

Defense Technology Security Administration

"ENSURING THE EDGE"



SIA 2026 Winter Back to Basics Conference

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DTSA Mission, Vision, Culture, and Strategic Goals



VISION

Be the U.S. Government's premier experts on international information sharing and information & technology security, safeguarding the U.S. qualitative military edge while enhancing foreign partners' capabilities.



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DTSA Core Functions



Success of the defense technology security mission requires cooperation and partnership with intra-departmental and interagency stakeholders, international partners, and industry.

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Protect the U.S. Warfighter's Technological Edge

DTSA assesses defense technologies and develops measures, in partnership with government and industry, to prevent proliferation or diversion of technology and information that could prove detrimental to U.S. national security



- **Technology Assessments and Risk Management of Direct Commercial Sales and Foreign Military Sales**
 - Includes Technology Control Plans and End User Checks
- **Recommendations on Export Licenses for Direct Commercial Sales**
 - Equipment, Technology, Data, and Services
- **Space Launch Technology Exports**
 - License proviso development and technology transfer monitoring
- **Committee on Foreign Investment in the U.S. (CFIUS) Technical Reviews**
- **International Agreements on Technology and Information Sharing**
- **Patent Security Reviews**
- **Technology Security Assessments for Enforcement/Compliance Efforts**
- **Security Surveys and Certifications**
 - Ensure partners' capability to protect U.S. defense technology



Promote Allies and Partners Technology Security and Shared Perspectives



DTSA shapes international and domestic policies and regulations that protect defense technology and information while facilitating cooperation with Allies and partners



- **Input into U.S. Export Control Laws, Regulations, and Policies**
 - Commodity Jurisdictions and Classifications, Entities List
- **Technology Release Waivers**
- **Anticipatory Technology Release Policies**
- **Secretariat for National Disclosure Policy Committee (NDPC)**
- **National and DoD policies on and authorities for disclosure of classified military information and materiel**
- **Visits and assignments of foreign personnel**
- **Sanctions**
 - Iran, North Korea, Syria Nonproliferation Act (INKSNA)
- **Guidance to DoD on export controls**
- **IT Enablers: USXPORTS – USG export licensing system, Defense Patent Application Review System (DPARS), Foreign Visits System**



Counter Strategic Competitors' Technology Acquisition and Methodologies



DTSA works with international partners to protect critical technology and information, increase technology security cooperation, and enhance interoperability

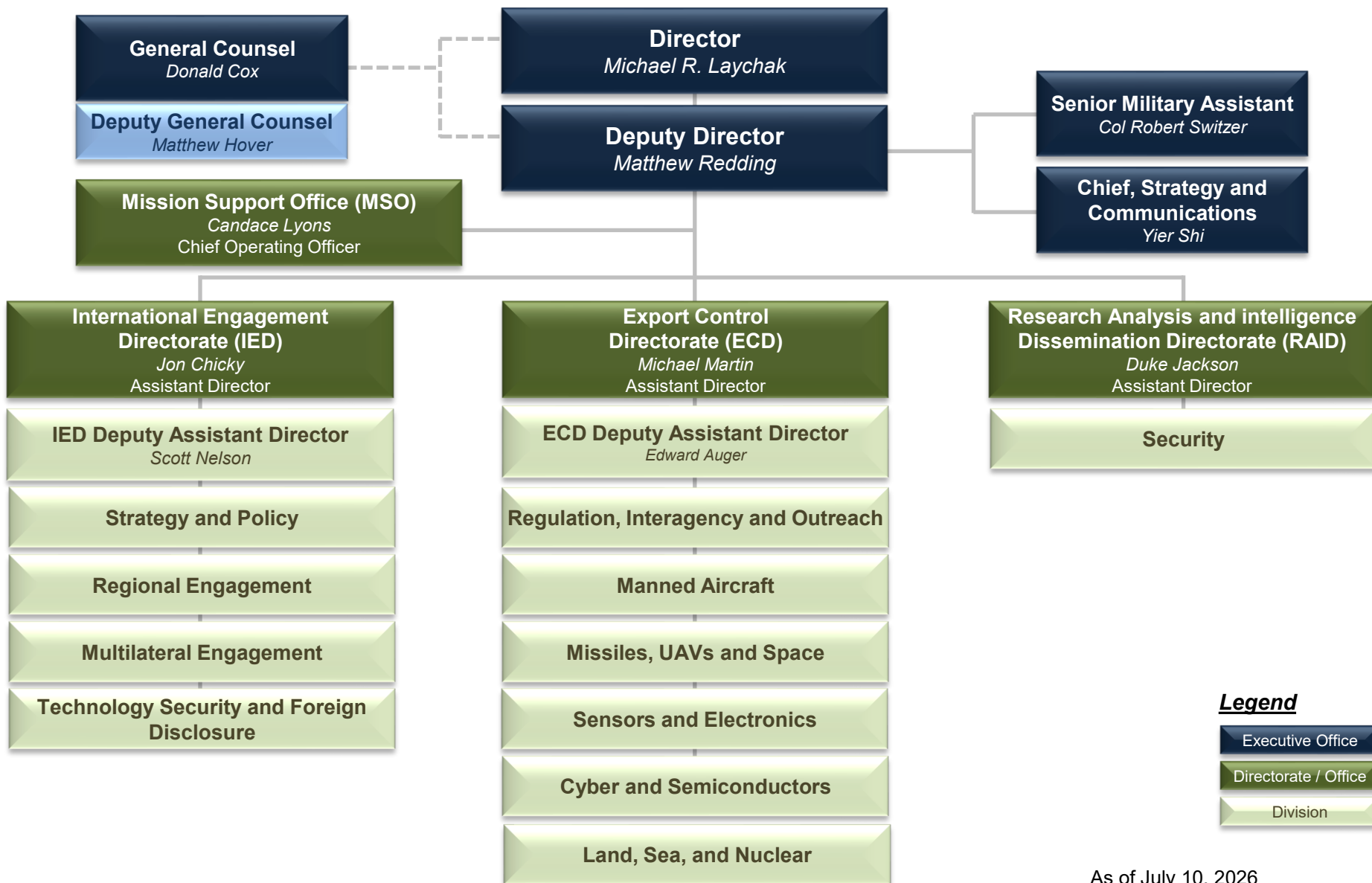


- **Multilateral Export Control and Non-Proliferation Regimes**
 - Australia Group, Missile Technology Control Regime, Nuclear Suppliers Group, Wassenaar Arrangement
- **Treaties (United Kingdom/Australia Defense Trade Cooperation Treaties, Arms Trade Treaty, North Atlantic Treaty Organization)**
- **Bilateral Nuclear Cooperation Agreements (Section 123 U.S. Atomic Energy Act)**
- **Technology Security Bilateral Engagements**
 - Cooperative Technology Security Programs
 - Support of Interagency and Intra-Departmental Bilateral Engagements
- **Industrial Security Programs**
- **National Disclosure Policy Committee (NDPC) Security Surveys**
- **Combatant Commands (COCOM) Liaison**



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Defense Technology Security Administration (DTSA)



As of July 10, 2026



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OBJECTIVES



- **Provide Insight on how DoW Reviews License Applications**
- **Help You Avoid Common Mistakes**

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LICENSE REVIEW PROCESS

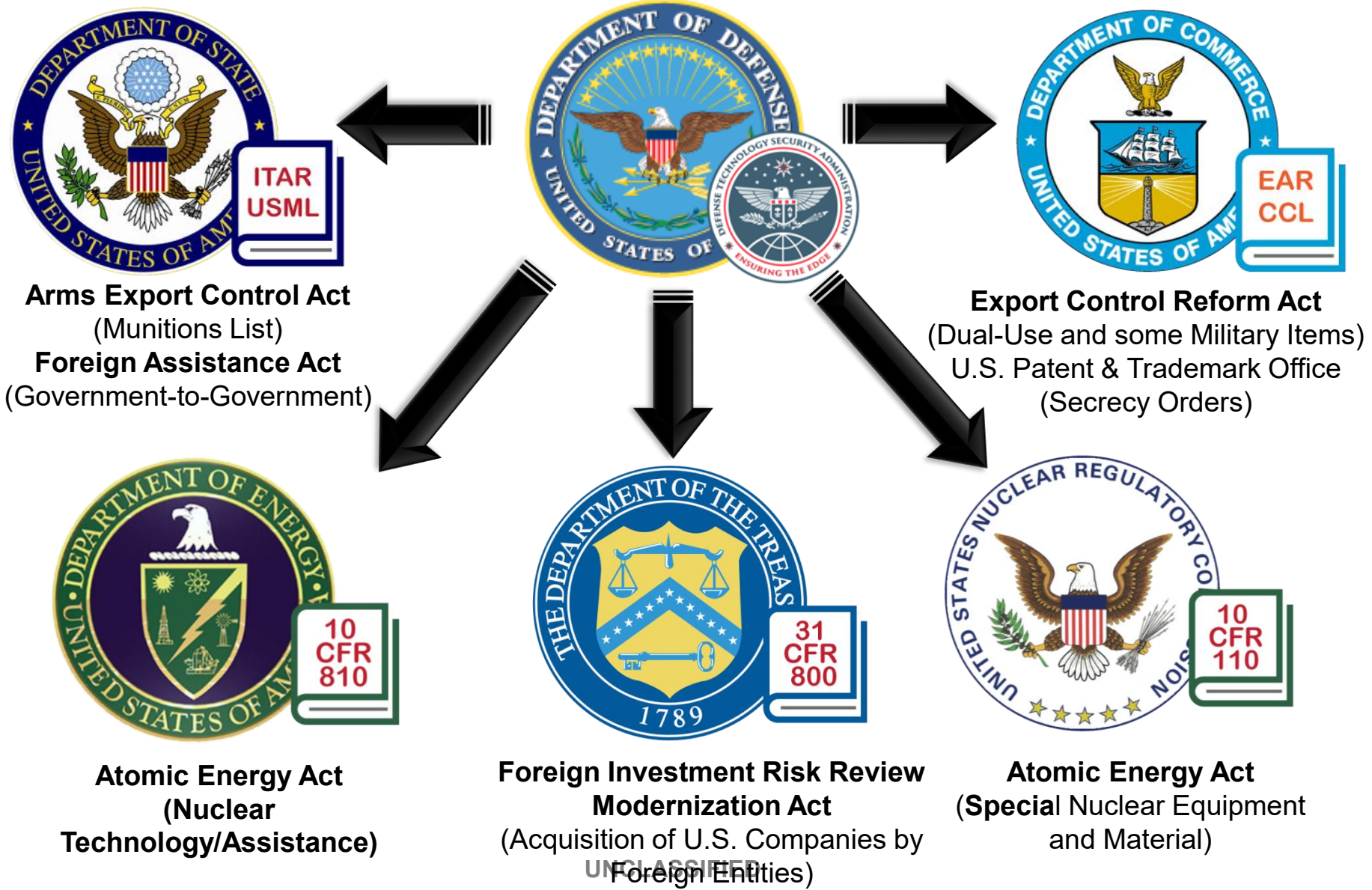
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DoW's Role in Technology Transfers Authorized by Other USG Agencies



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Technical Review Process



Factors considered when assessing impact on national security:

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

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Technical Review Process (cont'd)

- **Technical review template:**
 - **What is the item?**
 - **What capabilities does it provide?**
 - **Are there other applications in addition to stated end-use?**
 - **What is the foreign availability?**
 - **What is the critical technology we are trying to protect?**
 - **Options:**
 - **Approve**
 - **Approve with provisos**
 - **Return without action**
 - **Deny**
 - **Justification is provided for all recommendations**

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LICENSE APPLICATION REQUESTS

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“600 Series”

Need to be diligent in proper Categorization & Classification

VIII(x) and XIX(x) MUST comply with ITAR 123.1(b)(3). The commodities must be properly described and enumerated.

Even within the ITAR, different categories can mean different licensing policy

Bulk licenses with ‘representative parts lists’ MUST BE scrubbed for accuracy

Lots of misclassified items found to date

Parts or components that are not part of the actual system

E.g., Requesting the export of an afterburner (augmentor) for the T56 turboprop engine.

NOTE: The T56 does not have an afterburner

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BULK LICENSES



- FOR B-52H

- ECCN PART

PART NUMBER

- 9A610 wing-tip landing gear

B-52HwlgL

- 9A610 Sliding window

B52HSWR

- FOR F-16

- 9A610 Leading Edge Flap

F16FLP04L

- 9A610 Canopy bow

F16ACB



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DoW Software Guidelines

- **Software is covered under the § 120.10 definition of technical data**
- **Technical data licenses must describe or provide the technical data to be exported**
- **The Guidelines are there to help the applicant describe the software aspect of the tech data**
 - **Not a pro forma exercise**
- **Make sure to explain the software *functionality***
 - **What does the software *do*?**

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PROVISOS

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Provisos

Draw the Box



- Applicants should “draw their own box” on every application.
- If you don’t, WE (DTSA) WILL DRAW THE BOX FOR YOU, WHICH WILL IMPOSE LIMITATIONS ON YOUR APPLICATION.
 - Or we will recommend return without action (RWA) or Denial.

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Proviso Reconsiderations

- **If you are requesting a proviso reconsideration, nothing else related to the contemplated export should have changed**
- **Explain how the proviso prevents you from executing and why it is important to be removed.**
 - If you have a suggested change to the proviso that will address the national security concern and still allow you to execute, provide that suggested language
- **Note: If you do not understand a proviso, a proviso reconsideration is not the solution.**
 - If you require an interpretation of a proviso, you should submit a general correspondence request with the State Department.

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Good Habits You Should Adopt

- **Focus on the basic elements of every license request: country, commodity, end-user and end-use**
- **Identify license precedents or case history; include copies in your application.**
- **Provide clear, concise cover/transmittal letter**
- **Describe the technical data flow between parties**
- **Describe the context of the technology transfers**
 - Doing it with them or for them?
- **Review previous license provisos/Cite previous cases**

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Good Habits You Should Adopt (cont'd)



- **Tell us in plain English:**
 - What you are doing
 - What you are not doing (may be more important)
 - Avoid jargon, acronyms, do not rely on program names
- **Government POC**
 - Verify POC information provided is correct
 - If none, identify what Service(s) would be interested
- **Temporary Licenses**
 - Tell us how will you maintain control
 - Government and Industry end-users are treated differently
 - Be realistic with quantities
- **List internet web-site to assist tech review**

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Reminders



- **Define all abbreviations and acronyms**
- **Use Active Voice**
- **Avoid ambiguous language such as**
 - **“as necessary” or “minimum necessary”**
 - **“including but not limited to”**
 - **“any hardware related to the data and services”**
- **Differentiate activities “with” and “for” foreign party**
- **Note ITAR or EAR-identified areas of concern**
- **Include Software Source Code *FUNCTION***
- **Attributes of a good SOW can be *contrary* to ITAR or EAR.**
 - **Remember that an SOW should not serve as scope.**



Process Improvement Plan



FAQs on DTSA's Website

To help the exporter craft a license request that will provide the information DoW needs in their review



Questionnaires to Assist in our Review Process

DTSA will use the responses to ensure our provisos are relevant to the contemplated export



Standardize Limitations (Provisos/Conditions)

Develop an internal list of standardized limitations to ensure consistency in interpretation



Update our IT System to Leverage AI/ML in our Reviews

Utilize AI/ML to facilitate in the review process in areas such as internal routing, precedent cases and existing policies



Objectives: (a) Increase Throughput and (b) Decrease Non-Relevant Provisos and RWAs

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QUESTIONS?



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Back-up Slides

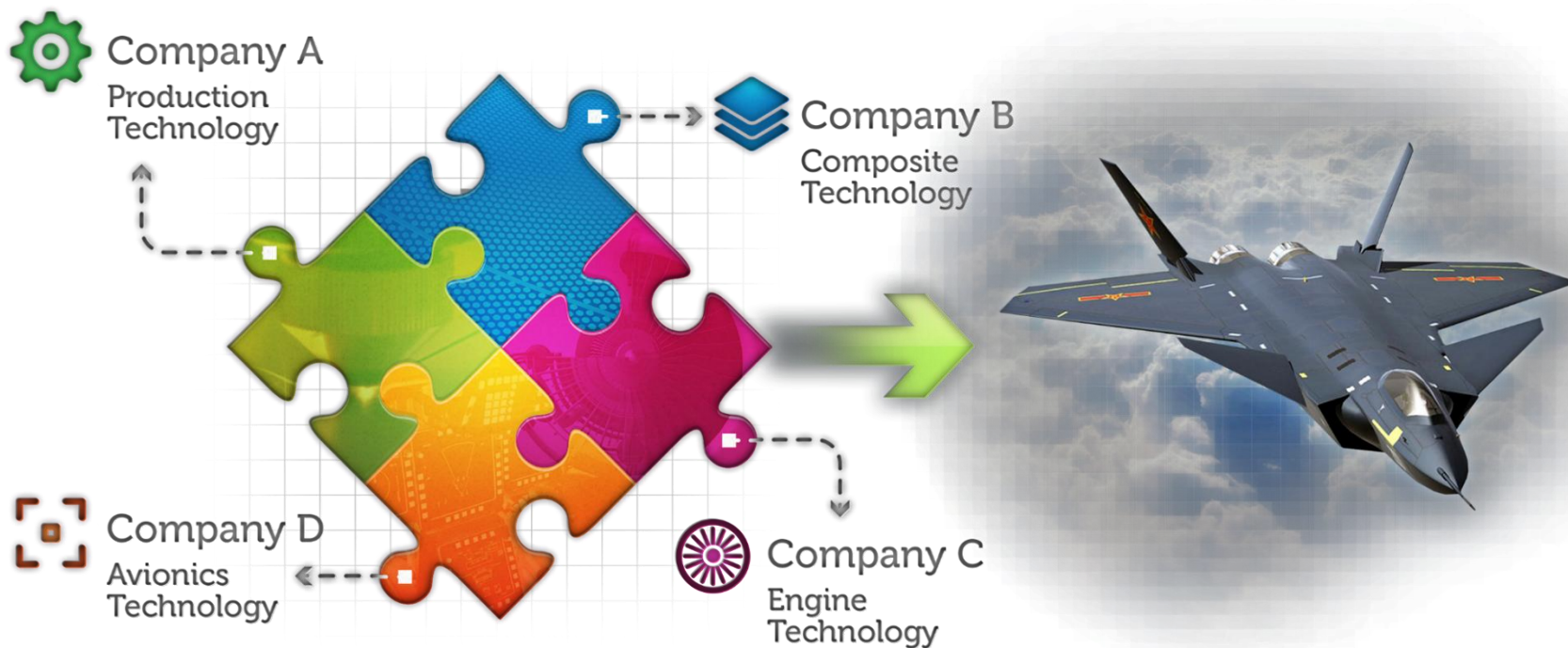
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Technology Jigsaw Puzzle



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Defense Articles

- **Determining Jurisdiction for Control of Exported Items**
- **DOD Processes for Transfers of Defense Articles**
- **The USML and the Wassenaar Munitions List**
- **Use Cases**



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Designating Defense Articles and Services



ITAR §120.3 Policy on designating or determining defense articles and services on the U.S. Munitions List

- A specific article or service may be designated a defense article or defense service if it:
 - (1) Meets the criteria of a defense article or defense service on the USML; or
 - (2) Provides the equivalent performance capabilities of a defense article on the USML.
- A defense article or defense service is an item that provides a critical military or intelligence advantage.
 - Its properties achieve or exceed performance levels, characteristics or functions described in a relevant USML paragraph.
- **§120.41 Specially Designed**
 - Provides an “order of review” to assist in determining jurisdiction

...if unsure, exporters may submit a Commodity Jurisdiction (CJ) requesting a determination on the jurisdiction of an item or service.

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Why Does Jurisdiction Matter?

This determination will dictate:

- **Controlling agency**
 - Export Administration Regulations (EAR) – Department of Commerce/Bureau of Industry and Security
 - International Traffic in Arms Regulation (ITAR) – Department of State/Directorate for Defense Trade Controls
- **Registration requirement (ITAR)**
- **Brokering requirements (ITAR)**
- **License requirements (Both)**
- **Available license exemptions (ITAR) or exceptions (EAR)**