

05 August 1992

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Requests for Information

1. References:

a. AR 380-10 and AMC Suppl 1, Disclosure of Information and Visits and Accreditation of Foreign Nationals.

b. National Disclosure Policy.

c. DOD 5105.38-M, Security Assistance Management Manual.

2. Often times during management reviews (PMRs, IPRs, SARs, etc.) or visits representatives from a country or international organization will request information (e.g., documentation, price and availability (P&A) data). Following are the procedures to be used when this occurs:

a. All requests for information, no matter how informal the request, e.g., oral, letter, message, etc., are considered to be P&A requests and require the same channels of submission as an Letter of Request (LOR) for P&A or an LOA. The utmost discretion must be exercised by U.S. officials in discussions of P&A data with foreign government or international organization officials. The LOR must be validated to ensure the potential customer is an eligible FMS recipient, that the article or service sought may be sold and that the request was received through proper channels. Only specific data approved and provided by USASAC or DSAA should be used.

b. It is the policy of the U.S. to avoid creating false impressions of its readiness to make available classified military materiel, technology, or information. Lack of strict adherence to this policy may create problems. Much military hardware is unclassified. However, this same unclassified hardware, if sold, may require the release of sensitive classified information for its operation or maintenance, or for the foreign recipient to receive training on it. Therefore, the disclosure decision must be made based on the classification level of all information which may be required for release if the system were to be acquired. If the proposed foreign recipient is not authorized to receive the highest level of classified information required, no information, not even unclassified may be released or discussed until the required authority is obtained. This means that there can be no

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weapon specific information, and no release of P&A data, until authority is obtained to release the highest level of classified information ultimately required for disclosure.

c. It is DOD policy to treat defense-related technology as a valuable and limited national security resource. Any export or re-export of defense related technical data of U.S. origin to a foreign recipient must be approved under the AECA and will only be released under FMS procedures.

d. In accordance with reference 1a, U.S. individuals participating in reviews must refrain from receiving and accepting verbal requests for Category 2 information beyond the scope authorized for release under the LOA. Foreign representatives making verbal requests for information not within the scope of the LOA should be instructed to submit such requests through security assistance channels. Furthermore, requestors of Category 3 should be advised to seek such information through their embassy to HQDA (DAMI-CIT). This information may only be considered for disclosure under the auspices of international cooperative research and development agreements authorizing foreign participation in the development of a specific system.

3. The following types of information are not authorized for release/disclosure during reviews:

a. Category 2 (Military Material and Munition) information on systems, items of equipment, and components not included or approved in the scope of the LOA(s) being reviewed.

b. Category 3 (Applied Research and Development Information) data which are still in research, development, testing and evaluation process.

c. Category 2 data on systems which are fielded, but for which the requesting country has not sought P&A or an LOA through official FMS channels.

4. Points of contact are Ms. D.Burgess, AMSAC-MP-R, DSN 284-8433, or Mr. J. Wamsley, AMSAC-MI, DSN 284-8371.

FOR THE COMMANDER:

//Signed//
JAMES C. THOMAS, SR.
Chief, Policy and
Procedures Division