Department of Defense
DIRECTIVE

NUMBER 5230.20
June 22, 2005

USD(P)

SUBJECT: Visits and Assignments of Foreign Nationals

References: (a) DoD Directive 5230.20, "Visits, Assignments, and Exchanges of Foreign Nationals," August 12, 1998 (hereby canceled)
(b) Section 2608(a) of title 10, United States Code
(c) DoD 5025.1-M, "DoD Directives System Procedures," March 5, 2003
(d) DoD 5220.22-M, "National Industrial Security Program Operating Manual," January 1995
(e) through (v), see enclosure 1

1. REISSUANCE AND PURPOSE

This Directive:

1.1. Reissues reference (a) to update policies and responsibilities governing visits and assignments of foreign nationals to the DoD Components and cleared contractor facilities.

1.2. Continues to authorize the International Visits Program (IVP), the Foreign Liaison Officer (FLO) Program, the Defense Personnel Exchange Program (DPEP), the Cooperative Program Personnel (CPP) Program, and foreign personnel arrangements pursuant to reference (b).

1.3. Authorizes publication of a DoD foreign attaché manual.

1.4. Authorizes the Under Secretary of Defense for Policy (USD(P)) to publish an implementing Instruction consistent with reference (c).

1.5. Assigns the Under Secretary of Defense for Intelligence the responsibility for incorporating the requirements of this Directive into reference (d).

2. APPLICABILITY AND SCOPE

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

2.2. This Directive applies to all foreign nationals, visiting or assigned to the DoD Component and cleared contractor facilities. Visits by foreign nationals to cleared contractor facilities are further described in reference (d).

2.3. This Directive does not apply to:

2.3.1. The employment of foreign nationals by the DoD Components in the United States or overseas.

2.3.2. Non DoD-sponsored visits conducted at DoD cleared contractor facilities that involve access only to unclassified information, provided such information is authorized for release pursuant to the Department of State's International Traffic in Arms Regulations (reference (e)) or the Department of Commerce's Export Administration Regulations (reference (f)).

2.3.3. Visits by foreign national employees of U.S. contractors owned by foreign interests. Such visits will be processed in accordance with reference (d).

2.3.4. Non DoD sponsored visits by foreign nationals who are not representing their government in an official capacity. Access to the DoD Component and cleared contractor facilities by such persons will be handled on the same basis as public visits.

2.3.5. Visits for activities that are open to the public.

3. DEFINITIONS

Terms used in this Directive are defined in enclosure 2.

4. POLICY

It is DoD policy that:

4.1. The decision to grant access to classified information and Controlled Unclassified Information (CUI) during visits by foreign nationals to the DoD Component and cleared contractor facilities shall be consistent with the security and foreign policy interests of the United

States. Foreign nationals shall have access to classified information at the DoD Components or cleared contractor facilities only if they are officially sponsored by their government or international organization and a Security Assurance is provided. Only foreign nationals in an "official visit" status may be assigned to Component organizations. Access to the DoD Components shall be controlled pursuant to DoD 5200.8-R (reference (g)).

4.2. For every proposed official visit by a foreign national to a DoD Component or cleared contractor facility, the following determinations shall be made by authorized officials at the activity or facility to be visited:

4.2.1. Information to be released during the visit has been reviewed and approved for release prior to the visit by the appropriate Principal Disclosure Authority (PDA) or a Designated Disclosure Authority in accordance with DoD Directive 5230.11, DoD Directive 5230.25, and DoD 5400.7-R (references (h), (i), and (j)) as appropriate, or an export license has been issued or an export exemption granted in accordance with reference (e) or reference (f).

4.2.2. The foreign national visitor to whom the information is to be released has a need-to-know consistent with paragraph 4.5. When classified information is involved, an appropriate Security Assurance has been provided by the visitor's government.

4.2.3. Authorized officials at the activity or facility to be visited approved the time and place of the visit and ensured that the appropriate security measures are in place for the visit.

4.3. In addition to the determinations above, the terms and conditions for all assignments of foreign nationals to the DoD Components shall be established in a legally binding international agreement, or an annex to such agreement, which shall be negotiated pursuant to DoD Directive 5530.3 (reference (k)). As an exception to this policy, FLOs to be assigned to the DoD Components in support of Foreign Military Sales may be assigned pursuant to the terms of a Letter of Offer and Acceptance (LOA) or LOA annex, provided there is a General Security of Information Agreement in place (reference (k)) with the FLOs government and the LOA contains appropriate elements of information.

4.4. The requests for coordination and approval of DPEP, CPP, and foreign personnel arrangements, pursuant to reference (b), shall include a position description and a Delegation of Disclosure Authority Letter (DDL) or equivalent written disclosure guidance, and be submitted according to reference (k). Requests for FLO agreements shall include a DDL.

4.5. Access by foreign nationals to classified information shall be in accordance with reference (h) and DoD 5200.1-R (reference (l)). They shall have access only to information that does not exceed the level authorized under National Disclosure Policy (NDP)-1 (reference (m)) for release to their governments. Exceptions to NDP-1 shall not be granted to accommodate the assignment of FLOs, DPEP, CPP, or foreign personnel arrangements (reference (b)).

4.6. A Contact Officer knowledgeable in the policies herein shall be designated for foreign nationals assigned to organizations of the DoD Components or cleared contractor facilities.

4.7. Requests for official visits within the United States shall be submitted through the sponsoring government's Embassy in Washington, D.C. or by the sponsoring international organization using the Foreign Visits System (FVS) and IVP procedures.

4.8. DoD sponsored visits by foreign nationals to the DoD Components, except visits at activities or events that are open to the general public, shall be documented using the Foreign Visits System Confirmation Module (FVS-CM) where practicable. Contractors shall maintain records of foreign visitors as required by reference (d).

4.9. Prior to assigning an FLO or CPP to a cleared contractor facility, the DoD Components shall coordinate, in advance, with the contractor facility and the Director, Defense Security Service to establish written responsibility for security oversight of the FLO and CPP activities.

4.10. An approved properly documented FVS Request for Visit (RFV) authorization constitutes an authorization to disclose the information specified in the RFV and may constitute an exemption to the licensing requirements of reference (e) or reference (f) for government programs. They shall not be used to circumvent export licensing requirements that are imposed on defense contractors by reference (e) for commercial programs.

4.11. The training of foreign nationals shall be in compliance with reference (h), DoD 5105.38-M (reference (n)), and Section 168 of title10, United States Code (reference (o)).

4.12. All DoD personnel responsible for negotiating, overseeing, managing, executing or otherwise participating in international activities shall successfully complete one or more of the courses required by Deputy Secretary of Defense Memorandum dated October 22, 1999 (reference (p)).

4.13. The DoD Components shall account for DoD sponsored Foreign Personnel in the United States as specified by Deputy Secretary of Defense Memorandum dated May 18, 2004 (reference (q)).

5. RESPONSIBILITIES

5.1. The Under Secretary of Defense for Policy shall:

5.1.1. Establish DoD policy and procedures for programs which entail visits and assignments of foreign nationals to the DoD Component and cleared contractor facilities.

5.1.2. Issue a DoD Instruction to implement this Directive, provide oversight for the programs covered by this Directive and, when appropriate, grant requests submitted in accordance with reference (k) for authority to negotiate and conclude international agreements involving assignments of foreign nationals to facilities of DoD Component organizations.

5.1.3. Administer the Administrative and Professional Personnel Exchange Program (APEP) assignments in the OSD and the Defense Agencies.

5.1.4. Direct the Policy Chief Information Officer to provide automation for FVS, FVS-CM, and Foreign Disclosure System application through the Security Policy Automation Network.

5.2. The Under Secretary of Defense for Acquisition Technology and Logistics shall:

5.2.1. Administer the Engineer and Scientist Personnel Exchange Program (ESEP) and issue instructions to ensure ESEP agreements are in compliance with this Directive.

5.2.2. Maintain the arrangement with the Department of the Navy's International Programs Office to maintain the automated data base containing negotiating guidance and formats for agreements required under this Directive.

5.3. The Under Secretary of Defense (Comptroller)/Chief Financial Officer shall:

5.3.1. Establish policies and procedures to ensure that financial responsibilities are identified in assignments.

5.3.2. Review and, when appropriate, accept on the behalf of the Secretary of Defense the contribution of services of foreign personnel pursuant to reference (b) in coordination with the USD(P) and the General Counsel, Department of Defense. Such arrangements shall be consistent with this Directive.

5.4. The Under Secretary of Defense for Intelligence shall:

5.4.1. Direct the Deputy Under Secretary of Defense (Counterintelligence and Security) to incorporate the requirements of this Directive into reference (d).

5.4.2. Delegate to the Director, Defense Intelligence Agency (DIA), authority to administer the Defense Intelligence Personnel Exchange Program (DIPEP) and the visits to the Secretary of Defense, the Deputy Secretary of Defense, and the Chairman and Vice Chairman of the Joint Chiefs of Staff under the Foreign Counterpart Visit Program.

5.4.3. Direct the Director, DIA, to:

5.4.3.1. Issue procedures governing the negotiation and conclusion of agreements for the assignment of foreign intelligence personnel to the DoD Components under the DIPEP, consistent with this Directive.

5.4.3.2. Using the FVS, coordinate and process RFVs for proposed visits by foreign nationals to the OSD, the Offices of the Chairman of the Joint Chiefs of Staff, the Defense Agencies, and their contractors, except those visits approved by the Director, National Security Agency/Central Security Service (NSA/CSS) and/or the immediate offices of the Secretary of Defense and the Deputy Secretary of Defense."

5.4.3.3. Issue a DoD foreign attaché manual, subject to final approval by the USD(P), which provides foreign embassies with standard instructions and formats governing visit requests, documenting requests, processing assignments of their representatives to the DoD Components, and documenting visits to DoD cleared contractor facilities.

5.4.4. Direct the Director, Defense Security Service to:

5.4.4.1. Provide security oversight for visits and assignments of foreign nationals to DoD cleared contractor facilities to include review and approval of Technology Control Plans developed by the contractor, as appropriate, to ensure compliance with this Directive.

5.4.4.2. Provide security assessments on the risks associated with proposed assignments of foreign nationals to DoD cleared contractor facilities when requested by the DoD Components.

5.4.5. Direct the Director, National Security Agency/Central Security Service to establish a system for administering visits and assigning of foreign nationals to the NSA/CSS consistent with this Directive.

5.4.6. Direct the Director, National Geospatial-Intelligence Agency (NGA) to use the FVS for administering visits and assigning foreign nationals to the NGA consistent with this Directive.

5.5. The Assistant Secretary of Defense for Networks and Information Integration shall develop and issue procedures and standards governing access to the DoD Component's information technology systems by foreign nationals. Access to classified information and CUI shall be limited to information authorized for release to the foreign national's government or international organization.

5.6. The Heads of the DoD Components shall:

5.6.1. Designate, in writing, a PDA to implement this Directive within his or her cognizance and establish written procedures and processes to approve or deny requests for visits and assignments of foreign nationals covered by this Directive.

5.6.2. Process and record the decisions on RFV authorizations involving access by foreign nationals to classified information and CUI.

5.6.3. Ensure that all assignments of foreign nationals are in accordance with legally binding international agreements and prepared according to this Directive.

5.6.4. Ensure the contents of all specialized training in foreign disclosure and security requirements for international programs are coordinated with the Deputy Under Secretary of Defense for Technology Security Policy and Counter-Proliferation (DUSD(TSP&CP)) pursuant to reference (p).

5.6.5. Forward any inquiries on the application of this Directive to the Office of the DUSD(TSP&CP).

5.7. The Secretaries of the Military Departments, in addition to the responsibilities in paragraph 5.6., shall:

5.7.1. Administer the Military Personnel Exchange Program (MPEP) within their Departments and coordinate, negotiate, and conclude the agreements or annexes for MPEP assignments consistent with this Directive.

5.7.2. Issue procedures, consistent with this Directive, governing official and unofficial visits of foreign nationals to DoD organizations abroad.

5.8. The Chairman of the Joint Chiefs of Staff shall issue procedures consistent with this Directive governing official and unofficial visits of foreign nationals to the Combatant Commands, including the assignment of FLOs.

6. EFFECTIVE DATE

This Directive is effective immediately.

Gordon England
Acting Deputy Secretary of Defense

Enclosures - 2
E1. References, continued
E2. Definitions

E1. ENCLOSURE 1

REFERENCES, continued

(e) Title 22, Code of Federal Regulations, Part 120-130, "International Traffic in Arms Regulations," current edition
(f) Title 15, Code of Federal Regulations, subchapter C, "Export Administration Regulations," current edition
(g) DoD 5200.8-R, "Physical Security Program," May 1991
(h) DoD Directive 5230.11, "Disclosure of Classified Military Information to Foreign Governments and International Organizations," June 16, 1992
(i) DoD Directive 5230.25, "Withholding of Unclassified Technical Data from Public Disclosure," November 6, 1984
(j) DoD 5400.7-R, "DoD Freedom of Information Act (FOIA) Program," September 1997
(k) DoD Directive 5530.3, "International Agreements," June 11, 1987
(l) DoD 5200.1-R, "Information Security Program Regulation," January 1997
(m) National Disclosure Policy-1, "National Policy and Procedures for the Disclosure of Classified Military Information to Foreign Governments and International Organizations," October 2, 2000, as amended
(n) DoD 5105.38-M, "Security Assistance Management Manual," October 2003
(o) Section 168, title10, United States Code, as amended
(p) Deputy Secretary of Defense Memorandum, "Training in International Security and Foreign Disclosure Support to International Programs," October 22, 1999
(q) Deputy Secretary of Defense Memorandum, "Accountability of Department of Defense Sponsored Foreign Personnel in the United States (U.S.)," May 18, 2004
(r) DoD Directive 5230.9, "Clearance of DoD Information for Public Release," April 9, 1996
(s) Directive 5230.24, "Distribution Statements on Technical Documents," March 18, 1987
(t) Section 2767 of title 22, United States Code, as amended
(u) Section 2350(a), title 10, United States Code, as amended
(v) Section 552 of title 5, United States Code

E2. ENCLOSURE 2

DEFINITIONS

E2.1.1. Assignment. The placement of a military or civilian official of a foreign defense establishment on the premises of a DoD Component or cleared contractor facility.

E2.1.2. Cleared Contractor Facility. Any industrial, educational, commercial facility or other entity that has been granted a facility security clearance under the U.S. National Industrial Security Program.

E2.1.3. Contact Officer. A government or military employee designated, in writing, to oversee and control all contacts, requests for information, consultations, access, and other activities of foreign nationals who are assigned to a DoD Component or subordinate organization.

E2.1.4. Controlled Unclassified Information (CUI). The term used to collectively describe any unclassified information to which access or distribution limitations have been applied in accordance with national laws, policies, and regulations of the originating country. It is U.S. information that is determined to be exempt from public disclosure in accordance with reference (j), DoD Directive 5230.9 (reference (r)), including critical technology subject to export control pursuant to reference (i), and DoD Directive 5230.24 (reference (s)).

E2.1.5. Cooperative Program. For the purposes of this Directive, programs that comprise one or more specific cooperative projects with a foreign government or international organization whose arrangements are defined in a written agreement between the parties covering research, development, test, and evaluation, joint production (including follow-on support) under 22 U.S.C. 2767 (reference (t)), or a cooperative research and development program defined in a written agreement with NATO and major non-NATO allies under 10 U.S.C. 2350a (reference (u)).

E2.1.6. Defense Personnel Exchange Program (DPEP). A program authorized by reference (o) where military and civilian personnel of the Department of Defense and the defense ministries/departments and/or armed services of foreign governments occupy positions with and perform functions for a host organization to promote current or future international programs, greater mutual understanding, and interoperability with allies and coalition partners. DPEP is composed of the MPEP, the APEP, the ESEP, and the DIPEP.

E2.1.7. Delegation of Disclosure Authority Letter (DDL). A letter issued by the appropriate PDA or Designated Disclosure Authority describing classification levels, categories, scope, and limitations related to information under a DoD Component's disclosure jurisdiction that may be disclosed to specific foreign governments or their nationals for a specified purpose.

E2.1.8. Designated Disclosure Authority. An official, designated by the Head of a DoD Component or by the DoD Component's PDA, who has been delegated disclosure authority in accordance with reference (h), to control disclosures by subordinate commands or staff elements of classified information to foreign governments and their nationals and to international organizations.

E2.1.9. Foreign Counterpart Visit Program. A program managed by the Director, DIA, for coordinating all hosted visits by foreign counterparts to the Secretary of Defense, the Deputy Secretary of Defense, the Chairman of the Joint Chiefs of Staff, and the Vice Chairman of the Joint Chiefs of Staff.

E2.1.10. Foreign Exchange Personnel. Military or civilian officials of a foreign defense establishment who are assigned to a DoD Component in accordance with the terms of a personnel exchange agreement and who perform prescribed duties for the DoD Components.

E2.1.11. Foreign Liaison Officer (FLO). Military or civilian officials of a foreign defense establishment who are authorized by their government or an international organization, and certified by a DoD Component, to act as an official representative of that government or organization in dealing with the DoD Components.

E2.1.12. Foreign National. A person who is not a citizen or national of the United States.

E2.1.13. Foreign Visit. A foreign national enters or proposes to enter a DoD Component or cleared contractor facility or to meet with employees or representatives of the facility. There are two types of Foreign Visits:

E2.1.13.1. Official Visit. An occasion when a foreign national is sponsored by his or her government or by an international organization visits to perform official business approved by the government or the organization.

E2.1.13.2. Unofficial Visit. An occasion when a foreign national who is not sponsored by his or her government or an international organization visits for unofficial purposes or to conduct business which will entail access to information in the public domain.

E2.1.14. Foreign Visits System (FVS). The automated system operated by the Office of the USD(P) that provides staffing and database support for processing RFVs by foreign nationals to DoD Component activities and defense contractors.

E2.1.15. Foreign Visits System - Confirmation Module (FVS-CM). An application used to track and confirm visits by foreigners that have been approved through the FVS. It may also be used to generate locally created visits for unofficial visits.

E2.1.16. Hosted Visit. A visit by officials of a foreign government under the auspices of an invitation that is extended by a DoD Component official.

E2.1.17. International Visits Program (IVP). The program established to process visits and assignments of foreign nationals to the DoD Components and cleared contractor facilities. It is designed to ensure that classified information and CUI to be disclosed to such visitors has been properly authorized for disclosure to their governments, to ensure that the requesting foreign government provides a Security Assurance for the proposed visitor when classified information

is involved in the visit or assignment, and to facilitate administrative arrangements (e.g., date, time, and place) for the visit or assignment.

E2.1.18. Principal Disclosure Authority (PDA). A senior official appointed by the Head of a DoD Component as the principal disclosure official for that Component.

E2.1.19. Public Domain. The state of being generally accessible or available to the public, as determined pursuant to reference (j) or 5 U.S.C. 552 (reference (v)).

E2.1.20. Release. To convey information in material form to a representative of a foreign government or international organization.

E2.1.21. Request for Visit (RFV) Authority. The formatted information sent by a government that proposes a date and place of visit, its purpose, and identifies the proposed visitor(s).

E2.1.22. Security Assurance. For the purpose of this Directive, a written confirmation by a responsible foreign government official that the proposed visitor possesses the requisite security clearance and need-to-know for the classified information and CUI to be released during the visit. The Security Assurance certifies that the recipient government will protect the information in accordance with the international agreement between the United States and the foreign government.

E2.1.23. Security Policy Automation Network. An automated system that assists DoD decision-makers and analysts in reviewing, coordinating, reaching decisions, and maintaining records on proposals to release classified information and technology to other nations and international organizations.

E2.1.24. Technology Control Plan. A detailed plan to control access by foreign national employees and by foreign national visitors on an extended visit authorization at a DoD cleared contractor facility.