



Department of Defense **DIRECTIVE**

NUMBER 5105.72
April 26, 2016

DCMO

SUBJECT: Defense Technology Security Administration (DTSA)

References: See Enclosure 1

1. **PURPOSE.** This directive reissues DoD Directive (DoDD) 5105.72 (Reference (a)) to update the mission, organization and management, responsibilities and functions, relationships, authorities, and administration of DTSA, in accordance with section 113 of Title 10, United States Code (U.S.C.) (Reference (b)).

2. **APPLICABILITY.** This directive applies to OSD, the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff (CJCS) 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 the DoD (referred to collectively in this directive as the “DoD Components”).

3. **MISSION.** The DTSA mission is to 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 so that:

- a. Critical U.S. military technological advantages are preserved.
- b. Proliferation of weapons of mass destruction and their means of production and delivery and diversion of defense-related goods to terrorists are prevented.
- c. Legitimate defense cooperation, including building partner capacity with foreign friends and allies, is supported in a timely manner.
- d. The health of the defense industrial base is supported.

4. ORGANIZATION AND MANAGEMENT

a. DTSA is established as a DoD Field Activity, under the authority, direction, and control of the Under Secretary of Defense for Policy (USD(P)).

b. DTSA will consist of a Director, who is the principal advisor to the Secretary of Defense on export controls and technology security policies and practices, and such subordinate officials and organizational elements as are established by the Director within the resources assigned by the Secretary of Defense.

5. RESPONSIBILITIES AND FUNCTIONS. See Enclosure 2.

6. RELATIONSHIPS. In the performance of assigned functions and responsibilities, the Director, DTSA:

a. Reports to the Secretary of Defense, through the USD(P).

b. Coordinates and exchanges information with the OSD and DoD Component heads and other federal officials having collateral or related functions.

c. Uses existing facilities and services of the DoD and other federal agencies, when practicable, to avoid duplication and achieve efficiency and economy.

7. AUTHORITIES. The Director, DTSA, is delegated authority to:

a. Obtain reports and information consistent with DoD Instruction (DoDI) 8910.01 (Reference (c)), as necessary, to carry out assigned functions.

b. Communicate directly with the DoD Component heads, as necessary, to carry out assigned functions, including the transmission of requests for advice and assistance.

(1) Communications to the Military Departments are to be transmitted through the Secretaries of the Military Departments, their designees, or as otherwise provided by law or directed by the Secretary of Defense in other DoD issuances.

(2) Communications to the Combatant Commanders will be in accordance with paragraph 4b(3) of DoDD 5100.01 (Reference (d)).

c. Communicate with other government officials, State and local officials, members of the public, and representatives of foreign governments, as appropriate, in carrying out assigned functions. Communications with representatives of the legislative branch will be coordinated with the Assistant Secretary of Defense for Legislative Affairs or the Under Secretary of Defense

(Comptroller)/Chief Financial Officer, DoD, as appropriate, and be consistent with the DoD Legislative Program.

d. Exercise the administrative authorities in Enclosure 3.

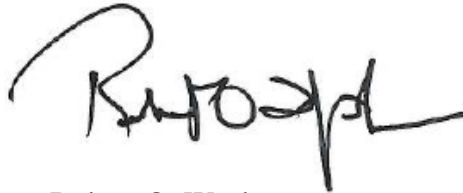
8. ADMINISTRATION.

a. The Secretaries of the Military Departments will assign military personnel to DTSA according to approved authorizations and established procedures for assignment to joint duty.

b. The Director, Washington Headquarters Services, with the assistance of the Defense Logistics Agency, will provide administrative support required for DTSA.

9. RELEASABILITY. **Cleared for public release.** This directive is available on the Internet from the DoD Issuances Website at <http://www.dtic.mil/whs/directives>.

10. EFFECTIVE DATE. This directive is effective April 26, 2016.

A handwritten signature in black ink, appearing to read 'R. Work', with a stylized flourish extending to the right.

Robert O. Work
Deputy Secretary of Defense

Enclosures

1. References
2. Responsibilities and Functions
3. Delegations of Authority

Glossary

ENCLOSURE 1

REFERENCES

- (a) DoD Directive 5105.72, "Defense Technology Security Administration (DTSA)," July 28, 2005 (hereby cancelled)
- (b) Section 113 of Title 10, United States Code
- (c) DoD Instruction 8910.01, "Information Collection and Reporting," May 19, 2014
- (d) DoD Directive 5100.01, "Functions of the Department of Defense and Its Major Components," December 21, 2010
- (e) Title 15, Code of Federal Regulations (Subchapter C, Parts 730 through 774 are also known as the "Export Administration Regulations")
- (f) Title 22, Code of Federal Regulations (Subchapter M, Parts 120 through 130 are also known as the "International Traffic in Arms Regulations")
- (g) Title 10, Code of Federal Regulations
- (h) Chapter 23 of Title 42, United States Code (also known as "The Atomic Energy Act of 1954," as amended)
- (i) DoD Directive 5111.21, "Arms Transfer and Technology Release Senior Steering Group and Technology Security and Foreign Disclosure Office," October 14, 2014
- (j) DoD Directive 5111.1, "Under Secretary of Defense for Policy (USD(P)),", December 8, 1999
- (k) DoD Directive 5230.20, "Visits and Assignments of Foreign Nationals," June 22, 2005
- (l) Sections 1514-1516 of Public Law 105-261, "Strom Thurmond National Defense Authorization Act for Fiscal Year 1999," October 17, 1998
- (m) Sections 1403-1405 of Public Law 106-65, "National Defense Authorization Act for Fiscal Year 2000," October 5, 1999
- (n) DoD Directive 5535.02, "DoD Patent Security Review Process," March 24, 2010
- (o) White House Memorandum, "Procedures on Commodity Jurisdiction Determinations," June 18, 2009
- (p) DoD Instruction 2040.02, "International Transfers of Technology, Articles, and Services," March 27, 2014
- (q) DoD Instruction 2030.08, "Implementation of Trade Security Controls (TSCs) for Transfers of DoD Personal Property to Parties Outside DoD Control," February 19, 2015
- (r) Joint Travel Regulations, current edition
- (s) Title 5, United States Code
- (t) Title 37, United States Code
- (u) Title 44, United States Code
- (v) DoD Instruction 5015.02, "DoD Records Management Program," February 24, 2015
- (w) DoD Instruction 5025.01, "DoD Issuances Program," June 6, 2014, as amended

ENCLOSURE 2

RESPONSIBILITIES AND FUNCTIONS

1. DIRECTOR, DTSA. Under the authority, direction and control of the USD(P), the Director, DTSA:

a. Organizes and manages DTSA personnel and other resources to accomplish the responsibilities and functions as prescribed in this enclosure.

b. Advises the Secretary and Deputy Secretary of Defense, through the USD(P), on DoD technology security efforts and policy matters related to the international transfer of sensitive technology. Coordinates such matters with the Under Secretary of Defense for Acquisition, Technology, and Logistics (USD(AT&L)), other OSD and DoD Component heads, and others, as appropriate.

c. Advises the USD(P) on positions regarding the appropriate export control policies and procedures necessary for protecting the national security interests of the United States.

d. Serves as the focal point for the development and implementation of DoD policy positions on matters concerning technology security, including, but not limited to: the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies; the Missile Technology Control Regime; the Nuclear Suppliers Group; the Export Administration Regulations (Reference (e)); the International Traffic in Arms Regulations (Reference (f)); the Department of Energy (DoE) Assistance to Foreign Atomic Energy Activities Regulations in part 810 of Title 10, Code of Federal Regulations (Reference (g)); and the Nuclear Regulatory Commission (NRC) Export and Import of Nuclear Equipment and Material Regulations in part 110 of Reference (g).

e. Develops and coordinates DoD positions on munitions and dual-use export license applications based on the Export Administration Regulations and the International Traffic in Arms Regulations, as well as export authorizations for unclassified nuclear technology, assistance, equipment, and materiel under The Atomic Energy Act of 1954 (Reference (h)), as administered by DoE and NRC.

f. Serves as a focal point for the development of DoD policy on Technology Security and Foreign Disclosure (TSFD) processes.

(1) Serves as Co-Executive Secretary with the Director, International Coordination, in the Office of the USD(AT&L), and is a member of the Arms Transfer and Technology Release Senior Steering Group (ATTR SSG), in accordance with DoDD 5111.21 (Reference (i)).

(2) Provides guidance and direction to the TSFD Office in the development and implementation of ATTR SSG initiatives and efforts, the coordination with ATTR SSG members

on Priority TSFD Reviews and Anticipatory Policies, and the consolidation and streamlining of TSFD processes, where appropriate.

(3) Provides day-to-day oversight, administrative support, and working spaces to the TSFD Office, which serves as the Executive Secretariat to the ATTR SSG and the DoD single entry point for Priority TSFD Reviews requests and other potential high-visibility TSFD cases, in accordance with Reference (i).

g. Advises the Secretary and Deputy Secretary of Defense and the USD(P) on the development of policy and procedures governing the disclosure and protection of classified and controlled unclassified information and material to foreign governments and international organizations.

(1) Administers the interagency National Disclosure Policy Committee on behalf of the Secretary of Defense.

(2) Serves as the principal disclosure authority on behalf of the USD(P).

(3) Advises the USD(P) on the development of policy and procedures governing programs that entail visits and assignments of foreign nationals to DoD Components and cleared contractor facilities; provides oversight for such programs; and, on behalf of the USD(P), administers Administrative and Professional Personnel Exchange Program assignments in the OSD and Defense Agencies, in accordance with DoDD 5111.1 (Reference (j)) and DoDD 5230.20 (Reference (k)).

h. Oversees the implementation of North Atlantic Treaty Organization Security Policy within the U.S. Government on behalf of the Secretary of Defense, acting as the United States Security Authority for North Atlantic Treaty Organization Affairs.

i. Conducts recurring reviews of the United States Munitions List, the Commerce Control List, and DoE and NRC export controls to ensure DoD recommendations to add, change, or delete items on U.S. export control lists reflect current national security interests.

j. Manages the Space Launch Monitoring Program to monitor controlled space launch and satellite technologies, in accordance with Public Law 105-261 (Reference (l)) and Public Law 106-65 (Reference (m)). Coordinates technology transfer control plans and controlled technical data proposed for export.

k. Supports the activities of the DoD Components and other federal agencies to monitor and control the flow of sensitive, defense-related technology, goods, technical data services, and munitions. Supports U. S. Government intelligence and law enforcement activities, and strengthens legitimate defense cooperation with foreign allies and partners.

l. Serves as the principal coordinator for the development, integration, and operation of the U.S. Government's single information technology program for licensing, USXPORTS.

m. Coordinates matters pertaining to the international transfer of defense-related goods, services, and technologies covered or developed within classified, compartmented, or special access programs with the appropriate DoD officials.

n. Coordinates technology security issues pertaining to Low Observable/Counter Low Observable (LO/CLO) technologies through the LO/CLO Executive Committee.

o. Serves as principal DoD coordinator concerning technology security matters for DoD contacts with foreign governments, international organizations, other federal and intergovernmental agencies, interagency working groups, industry, and other DoD Components.

p. Provides advice and support to the Office of the U.S. Trade Representative and the Department of State, as required, during negotiations of technology safeguards agreements between the United States and foreign countries.

q. Coordinates with the Under Secretary of Defense (Comptroller)/Chief Financial Officer, DoD and the Director, Cost Assessment and Program Evaluation, and assists them in the review of resources programmed and budgeted for defense technology security efforts and in all other related financial matters, as requested.

r. Serves as the office of primary responsibility for all issues related to the Arms Trade Treaty.

s. Serves as the office of primary responsibility for all issues related to Civil Nuclear Cooperative Agreements, pursuant to section 123 of The Atomic Energy Act of 1954.

t. In accordance with DoDD 5535.02 (Reference (n)), manages and oversees the DoD patent security review process and policies.

u. Serves as lead agent for formulating, executing, maintaining, and updating the policy governing transfers and exports of sensitive night vision systems and technologies through dual-use and munitions export licensing for direct commercial sales; security cooperation, including Foreign Military Sales; DoD cooperative research, development, acquisition, and support; or other programs designed to build capacity of foreign forces or support special operations.

v. Serves as the DoD representative to the Advisory Committee on Export Policy.

w. Serves as the DoD representative in the review and adjudication of commodity jurisdiction requests to the Department of State, in accordance with the White House Memorandum (Reference (o)).

x. Serves as the USD(P) focal point for reviewing and monitoring transactions filed with the Committee on Foreign Investment in the United States, in accordance with DoDI 2040.02 (Reference (p)).

- y. Develops policy and guidelines, including DoDI 2030.08 (Reference (q)), to assist DoD Components in complying with U.S. export control laws and regulations.
- z. Executes Foreign Military Sales related to the Cooperative Technology Security Program subject to the supervision of the Defense Security Cooperation Agency.
 - aa. Performs other duties and exercises authority as assigned by the USD(P) or the Secretary of Defense.

2. USD(P). In addition to the responsibilities in section 5 of this enclosure, the USD(P):

- a. Develops and coordinates DoD technology security policy, in accordance with Reference (j), and oversees DoD technology security programs, in accordance with Reference (p).
- b. Oversees the ATTR SSG jointly with the USD(AT&L), in accordance with Reference (i).
- c. Represents the DoD, or delegates such role, in interagency, national, and international forums concerning policy for technology security and enforcement matters.

3. USD(AT&L). In addition to the responsibilities in section 5 of this enclosure, the USD(AT&L):

- a. Provides technical advice and consultation on acquisition, technology, and logistics matters to support DoD technology security programs, and coordinates on such matters, in accordance with Reference (p).
- b. Provides technology assessments to support the development of DoD views and positions on matters regarding the national security implications of the transfer of technology, goods, services, and munitions, including associated concerns from foreign direct investments and filings with the Committee on Foreign Investment in the United States. Advises the USD(P) on such matters in interagency, national, and international forums.
- c. Oversees the ATTR SSG jointly with the USD(P), in accordance with Reference (i).

4. UNDER SECRETARY OF DEFENSE FOR INTELLIGENCE. In addition to the responsibilities in section 5 of this enclosure, the Under Secretary of Defense for Intelligence ensures that intelligence and counterintelligence support is provided to the USD(P), in accordance with Reference (p), on matters pertaining to DoD technology security programs; provides support at DoD, interagency, national, and international technology security-related forums; and supports the identification and assessment of critical technologies.

5. OSD AND DoD COMPONENT HEADS. The OSD and DoD Component heads:

a. Ensure prompt processing of export license applications consistent with national security objectives and provide sufficient staff support to facilitate the prompt resolution of matters pertaining to technology security.

b. Coordinate technology security-related matters with the USD(P), and designate a coordinator for technology security-related matters within their respective organizations.

c. Exercise their designated authorities and responsibilities as established by law or DoD guidance to support the USD(P) in the implementation of DoD technology security efforts and the responsibilities and functions identified in this directive and Reference (p).

6. CJCS. In addition to the responsibilities in section 5 of this enclosure, the CJCS:

a. Provides a senior officer to provide operational expertise and military judgment on technology security matters in DoD, interagency, national, and international forums.

b. Provides support to DoD technology security efforts, in accordance with Reference (p).

ENCLOSURE 3

DELEGATIONS OF AUTHORITY

Pursuant to the authority vested in the Secretary of Defense, and subject to the authority, direction, and control of the USD(P), and in accordance with DoD policies and issuances, the Director, DTSA, or in the absence of the Director, the person acting for the Director, is delegated authority, as required in the administration and operation of DTSA, to:

- a. Designate any position in DTSA as a “sensitive” position.
- b. Authorize and approve:
 - (1) Temporary duty travel for military personnel assigned or detailed to DTSA in accordance with the Joint Travel Regulations (Reference (r)).
 - (2) Travel for DTSA civilian personnel, in accordance with Reference (r).
 - (3) Invitational travel to non-DoD personnel whose consultative, advisory, or other highly specialized technical services are required in a capacity that is directly related to, or in connection with, DTSA activities, in accordance with Reference (r).
 - (4) Overtime work for DTSA civilian personnel, in accordance with Title 5, U.S.C. (Reference (s)), and applicable Office of Personnel Management regulations.
- c. Approve the expenditure of funds available for travel by military personnel assigned or detailed to DTSA for expenses related to attendance at meetings of technical, scientific, professional, or other similar organizations in such instances when the approval of the Secretary of Defense, or designee, is required, pursuant to Title 37, U.S.C. (Reference (t)).
- d. Develop, establish, and maintain an active and continuing Records Management Program, pursuant to Title 44, U.S.C. (Reference (u)) and in accordance with DoDI 5015.02 (Reference (v)).
- e. Use government purchase cards for purchases of material and services, other than personal services, for DTSA when it is determined to be more advantageous and consistent with the best interests of the government to do so.
- f. Establish and maintain, for the functions assigned, an appropriate publications system for the development and distribution of common supply and service regulations, instructions, and reference documents, and changes thereto, pursuant to DoDI 5025.01 (Reference (w)).
- g. Enter into support and service agreements with the Military Departments, DoD Components, other U.S. Government agencies, or private industry, as required, for the effective performance of DTSA functions and responsibilities.

h. The Director, DTSA, may, in writing, delegate these authorities, as appropriate, except as otherwise specifically indicated above, or as otherwise provided by law or regulation.

GLOSSARY

ABBREVIATIONS AND ACRONYMS

ATTR SSG	Arms Transfer and Technology Release Senior Steering Group
CJCS	Chairman of the Joint Chiefs of Staff
DoDD	DoD Directive
DoDI	DoD Instruction
DoE	Department of Energy
DTSA	Defense Technology Security Administration
LO/CLO	Low Observable/Counter Low Observable
NRC	Nuclear Regulatory Commission
TSFD	Technology Security and Foreign Disclosure
U.S.C.	United States Code
USD(AT&L)	Under Secretary of Defense for Acquisition, Technology, and Logistics
USD(P)	Under Secretary of Defense for Policy