

No. 49710

**Israel
and
United States of America**

Agreement between the Government of the State of Israel and the Government of the United States of America on cooperation in science and technology for homeland security matters (with annex). Jerusalem, 29 May 2008

Entry into force: *30 November 2010 by notification, in accordance with article 21*

Authentic texts: *English and Hebrew*

Registration with the Secretariat of the United Nations: *Israel, 20 July 2012*

**Israël
et
États-Unis d'Amérique**

Accord entre le Gouvernement de l'État d'Israël et le Gouvernement des États-Unis d'Amérique relatif à la coopération scientifique et technologique en matière de sécurité intérieure (avec annexe). Jérusalem, 29 mai 2008

Entrée en vigueur : *30 novembre 2010 par notification, conformément à l'article 21*

Textes authentiques : *anglais et hébreu*

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : *Israël, 20 juillet 2012*

[ENGLISH TEXT – TEXTE ANGLAIS]

**AGREEMENT BETWEEN
THE GOVERNMENT OF THE STATE OF ISRAEL AND THE
GOVERNMENT OF THE UNITED STATES OF AMERICA ON
COOPERATION IN SCIENCE AND TECHNOLOGY FOR
HOMELAND SECURITY MATTERS**

THE GOVERNMENT OF THE STATE OF ISRAEL AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA (hereinafter referred to individually as a “Party” and collectively as the “Parties”):

HAVING a mutual interest in research, development, testing and evaluation relating to homeland security matters;

RECOGNIZING the usefulness of carrying out Cooperative Activities in the country of the Party that has a relative advantage in the specific scientific and technological area;

DESIRING to increase the exchanges of information and personnel in areas pertinent to the identification of homeland security threats and countermeasures and the development of technical standards, operational procedures and supporting methodologies that govern the use of relevant technologies;

STRESSING that physical and cyber-based critical infrastructures and other homeland security capabilities, both governmental and private, are essential to the operation and security of the Parties and their respective economies;

NOTING that the Parties’ economies are increasingly interdependent, and that infrastructure protection and homeland security are of paramount concern to the Parties;

BEING AWARE of research, development, testing, evaluation, development of technical standards and operations in both countries in chemical, biological, radiological, nuclear and explosive countermeasures and in other areas that could enhance homeland security;

NOTING the important work accomplished under other arrangements, such as agreements between the Government of the State of Israel and the Government of the United States of America;

RECOGNIZING a common desire to:

- expand the homeland security science and technology capabilities of each Party;
- minimize unnecessary duplication;

- obtain more efficient and cost-effective results; and
- adapt more flexibly to the dynamic threat environment

through cooperative activities that are mutually beneficial and that relate to the application of state-of-the-art and emerging security technologies, making best use of the Parties' respective research, development, testing and evaluation capacities;

AFFIRMING a common interest in enhancing the longstanding collaborative efforts of the Parties' respective agencies, private sector and governmental organizations and academic institutions in generating scientific and technological solutions to counter threats, reduce vulnerabilities and respond to and recover from incidents and emergencies in those areas having the potential for causing significant security, economic and/or social impacts;

DESIRING to set forth a vehicle for the conduct of cooperative scientific and technological research, development, testing and evaluation in the field of homeland security; and

RECALLING the intention of the Parties to enhance cooperation in the field of homeland security as set forth in the Memorandum of Mutual Understanding of 7 February 2007;

RESPECTING the applicable national law, legislation and regulation of the Parties;

HAVE AGREED as follows:

ARTICLE 1

Definitions

For purposes of this Agreement between the Government of the State of Israel and the Government of the United States of America on Cooperation in Science and Technology for Homeland Security Matters (hereinafter "the Agreement"), the Parties have adopted the following definitions:

Agreement Director	Has the meaning given to it in Article 5 (Management) of this Agreement.
Business Confidential Information	Has the meaning given to it in Section IV of Annex I of this Agreement.
Classified Contract	A Contract that requires, or will require, access to Classified Information by a Contractor or by its employees in the performance of a Contract.

Classified Information	Official information that requires protection for national security, law enforcement, domestic security or other reasons and is so designated by the application of the appropriate security classification markings in accordance with the national laws, regulations, policies, or directives of either Party. It may be in oral, visual, magnetic, electronic, or documentary form, or in the form of Equipment and Material or technology. Classified Information under this Agreement shall be deemed to have the same meaning as "Classified Information" in the Agreement Concerning the Protection of Classified Information between the Government of Israel and the Government of the United States effected by exchange of notes signed July 30 and December 10, 1982.
Contract	A legally enforceable agreement to provide goods and/or services.
Contracting Agency	Any entity within the government organization of a Party that has authority to enter into, administer and/or terminate contracts.
Contractor	An individual or entity, that agrees to provide commercial goods, services and/or technology.
Controlled Unclassified Information	Information that is not deemed to be Classified Information in the United States and/or Israel, but to which access or distribution limitations have been applied in accordance with national laws, regulations, policies or directives of either Party. Whether the information is provided or generated under this Agreement, will be marked to identify its sensitive character. This definition includes, but is not limited to, information marked "Sensitive Homeland Security Information", "Sensitive Security Information", "For Official Use Only", "Law Enforcement Sensitive Information", "Protected Critical Infrastructure Information", Sensitive but Unclassified (SBU), "Restricted" /Controlled Unclassified Information may include Business Confidential Information.

Cooperative Activity	Any form of activity described in Article 7 (Forms of Cooperative Activity) of this Agreement on which the Parties agree to cooperate to achieve the objectives of this Agreement. Such activity will normally take the form of a Project or a Program.
Critical Infrastructure	Governmental and/or private activities or sectors that are identified by each Party in its laws, executive orders, directives or policies as "Critical Infrastructure".
Designated Security Authority (DSA)	The governmental authority responsible for the development of policies and procedures governing security of Classified or Controlled Unclassified Information covered by this Agreement.
Equipment and Material	Any document, product or substance on or in which information may be recorded or embodied. Material shall encompass everything regardless of its physical character and/or makeup including documents, writing, hardware, equipment, machinery, apparatus, devices, models, photographs, recordings, reproductions, notes, sketches, plans, prototypes, designs, configurations, maps and letters, as well as all other products, substances or material from which information can be derived.
Government-to-Government Transfer	The principle that Classified Information and Controlled Unclassified Information will be transferred through official government-to-government channels or through other channels as may be mutually agreed, in writing, by the Parties in accordance with the requirements set forth by both Parties.
Intellectual Property	Has the meaning given in Article 2 of the Convention Establishing the World Intellectual Property Organization, done at Stockholm July 14, 1967, as amended, and may include other subject matter as agreed by the Parties.
Need-to-Know	A determination made by an authorized holder of Classified Information or Controlled Unclassified Information that a prospective recipient requires access to said specific information in order to perform or