

ATTR SSG/TSFDO Background/Information Paper

To build the capacity of allies and coalition partners, the Department must make timely decisions that advance our political-military objectives. Several separate, but related, processes support these decisions. These processes include the National Disclosure Policy Committee (NDPC), the Low-Observable/Counter-Low Observable (LO/CLO) Executive Committee, the Committee on National Security Systems (CNSS – run by the National Security Agency (NSA)), the Defense Systems Committee (DSC), and DoD's export licensing process. Additionally, each of the Military Departments has its own internal review processes for determining the transfer of capabilities and technologies within its purview.

In August of 2008, the Deputy Secretary of Defense issued a memorandum establishing a Defense Senior Steering Group (SSG) on Arms Transfer and Technology Release (ATTR) to provide direction to the various processes within the Department which inform the approval (or denial) of transfers of armaments and the release of classified and sensitive technology to international partners.

The ATTR SSG performs several key functions. First, this group is the overarching formal mechanism to ensure clear, policy-level direction is appropriately considered in technology release processes. Secondly, the ATTR SSG serves to ensure that technology protection and release considerations are included in the very first discussions of exporting weapons systems and that initial visibility into possible export proposals is shared among all key stakeholders. Finally, the ATTR SSG serves as a forum to discuss and shape the competing interests inherent in the desire to tightly protect certain critical technologies against balancing risk to those technologies with the operational interests of our allies and coalition partners.

In July of 2010, the Deputy Secretary directed his ATTR SSG Co-Chairs (USD(AT&L) and USD(P)) to conduct a comprehensive review of DoD Technology Security and Foreign Disclosure (TSFD) processes, as recommended by Presidential Study Directive-8 (December 2009) and the Export Control Reform (ECR) Task Force Report (January 2010). The Deputy recognized in his memorandum that our existing DoD-led TSFD processes have many strengths and served DoD well for many years. However, the processes needed review and, where possible, reform.

A Technology Security and Foreign Disclosure Review Group was formed, which resulted in several recommendations to modify the existing TSFD processes. These reforms, which were ultimately approved by the Deputy Secretary of Defense, included consolidation of several of the TSFD processes, empowering the ATTR SSG and the formation of a Technology Security and Foreign Disclosure Office. It was also recognized out of the TSFD review that having a single point of entry into and exit out of the various processes for priority TSFD review requests would mitigate awareness gaps and analysis pitfalls and that the TSFDO would serve as this venue.

In January of 2012, the Deputy Secretary signed Directive Type Memorandum (DTM) 11-053, "Technology Security and Foreign Disclosure (TS&FD) Processes." This DTM is currently in the remaining stages of becoming a full DoD Directive (DoDD). Once published, this DoDD will permanently codify the authority of ATTR SSG policies in addition to officially memorializing its roles and responsibilities. As well, the DoDD will permanently establish the Technology Security Foreign Disclosure Office (TSFDO), which serves several functions in addition to being the ATTR SSG Executive Secretariat.

In accordance with DTM 11-053 and the new DoDD, the TSFDO, established in February of 2011, conducts the triage, tracking and processing of Priority TSFD Reviews (PTRs). They staff and provide final dispositions on Electronic Warfare (EW) waiver requests. The TSFDO also provides support to several Senior Integration Groups (SIGs) with TSFD requirements and the Department's efforts to develop and implement Defense Exportability Features (DEF). In addition to this portfolio, the TSFDO develops ATTR SSG Anticipatory Policies (APs). APs will facilitate early Secretary of Defense and Deputy Secretary of Defense guidance and/or decisions on potential high-profile equipment sales to trusted allies and emerging partners involving advanced and/or sensitive technologies.

While the ATTR SSG and the TSFDO continue to serve the Deputy well, there are challenges to overcome. Personnel support/manning of the TSFDO is less than optimal. With just four permanent DTSA employees assigned, the other three slots are filled by a constant rotation of detailees which causes losses of momentum and corporate knowledge. In addition, the Military Departments, who are at once beneficiaries and detractors of the TSFDO, have yet to fully accept the TSFDO's involvement in PTRs.