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January 9, 2012

MEMORANDUM FOR: SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
UNDER SECRETARIES OF DEFENSE
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DIRECTOR, COST ASSESSMENT AND PROGRAM EVALUATION
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GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE
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ASSISTANTS TO THE SECRETARY OF DEFENSE
DIRECTOR, ADMINISTRATION AND MANAGEMENT
DIRECTOR, NET ASSESSMENT
DIRECTORS OF THE DEFENSE AGENCIES
DIRECTORS OF THE DoD FIELD ACTIVITIES

SUBJECT: Directive Type Memorandum (DTM) 11-053, "Technology Security and Foreign Disclosure (TS&FD) Processes"

- References:
- (a) Title 10, United States Code
 - (b) Deputy Secretary of Defense Memorandum, "Establishment of Department of Defense Senior Steering Group (SSG) on Arms Transfer and Technology Release." August, 11, 2008¹
 - (c) Deputy Secretary of Defense Memorandum, "Comprehensive Review of DoD Technology Security and Foreign Disclosure (TS&FD) Processes," July 22, 2010¹

Purpose. In accordance with the authority in Reference (a), and guidance in References (b) and (c), this DTM:

- Establishes policy and assigns responsibilities for the reform of TS&FD processes to minimize process complexities; ensure timeliness and efficient processing of TS&FD release review requests; and implement holistic DoD-wide TS&FD release review procedures.
- Provides additional guidance to Reference (c) and further delineates the roles and responsibilities of the Arms Transfer and Technology Release Senior Steering Group (ATTR SSG) (Attachment 1).

¹ Available upon request to DTSATSFD@dtsa.mil

- Establishes the Technology Security and Foreign Disclosure Office (TSFDO) to serve as the central processing organization for ATTR SSG review and adjudication of DoD high level decisions (HLDs) and specialized routine decisions (SRDs) that impact DoD aspects of TS&FD release requests in accordance with its missions and functions (Attachment 2).
- Initiates detailed planning for consolidation and subsequent implementation (Attachment 3) under the guidance of the ATTR SSG to DoD TS&FD authorities according to their respective member responsibilities (Attachment 4).
- This DTM is effective upon its publication to the DoD Issuances Website; it shall be converted to a new DoD Directive. This DTM shall expire effective July 10, 2012.

Applicability. This DTM applies to OSD, the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities within DoD (hereinafter referred to collectively as the “DoD Components”).

Policy. It is DoD policy that:

- TS&FD decisions are made after considering the potential benefits of building allied and friendly nation partner capability efforts to advance our political and military objectives while maintaining U.S. operational and technological advantages and protecting critical technology from diversion to potential adversaries.
- Clear guidelines shall exist to produce efficient DoD processes for TS&FD decisions and ensure DoD-wide planning for building partner capacity (taking into account these processes early in the planning process in an integrated, standardized, and institutionalized manner).

Responsibilities. See Attachment 4.

Releasability. UNLIMITED. This DTM is approved for public release and is available on the DoD Issuances Website at <http://www.dtic.mil/whs/directives>.



Attachments:
As stated

ATTACHMENT 1

ATTR SSG MISSIONS AND FUNCTIONS

1. MISSION. The ATTR SSG shall develop, guide, and direct, consistent with U.S. policy and national security objectives, DoD-wide reform, implementation, and subsequent management of the DoD TS&FD system to ensure critical U.S. technologies are protected and release considerations are balanced with building allied and partner nation capability objectives.

2. FUNCTIONS. The ATTR SSG:

a. Serves as the overarching authority within DoD to ensure clear, senior-level direction is appropriately considered during the course of HLDs, DoD aspects of SRDs, and certain routine decision (RD) TS&FD release reviews by:

(1) Issuing releases in principal (RIPs), policy documents, and HLDs to guide TS&FD process owners in their deliberations.

(2) Ensuring high-level interest TS&FD release considerations are an inherent part of initial discussions regarding potential TS&FD release decisions affecting DoD stakeholders.

(3) Providing a forum to deliberate and resolve competing interests of protecting critical technologies against proliferation risk and supporting operational interests of coalition partners.

(4) Ensuring DoD Components provide initial visibility into possible export proposals among all key DoD stakeholders.

(5) Ensuring TS&FD process owners and implementation agencies coordinate openly with each other when reviewing HLD release requests and ensuring no action is taken or final decision is made without the full participation of all members.

(6) Providing executive-level direction and guidance to the various TS&FD process authorities described in this DTM.

b. Functions as the DoD appeals board and mediation body when TS&FD stakeholders are unable to achieve consensus on proposed DoD TS&FD release policies or HLDs and contentious SRDs that may impact DoD equities or RDs. Where Under Secretary-level consensus cannot be reached in the ATTR SSG, oversees the preparation of issues for review by the Secretary or Deputy Secretary of Defense.

c. Oversees changes to the existing TS&FD processes described in Attachment 3 and provides a forum for discussion and developing recommendations for additional improvements to corresponding U.S. Government and DoD arms transfer processes.

3. ATTR SSG OPERATIONS

a. The ATTR SSG will be co-chaired by the Under Secretaries of Defense for Policy (USD(P)) and Acquisition, Technology, and Logistics (USD(AT&L)). They shall designate personnel within their respective chains of command to function as working group co-chairs and Executive Secretaries. With the approval of the co-chairs, the ATTR SSG members listed in section 4 of this Attachment may designate general or flag officers or SES personnel to represent them.

b. The ATTR SSG will provide overall guidance and direction to and employment of the TSFDO in support of their role as the Executive Secretariat for the ATTR SSG. The TSFDO will develop, obtain ATTR SSG approval of, and maintain all ATTR SSG policies and procedures.

c. The ATTR SSG may establish task-focused teams made up of experts from relevant stakeholders on actionable matters of interest to the SSG.

4. ATTR SSG MEMBERSHIP

a. Co-Chairs

(1) USD(P).

(2) USD(AT&L).

b. Members

(1) Under Secretary of Defense for Intelligence (USD(I)).

(2) Assistant Secretary of Defense for Networks and Information Integration/DoD Chief Information Officer (ASD(NII)/DoD CIO)).

(3) General Counsel of the Department of Defense.

(4) Vice Chairman of the Joint Chiefs of Staff.

(5) Secretaries of the Military Departments.

(6) Director, National Security Agency/Chief, Central Security Service (DIRNSA/CHCSS).

(7) Director, National Geospatial-Intelligence Agency (NGA).

(8) Interagency representatives (by invitation).

ATTACHMENT 2

TSFDO MISSION AND FUNCTIONS

1. MISSION. The TSFDO is the Executive Secretariat to the ATTR SSG and facilitates the coordination and synchronization of release requests through the TS&FD processes to provide transparency and timely and well-informed HLDs.

2. FUNCTIONS. The TSFDO shall:

a. Consult with DoD TS&FD authorities regarding their existing processes to inform TS&FD HLD release requests.

b. Assess and, where applicable, recommend changes to existing DoD TS&FD policies and processes for ATTR SSG consideration, including, where appropriate, policies delegating certain defined TS&FD decisions to implementing agencies.

c. Develop and implement procedures and checklists that provide guidance to the DoD TS&FD community on submission formats for TS&FD HLD requests. The formats shall identify requirements for:

(1) Support documentation.

(2) Adherence to timelines.

(3) Suspense dates for review and submission of final positions regarding release requests.

d. Conduct screening, triage, staffing, and tracking functions for ATTR SSG HLDs or contentious SRDs or RDs.

e. Develop and coordinate, at the action officer level, consolidated DoD TS&FD policy documents, HLDs, or contentious SRDs that impact DoD equities or RDs for ATTR SSG adjudication. If required, develop and coordinate deliberative appeals documents that address points of contention or disparate positions among release authorities.

f. Coordinate and develop RIP documentation as required for TS&FD release requests, which will include assessments of technical and programmatic issues and analyses of building partner capacity opportunities as they relate to DoD policy objectives and require ATTR SSG level (or above) adjudication.

g. Publish ATTR SSG policy statements that reflect, inform, or represent HLDs and DoD related SRDs regarding TS&FD release decisions.

h. Serve as ATTR SSG Executive Secretariat.

i. Conduct ATTR SSG-authorized TS&FD policy and process outreach efforts within DoD, with interagency stakeholders, industry, and partner nations. Continually engage in communications with the DoD TS&FD community to be kept apprised of TS&FD release considerations. The DoD TS&FD community includes the organizations represented by the members of the ATTR SSG, as well as Combatant Commands, the Defense Technology Security Administration (DTSA), and the Defense Security Cooperation Agency (DSCA).

j. Continually conduct, within resource limits, outreach efforts to inform and educate the DoD community on TS&FD release processes and format requirements for review request submissions.

3. TSFDO OPERATIONS. The TSFDO shall reside in, and be managed by, DTSA. For operational matters, the TSFDO shall report to and be provided day-to-day guidance by the Director, DTSA. The Director, DTSA and the Director, International Cooperation/Negotiations (Office of the USD(AT&L) (OUSD(AT&L)/IC/IN)), will consult in their roles as co-Executive Secretaries for the ATTR SSG. For administrative matters, the TSFDO shall report to, and be provided guidance by, Director, DTSA.

ATTACHMENT 3

TS&FD PROCESS CONSOLIDATION TRANSITION PLAN

1. PURPOSE AND SCOPE. The ATTR SSG shall oversee development and implementation of a DoD transition plan to consolidate the existing DoD TS&FD HLD processes and DoD aspects of SRD processes identified by the TS&FD review group. This DoD transition plan will be implemented based on the guidance and direction of the ATTR SSG and the efforts of the DoD TS&FD process owners, in consultation with each other and the DoD Components that participate, as appropriate or required.

a. The area of responsibility for USD(P) includes DoD aspects of the interagency National Disclosure Policy Committee, night vision devices, inertial navigation system, and DoD Missile Technology Control Regime (MTCR) TS&FD processes (a subset of the overall MTCR non-proliferation regime decision process owned by the Department of State).

b. The area of responsibility for USD(AT&L) includes low observable and counter low observable, Defensive Systems Committee process, and anti-tamper processes, and programmatic and technical aspects of electronic warfare (EW) processes (in concert with the Office of Under Secretary of Defense for Intelligence (OUSD(I)) and the DIRNSA/CHCSS), as well as linkage with the Deputy Secretary of Defense's Special Access Program TS&FD process.

c. The area of responsibility for DoD CIO includes data links and waveforms (DL/WF) process (a subset of the overall DoD DL/WF process); positioning, navigation, and timing/global positioning system; linkage to the interagency Committee on National Security Systems (CNSS) process for release of cryptologic national security systems technical security material, information, and techniques.

d. The area of responsibility for USD(I) includes processes related to Geospatial intelligence (GEOINT) and signals intelligence (SIGINT) TS&FD from the interagency Remote Sensing Committee (RSCOM); EW (in concert with OUSD(AT&L) and DIRNSA/CHCSS); and miscellaneous intelligence from the Defense Intelligence Agency and the Military Departments.

e. The area of responsibility for NSA/CHCSS includes processes related to Information Assurance from the interagency CNSS and SIGINT/EW (in concert with OUSD(I) and OUSD(AT&L)).

f. The area of responsibility for NGA includes processes related to GEOINT from the interagency RSC process.

2. TRANSITION STEPS AND TIMELINE

a. Step 1 (Day 1-30). TS&FD process owners will assess the potential for process consolidation within their respective areas of responsibility as outlined in section 1 of this attachment in the context of the DoD TS&FD System Process depicted in the Figure in

Attachment 4. Individual process owner assessments and initial findings, as well as the ATTR SSG's system-level assessment, will be based on the HLD or SRD output criteria (OC), process characteristics (PCs), and external factors (EFs).

b. Step 2 (Day 31-60). Based on Step 1, each TS&FD process owner, in coordination with the TSFDO and the other process owners, will develop and recommend its process consolidation concept for ATTR SSG consideration. The ATTR SSG will assess all process owner concepts, direct any modifications required in individual processes to optimize overall system-level performance, and establish system-level performance guiding principles and quantitative objectives or metrics for all consolidated processes in the context of the DoD TS&FD System Process (see Figure in Attachment 4).

c. Step 3 (Day 61-90). Based on Step 2, each TS&FD process owner, in coordination with the TSFDO and the other process owners, will develop their respective detailed process consolidation plans. These plans will include interagency policy guidance needed for implementation, as well as the identification of all required changes or cancellations to existing DoD TS&FD related issuances and based on an ATTR SSG approved template. The ATTR SSG will assess all process owners' detailed plans and direct any modifications required in individual processes to optimize overall system-level performance. The ATTR SSG will direct the TSFDO to draft system-level TS&FD policy and process guidance as well as top-level descriptions of the consolidated processes. These consolidation plans will be implemented through new and modified DoD issuances and will inform interagency policy guidance.

ATTACHMENT 4

RESPONSIBILITIES

1. USD(P). The USD(P) shall:

a. In coordination with the USD(AT&L), co-chair the ATTR SSG, develop and implement ATTR SSG initiatives as directed by the Secretary and Deputy Secretary of Defense, and provide DoD-wide TS&FD recommendations to the Secretary and Deputy Secretary of Defense for release decision.

b. Participate in the ATTR SSG, assist in the development and implementation of ATTR SSG initiatives, and coordinate with the USD(AT&L) on the TS&FD recommendations provided to the Secretary and Deputy Secretary of Defense for decision.

c. Coordinate TS&FD activities with the TSFDO.

2. DIRECTOR, DTSA. The Director, DTSA, under the authority, direction, and control of the USD(P), and in addition to the responsibilities in section 10 of this attachment, as applicable, shall:

a. Support ATTR SSG TS&FD efforts.

b. Participate in the ATTR SSG, assist in the development and implementation of ATTR SSG initiatives, and coordinate with the ATTR SSG the policy aspects of DoD-wide TS&FD recommendations provided to the Secretary and Deputy Secretary of Defense for decision.

c. Provide day-to-day direction and guidance to the TSFDO, in consultation with OUSD(AT&L)/IC/IN.

d. Provide administrative support to, and working spaces for, the TSFDO.

e. Provide personnel support to the TSFDO.

3. DIRECTOR, DSCA. The Director, DSCA, under the authority, direction, and control of the USD(P), and in addition to the responsibilities in section 10 of this attachment, as applicable, shall support ATTR SSG TS&FD efforts.

4. USD(AT&L). The USD(AT&L) shall:

a. In coordination with the USD(P), co-chair the ATTR SSG, develop and implement ATTR SSG initiatives as directed by the Secretary and Deputy Secretary of Defense, and provide

DoD-wide TS&FD recommendations to the Secretary and Deputy Secretary of Defense for release decision.

b. Participate in the ATTR SSG, assist in the development and implementation of ATTR SSG initiatives, and coordinate with the USD(P) on the TS&FD recommendations provided to the Secretary and Deputy Secretary of Defense for decision.

c. Provide personnel support to, and coordinate TS&FD activities with, the TSFDO.

5. DIRECTOR, OUSD(AT&L)/IC/IN. The Director, OUSD(AT&L)/IC/IN, under the authority, direction, and control of the USD(AT&L), shall consult with the Director, DTSA, on operational guidance the Director, DTSA, shall provide to the TSFDO.

6. USD(I). The USD(I) shall participate in the ATTR SSG, assist in the development and implementation of ATTR SSG initiatives, and provide the ATTR SSG assessments and considerations relevant to intelligence, counterintelligence and security aspects of TS&FD recommendations to the Secretary and Deputy Secretary of Defense for decision.

7. DIRNSA/CHCSS. The DIRNSA/CHCSS, under the authority, direction, and control of the USD(I), and in addition to the responsibilities in section 10 of this attachment, as applicable, shall:

a. Participate in the ATTR SSG, assist in the development and implementation of ATTR SSG initiatives, and coordinate through the ATTR SSG on TS&FD recommendations provided to the Secretary and Deputy Secretary of Defense for decision.

b. Coordinate TS&FD activities with the TSFDO.

8. DIRECTOR, NGA. The Director, NGA, under the authority, direction, and control of the USD(I), and in addition to the responsibilities in section 10 of this attachment, as applicable, shall, in his or her capacity as the DoD GEOINT Manager:

a. Participate in the ATTR SSG, assist in the development and implementation of ATTR SSG initiatives, and coordinate through the ATTR SSG on TS&FD recommendations provided to the Secretary and Deputy Secretary of Defense for decision.

b. Coordinate TS&FD activities with the TSFDO.

9. ASD(NII)/DoD CIO. The ASD(NII)/DoD CIO shall:

a. Participate in the ATTR SSG, assist in the development and implementation of ATTR SSG initiatives, and coordinate with the ATTR SSG the CIO TS&FD recommendations provided to the Secretary and Deputy Secretary of Defense for decision.

b. Coordinate TS&FD activities with the TSFDO.

10. HEADS OF THE DoD COMPONENTS. The Heads of the DoD Components to whom TS&FD approval authority has been granted shall:

a. Participate in the ATTR SSG; assist the ATTR SSG in the development and implementation of ATTR SSG initiatives and development of TS&FD recommendations provided to the Secretary and Deputy Secretary of Defense for decision.

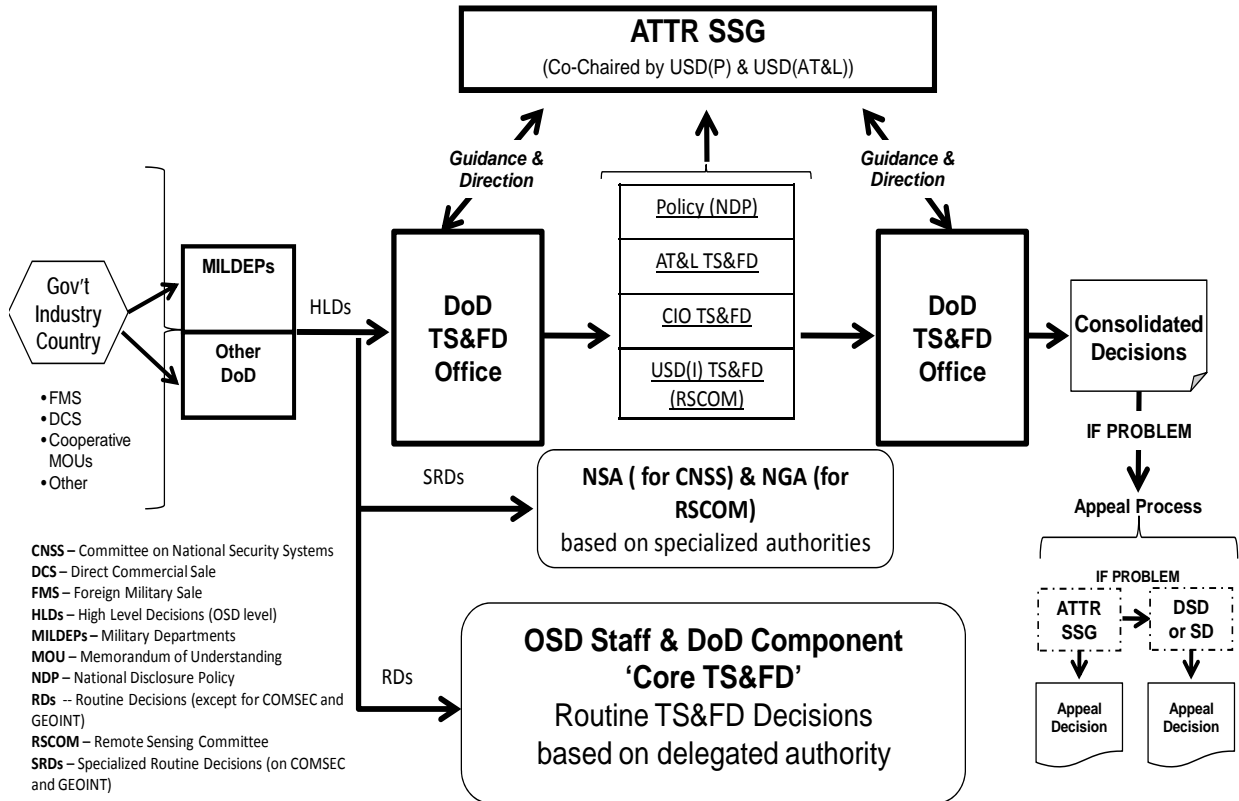
b. Provide support to, and coordinate TS&FD activities with, the TSFDO.

Figure. DoD TS&FD System Process Overview
 (This figure depicts future process flows for TS&FD release reviews.)



DoD TS&FD System

-- Process Overview --



GLOSSARYPART I. ABBREVIATIONS AND ACRONYMS

ASD(NII)/DoD CIO	Assistant Secretary of Defense (Networks and Integration Information)/ DoD Chief Information Officer
ATTR SSG	Arms Transfer and Technology Release Senior Steering Group
CIO	Chief Information Officer
CNSS	Committee on National Security Systems (USG interagency body)
COMSEC	communications security
DIRNSA/CHCSS	Director, National Security Agency/Chief, Central Security Service
DL/WF	data links and waveforms
DSCA	Defense Security Cooperation Agency
DTM	Directive-type Memorandum
DTSA	Defense Technology Security Administration
EF	external factors
EW	electronic warfare
GEOINT	geospatial intelligence
HLD	high level decision
IC	International Cooperation (AT&L)
IN	International Negotiation (AT&L)
LO/CLO	low observable/counter low observable
MTCR	Missile Technology Control Regime
NGA	National Geospatial Intelligence Agency
NSA	National Security Agency
OC	output criteria
OUSD(AT&L)	Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics
OUSD(I)	Office of the Under Secretary of Defense for Intelligence
PC	process characteristics
PNT	precision navigation and targeting
RIP	release in principle

RD	routine decision
RSCOM	Remote Sensing Committee (USG interagency body)
SIGINT	signals intelligence
SRD	specialized routine decision
TS&FD	technology security and foreign disclosure
TSFDO	Technology Security and Foreign Disclosure Office
USD(AT&L)	Under Secretary of Defense for Acquisition, Technology, and Logistics
USD(I)	Under Secretary of Defense for Intelligence
USD(P)	Under Secretary of Defense for Policy

PART II. DEFINITIONS

These terms and their definitions are for the purpose of this DTM.

EFs. Process input requirements; inter-process domain overlap; intra- and interprocess harmonization/synchronization requirements (joint analysis, information sharing, timelines, etc.); and process output requirements (both individual process output and ability to integrate individual process output into a system-level decision).

HLD. A TS&FD release decision that requires Under Secretary of Defense (or higher) consideration.

OC. High-quality system-level decisions, and optimal system-level decision timeliness and efficiency (i.e., the use of overall DoD resources available with little or no additional investment).

PCs. Transparency; predictability; repeatability; consistency; and flexibility/resiliency (i.e., ability to address different kinds of HLDs, DoD aspects of SRDs, and workload surges).

RD. A TS&FD release decision made by DoD Components based on delegated authority.

RIP. A TS&FD document that represents ATTR SSG approval of the intent to release certain technologies with the understanding that the Department of State maintains final decision authority regarding foreign disclosures and that the specifics of the release will be determined at a later time.

SRD. A TS&FD release decision on COMSEC or GEOINT equipment or products based on specialized authorities that may not be delegated to DoD Components.