



DEFENSE INFORMATION SYSTEMS AGENCY
P. O. Box 4502
ARLINGTON, VIRGINIA 22204-4502

DISA INSTRUCTION 100-50-5*

10 January 2006

POLICIES

International Agreements

1. **Purpose.** This Instruction prescribes policy, assigns responsibility, and provides procedures for the negotiation and conclusion of an international agreement with a foreign government or an international organization.
2. **Applicability.** This Instruction applies to DISA.
3. **Authority.** This Instruction is published in accordance with the authority contained in [DoD Directive 5530.3](#), International Agreements, 11 June 1987, and [CJCSI 6740.01A](#), Military Telecommunications Agreements and Arrangements Between the United States and Regional Defense Organizations or Friendly Foreign Nations, 15 May 2002.
4. **Definitions.** For the purpose of this Instruction, the terms "international agreement," "negotiation," and "conclusion" have the same definitions as those found in enclosure 2 to DoD Directive 5530.3.
5. **Policy.**
 - 5.1 DISA will comply with the provisions in DoD Directive 5530.3 when negotiating or concluding an international agreement with a foreign government or an international organization. Congress authorizes and appropriates funds for DOD missions, not foreign assistance. DISA can provide telecommunications service and equipment to a foreign country or organization only pursuant to specific statutory authority, such as the Arms Export Control Act (22 U.S.C. 2751, et. seq.), 10 U.S.C. 2350f (Procurement of Communications Support and Related Supplies and Services), or 10 U.S.C. 2341, et. seq. (Acquisition and Cross Servicing Agreements).

5.2 An international agreement will not be negotiated or concluded without the prior written approval of the Secretary of Defense or designees to whom such approval authority has been delegated.

6. Responsibilities.

6.1 **General Counsel (GC).** The GC will:

6.1.1 Provide legal guidance to DISA personnel on all proposed international agreements.

6.1.2 Submit two copies of each international agreement to the DOD General Counsel no later than 20 days after the agreement has been signed. (Each copy shall be certified to be a true copy of the original agreement.)

6.1.3 Be the central repository for copies of all international agreements and any changes thereto entered into by DISA personnel.

6.1.4 Maintain an index of all telecommunications related international agreements.

6.1.5 Assist DISA personnel with requests for copies of international agreements executed by other DOD components.

6.2 **Principal Directors of Strategic Business Units, Directors and Chief of Shared Services Units, Direct Reports, and Special Advisors, Headquarters, DISA, and Commanders of DISA Combatant Command Field Offices.** These individuals will:

6.2.1 Ensure adequate resources are available to support the negotiation, conclusion, and management of international agreements.

6.2.2 Obtain proper authority to negotiate and conclude an international agreement.

6.2.3 Compile, retain, and maintain a complete negotiating historical file for each international agreement.

6.2.4 Request review of each proposed international agreement by the GC before the agreement is provided to a foreign country or international organization for negotiation.

6.2.5 Immediately provide two copies of each signed international agreement and all changes thereto to the GC.

7. **Foreign Military Sales (FMS) Cases.** Under the Arms Export Control Act, DOD articles or services must generally be transferred to a foreign government or international organization by a Foreign Military Sales (FMS) case. FMS cases are not international agreements but their implementation may require an international agreement. FMS management is the responsibility of the Defense Security Cooperation Agency (DSCA), as delineated in the Security Assistance Management Manual, DoD 5105.38-M. DISA's Foreign Affairs Office within the office of the Chief of Staff manages FMS cases.

8. **Foreign Disclosure Issues.** Release of information on International Traffic in Arms Regulations (ITAR) controlled DISA products and services require release determination from the Foreign Disclosure Officer (FDO) in the Foreign Affairs Office.

9. **Procedures for Negotiating and Concluding International Agreements.** Procedures for negotiating and concluding an international agreement are detailed in DoD Directive 5530.3 and CJCSI 6740.01A (authority documents).

FOR THE DIRECTOR:


MARK S. BOWMAN
Brigadier General, USA
Chief of Staff

*This Instruction cancels DISAI 100-50-5, 21 November 1997, and DISAI 270-50-7, 19 August 1996.

OPR: GC

DISTRIBUTION: Y

Return to:

[Top of DISA Instruction 100-50-5](#)

[Publication Listing](#)

[DISA Home Page](#)

cio-pubs@disa.mil - Last Revision: 10 January 2006
