



CHAIRMAN OF THE JOINT CHIEFS OF STAFF INSTRUCTION

Directive current as of 15 December 2021

J-5
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CJCSI 2110.01E
10 December 2010

INTERNATIONAL TRANSFER OF U.S. DEFENSE-RELATED TECHNOLOGY AND MUNITIONS

References:

- a. DODD 2040.2, "International Transfers of Technology, Goods, Services, and Munitions," 17 January 1984
- b. DOD 5105.38-M, "Security Assistance Management Manual," 3 October 2003

1. Purpose. This instruction implements the references and establishes Joint Staff procedures for reviewing the international transfer of U.S. defense-related technology.
2. Cancellation. CJCSI 2110.01D, 3 July 2007, is canceled.
3. Applicability. This instruction applies to the Joint Staff and the combatant commands.
4. Policy. DOD policy is to treat defense-related technology as a valuable, limited national security resource, to be husbanded and invested in pursuit of national security objectives. Additionally, it is DOD policy to encourage and enable our allies and partners to defeat the terrorist threat and to help prevent other threats from emerging. Consistent with these policies and in recognition of the importance of international trade to a strong U.S. defense industrial base, the Department of Defense will apply export controls in a way that minimally interferes with the conduct of legitimate trade and scientific endeavor. Within the DOD review process, the Joint Staff, in coordination with the Combatant Commanders, represents the operational interest and perspective of the warfighter. Issues in technology transfer and specific proposals for the transfer of defense articles and services are evaluated at the Joint Staff and unified command level from the perspective of providing the best military advice possible to the President and/or Secretary of Defense and the capacity of allies and partners to support U.S. military strategy and objectives.

5. Definitions. None.

6. Responsibilities

a. The Director for Strategic Plans and Policy, Joint Staff (J-5) is the designated Joint Staff principal for all technology, data, services, material, and munitions issues that pertain to development, defense cooperation, and other politico-military factors influenced by technology. Specific responsibilities within the Strategic Plans and Policy Directorate (J-5) are as follows:

(1) Wassenaar Arrangement (WA) on Export Controls for Conventional Arms and Dual-Use Goods and Technologies. The United States and 32 other governments formally implemented WA in July 1996. The WA currently consists of 40 participating states. The purpose of the WA is to:

(a) Promote transparency and greater responsibility with regard to the transfers of conventional arms and dual-use goods and/or technologies.

(b) Encourage restraint where threats to international peace and stability are judged greatest.

(c) Harmonize national export policies to guard against destabilizing accumulations of military might.

WA issues will be referred to the Joint Staff from the Defense Technology Security Administration (DTSA) for comment or concurrence. The J-5 Security Cooperation Division will coordinate any such actions with the combatant commands and within the Joint Staff before providing a response.

(2) Letters of Request (LOR) Advisories. Criteria for requiring LOR advisories are included in reference b, Chapter 5, C5.1.4.5. LOR advisories are prepared by the Defense Security and Cooperation Agency (DSCA) and forwarded to the J-5 SC Division when required for Joint Staff coordination. The LOR advisory will be coordinated with the appropriate combatant commands and Joint Staff directorates. The LOR advisory will include a copy of the purchaser's LOR as well as the Country Team Assessment prepared by the U.S. Embassy or Security Assistance Organization as required.

(3) Munitions Export License Requests. License requests are forwarded to the Joint Staff from DTSA, the lead DOD agency for these actions. All requests will be assigned to the J-5 SC Division, which will coordinate the Joint Staff input with appropriate combatant commands, regional divisions, and other Joint Staff elements.

(4) Advocacy Requests. Advocacy requests are forwarded to the Joint Staff from DSCA. The SC Division will coordinate the Joint Staff input with the appropriate combatant commands, regional divisions, and other Joint Staff offices.

(5) National Disclosure Policy Issues. Recognizing that it may be in the national interest to share classified military information (CMI) with foreign nations, the National Security Council, with the approval of the President, established a national disclosure policy (NDP-1) governing disclosure of CMI to foreign governments. NDP-1 authorizes delegated disclosure decisions up to a specified level of classification for individual countries. In cases where disclosure authority has not been delegated, an Exception to National Disclosure Policy (ENDP) is required. ENDPs must be sponsored and supported by the agency with cognizance over the CMI. ENDPs require consensus support from the interagency members of the National Disclosure Policy Committee (NDPC). The Chairman of the NDPC refers cases requesting an ENDP directly to the Joint Staff NDPC member, J-5 SC Division. Cases received will be staffed through the appropriate combatant commands (planner-level coordination is required, usually O-6 or above), J-5 regional divisions, and cognizant Joint Staff elements for comment or concurrence within 10 days. After staffing and approval, the Joint Staff NDPC member will forward the Joint Staff vote to the NDPC.

(6) Excess Defense Article (EDA) Coordination Committee. The Departments of Defense and State have established an EDA Coordination Committee to review projected excess and allocate excess defense assets to potential recipients. The Chief, SC Division or a representative will represent the Joint Staff on this committee. Decision issues will be coordinated with all appropriate Joint Staff elements and Combatant Commanders.

(7) The Director for Command, Control, Communications, and Computer Systems (C4S) (J-6) is the designated Joint Staff principal for technology transfer issues affecting C4S.

(8) The Director for Operational Plans and Joint Force Development (J-7) is the designated Joint Staff principal for issues and factors concerning U.S. efforts to standardize, or to make interoperable, procedures with allies and other friendly nations through projects that enhance U.S. rationalization, standardization, and interoperability procedures.

(9) Combatant command assessments that respond to security assistance, export license, or ENDP requests shall incorporate a review of the following general criteria to ensure transfers are consistent with U.S. government conventional arms transfer policy, support combatant command theater security cooperation objectives, and contribute to force interoperability:

(a) How introduction supports execution of area of responsibility (AOR) war plans and theater campaign plans.

(b) Mutual defense and AOR security objectives.

(c) Interoperability (engagement of the country's military in combined or coordinated exercises and operations with U.S. forces and other AOR allies). Note: Interoperability requirements should address the requirement for release of communications security if applicable.

(d) The ability of a country's military forces to perform important or useful missions that otherwise would be performed by U.S. forces.

(e) The offensive and defensive nature of the weapon system.

(f) The ability of the country to absorb and support the system.

(g) The amount and sensitivity of the technology proposed for transfer, and the ability of the country to protect the technology.

(h) The status of U.S. foreign security relationships.

(i) Military-to-military contacts with other AOR nations.

(j) Qualitative military edge of U.S. forces in the region.

(10) These criteria are intended to assist in providing the Combatant Commander's assessment. It is not necessary to address each criterion in every case, and there may be additional considerations deemed appropriate. These serve as a guide to link potential arms transfers to specific theater security cooperation strategies.

(11) Transfers of defense services by the U.S. government include the furnishing of military training. Transfer of defense services that involve special operations (SO) tactics, techniques, and procedures (TTPs) require concurrence from Headquarters, U.S. Special Operations Command (HQ USSOCOM) prior to release. These defense services include military training to foreign units and forces, both regular and irregular (including formal and informal instruction of foreign persons inside the United States or abroad, correspondence, training

aid, orientation, training exercises, military advice, and contracting civilian personnel as trainers). SO TTP transfer requests will be referred to the HQ USSOCOM International Programs Office J32-IP and staffed through the appropriate Special Operations HQ and Theater Special Operations Command for consideration for release. This requirement is in addition to the geographic Combatant Commander's concurrence required for technical services.

7. Summary of Changes. This revision is an administrative update of the directive.

8. Releasability. This instruction is approved for public release; distribution is unlimited. DOD components (to include the combatant commands), other federal agencies, and the public may obtain copies of this instruction through the Internet from the CJCS Directives Home Page--
http://www.dtic.mil/cjcs_directives.

9. Effective Date. This instruction is effective upon receipt.



WILLIAM E. GORTNEY
VADM, USN
Director, Joint Staff

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