

**Summary Statement of Intent (SSOI)  
for  
U.S./Netherlands International Research and Development Agreement**

**Header Information**

**Project Title:** Agreement between the United States Army Corps of Engineers of the United States of America and the Ministry of Transport, Public Works and Water Management of the Netherlands Concerning Information Exchange and Research, Development, Testing and Evaluation (IE RDT&E)

**DOD Proponent:** Department of the Army (DA)

**Country Involved:** The Netherlands (NL)

**1. Overview of International Agreement:**

**a. Brief Description**

(1) The Ministry of Transport, Public Works and Water Management (RWS) of the Netherlands and the U.S. Army Corps of Engineers (USACE) have similar missions and responsibilities in the field of Water Resource Development within their respective countries. Both organizations will benefit from the knowledge, skills and abilities possessed by the other. Both organizations will benefit from a cross fertilization of ideas, policies, procedures and engineering expertise in the navigation, flood control, sedimentation, water control and environmental engineering fields.

(2) To achieve this end, a Memorandum of Agreement (MOA) was negotiated with the RWS. The MOA exchanges technical information through annual visits between our two agencies pertaining to water resources development. The exchanges of technical information do not relate to defense equipment or munitions. They are primarily devoted to the field of water resource development in the civil works arena. The U.S. will benefit from this exchange as the NL has extensive capabilities in many areas of water resource management (floor plain modeling, levee design and protection, to name just a few) that could benefit USACE programs and save research dollars. The MOA also establishes a mechanism for implementation of future cooperative projects through Project Arrangements (PAs) that moves beyond the information exchange arena. Although we are currently only considering information exchange, we believe there is a good chance that the relationship between the two agencies will develop to a point where we will find it in our best interest to pursue cooperative projects through PAs.

(3) The information exchanges under this MOA will primarily take the form of annual visits by a team of experts from one of the Parties to the Technical Project Officer (TPO) of the other Party. Thus U.S. personnel will visit the NL to exchange technical information once every two years, with visits from a Dutch team to the U.S. on the alternate years. Information exchange may also be affected through direct contact

(telephone, e-mail, etc.) between each Party's technical experts. All secondary information exchange will, however, take place only with the authorization of the TPO. Use of the information exchanged under this agreement by either party will be limited to official Civil Works functions. Civil Works functions are those functions of the U.S. Department of Army (DA) and the NL RWS related to public works and authorized civil functions. Technical information exchanged under this agreement may not be used for any other purpose (including commercial purposes) without the written consent of the providing party.

(4) This is a new effort. The current contacts between the two agencies are good, but they occur on a random and informal basis. Contacts between representatives and specialists of both USACE and RWS in various fields occur under the umbrella of global organizations such as the Permanent International Association of Navigation Congresses (PIANC), the International Commission On Large Dams (ICOLD), International Commission on Irrigation and Drainage (ICID) and others. The repeated conclusions of representatives of both parties during such occasions confirm that a more formal and better-structured mutual agreement is in the interest of both parties and will further strengthen and improve the professional contacts.

**b. Nunn Funding.** This project is not proposed for Nunn funding.

## **2. Operational Requirement:**

**a. U.S. Operational Requirements:** The operational requirements of the USACE are very similar to the RWS. As such, the operational requirements of both parties are served by this agreement. Both parties play a leading role in the development of water management and water infrastructure, and face numerous similar problems and related discussions with third parties in their respective countries, within the public-and private sector as well as with research centers (including universities) and NGOs. Both parties can be considered professional public sector focal points in their respective fields and within the geographical management areas, specifically river basins, coastal zones and offshore areas. Both parties determine, to a large extent, the fundamental developments in research and execution of water related issues, sometimes even on a global scale.

**b. Agreement Objectives:** The objective of this MOA is to gain knowledge from the Dutch experts in areas important to USACE's mission. USACE experts expect to increase their knowledge base in dredging, disposal of contaminated material, coastal erosion, sedimentation, public water policy, flood control and flood monitoring, dune restoration and beach nourishment, and environmental studies. This relationship will create an environment that improves the USACE's civil works program and civil works research and development program. Eventually, USACE hopes to be able to pursue cooperative projects with the RWS that will benefit USACE programs by tapping their unique expertise.

## **3. Partner Nation:**

a. **Proposed Partner:** The proposed partner nation is the Government of the Netherlands. The Dutch are committed to this relationship and are eager to conclude the negotiated MOA.

b. **Negotiation Strategy and Schedule:**

(1) This agreement was drafted in accordance with the policy and guidance contained in DOD 5530.3, AR 550-51 and the IA Generator (IAG V.3) and in coordinate with DA and OSD Office of the General Counsel, when applicable.

(2) Agreement Schedule:

<u>Schedule</u>	<u>Completed</u>
RAD Approval	July 2002
Negotiation	February 2003
RFA Approval	April 2004
Signature	April 2004

**4. Legal Authority and Use Rights:**

The legal authority for the agreement is 10 U.S.C. 2358.

**5. Project Management:**

Once the DoD and DA authorize USACE to conclude this agreement, the project will be managed by TPOs from each organization. USACE will establish an executive level committee comprised of a senior USACE executive, a representative from the office of the Assistant Secretary of the Army (Civil Works) and an equivalent counterpart from RWS. Each country's TPO will be responsible for directly controlling the exchange of all Controlled Unclassified Information. The TPO will also be responsible for overseeing and authorizing Technical Experts to exchange non-sensitive information with Technical Experts of the other party. The management structures for any future cooperative projects will be set forth in the applicable PA.

**6. Benefits/Risks to the U.S.:**

a. **Benefits:** The benefits are a cross exchange of technical information. We believe that USACE will increase its knowledge base by this process. Both parties will share lessons learned, life experiences and project skills relating to water resource development. The NL will share its state of the art capabilities in dredging, dune area restoration and water traffic management. We also hope to learn more about Dutch capabilities in water management planning and flood control. This knowledge could benefit the USACE program and save significant research dollars. There will be opportunities to benchmark similar operational modes such as lock operations, navigation maintenance of channels, and infrastructure rehabilitation. Further, any cooperative projects that may be undertaken in the future will allow the U.S. to tap the high level of expertise and experience the Dutch possess in these skill areas.

b. **Risks:** The MOA exposes the U.S. to no serious risk. The TPO controls the flow of information and ensures a balanced, reciprocal exchange of information. All information to be exchanged is unclassified. Additionally, all information is exchanged under the review of the TPO to ensure security for the U.S. Patented or copyrighted information is subject to the laws of the United States. All project annexes are subject to DA review and disclosure guidance and regulations.

#### **7. Potential Industrial Base Impact:**

USACE anticipates minimal industrial base impact under the MOA. Exposure to U.S. methods could positively influence Dutch officials to use U.S. contractors in order to access U.S. knowledge base. Open competition principles used in the U.S. will be encouraged for future Dutch procurements and will offer potential U.S. contractors an opportunity to compete for work in the NL. If contracting is required, it will be described in subsequent PAs under this MOU.

#### **8. Funding Availability and Requirements:**

This MOU creates no financial or non-financial arrangements. Detailed descriptions of the financial and non-financial arrangements for a specific PA, including each Participant's cost share, will be contained in subsequently established PAs under this MOU.

#### **9. Impact on the Defense Industrial Base**

DoD is not obligated to perform contracting to implement the information exchange under this MOA. However, if contracting is required for RDT&E, it will be described in subsequent PAs under this MOU.

#### **10. Information Security and Technology Transfer Issues:**

a. **Applicable Military Critical Technologies/Products, NDPC Category, Classification Level:** Information to be disclosed is Category 3, Applied Research and Development Information and Materiel. The level of information exchanged during this project is no higher than Controlled Unclassified Information (CUI)/For Official Use Only (FOUO). An exception to the National Disclosure Policy is not required.

b. **Risk of Compromise/Potential Damage to U.S. Military Capabilities or Technologies:**

(1) Minimal, as only CUI will be disclosed by the U.S., a Delegation of Disclosure Authority Letter (DDL) has been prepared and approved for the MOA. The DDL details the specific types of Water Resources Development Information, generated within the U.S., to be provided and restricted from disclosure to NL. In order to maximize the protection of U.S. information, the DDL has been made intentionally more restrictive than the scope of the MOA in an attempt to provide maximum flexibility of the MOA, but to minimize U.S. information loss. An amended DDL will be submitted should additional information covered under the terms of the MOA need to be released.

(2) The U.S. has shared extremely sensitive information with NL for many years. We have entered into agreements establishing an air defense technical center (6 UST 915 (Nov. 16 1954)); a weapons production program (12 UST 180 (Jan. 2 1962)); mutual cooperation in military research and development (33 UST 3105 (Aug. 24 1978)); and security measures concerning the transfer of technical information, software and equipment in order to establish North Sea ACMI range display and debriefing facilities in the NL (TIAS 12354 (July 6 1992)).

(3) The MOA requires the TPO to work closely with the Foreign Disclosure Officer to assure that sensitive information released under this agreement is kept to the minimum consistent with U.S. objectives and that all information is transferred through channels as specified in the DDL.

**11. Proponent Points of Contact:**

Name: Mariam Es-Haq  
Title: Project Manager (JIL Contractor)  
Office: Deputy Assistant Secretary of the Army for Defense Exports and  
Cooperation  
Address: 1777 North Kent Street  
Suite 8200  
Arlington, VA 22209  
Telephone: (703) 588-8081  
Fax: (703) 588-8760  
E-Mail: [Mariam.Es-Haq@hqda.army.mil](mailto:Mariam.Es-Haq@hqda.army.mil)



ACQUISITION,  
TECHNOLOGY  
AND LOGISTICS

OFFICE OF THE UNDER SECRETARY OF DEFENSE

3000 DEFENSE PENTAGON  
WASHINGTON, DC 20301-3000

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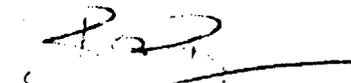
MEMORANDUM FOR DEPUTY ASSISTANT SECRETARY OF THE ARMY FOR DEFENSE  
EXPORTS AND COOPERATION

SUBJECT: Authority to Conclude a Memorandum of Agreement between  
the United States and The Netherlands concerning  
Information Exchange and Research, Development, Testing  
and Evaluation Projects

In response to your memorandum of March 24, 2004, you or your  
designated representative are authorized to conclude the subject  
agreement.

This delegation of authority is made on behalf of the Under  
Secretary of Defense for Acquisition, Technology and Logistics in  
accordance with DoDI 5000.2, "Operation of the Defense Acquisition  
System", Enclosure 9, Section 4, "International Cooperative Program  
Management", and the Defense Acquisition Guidebook, Appendix 9,  
Section 4, "Coordination Processes". Your actions in connection  
with this delegation should be conducted in accordance with this  
policy. With this delegation of authority, your office also has  
the responsibility to execute all reporting requirements, with  
special emphasis on initiation of Case Act notification.

After the agreement enters into force, please provide a  
separate copy of the Case Act Background Statement via e-mail to  
Richard.Hurst.Ctr@osd.mil in the Office of the Under Secretary of  
Defense(AT&L)IC/P&A. In addition, please ensure that you comply  
with the Case Act reporting requirements specified in DoD Directive  
5530.3 by providing a record copy of the signed agreement to the  
Department of Defense General Counsel's office.



A. Volkman

Director, International Cooperation





DEPARTMENT OF THE ARMY  
OFFICE OF THE ASSISTANT SECRETARY OF THE ARMY  
ACQUISITION LOGISTICS AND TECHNOLOGY  
103 ARMY PENTAGON  
WASHINGTON DC 20310-0103

May 3, 2004

SAAL-NC

MEMORANDUM FOR ASSISTANT SECRETARY OF THE ARMY (CIVIL WORKS)

SUBJECT: Request for Final Authority (RFA) to conclude a Memorandum of Agreement (MOA) between the Netherlands (NE) and the United States (U.S.) concerning Information Exchange and Research, Development, Testing and Evaluation Projects

This memorandum delegates to you and your designated representative the final authority to conclude the MOA with the NE concerning Information Exchange and Research, Development, Testing and Evaluation Projects.

The authority to conclude this MOA was granted by the Office of the Secretary of Defense (Enclosure 1). The approved MOA, Summary Statement Of Intent (SSOI) and Delegation of Disclosure Letter (DDL) are provided as Enclosures (2), (3) and (4) respectively. Please forward the original version and four certified copies of the original agreement to this office within ten days of signature, in accordance with Army Regulation (AR) 550-51, International Agreements and Case Act procedures.

A handwritten signature in black ink, appearing to read "Craig D. Hunter".

Craig D. Hunter  
Deputy Assistant Secretary of the Army  
for Defense Exports and Cooperation

Enclosures