

SIDE LETTER FOR THE UNDERSTANDINGS BETWEEN THE SECRETARY OF DEFENSE ON BEHALF OF THE DEPARTMENT OF DEFENSE OF THE UNITED STATES OF AMERICA AND THE STATE SECRETARY OF DEFENCE OF THE KINGDOM OF THE NETHERLANDS CONCERNING THE PROVISIONS OF THE COOPERATIVE INITIAL OPERATIONAL TEST AND EVALUATION OF THE JOINT STRIKE FIGHTER MEMORANDUM OF UNDERSTANDING (JSF IOT&E MOU)

The Secretary of Defense on behalf of the Department of Defense of the United States of America (U.S. DoD) and the State Secretary of Defence of the Kingdom of the Netherlands (NL MoD) mutually understand the following with regard to the participation of the Netherlands in the JSF IOT&E MOU and the corresponding responsibility of the Netherlands to contribute the use of two JSF Air Systems:

In authorizing financial obligation of the first Dutch F-35 aircraft to support the JSF IOT&E, the Netherlands Parliament requested that they be able to revisit that decision in early 2010 based on the availability of NL MOD noise data analysis, NL MOD business case assessment and the pricing for the second OT jet to be procured in LRIP 4. The Secretary of Defense and the State Secretary have mutually determined that, should the Netherlands decide in early 2010 (LRIP 4 pricing established) to discontinue participation in the JSF IOT&E MOU and not procure the LRIP 3 jet, then U.S. DoD and the NL MoD will mutually determine the most efficient means to terminate the procurement of the LRIP 3 aircraft. Possible solutions will include transferring the NL designated LRIP 3 JSF Air System or parts thereof to another customer in LRIP 3 or transferring the NL designated LRIP 3 JSF Air System to another customer as part of LRIP 4. It is recognized that there could also be some limited termination liability associated with this action but every attempt will be made to minimize that cost. These solutions will include proportional revenues.

FOR THE SECRETARY OF DEFENSE
ON BEHALF OF THE DEPARTMENT
OF DEFENSE OF THE
UNITED STATES OF AMERICA

Signature

Name *DAVID R. HEINE*

Title *JSF AEO*

Date *6 MAY 2009*

Location *ARLINGTON, VA.
USA*

FOR THE STATE SECRETARY OF
DEFENCE OF THE KINGDOM OF
THE NETHERLANDS

Signature

Name *Gen-maj M. de Zeeuw*

Title *Director Projects & Procurement*

Date *6 May 2009*

Location *The Hague, The Netherlands*