that include the exchange or generation of classified information or controlled unclassified information require a Delegation of Disclosure Authority Letter (DDL) or other written authorization issued by the DoD Component's cognizant FDO prior to entering into discussions with potential foreign partners. The DoD Component is not required to submit the DDL with the RAD package; however, the SSOI should include a statement confirming that such authorization exists.
- **RAD Coordination/Approval.** OUSD(A&S)/IC reviews the RAD package for completeness and quality, which may include a return without action (RWA) to resolve substantial issues with the DoD Component, and then conducts DoD/interagency coordination, as appropriate. The standard review period for MOAs/MOUs is 10 working days and their standard coordination period is 20 working days. For PAs, E&MTAs, and LAs, the standard review period is 5 working days and their coordination period is 15 working days. These periods may be expedited upon senior-level request at OUSD(A&S)/IC's discretion. OUSD(A&S)/IC then adjudicates any staffing comments prior to granting authority to develop and negotiate the IA via a formal memo.
- **IA Negotiation.** Typically, within 3-9 months of receipt of RAD authority, the DoD Component will complete negotiations of an IA in accordance with the provisions of the most recent version of the DoD IAG. OUSD(A&S)/IC may also assist the DoD Components as needed, answering questions or providing guidance during negotiations, especially for any significant deviations to established procedures in the DoD IAG or other IA policy and guidance.

Request for Final Authority to Conclude (RFA) IAs:

- **RFA Initiation.** The DoD Component prepares the RFA package, which is comprised of a cover memo signed by senior-level leadership requesting such authority, an updated SSOI, a copy of any applicable master/framework IA, and the negotiated IA text. For those IAs for which OUSD(A&S)/IC provided RAD authority, the RFA package should also include a tracked-change version of the IA text that clearly indicates the changes made to the RAD-approved text, as well as a brief comment explaining the reason for each change. All such RFA packages should be submitted via OUSD(A&S)/IC's IATS SharePoint-based website. Additional RFA document requirements include:
 - IAs using [22 USC 2767](#) of the Arms Export Control Act (AECA Section 27) as the legal authority should include a Project Certification for congressional notification.
 - IAs using [10 USC 2350a](#) as the legal authority should include a draft "determination."
 - IAs using [10 USC 2350a](#) as the legal authority with partners designated a "friendly foreign country" (i.e., countries that are not NATO members or major non-NATO allies) should include a Project Report for congressional notification.
 - Amendments to IAs should include a copy of the original IA and any prior amendments, as well as a copy of that IA's originally-approved SSOI.
 Each of the above additional documents should be developed in accordance with the latest available template.
- **RFA Coordination/Approval.** OUSD(A&S)/IC next reviews the package for completeness and quality, which may include an RWA to resolve substantial issues with the DoD Component, and then conducts DoD/interagency coordination, as appropriate. The standard review and coordination period is the same as that for the RAD process. Once again, this period may be expedited upon senior-level request at OUSD(A&S)/IC's discretion. OUSD(A&S)/IC then adjudicates any staffing comments prior to granting authority to conclude the IA via a formal memo. Note that the RFA coordination process regularly results in IA text changes that require re-engagement and further negotiations with the partner

nation(s). Upon completion of RFA package staffing, but before OUSD(A&S)/IC provides RFA approval, the following actions are applicable:

- For IAs using [10 USC 2350a](#) legal authority, OUSD(A&S)/IC requests a determination from the relevant official in accordance with 10 [USC 2350a\(b\)](#) that the project will improve, through the application of emerging technology, the conventional defense capabilities of NATO or common conventional defense capabilities of the United States and the partner nation.
- For IAs using [10 US 2350a](#) legal authority with those partners designated as a “friendly foreign country,” OUSD(A&S)/IC submits to Congress a Project Report for a required period of 30 calendar days.
- For IAs using [22 USC 2767](#) legal authority, OUSD(A&S)/IC submits to Congress a Project Certification for a required period of 30 calendar days. For such IAs that are binding under international law, OUSD(A&S)/IC also requests a 21 working-day coordination from the Department of State (DoS).

Section 1–6.1.1 Delegated RAD Approval Process

An additional element of the “streamlined agreement procedures” is the IA delegated RAD approval process, which is an accredited IA coordination process applicable only to PAs, E&MTAs, and LAs. As stated earlier, all three MILDEPS and the Missile Defense Agency currently have this authority from OUSD(A&S)/IC to develop and negotiate, but not conclude, these types of IAs. DoD Components interested in this delegated authority must formally apply to OUSD(A&S)/IC to obtain it, but only after demonstrating a deep understanding of the legal, regulatory, and policy aspects of developing, negotiating, and concluding IAs. A separate delegated authority, known as “Streamlining II” and authorized only for the Department of the Navy, is no longer in use and is not described here. The following procedures apply to DoD Components who have been delegated RAD approval authority:

- **RAD Initiation/Coordination/Approval.** The DoD Component prepares a RAD package, as described previously, and obtains the concurrence of its own legal, financial management, foreign disclosure, and other relevant officials as part of its internal, DoD Component RAD approval procedures. Upon completion of coordination, the RAD package should be approved at the DoD Component’s senior management level. The DoD Component should strictly adhere to the IA models within the relevant framework IA and coordinate with OUSD(A&S)/IC on any substantive deviations from those models.
- **RFA Initiation/Coordination/Approval.** Upon conclusion of IA negotiations, the DoD Component should follow the standard procedures in [Section 1-6](#) to obtain RFA approval.

Section 1-6.1.2 Nuclear, Chemical, and Biological Fields Coordination

OUSD(A&S)/IC coordinates all IAs (including MOAs/MOUs, PAs, E&MTAs, and LAs) and IEAs/DEAs relating to nuclear, chemical, and biological (NCB) weapons technologies (including defenses against such technologies) with the Office of the Assistant Secretary of Defense for [Nuclear, Chemical and Biological Defense](#) Programs prior to approving the IA for negotiations or conclusion. DoD policy also requires such coordination as part of a DoD Component’s delegated RAD approval processes for NCB-related IAs.

Section 1–6.2 A&S IA Services and Responsibilities

OUSD(A&S)/IC oversees, develops and maintains the following policy, guidance, and tools in support of DoD Component IA development, negotiation, and conclusion:

- The IATS SharePoint-based website
- RAD/RFA package requirements and coordination processes
- SSOI format requirements and drafting guidance
- DoD IAG products, including MOA/MOU, MIEA/MDEA, PA, E&MTA, and LA templates, models, and guidance
- IEA/DEA format requirements and drafting guidance