



DEPUTY SECRETARY OF DEFENSE  
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WASHINGTON, DC 20301-1010

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MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS  
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UNDER SECRETARIES OF DEFENSE  
ASSISTANT SECRETARIES OF DEFENSE  
GENERAL COUNSEL OF THE DEPARTMENT OF  
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DIRECTOR, OPERATIONAL TEST AND EVALUATION  
INSPECTOR GENERAL OF THE DEPARTMENT OF  
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DIRECTOR, PROGRAM ANALYSIS AND EVALUATION  
DIRECTOR, NET ASSESSMENT  
DIRECTORS OF THE DEFENSE AGENCIES  
DIRECTORS OF THE DOD FIELD ACTIVITIES

SUBJECT: Policy for Communication with Industry

The industrial base on which the Department depends should be knowledgeable of and aligned with the Department's strategic and tactical objectives. Early, frequent, and clear communication between the Department and current and potential suppliers is necessary for us to ensure the Nation's defense. Open and transparent communication helps DoD set realistic, technologically achievable requirements; enhances the ability of programs to meet cost, schedule and performance goals; and enables the Department to establish policies and business practices which promote the long-term viability and competitiveness of the industrial base supporting defense. Effective dialogue also helps industry make informed investment and business decisions necessary to meet near and longer-term Department needs.

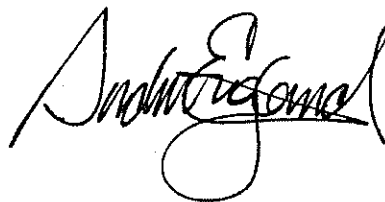
It is therefore DoD policy to encourage frequent, fair and open dialogue on matters of mutual interest with the industrial base at all levels of the Department. Matters of mutual interest include but are not limited to technology trends and development objectives, program performance (both defense systems and services), and complementary DoD and industry business practices and policies. When engaging in open communications with industry, Department officials must represent the best interests of the warfighters and taxpayers. Subject to statutory limitations on the government's ability to exchange information (attached) and sound business judgment, government officials are encouraged to communicate with industry or to hold or attend



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meetings necessary to the conduct of official business. Communication with a large and diverse number of industrial base members is often the best overall strategy to address fairness. Nevertheless, other methods of communication, that are not statutorily prohibited, also are permitted although you should consult the Office of General Counsel before engaging in any communication if you are unsure of its propriety.

A handwritten signature in black ink, appearing to read "Andrew Edmond". The signature is written in a cursive style with a large, looping initial "A".

Attachment:  
As stated

## Communications with Industry

The following are statutorily-based limitations on communicating with firms and representatives of the defense industrial base.

- I. Conflict of Interest Prohibition (18 U.S.C. § 208)
  - Government officials may not participate in a matter that presents an actual or apparent conflict of interest.
  
- II. Procurement Integrity Act (41 U.S.C. § 423)
  - Government officials may not disclose proprietary or source selection information.
  
- III. Competition in Contracting Act (10 U.S.C. 2304)
  - Government officials may not give unauthorized preferential treatment to one firm but must treat all firms equally.
  
- IV. Trade Secrets Act (18 U.S.C. §1905)
  - Government officials may not disclose trade secrets or other proprietary information without permission of the owner of the information.
  - Government officials must protect procurement sensitive information and information that would not otherwise be disclosed to the public under the Freedom of Information Act.
  
- V. Federal Advisory Committee Act (5 U.S.C. App.2)
  - Government officials must comply with the Federal Advisory Committee Act (FACA) when seeking consensus advice or recommendations from a group that includes non-government employees.