Defense Technology Security Administration

"ENSURING THE EDGE"

DoD Export Review Process
November 5, 2015
**Mission**: Identify and mitigate national security risks associated with the international transfer of advanced technology and critical information in order to maintain the U.S. warfighter’s technological edge and support U.S. national security objectives.

**Vision**: Be the U.S. Government’s premier experts in technology and information security, safeguarding the U.S. qualitative military edge while enhancing foreign partners’ capabilities.
Department of Defense Role in Export Controls

- **State** (ITAR - Munitions)
- **Defense**
- **Commerce** (EAR - Dual-Use)

**Refer**

**Recommend**
DoD Licensing Community

- Defense Technology Security Administration (DTSA)
- U.S. Military Services:
  - U.S. Air Force - International Affairs Division (SAF/IA)
  - U.S. Army - Deputy Assistant Secretary of the Army, Defense Exports & Cooperation (DASA (DE&C))
  - U.S. Navy and U.S. Marine Corps - Navy International Programs Office (Navy-IPO)
Other DoD Organizations

- National Security Agency (NSA)
- Joint Chiefs of Staff (JCS/J5)
- Defense Security Cooperation Agency (DSCA)
- Under Secretary of Defense for Policy
- Under Secretary of Defense for Acquisition, Technology and Logistics (AT&L)
- Other (DIA, DISA, DLA, NGA, NRO, etc.)
What DTSA Provides to the Process

- Warfighter Protection
- Technical Expertise
- National Security Perspective
- Honest Broker
- Program Insight
DoD Review of Technology Transfers

Factors considered when assessing impact on national security:

• Policies (Region, Country and Technology)
• Level of Technology (U.S. Systems and Countermeasures)
• End User and End Use History
• Military Operational Impact
• Interoperability Requirements
• Bilateral, Multilateral, and International Agreements
• Foreign Availability of Comparable Systems
• Classified Data Transfers

Important to address technology security and foreign disclosure *early* in the process
Your Role in the Export Process

- It is incumbent on the applicant to:
  - Provide the information DoD needs to conduct a thorough technical review
  - “Draw the box” for their export request in their application, so provisos are not imposed constraining the applicant for items they have no intention of exporting
**Good Habits That Should Be Hard To Break**

- Focus on the basic elements of every license request: country, commodity, end-user and end-use
- Identify license precedents or case history—include copies
- Provide clear, concise cover/transmittal letter
- Learn the ITAR, both layout and content
- Compliance before and after licensing
- Improve knowledge through recurrent training
Guidelines for Imposition of Provisos

• Must be understandable and make sense
• Consistent wording and application
• Eliminate unnecessary provisos
• Must be correctly applied - appropriate – relevant
• Link provisos to license type
• Focus on what is requested for export
Reducing RWA's/
Avoiding Death by Proviso

• Tell us in plain English:
  • What you are doing
  • What you are not doing (may be more important)
  • Avoid jargon, don't rely on program names or acronyms

• Review previous license provisos

• Cite previous cases, more than one is OK

• Government POC
  • Verify POC information provided is current
  • If none, what Service would be interested
• Countries - not all countries are created equal
• List internet web-site to assist tech review
• Have a non-partial person read your license- can they determine your intentions by simply reading your application?
Questions?

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http://www.dtsa.mil/
http://elisa.dtsa.mil/
http://www.export.gov/