

Defense Security Cooperation Agency
Strength Through Cooperation



Ms Jeanne Farmer & Mr Alan Harms
Defense Security Cooperation Agency
Weapons Division

(703) 601-3723, alan.harms@dsc.mil



Technology Transfer



Release Processes



- **Anti-Tamper**
 - **Export license review**
 - **Disclosure of classified documents and information**
 - **National Disclosure Policy Committee (NDPC)**
 - **Low Observable/Counter Low Observable Executive Committee (LO/CLO ExCom)**
 - **Committee on National Security Systems (CNSS)**
 - **Military Departments' export policy processes**
 - **Missile Technology Control Regime**
 - **Night Vision Device Review Process**
 - **Armaments cooperation MOU**
 - **Foreign national visits and assignments**
 - **Foreign national access to information systems**
 - **ITAR exemption certification**
 - **Congressional notification**
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Military Depts' Export Policy Processes



- **Each of the Services have export policy development/review process**
 - Army – Technology Transfer Security Assistance Review Panel (TTSARP)
 - Navy – Technology Transfer Security Assistance Review Board (TTSARB)
 - Air Force - Topline



Low Observable/Counter Low Observable Executive Committee (LO/CLO ExCom)



- **Adjudicates requests/proposals to sell/transfer LO and CLO (i.e. sensors) technologies, capabilities, information to foreign governments and international organizations**
- **Tri-Service first level review within 45 days of request**
 - Refers issues to ExCom depending on sensitivity
 - Charters Red/Blue teams (90 days to complete review)
 - Some cases may take several months to resolve



National Disclosure Policy Committee (NDPC)



- **Adjudicates requests that exceed service/agency delegated authority to disclose classified military information to foreign governments and international organizations**
 - Exception to National Disclosure Policy (ENDP)
- **Sponsoring USG department/agency prepares request**
 - Approximately 30 days
- **Normal NDPC suspense is 10 working days[✦]**
- **NDPC chairman's decision after 30 days if no consensus**
 - Can be appealed to DepSecDef



Committee on National Security Systems (CNSS)



- Adjudicates requests/proposals to sell/transfer COMSEC/CRYPTO equipment/codes for C4ISR systems (GPS/PPS, Mode IV IFF, “KY” radios, data links etc.)
- **COCOM** validated interoperability requirement to JCS J6
- NSA Release in Principle (RIP), CNSS Release in Specific (RIS)
- **COCOM** negotiates CIS MOA with country
- Process may take several months to a year



Export License Review Process



- **US contractors (including support contractors) must have an export license or satisfy requirements for use of an exemption to license requirements in order to transfer or disclose defense articles, services or technical data directly to a foreign person in the US or abroad**
- **Applicant submits to State Department, Director Defense Trade Control (DDTC)**
- **DDTC refers approximately 16,000/yr cases to DTSA**
- **DTSA refers approximately 7,000 – 9,000/yr cases to each of the Services and Agencies**

Average response time 45-60 days



Content of Export Applications



- **Clear, concise, complete description of defense articles, services, tech data to be exported**
 - Avoid technical jargon, explain acronyms and nomenclature
 - Explain equipment purpose, function, capability
 - Clearly define scope of export activity
 - What will/will not be exported
 - **Include copies (including provisos) of previous approvals for same/similar items**
 - **Assess foreign availability of same/similar items**
 - Compare technology/capability
 - **Include mention of export approvals (if known) for same/similar items produced by US or foreign competitors**
 - **Describe commercial applications (if any) of same/similar technology**
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Reality of Disclosure and Export Control Requirements?



- **Major FMS sales will probably involve all release/export control processes**
 - Many “moving parts” ---3 committees, 15 processes, 23 agencies, 45+ offices
 - There is no single USG official or agency responsible for overall management of foreign disclosure and export control requirements
 - Processes usually do not run concurrently
 - Competing/conflicting equities involved
 - May take several months to complete/reach consensus

OSD currently working an IPT with the purpose of synchronizing all the various transfer and disclosure processes.



Disclosure and Export Control Planning



- **Essential part of overall program planning**
 - Expedites release of data
 - Minimizes denial, return without action, restrictive provisos
 - Avoids problems associated with short notice/late requirements
- **Address all release/export requirements early in program planning**
 - What needs to be exported/released?
 - To whom?
 - For what purpose?
 - Which locations?
 - Through which approval processes?
 - By what method of transfer?



Planning (cont)



- **Government/industry dialogue is important**
- **Recommend planning meetings with USG disclosure/export control community to address foreign disclosure and export control requirements for major program initiatives**
 - Make aware of program objectives, requirements, schedules
 - Identify disclosure and export control requirements
 - Determine appropriate tools/means to achieve objectives
 - Receive direct feedback and guidance
 - Develop disclosure/export control action plan
 - Address/resolve issue as programs progress
 - Avoid “make it up as we go” approach to compliance



Disclosure and Export Control Checklist



- Topline, TTSARP, or TTSARB coordination required?
- What CMI is proposed for disclosure?
 - Highest classification? ENDP required?
- First introduction or sensitive technology? LOR advisory needed?
 - MILDEP or MAJCOM approval authority?
- LO/CLO
 - Tri-Service Red Team needed or ExCom approval required?
- INFOSEC involved? CNSS approval required?
- Will foreign nationals visit or be assigned to US bases or defense contractor facilities? Are foreign and US personnel aware of requirements?
- Foreign nationals require access to information systems? Access approvals on-hand?
- Contractor involvement in the program? License or ITAR exemption required?
- Procurement with foreign companies? Clearance received from FDO prior to solicitation? Arrangements for transfer of classified?



Ask the Panel



Questions?



LO/CLO ExCom Membership



- USD(AT&L) – Committee Chairman ★
- VCJCS
- USD(P)
- USD(I)
- PDUSD(AT&L)
- Service Acquisition Executives
- Director, DDR&E
- MDA
- DARPA
- Director, OT&E
- Director, Strategic and Tactical Systems



CNSS Membership



- Director National Security Agency – National Manager
- Secretary of State
- Secretary of Treasury
- Secretary of Defense
- Attorney General
- Secretary of Commerce
- Secretary of Transportation
- Secretary of Energy
- Director, OMB
- National Security Advisor
- DCI, DIA
- FBI
- FEMA
- GSA
- Army, Navy, Air Force, Marine Corps



NDPC Membership



- Committee Chairman - DUSD(TSP&CP) ★
- SecState
- SecDef
- SecArmy
- SecNav
- SecAF
- CJCS
- DCI
- MDA
- DOE
- DIA
- NSA
- OSD(AT&L)
- OSD(P)
- OSD(NII)
- OUSD(I)
- NGA



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