DoD Transfer of Night Vision Devices (NVDs) Handbook

October 2014

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Forward

This handbook is issued in support of the April 21, 2014, Night Vision Export Policy Implementation Guidance (Confidential) and the June 12, 2009, Department of Defense Policy for International Transfer and Export Control of Night Vision Systems, Equipment, Components, Services, Technical Data, and Related Technology. It provides information for the preparation, coordination, and evaluation of government-to-government transfers of Night Vision Devices (NVDs). These guidelines will promote consistency in the processing of NVD requests for transfer via Foreign Military Sales (FMS) and related programs.

This handbook will assist the Defense Security Cooperation Agency (DSCA), Joint Staff (JS), Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics (USD)AT&L, Military Departments (MILDEPs), Implementing Agencies (IAs), Combatant Commands (CCMDs), Country Team (CT), and Security Cooperation Organizations (SCOs) in processing NVD requests. It contains information from the DSCA Manual 5105.38-M, Security Assistance Management Manual (SAMM) and should be used to supplement the SAMM. In the event of any discrepancies or inconsistencies between these two documents, the SAMM will take precedence over this handbook.

What this handbook does:

- Provide guidelines and procedures for processing NVD requests.

What this handbook does not:

- Provide approval of NVD requests.
- Provide technical performance parameters authorized for release.
- Provide End-Use Monitoring (EUM) guidance or requirements.

Send recommended changes to:

Director
Defense Security Cooperation Agency
ATTN: Strategy Directorate, Weapons Division (DSCA/WPN)
201 12th Street, South
Arlington, VA 22202

References

a) Defense Security Cooperation Agency (DSCA) Manual 5105.38-M, Security Assistance Management Manual (SAMM)

b) Night Vision Export Policy Implementation Guidance, April 21, 2014, with attachment "Updated Guidelines for Transfers of Man-Portable Image Intensified Night Vision Devices - April 18, 2014" (Confidential)

c) DTSA Memorandum SUBJECT: Revision of DoD Policy Regarding International Transfer and Export Control of Night Vision Systems, June 12, 2009, with 2 Attachments.

   1. Under Secretary of Defense for Policy Memorandum SUBJECT: DoD Policy Regarding International Transfer and Export Control of Image Intensifier Night Vision Devices, January 23, 1990
   2. Department of Defense Policy for International Transfer and Export Control of Night Vision Systems, Equipment, Components, Services, Technical Data, and Related Technology, June 12, 2009

Chapter 1. Introduction

C1.1. Purpose. The purpose of this document is to provide guidelines for government-to-government transfers of Night Vision Devices (NVDs).

C1.2. Definition. NVDs are listed in Category XII(c) of the International Traffic in Arms Regulations (ITAR) Part 121 U.S. Munitions List (USML), and are designated as sensitive, unclassified Significant Military Equipment (SME). For the purposes of this handbook, NVDs fall into two categories: man-portable devices and platform-mounted systems. Both categories may incorporate image intensification (I^2), infrared (IR), thermal, or sensor-fused technologies.

C1.3. Background.

C1.3.1. Sensitivity about the proliferation of night vision technology and the risk of loss, theft, misuse, or unauthorized transfer necessitates special procedures for the case-by-case review of every transfer. During this review, regardless of purchaser or level of technology being offered, the U.S. Government (USG) must determine whether the transfer is in the national interest and ensure that the receiver will enforce adequate protective measures.

C1.3.2. The Defense Technology Security Administration (DTSA) has overall responsibility for DoD NVD export policy and requires the case-by-case review of all requests for the international transfer of man-portable NVDs through Foreign Military Sales (FMS) and Direct Commercial Sales (DCS). The Defense Security Cooperation Agency (DSCA), Acquisition Community, Joint Staff (JS), Military Departments (MILDEPs), Implementing Agencies (IAs), Combatant Commands (CCMDs), Country Teams (CTs), and Security Cooperation Organizations (SCOs) all contribute to the review process.

C1.3.2.1. DTSA has issued the DoD NVD release guidelines in the Night Vision Export Policy Implementation Guidance (NVEPIG) (Reference (b)). This guidance defines the performance parameters for which DTSA has a presumption of approval for NVDs exported to authorized end-users.

C1.3.3. DSCA has overall responsibility for processing government-to-government transfer requests for man-portable NVDs. This DSCA handbook provides the guidance, procedures, and requirements for submitting NVD requests to DTSA, the JS, and (USD)AT&L for case-by-case review.

C1.4. NVD Transfer Requirements.

C1.4.1. DoD (DTSA, JS, (USD)AT&L) conducts a case-by-case review prior to the international transfer of all man-portable I^2 and Thermal/IR NVDs. Requests for Price and Availability (P&A) data must also go through the case-by-case review process.

C1.4.1.1. U.S. Special Operations Command (SOCOM) will review all NVD requests for performance parameters exceeding the guidance in the NVEPIG. The JS is responsible for coordinating these NVD requests with SOCOM.

C1.4.1.2. I^2 tubes ordered as spare or replacements parts also require a case-by-case review except when replacing defective or damaged tubes returned to the USG on a direct exchange or repair and return basis.

C1.4.1.3. All NVDs, to include additional I^2 tubes and platform mounted systems, must be on Defined Order lines on the LOA. SAMM Section C5.4.3.2.2. prohibits providing NVDs and spare or replacement I^2 tubes on Blanket Order cases or lines because of their ITAR designation as sensitive, unclassified, SME. Individual NVD spare parts, e.g., harness, eye piece, lens cover, are not required to be on Defined Order lines.

C1.4.1.4. Foreign students attending U.S. courses that include man-portable night vision training must receive DoD approval prior to using U.S. performance level night vision equipment. IAs may submit on an annual basis the course names, description of training, dates, locations, number of students by country attending, and U.S. equipment type and capability to be used for training to DSCA Weapons Division to initiate the DoD review process.

C1.4.2. The NVEPIG provides performance parameter guidelines for man-portable I^2 NVDs, while DTSA or the IA's export policy provides the performance parameters for thermal/IR NVDs. As a condition of the transfer, DTSA may require additional capability restrictions or provisos for both I^2 and thermal/IR NVDs based on unsatisfactory assessments of the criteria in Section C1.4.7.4.

C1.4.3. DoD will not transfer NVDs from DoD stock without an accompanying data sheet verifying that the technical capabilities of the I^2 tubes do not exceed export guidelines. The IA ensures compliance with this requirement.

C1.4.4. Man-portable NVDs.

C1.4.4.1. For the purposes of this handbook, man-portable devices are those that meet the following criteria:

- Worn on the head or helmet, e.g., goggles, monoculars;
- Mounted on a small-arms weapon, e.g., weapon sights, scopes; or
- Hand-held binoculars or monoculars.

C1.4.4.2. Man-portable NVDs require either a Letter of Request (LOR) Advisory (LOR-A) or Exception to Policy (ETP) request prior to transfer. The review process and application of the NVEPIG will determine the capability the customer receives.

C1.4.4.3. Examples of man-portable NVDs include (not inclusive):

- AN/PVS-7, AN/PVS-14, GPNVG-18, AN/PVS-23
- AN/AVS-6, AN/AVS-9, PNVG
- AN/PVS-15, AN/PVS-31
- AN/PAS-13, AN/PAS-23, AN/PAS-24
- AN/PVS-12, AN/PVS-22, AN/PVS-27, MUNS
- Recon V Binocular, Recon BN10, PhantomIR.

C1.4.5. Platform-mounted Systems.

C1.4.5.1. For the purposes of this handbook, platform-mounted NVDs are those that meet one of the following criteria:

- Not man-portable;
- Require an external power supply; or
- Require integration into another system.

C1.4.5.2. Platform-mounted systems do not require an LOR-A or ETP request prior to transfer. The IAs will limit the capability for such systems by applying their policy for export variants and export parameters.

C1.4.5.3. Examples of platform-mounted systems include (not inclusive):

- Electro-Optical/Infrared (EO/IR) turret on aircraft/ship/boat, e.g., Star SAFIRE, BRITE Star, Talon, SeaFLIR
- LANTIRN / LITENING pod

- MTADS/PNVS, Driver Vision Enhancer
- AN/UAS-12A TOW night sight, Javelin Command Launch Unit

C1.4.6. This handbook does not apply to laser pointers or foreign I^2 NVDs. Laser pointers and foreign I^2 NVDs do not require an LOR-A or an ETP request.

C1.4.7. Presumption of Approval.

C1.4.7.1. DTSA established a presumption of approval for end-users in three categories: bona fide national security agencies, national law enforcement agencies, and search and rescue units. National law enforcement is defined as a federal-level agency. Release to these end-users must still undergo the review process but has a presumption of approval for requests of auto-gated I^2 NVDs when the performance parameters are within the guidelines of the NVEPIG.

C1.4.7.2. DTSA, the JS, and (USD)AT&L will evaluate NVD requests from end-users not in one of the three categories in Section C1.4.7.1., e.g., municipal police, State or Provincial law enforcement agencies, on a case-by-case basis. The standard I^2 release parameters for this category of end-users are non-auto-gated NVDs with a Figure of Merit (FoM) not to exceed 1400 for ground and 1600 for aviation end-use. The halo for these NVDs will be no smaller than 0.85 mm. With sufficient justification, DTSA may approve these end-users for auto-gated or higher performance NVDs.

C1.4.7.3. DTSA will approve transfers of I^2 NVDs for performance exceeding that in the NVEPIG only in cases with extraordinary justification and if the receiving country/end-user has a positive record of end-use verified by meeting the criteria in Section C1.4.7.4.

C1.4.7.4. DoD established a presumption of approval dependent upon the end-user having a positive record of protecting U.S. technology. Conversely, DoD may deny the transfer for lack of cooperation or a negative assessment in any area or, if the risk is manageable with Enhanced End-Use Monitoring (EEUM) (see SAMM Section C8.4.), recommend an FMS-only transfer until the issue is resolved to the U.S. Government's satisfaction. The DSCA memorandum will indicate EUM concurrence/non-concurrence for the reviewers' consideration. All of the following criteria must have positive or satisfactory assessments before the presumption of approval applies.

- NVD technology security plan/NVD control plan.
- End-use assurances executed as appropriate for the method of acquisition.
- Intelligence assessments of the likelihood of diversion of any U.S. technology are low or mitigated by the following:
  - Effective processes for ensuring appropriate use, accountability, and protection of any U.S. technology;
  - Compliance with requirements to report lost, stolen, or destroyed NVDs;
  - Positive results from in-country checks by USG personnel; and
  - Positive results from Golden Sentry Compliance Assessment Visits (CAV) or Blue Lantern visits.

C1.4.8. LOR-A.

C1.4.8.1. DSCA Weapons Division will submit an LOR-A to DTSA, the JS, and (USD)AT&L for review when the request is for:

- subsequent transfer of NVD capability to the country and end-user; and
- performance parameters that are within or below the NVEPIG guidelines, i.e., presumption of approval per criteria in the NVEPIG.

C1.4.8.2. DTSA, JS, and (USD)AT&L have 10 working days to object to the transfer. If more time is needed, the reviewers will notify DSCA Weapons, and have an additional 5 working days to complete the review.

C1.4.9. ETP Request.

C1.4.9.1. DSCA Weapons Division will submit an ETP request to DTSA, the JS, and (USD)AT&L for review when it is for:

- First introduction of NVD capability to the country or end-user;
- Performance parameters that are higher than NVEPIG guidelines;
- End-users that are not specified in Section C1.4.7.1., or
- End-users that do not meet the positive record of protection as stated in Section C1.4.7.4.

C1.4.9.2. DTSA, JS, and (USD)AT&L will normally complete the review within 10 working days. However, if they require additional time, the reviewers will notify DSCA Weapons Division to enable case processing timeline adjustments.

C1.4.10. End-User: For purposes of determining whether to submit an LOR-A or ETP request based on the end-user within a country, the following are examples of different end-users, and the first introduction to each requires an ETP request:

- Ministry of Defense vs. National Law Enforcement;
- Army vs. Navy vs. Air Force;
- Standard military unit vs. Special Operations unit;
- Aviation vs. ground use; and
- I^2 vs Thermal vs Fusion.

C1.4.11. Letter of Offer and Acceptance (LOA) Fulfillment.

C1.4.11.1. Unless the purchaser requests otherwise in writing, the IA will contract for auto-gated I^2 that meet U.S. military specifications (MILSPEC) for all customer requests for man-portable I^2 NVDs and I^2 tubes (see SAMM Section C4.4.14.). The only exception or deviation from MILSPEC will be to meet:

- Export limits of the DoD NVEPIG;
- Provisos that DTSA, JS, or (USD)AT&L may impose during the review process;
- Specific, associated specifications that must change in order to meet these limits or provisos.

C1.4.11.2. In certain circumstances, e.g., cost, budget, compatibility, lower tier units, a country may wish to purchase non-U.S. MILSPEC or commercial variant NVDs. If this is the customer's intent, the SCO must ensure the country states so in the LOR. This requirement is intended to address issues that resulted in dissatisfaction when the purchaser received NVDs with less capability than anticipated and less than DoD intended.

C1.4.12. Building Partnership Capacity (BPC) and other Special Programs. DTSA, the JS, and (USD)AT&L conduct case-by-case reviews of NVD transfer requests in support of BPC and Special Programs, e.g., Global Security Contingency Fund (GSCF), Coalition Readiness Support Program (CRSP), Peacekeeping Operations (PKO), Global Peace Operations Initiative (GPOI), National Defense Authorization Act (NDAA). The USD(P)/CCMD/SCO will develop the requirements and submit the appropriate documents as part of the proposal. The supporting documentation requirements for these pseudo-LOA NVD transfers are the same as for country requests.

Chapter 2. Country Team LOR Preparation

C2.1. The approval process for FMS transfers of NVD begins with a country's LOR submitted through appropriate channels as described in SAMM Section C5.1. Every request for man-portable NVD requires either an LOR-A or an ETP request. The SCOs should notify the IA as soon as they receive a request for NVDs to alert the IA to begin preparation of the transfer authorization request.

C2.2. A Country Team Assessment (CTA)/CCMD concurrence for NVD requests, when required, will address the 11 required elements as described in SAMM Table C5.T1. and the 8 additional elements (#12 through #19) from SAMM Table C5.T1e. The 8 additional elements are:

12. Full descriptions of the type and quantity of NVDs requested (LOR development may require coordination with IA for recommended model/quantity).
13. Justification for the type and quantity of NVDs requested and the operational plan for use and specific end-users to include:
    a) Description of the primary mission for the units to receive the NVDs?
    b) Extent of military interoperability missions/training with U.S. Forces?
    c) Extent of anti-terrorist missions for the units to receive the NVDs?
14. Whether this capability (Figure of Merit (FOM), Auto-gating power features) has been transferred previously to the country. If so, when, how many devices, device types and FOM? Method of procurement? FMS? DCS? Case Designator or License Number?
15. Assessment of the purchaser's capacity to provide substantially the same degree of support, security and accountability protection as given by the United States and willingness to accept the NVD physical security and accountability note.
16. The SCO plan for Post Shipment End-Use Monitoring (EUM) and compliance verification.
17. Additional information in support of the transfer request (e.g., status of previous NVD transfers and results of past U.S. security inspections/inventories/Compliance Assessment Visits (CAVs)).
18. Recommendation whether the USG should approve transfer of the article and justification.
19. Combatant Commander's concurrence. If provided separately, cite reference if available.

C2.2.1. A CTA/CCMD concurrence will accompany the NVD LOR for all ETP requests. See criteria in Section C1.4.9.1.

C2.2.2. The Combatant Commander's concurrence may be part of the CTA or submitted separately (see element #19 of SAMM Table C5.T1e.). If there is no reference to the CCMD concurrence in the CTA, a separate document is required.

C2.2.3. The CTA is not required for NVD requests with a capability at or below the NVEPIG guidelines and previously released to a country for the same type of end-user, i.e., an LOR-A. For these requests, the SCO will submit an SCO endorsement (abbreviated CTA) with the LOR. The SCO endorsement consists of:

- A statement that a CTA dated [mmm dd yyyy] was submitted at first introduction (contact the IA if this information is unavailable);
- A statement that the CT was informed of the follow-on transfer request on [mmm dd yyyy]; and
- Elements (#12 through #19) from SAMM Table C5.T.1e. (NVDs).

The SCO may submit the SCO endorsement to the IA in either memorandum or email format.

C2.2.4. Even if the LOR requires only the SCO endorsement, DTSA, JS, (USD)AT&L, DSCA, IA, CT, or the CCMD may request a complete CTA/CCMD concurrence (see Section C2.2.) for any of the following reasons (not inclusive):

- Add support to a particular request, e.g., for a large quantity;
- Changing situation in a country that may cause a review of the current export capability;
- Gauge the level of U.S. support for the country's request,
- One of the reasons specified in Section 1.4.7.4.

C2.2.5. The CTA/CCMD concurrence and SCO endorsement will be no more than one year old when it arrives at DSCA for review. If the situation dictates, the reviewers may request a new CTA/CCMD concurrence or SCO endorsement even if the one submitted with the NVD LOR is less than one year old.

C2.3. The SCO will forward the LOR and, as required, the CTA/CCMD concurrence or SCO endorsement to the appropriate IA with a copy to the CCMD and the DSCA Country Program Director (CPD). If there is uncertainty about the need for a CTA/CCMD concurrence or SCO endorsement, the SCO will check with the IA or DSCA.

C2.4. Chapter 6 contains the SCO NVD request process and checklist.

Chapter 3. IA LOA Preparation

C3.1. The IA verifies that the LOR and appropriate supporting documentation are complete and provide proper justification for the request. The IA then forwards the LOR, the CTA/CCMD concurrence or SCO endorsement (as appropriate), the IA's support memorandum, and the proposed list of specific NVDs requested (including model-type/nomenclature and quantity) to the DSCA CPD. The IAs should initiate this process as soon as they receive a request for NVDs so as to eliminate delays in case development due to waiting for an NVD transfer approval. See Appendix 1 for an example of the IA support memorandum.

C3.2. After receiving the LOR for man-portable NVDs from the SCO, the IA will:

C3.2.1. Review the LOR, CTA/CCMD concurrence or SCO endorsement (as appropriate), and supporting documentation to verify completeness. If incomplete, contact the SCO for the required information before proceeding. If the SCO does not have the first introduction CTA and LOR information, provide the required data in the IA support memorandum.

C3.2.2. Draft, sign, and date the IA support memorandum containing the following information:

- NVD type, model, and quantity as stated in the LOR.
- Performance parameters requested by the country on the LOR, if stated.

- Using unit(s) type, e.g., infantry, aviation, special operations, border guards.
- Purpose for the NVD request, e.g., how the NVDs will be used, the operational mission that requires them.
- Whether or not the IA supports the transfer using one of the following examples (not inclusive).
  - If the country LOR is for capability that falls within the NVEPIG and the IA supports the release, state that it endorses the request.
  - If the country LOR is for capability that falls within the NVEPIG but the IA does not support the release, provide justification and recommend performance parameters that are supported.
  - If the country LOR is for capability higher than listed in the NVEPIG and the IA supports the release, provide exceptionally strong justification for the higher performance parameters.
  - If the country LOR requests capability higher than listed in the NVEPIG but the IA does not support the release, state that support is only for parameters consistent with the NVEPIG.
  - If the IA supports capability higher that stated in the country LOR, list the recommended performance capability.
  - If the IA does not recommend the transfer, provide justification for not supporting the release.
- Case designator if known at the time. If not known, provide the case designator as soon as it is assigned.
- POC and contact information.

C3.2.2.1. Prepare IA support memorandum using the following guidelines:

- List only the performance capability that the country requests in its LOR. If none are stated on the LOR, the default will be the NVEPIG.
- IAs will not state recommended performance capability unless it is lower than that listed in the NVEPIG or higher that the country requests.
- Do NOT list IA provisos or performance parameters on the memorandum when the parameters are within the limits of those authorized in the NVEPIG. Provide them only when recommending a lower capability than requested in the LOR. See examples in Section C3.2.2.

C3.2.3. Forward the LOR packet with IA support memorandum to the DSCA CPD. Do not send it directly to DSCA Weapons Division or to DTSA.

C3.3. DSCA will process the NVD LOR in accordance with (IAW) with the requirements found in Chapter 4.

C3.3.1. For an LOR-A, the IA can continue LOA processing in parallel to the NVD release review process up to the point of sending the draft LOA to DSCA Case Writing Division (CWD).

C3.3.2. For an ETP, the IA will not continue the NVD portion of LOA processing until review completion. If the review process will take longer than 10 working days, the DSCA CPD will notify the IA to enable case processing timeline adjustments.

C3.4. Upon completion of the review process, the IA will receive an Authorization to Transfer memorandum from the DSCA CPD and include it in the LOA supporting documentation submitted to CWD. After receiving the Authorization to Transfer memorandum, CWD can proceed with LOA processing.

C3.4.1. The Authorization to Transfer memorandum communicates DoD's decision regarding the transfer of NVDs and will include the technical provisos, restrictions, and security notes as appropriate, needed for IA contracting and LOA execution.

C3.5. The ETP request and LOR-A do not take the place of any Exception to National Disclosure Policy (ENDP) process or releasability requirements the IA may be working.

C3.6. Chapter 6 contains the IA NVD request process and checklist.

Chapter 4. DSCA LOA Preparation

C4.1. After receiving the NVD LOR packet from the IA, the DSCA CPD prepares the LOR-A or ETP request as appropriate, and coordinates the request with DSCA EUM. If the CPD is uncertain whether to prepare an LOR-A or an ETP request, inform DSCA Weapons Division, who will coordinate with DTSA to make the determination. For NVD issues, the DSCA interface to DTSA is the DSCA Weapons Division.

C4.1.1. The CPD will prepare the LOR-A and the ETP request using the formats in Appendices 2 and 3 and forward to DSCA Weapons Division. See Appendix 2 for an example of the LOR-A. See Appendix 3 for an example of the ETP request.

C4.1.2. If specific provisos or the recommendation to approve or deny differs between the CT/CCMD, IA, and DSCA, DSCA Weapons Division, in coordination with the DSCA CPD, will work these issues to get consensus among the recommending agencies prior to proceeding. If there is still no consensus, explain the variance when sending the packet forward.

C4.1.3. DSCA Weapons Division will review the NVD request packet for completeness and forward to DTSA, the JS/J5, and (USD)AT&L for review.

C4.1.4. The goal for DSCA processing of the NVD LOR packet from receipt to forwarding to DTSA, the JS/J5, and (USD)AT&L for review is within 3 working days.

C4.2. Review Timelines.

C4.2.1. For an LOR-A, unless the reviewers request additional time, if there are no objections within the 10 day review period DSCA Weapons Division will prepare the Authorization to Transfer memorandum and provide it to the DSCA CPD to forward to the IA.

C4.2.2. For an ETP, DSCA must receive a response from DTSA prior to proceeding. DTSA, JS, and (USD)AT&L will normally complete the review within 10 working days. However, if they require additional time, the reviewers will notify DSCA Weapons Division to enable case processing timeline adjustments.

C4.3. After coordination and review, the reviewers notify DSCA Weapons Division authorizing or denying the transfer. If there is disagreement among DTSA, JS, and (USD)AT&L, DSCA Weapons Division will coordinate to achieve consensus prior to DTSA making the final decision.

C4.3.1. If the reviewers approve the NVD request, DSCA Weapons Division will prepare the Authorization to Transfer memorandum. The goal for DSCA to provide the Authorization to Transfer memorandum through the DSCA CPD to the IA is 3 working days. See Appendix 4 for an example of the Authorization to Transfer memorandum. DSCA CWD will include the memorandum in the LOA staff review packet.

C4.3.2. If the reviewers deny the NVD request, the DSCA CPD will coordinate the disapproval with the Department of State Bureau of Political/Military Affairs, notify the IA, and formally notify the customer IAW SAMM Section C5.2.2.

C4.4. DSCA SharePoint.

C4.4.1. After receiving the NVD request packet from the DSCA CPD, DSCA Weapons Division will input the DSCA memorandum, IA support memorandum, CTA/CCMD concurrence or SCO endorsement (as appropriate), LOR, and other supporting documentation to the DSCA SharePoint Weapons page. By viewing the SharePoint Weapons page, CPDs can track the status of the NVD request.

C4.4.2. Upon completion of the review process, DSCA Weapons Division will input the DTSA approval for the NVD transfer and the DSCA Authorization to Transfer memorandum to SharePoint.

C4.5. Chapter 6 contains the DSCA NVD request process and checklist.

Chapter 5. Provisos and Restrictions for Contracting

C5.1. DTSA, the JS, and (USD)AT&L determine technology restrictions and provisos on a case-by-case basis during the review process. Not all of these provisos will apply to all countries, and DTSA will specify which are appropriate after the case-by-case review. The DSCA Authorization to Transfer memorandum will inform the IA of the appropriate provisos to use for contracting, and the IA will communicate them to the contracting command and manufacturer. Below are some examples of export performance parameters and provisos. Note that these are examples only, and the IA and DSCA will not insert them into any of the supporting documentation going to DTSA, the JS, and (USD)AT&L for review.

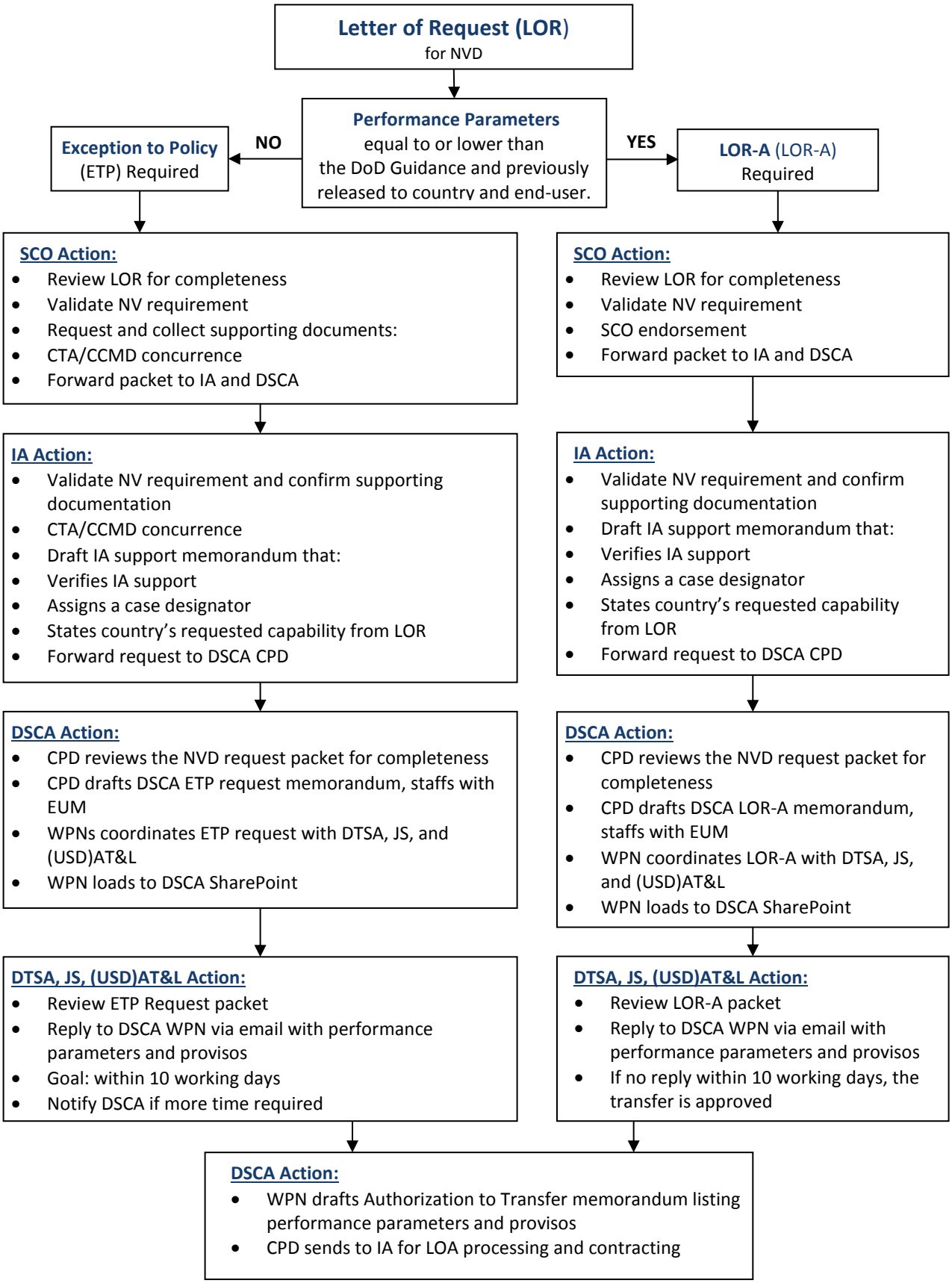
C5.2. The IA and CWD may include the following provisos from the Authorization to Transfer memorandum in the LOA as appropriate.

- Image intensifier tubes will conform to U.S. Military Specifications (MILSPEC) except for the specific, associated specifications that must change in order to meet the FoM and Halo provisos;
- Figure of Merit (FoM): No Less than xxxx / No Greater than xxxx
- Halo: No Less than .xx mm, No Greater than .xx mm

C5.2.1. The IA and case writers must not include the following examples in the LOA nor communicate them to the purchaser.

- 100% of the image intensifiers must pass Group A testing. Group B, C, and D lot testing must be conducted IAW U.S. MILSPEC acceptance standards;
- Thermal NVD performance parameters per IA export policy;
- Must not incorporate Light Interference Filters (LIF);
- Must not incorporate electro-optical countermeasures or counter-countermeasures;
- Production technology must not be discussed, offered, or released;
- Electro optical countermeasures and counter-countermeasures (hardware or software) or methods to exploit countermeasures must not be discussed, offered, or released;
- IA will not deviate from these provisos without prior approval from DSCA Weapons Division.

Chapter 6. NVD Request Process Flowchart and Checklist



NVD Request Checklist

This checklist is available as an Adobe Acrobat PDF Form for use as a working document at: www.dsca.mil/2014-NVD-Guide/pdf-download

SCO

☐	**Receive and Review the LOR for NVDs from Country**
☐	**Does the LOR state in writing whether or not the Country wants U.S. MILSPEC NVDs?** If NO, ask Country to state on the LOR or separate memo whether they request MILSPEC or non-MILSPEC NVDs
☐	**Does the LOR state the units to receive the NVD, why the unit requires the NVDs, and their operational mission?** If NO, return to country for completion
☐	**Does the NVD type and quantity match with the purpose/usage?** If NO, return to country for correction
☐	**Is this the first introduction or a new capability of NVDs to the Country or End-User?** **Is this request for performance parameters that are higher than NVEPIG guidelines?** **Is this request for end-users that are not specified in Section C1.4.7.1.?** **Is this request for end-users that do not meet the positive record of protection as stated in Section C1.4.7.4.?** If YES to any one of the previous 4 questions, staff to Country Team for Assessment (CTA) (See SAMM Table C5.T1., and Table C5.T1e. for NVD required elements) CTA must specify that the NVD request is supported, i.e., cannot be a general support of the LOR If the CCMD concurrence is not included in the CTA, staff to CCMD If separate, CCMD concurrence must specify that NVD request is supported, i.e., cannot be a general support of the LOR NOTE: CCMD concurrence can be part of the CTA or a separate memorandum per SAMM Table C5.T1e. element 19 If NO to all of the previous 4 questions, provide SCO Endorsement by completing SAMM Table C5.T1e. SCO Endorsement will include a statement that a CTA dated [mmm dd yyyy] was submitted at first introduction on LOA xx-x-xxx If the SCO does not have this information, contact the IA for the data SCO Endorsement will state that the CT was informed of this follow-on transfer request on [mmm dd yyyy]
☐	**Does Country specify performance parameters for FoM and Halo?** If YES, are they within the parameters listed in the NVEPIG? Contact IA if unsure of NVEPIG guidelines. If yes, send complete LOR packet to the IA If no, staff to Country Team for Assessment (CTA) (See SAMM Table C5.T1. and Table C5.T1e. for NVD required elements) If no and CCMD concurrence is not included in the CTA, staff to CCMD NOTE: CCMD concurrence can be part of the CTA or a separate memorandum per SAMM Table C5.T1e. element 19 If NO, default performance parameters will be as per NVEPIG
☐	**Forward the complete LOR packet to the IA**

IA

☐	**Receive LOR packet from the SCO**
☐	**If the SCO does not have the first introduction CTA and LOR information, provide the required data in the IA support memorandum**
☐	**Is the NVD LOR packet complete with the required documentation as per the SCO checklist?** If NO, return to SCO for completion of the packet
☐	**Does the NVD type and quantity match with the purpose/usage?** If NO, return to SCO for completion of the packet
☐	**Staff within the IA per IA policy** Does the IA support the transfer? If YES, prepare, sign, and date the IA support memorandum (See Appendix 1 for an example) State whether this is an NVD Advisory or an Exception to Policy (See NVEPIG and this Handbook for criteria) State the country, case designator (if known), NVD type requested, quantity, user, purpose, operational mission, and endorsement for transfer NOTE: NVD type & quantity must match on LOR, CTA/CCMD concurrence/SCO endorsement and IA memorandum or state reasons for lack of agreement If NO, same procedure as yes, however IA must state reasons for non-support
☐	**Forward the IA support memorandum with LOR packet and supporting documentation to the DSCA CPD**

DSCA CPD

☐	**Receive LOR packet from the IA**
☐	**Is the NVD LOR packet complete with the required documentation as per the SCO and IA checklist?** If NO, return to IA for completion of the packet
☐	**Staff with DSCA EUM for support of transfer** If EUM does not support, state reasons
☐	**Does DSCA support the transfer?** If YES, prepare, sign, and date the DSCA memorandum (See Appendix 2 and Appendix 3 for an example) Address the memorandum to appropriate offices in DTSA, (USD)AT&L, and the Joint Staff (See Appendix 5 for an example) State whether this is an NVD Advisory or an Exception to Policy (ETP) (See NVEPIG and this Handbook for criteria) If a pre-review is desired, send to DSCA/WPN to the appropriate service chief and the NVD policy analyst NOTE: NVD type & quantity must match on the LOR, CTA/CCMD concurrence, IA memorandum, and DSCA memorandum If NO, same procedure as yes, however DSCA must state reasons for non-support

☐	**Combine the supporting documentation into a single Adobe Acrobat PDF file with the DSCA memorandum as page 1.**
☐	**Send the DSCA memorandum with LOR and supporting documentation in Adobe Acrobat PDF format to the DSCA/WPN service representative and the NVD policy analyst**

DSCA/WPN

☐	**Receive LOR packet from the DSCA CPD**
☐	**Did the CPD coordinate with EUM?**
☐	**Is the NVD LOR packet complete with the required documentation as per the SCO, IA, and DSCA CPD checklist?** If NO, return without action to the DSCA CPD If YES, enter supporting documentation into SharePoint
☐	**Are the SCO, CT, CCMD, IA, and DSCA in agreement with respect to transfer approval/disapproval and the performance capability recommended?** If NO, adjudicate the recommendations to arrive at consensus, and explain any discrepancy in the email to DTSA/PD, (USD)AT&L, and the JS
☐	**Input the NVD request with supporting documentation to the DSCA Weapons SharePoint for tracking**
☐	**Send the complete LOR packet with supporting documentation to DTSA/PD, (USD)AT&L, and the JS via email** If an NVD Advisory, reviewers have 10 working days to respond (silence is consent) If an ETP, request reviewers respond within 10 working days, or let DSCA know that more time is needed so DSCA can inform the IA of delay

DTSA, (USD) AT&L, and JS

☐	**Receive LOR packet from the DSCA/WPN**
☐	**Staff as appropriate** JS staffs with SOCOM requests for capability higher than stated in the NVEPIG
☐	**Respond via email to DSCA/WPN** Include provisos as appropriate If an NVD Advisory, respond within 10 working days (silence is consent), or inform DSCA that more time is needed If an ETP, response requested within 10 working days, or inform DSCA that more time is needed

DSCA/WPN

☐	**Receive reviewer responses via email**
☐	**If in disagreement, adjudicate in coordination with DTSA**

☐	**If approved, prepare, sign, and date the DSCA Authorization to Transfer memorandum (See Appendix 4)** Include DTSA provisos as appropriate Send the Authorization to Transfer memorandum to the DSCA CPD
☐	**If disapproved, notify DSCA CPD for appropriate processing**
☐	**Input the DTSA approval/disapproval and Authorization to Transfer documentation into SharePoint**

DSCA CPD

☐	**Receive the Authorization to Transfer memorandum from DSCA/WPN**
☐	**Send the Authorization to Transfer memorandum to the IA**
☐	**Send response to the SCO and CCMD as appropriate**
☐	**If disapproved, the CPD will notify the customer in accordance with SAMM Section C5.2.2.**

IA

☐	**Send the Authorization to Transfer memorandum to appropriate recipients**
☐	**Send the Authorization to Transfer memorandum to contracting** Contracting will include the NVD performance parameters as stated on the Authorization to Transfer memorandum in their contract bid NOTE: Auto-gated NVDs are authorized for all recipients unless disapproved by a coordinating office, confirmed by DTSA, and stated otherwise in the Authorization to Transfer memorandum

NOTE: CTA/CCMD, IA, and DSCA must exceptionally justify ETP requests for performance higher than stated in the NVEPIG

Appendix 1. Sample IA NVD Support Memorandum

[Date]

MEMORANDUM FOR DEFENSE SECURITY COOPERATION AGENCY
ATTN: [COUNTRY] Country Program Director

SUBJECT: Request for Transfer of Night Vision Devices to [Country or International Organization] (XX-X-XXX)

The [IA] received a Letter of Request from [Country] for [Quantity] [NVD Nomenclature/Model Number] [NVD Type, e.g., Goggles, Thermal Weapons Sights]. [Country] requests NVDs with the following capability:

- [If specified, list country requested performance parameters from LOR, e.g., FoM, Halo.]
- [If not specified, omit the preceding sentence.]

[NOTE: IAs do not state recommended performance capability unless it is either higher or lower than that listed in the Night Vision Export Policy Implementation Guidance.]

These NVDs will be used by [unit, unit type, purpose, mission, operational requirement, deployment.] [NOTE: Explain in 3 or 4 sentences.]

The [IA] supports this transfer request and is prepared to offer the NVDs [EXAMPLES: with the requested capabilities; with capability per the Night Vision Export Policy Implementation Guidance; with capability greater/less than DoD Export Policy]. [If less than or greater than the Export Policy Guidance, the IA must state the reasons why the Export Policy Guidance is not appropriate and list the IA's recommended parameters.]

[Country] has previously received NVDs of this capability on LOA XX-X-XXX [mmm dd yyyy]. The LOR and SCO endorsement are attached. [Or, if appropriate, This is the first introduction of this capability. The LOR and CTA/CCMD concurrence are attached.]

The [IA] POC is [Name], [Office], [Phone number], [Email].

[Signature Block]

Appendix 2. Sample Letter of Request Advisory

[Date]

MEMORANDUM FOR DEFENSE TECHNOLOGY SECURITY ADMINISTRATION
ATTN: POLICY DIVISION (DTSA/PD)
DIRECTOR, JOINT STAFF, J-5
ATTN: GLOBAL POLICY & PARTNERSHIPS (JS/J5/DD)
OFFICE OF THE UNDER SECRETARY OF DEFENSE FOR
ACQUISITION, TECHNOLOGY, AND LOGISTICS
ATTN: INTERNATIONAL COOPERATION (IC/PPA)

SUBJECT: NVD Letter of Request (LOR) Advisory for [Insert Country or International Organization Name] (XX-X-XXX)

The Defense Security Cooperation Agency (DSCA) received a request from [Country] for [quantity] [model number] [type]. DSCA requests authorization to offer the NVDs to [Country] under case XX-X-XXX.

[State in 2 or 3 sentences the purchaser's justification (be specific) for the requested NVD types and quantity, as well as the unit, unit type, purpose, mission, operational plan for use, deployment.] [Additional information, such as the status of past NVD transfers and previous inspections may be provided if desired or requested.] [Country] accepts the physical security and accountability requirements, and DSCA EUM [concurs/non-concurs] with this request.

The [IA] supports this transfer and is prepared to offer NVDs with capabilities consistent with the Night Vision Export Policy Implementation Guidance, April 21, 2014. The LOR, SCO endorsement, and [IA] support memorandum are attached.

The DSCA POC for this action is [Name], Country Program Director, [Phone number], [email address@dsca.mil]. The DSCA POC for FMS NVD policy is [Name], DSCA/WPN, [Phone number], [email address@dsca.mil].

[Signature Block]

Appendix 3. Sample DSCA Exception to Policy Request

[Date]

MEMORANDUM FOR DEFENSE TECHNOLOGY SECURITY ADMINISTRATION
ATTN: POLICY DIVISION (DTSA/PD)
DIRECTOR, JOINT STAFF, J-5
ATTN: GLOBAL POLICY & PARTNERSHIPS (JS/J5/DD)
OFFICE OF THE UNDER SECRETARY OF DEFENSE FOR
ACQUISITION, TECHNOLOGY, AND LOGISTICS
ATTN: INTERNATIONAL COOPERATION (IC/PPA)

SUBJECT: NVD Exception to Policy (ETP) Request for [Insert Country or International Organization Name] (XX-X-XXX)

The Defense Security Cooperation Agency (DSCA) received a request from [insert Country] for [quantity] [model] [type]. DSCA requests authorization to offer the NVDs to [Country] under case XX-X-XXX. This is an ETP request since it is [state reasons, e.g., first introduction of Night Vision capability, an increase in capability] to the [country, ministry, service, unit, etc.]

[State in 3 or 4 sentences the purchaser's justification for the requested NVD types and quantity, as well as the unit, unit type, purpose, mission, operational plan for use, deployment.] [Additional information, such as the status of past NVD transfers and previous inspections may be provided if desired or requested.] [Country] accepts the physical security and accountability requirements, and DSCA EUM [concurs/non-concurs] with this request.

The [IA] supports this transfer and is prepared to offer NVDs with capabilities consistent with the Night Vision Export Policy Implementation Guidance, April 21, 2014. The LOR, CTA/CCMD concurrence, and [IA] support memorandum are attached.

The DSCA POC for this action is [Name], Country Program Director, [Phone number], [email address@dsca.mil]. The DSCA POC for FMS NVD policy is [Name], DSCA/WPN, [Phone number], [email address@dsca.mil].

[Signature Block]

Appendix 4. Sample Authorization to Transfer Memorandum

[DATE]

MEMORANDUM FOR DEPUTY ASSISTANT SECRETARY OF THE [IA]
ATTN: (Office)

SUBJECT: Authorization to Transfer Night Vision Devices to [Country] (XX-X-XXX)

REFERENCE: (a) DSCA Memorandum SUBJECT: Request for Transfer of Night Vision Devices to [Country] (XX-X-XXX), [Month Day, Year]
(b) DTSA Email SUBJECT: NVD [Advisory or Exception to Policy [Country] (XX-X-XXX), [Month Day, Year]

The Department of Defense authorizes the transfer of [quantity] [model] [type] to the Government of [Country]. The Defense Technology Security Administration, Joint Staff, J-5, and Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics reviewed this request and have no objections.

This transfer is authorized subject to the following parameters: [NOTE: Examples Only. Not all parameters will apply to every case.]

1. Image intensifier tubes will conform to U.S. Military Specifications (MILSPEC) except for the specific, associated specifications that must change in order to meet provisos 2 and 3.
2. Figure of Merit (FoM): No Less than xxxx / No Greater than xxxx.
3. Halo: No Less than .85 mm.
4. Auto-gated, Generation III image intensifier tubes.
5. 100% of the image intensifiers must pass Group A testing. Group B, C, and D lot testing must be in accordance with U.S. MILSPEC acceptance standards.
6. [Only if for thermal NVDs] Thermal device performance parameters are per [IA] export policy.
7. Electro optical countermeasures and counter-countermeasures (hardware or software) or methods to exploit countermeasures MUST NOT be discussed or released.

The Implementing Agency will:

1. Communicate these technical provisos to the NVD supplier via contract.
2. Not deviate from these provisos without prior approval from DSCA Weapons Division.
3. Include this memorandum with the Letter of Offer and Acceptance supporting documentation.

The DSCA POCs are [Name], NVD FMS policy, [Phone number], [email.address@dsca.mil] and [Name], Country Program Director, [Phone number], [email.address@dsca.mil].

[Signature Block]

Appendix 5. POCs for NVD Coordination

- **Defense Security Cooperation Agency**
  ATTN: [Country] Country Program Director

- **Defense Security Cooperation Agency**
  ATTN: Weapons Division (DSCA/WPN)

- **Defense Technology Security Administration**
  ATTN: Policy Division (PD)

- **Director, Joint Staff, J-5**
  ATTN: Global Policy & Partnerships (JS/J5/DD)

- **Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics**
  ATTN: International Cooperation (IC/PPA)

- **Deputy Assistant Secretary of the Army for Defense Exports & Cooperation**
  ATTN: Security Cooperation Integration and Exports

- **Director, Navy International Programs Office**
  ATTN: Security Cooperation Directorate

- **Director, Marine Corps Systems Command**
  ATTN: International Programs

- **Deputy Under Secretary of the Air Force for International Affairs**
  ATTN: Policy Directorate (IAPD)

- **U.S. Special Operations Command**
  ATTN: Command FDO International Programs (J34-IP)

- **Additional coordination may be conducted with the following as appropriate:**
  OASD/ISA or ISP;
  State/PM RSAT;
  USD(P)-PS;
  OASD/SOLIC

Appendix 6. Internet Resources

A6.1. The following links to DoD and corporate websites provide basic technical data and images of common U.S.-manufactured NVDs:

- US Army PEO Soldier
- US Army PEO Soldier: Soldier Sensors and Lasers (PMSSL)
- Exelis Night Vision
- FLIR Systems
- L-3 Warrior Systems
- Raytheon Thermal Weapon Sights

Appendix 7. Definitions

Term	Definition
Auto-gating	The ability of the I^2 power source to pulse the voltage in the presence of a bright light source so that vision is not impaired or the I^2 tube damaged.
Countermeasures and counter-countermeasures (CM/CCM):	Methods of preventing detection by the enemy or damage to the sensor. In the case of infrared detectors, lasers and protection from lasers are the main form of countermeasures and counter-countermeasures, respectively. Electro-optical (EO) CM/CCM may not be exported under standard FMS cases or DCS export licenses.
Dual-use/commercial systems	Items on the U.S. Commerce Control List (CCL) by the Department of State Commodity Jurisdiction or Government Jurisdiction process. As a general rule, these items are specifically designed or configured as consumer-ready products for use in specific civil applications that have no significant military applicability.
Exception to Policy (ETP)	DTSA approval required when an NVD request is for the first introduction of NVD capability to the country and end-user, capability higher than NVEPIG guidelines, end-users not specified in Section C1.4.7.1., or end-users not meeting the requirements listed in Section C1.4.7.4. The ETP requires a CTA/CCMD concurrence.
Figure of Merit (FoM)	A performance metric of I^2 tubes that is calculated by multiplying the signal-to-noise ratio by the resolution as measured in line-pairs per millimeter (lp/mm). Increased FoM roughly corresponds to increased tactical range performance.
Halo	Measured in millimeters (mm), it is the limiting diameter of light bloom caused by surrounding bright point sources. Halo is most commonly observed in I^2 NVDs when used in an urban warfare environment with city street lights. The light bloom obscures scene content and affects the clarity of image. Smaller halo provides for truer representation of image detail in the presence of bright point sources.
Image fusion	The general category of technology, including, but not limited to software, algorithms, sensors, optical components and other enabling technologies, capable of automatically combining multi-sensor inputs in a manner that results in an output with more information or enhanced quality or task relevance than any individual sensor. Image fusion generally optimizes image quality and militarily relevant scene content without the need for user intervention. Image blending or mixing techniques, which include fixed combinations of intensities independent of scene content, are generally not considered to be image fusion.
Image Intensifier (I^2)	Electro-optic systems, equipment, or components capable of detecting and amplifying optical signals or images via electron magnification in the ultraviolet, visible, infrared, x-ray, or gamma ray portions of the electromagnetic spectrum. These low light sensors may be categorized by generational descriptors based on the photocathode material and other characteristics, and may take the form of tube, solid state device, or hybrid.
Infrared (IR)	The part of the invisible electromagnetic spectrum adjacent to the red end of the visible spectrum in the range between 0.7 and 12 microns. Near IR (NIR) is the 0.7 -1.8 micron range, mid wavelength IR (MWIR) the 3-5 micron range, long wavelength IR (LWIR) the 8 -12 micron range, and very long wavelength infrared to 30 microns.
Laser	Military applications include pointers seen by NVDs, illuminators to enhance thermal view, range finders to determine distance, and designators to track or illuminate a target. Lasers devices do not require man-portable NVD processing as addressed in this handbook.

Term	Definition
Man-portable NVD	For purposes of this handbook, man-portable NVDs refer to devices, both I^2 and IR/thermal, which may be worn or small arms weapon mounted, e.g., goggles, weapon sights.
Military Night Vision Device/System	I^2, thermal, low light, or other electro optical (EO)/IR systems designed, developed, adapted, modified, or configured for military application and have significant military applicability. These systems enable acquisition, tracking, or monitoring of military scenes or targets at tactically or strategically significant ranges under militarily relevant conditions.
Night Vision	Encompasses thermal imaging, I^2, and any other technology that provides vision, imaging, or scene information in any portion of the infrared spectrum.
Night Vision Advisory	A process for NVD approval that ensures responsibility for the release, accountability for the NVD, proper use, and safeguarding of NVD technology when the country has previously received NVDs, and the capabilities are equal to or lower than listed in the NVEPIG. The Advisory requires an SCO endorsement. An Advisory does not require the CTA/CCMD concurrence unless requested. Release approval for advisories is granted unless objections are raised within 10 working days.
Platform-mounted NVD	For purposes of this handbook, platform-mounted NVDs are not man-portable, require an external power supply, or require integration into another system.
Stabilization	Capability of the EO/IR system to orient and point in relation to a target, mitigate platform vibration, and achieve image quality under tactical conditions. Stabilization for military targeting systems establishes the ultimate level of pointing accuracy obtainable by maintaining image “lock” in a dynamic environment characterized by motion, shock, and vibration. It is usually measured and specified in micro radians.
Thermal Imager	A category of imaging sensor that detects heat in the infrared spectrum (1 -12.5 microns). Thermal imagers are used in no light situations and can be divided into two categories: those with cooled infrared focal plane arrays (FPA) and those with uncooled (at or near room temperature) FPAs. Generally, cooled thermal imagers have higher sensitivity, higher performance, are more expensive than uncooled thermal imagers, and used for long range night vision application.

Defense Security Cooperation Agency

Solutions for America's Global Partners

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