

Fiscal Year 2011 Budget Estimates

Defense Technology Security Administration

(DTSA)



February 2010

DEFENSE TECHNOLOGY SECURITY ADMINISTRATION
Operation and Maintenance, Defense-Wide
Fiscal Year (FY) 2011 Budget Estimates

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**DEFENSE TECHNOLOGY SECURITY ADMINISTRATION
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Operation and Maintenance, Defense-Wide Summary (\$ in thousands)

Budget Activity (BA) 4: Administration and Service Wide Activities

	<u>FY 2009 Actuals</u>	<u>Price Change</u>	<u>Program Change</u>	<u>FY 2010 Estimate</u>	<u>Price Change</u>	<u>Program Change</u>	<u>FY 2011 Estimate</u>
Agency	36,425	943	-3,101	34,267	575	2,782	37,624

* The FY 2009 Actual and FY 2010 Estimate contain no supplemental or overseas contingency operations funding.

I. Description of Operations Financed: The Defense Technology Security Administration (DTSA) promotes and defends the United States (U.S) national security interests by protecting critical technology while building relationships and interoperability with allies and partners. The DTSA mission is to guard against critical technology exports that threaten national security objectives and undermine U.S. foreign policy. The DTSA is the principal defense agency responsible for providing direction and stewardship of technology security policies and making informed, coordinated recommendations on the national security implications of international transfers of controlled technology, goods, and services subject to the licensing requirements of the Departments of Commerce and State under DOD Directive 5105.72. The DTSA coordinates the DoD review of Department of State License applications for the export of defense-related goods and services under the International Traffic in Arms Regulations (ITAR) and Department of Commerce license requirements regarding the export of sensitive dual-use goods and technologies under the Export Administration Regulations (EAR).

The performance of these activities assists in setting policies and regulations to help achieve the DTSA goals to:

- Preserve the U.S. defense edge by preventing the proliferation and diversion that could prove detrimental to U.S. national security.
- Engage U.S. allies and partners to increase interoperability and protect critical technology.

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I. Description of Operations Financed: (continued)

- Facilitate the health of the U.S. industrial base.
- Align and utilize resources to support DTSA's mission.

Policy Directorate:	FY 2009 <u>Actual</u>	FY 2010 <u>Estimate</u>	FY 2011 <u>Estimate</u>
	4,265	4,457	5,277

The Policy Directorate (PD) focuses on regional issues, negotiations and liaison, capabilities and systems, and intelligence assessments. Directorate personnel support, lead, and develop DoD and United States Government (USG) technology security policies for assigned activities. These activities ensure that technology security concerns are integrated into DoD policy decisions and reflect broader national security policies and decisions. The PD is responsible for conveying interagency technology security arguments to the policy community and policy considerations to DTSA technical staffs. Examples of these activities are:

- The Wassenaar Arrangement (WA) - The DTSA is the DoD lead for the development and implementation of policy positions relating to the WA. Representatives from the PD and other DoD offices send representatives to express DoD's viewpoint and preserve our equities by promoting transparency and greater responsibility in transfers of conventional arms and dual-use goods and technologies, thus preventing destabilizing accumulations. The U.S. considers WA a critical component of the nonproliferation strategy and export control. The WA is the primary mechanism for DoD to impose export control requirements on emerging technologies. The Department encourages participating States' representation to foster international security viewpoints.

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I. Description of Operations Financed: (continued)

- Trade Security Controls (TSC) Program - Prevents illegal acquisition or other unauthorized transfers of DoD property, by or to individuals, entities, and/or countries whose interests are adverse to U.S. national security. The commodities that are controlled include technology, goods, services and munitions contained on the U.S. Munitions List (USML) and Commerce Control List (CCL). The PD maintains the policy guidance and chairs a working group to review policies, monitor implementation, and addresses and resolves any issues.
- Sanctions on Foreign Governments - The PD perform the lead responsibilities for coordinating export control-related activities with regard to sanctions on foreign governments or entities.
- Committee on Foreign Investment in the United States (CFIUS) - Performs a lead function for the Department in determining risks of a transaction and the required risk mitigation measures. The DTSA must consider potential effects on the sale of military goods, equipment, or technology to countries that support terrorism, proliferates missile technology, and chemical or biological weapons. The DTSA must consider potential effects of these transactions on U.S. technological leadership in areas affecting U.S. national security and critical infrastructure, and whether the acquirer is controlled by or acting on behalf of a foreign government.
- United Nations Register of Conventional Arms - The PD serves as the OUSD(Policy) point of contact to this international arms transparency effort that supports openness in the import and export of conventional weapons.

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I. Description of Operations Financed: (continued)

- Bilateral Outreach - The PD conducts bilateral outreach to partners who have acquired U.S. technology, thus building relationships and emphasizing the importance of proper protection of defense technology. The DTSA/PD's program of education and interaction increases partner understanding of technology security requirements as well as partner willingness to properly protect the technology they acquire.
- Other duties - The PD will represent Combatant Commanders, Military Services, and the Joint Staff technology security positions in bilateral and multilateral forums. This function ensures that U.S. national security concerns are properly articulated and integrated into international technology security efforts. The PD drafts specific control or technology security policies for specific technologies and commodities.

Technology Directorate:	FY 2009 <u>Actual</u>	FY 2010 <u>Estimate</u>	FY 2011 <u>Estimate</u>
	7,511	8,226	8,940

The Technology Directorate (TD) is the primary source of advice on technical matters pertaining to international transfers of defense-related commodities and technologies. The TD's primary responsibility is defining the point at which technology becomes critical from a national security perspective, and assuring that international transfers of military technology, defense articles, and/or dual-use commodities meet partnership needs. The TD staff engineers and scientists provide the knowledge and defense-related technical expertise foundation to shape technology security policy development and implementation. The TD staff provides technical evaluations and recommendations of international technology transfers consistent with U.S. national security interests and DoD technology security objectives. The TD is the only source for engineering and scientific analysis for critical military technologies, defense article capabilities, and balancing between military and civil applications of dual-use commodities.

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I. Description of Operations Financed: (continued)

- The TD provides technical analysis and recommendations for the international transfer of defense-related commodities and technologies as follows:
 - 18,584 license applications
 - 1,133 public release security reviews
 - 206 Committee on Foreign Investment in the U.S. filings
 - 96 Exception to National Disclosure Policy requests
 - 111 international agreement reviews
 - 20 Freedom of Information Act requests commensurate with U.S. national security interest and DoD technology security policies.
 - This international technology transfer evaluation includes identifying all militarily critical technologies, validating the viability of the stated end use, and identifying relevant foreign availability. All this while ensuring the impact on legitimate defense cooperation with foreign friends and allies and the health of the U.S. defense industrial base is considered in order to maintain the balance between national security concerns and appropriate business opportunities.
- The TD ensures the scientific and technical quality of DoD proposals submitted by the U.S. Government for international consideration to the Wassenaar Arrangement, the Missile Technology Control Regime, the Australia Group, and other multilateral organizations. The staff reviews proposals from other control regime member countries and has established a technical negotiating strategy that advances DoD technology security interests in both U.S. Government interagency and international negotiations. They ensure that technically robust arguments are prepared to negotiate new and updated export controls with both U.S. Government interagency and international technical experts, to ensure that DoD equities are satisfied and effectively implemented in international export control.

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I. Description of Operations Financed: (continued)

- The TD scientifically and technically reviews and validates changes to the International Traffic in Arms Regulations and the Export Administration Regulations to ensure the revisions are credible, adequate, efficient, and justified.
- The TD initiates and directs independent research, studies, and analysis of militarily critical technologies and develops strategies for control of emerging munitions and dual-use technology exports, with a primary emphasis on U.S. and allied national security, economic and trade issues.

License Directorate:	FY 2009 <u>Actual</u>	FY 2010 <u>Estimate</u>	FY 2011 <u>Estimate</u>
	5,201	5,589	5,984

The Licensing Directorate (LD) is the DoD entry and exit point for all actions related to the USG's review of direct commercial sales and licenses related to the export of controlled goods and technology. The LD is the principle source of advice on licensing and regulatory issues pertaining to international transfers of defense-related commodities and technologies. The LD's critical role is identifying the national security concerns related to exports; developing and adjudicating DoD positions that effectively address these concerns; and assuring exports of military technology, defense articles, and/or dual-use commodities align with partnership needs. (Note: Dual-use technology can be used to develop legitimate commercial products or can also be used to improve the overall defense industrial base of a country).

The LD coordinates, develops and adjudicates the DoD position on licenses, rules, and regulations. They perform reviews on disclosures from the Departments of Commerce (DOC) and State (DOS) to obtain DoD recommendations on whether to support technology security policies, address warfighter protection, and prevent the diversion of sensitive technology and proliferation of WMD capabilities to programs or entities of national

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Description of Operations Financed: (continued)

security concern. The LD is responsible for providing coordinated DoD responses to requests with regard to national security and DoD export control policies. The LD's two divisions analyze either DOS Munitions licenses or DOC Dual-Use export cases.

- Munitions - The Munitions Division reviewed and adjudicated approximately 56,000 export license applications and commodity jurisdiction requests received from the DOS last year. This was a 15 percent increase in the number of cases from 2008. Over the past 10 years, the number of export licenses from DOS has increased from 14,000 in 1999 to 56,000 in 2009. Additionally, the DTSA supports DOS law enforcement officials in identifying Defense articles and determining the impact of Arms Export Control Act (AECA) violations on U.S. National Security. This review process is governed by the AECA, the International Traffic in Arms Regulations (ITAR) and its U.S. Munitions List (USML), as well as mandated by National Security Presidential Directive (NSPD) 56. As the final arbitrator of the DoD position, the DTSA's role in this process is absolutely critical. License decisions developed by the DTSA/LD support vital DoD weapons programs (e.g., Joint Strike Fighter, Missile Defense, Future Combat Systems).

I. Dual-Use - The Dual-Use Division adjudicates the national security review of over 56,000 export license requests received from the DOC. Since 1999, the number of DOC licenses reviewed by the DoD has steadily increased by 15 percent per year. Exports requiring the review of pertinent DoD services and support agencies are staffed for the appropriate technical, policy and intelligence analysis, and evaluation in order to identify any concerns raised by the transaction. The final recommended position must be staffed, reviewed, and analyzed within the EO 12981 30 day suspense, for consistency with U.S. national security objectives and DoD technology security policies. The review process is governed by the Export Administration Act (EAA) implemented by the DOC Bureau of Industry and Security (DoC/BIS) via the Export Administration Regulations (EAR) and Executive order 12981. Although the Export

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I. Description of Operations Financed: (continued)

Administration Act (EAA) expired on August 20, 2001, Executive Order (EO) 13222 of August 17, 2001, 3 CFR, 2001 Comp., p. 783 (2002), as extended by the Notice of August 15, 2007, 72 FR 46137 (August 16, 2007), continued the Export Administration Regulations in effect under the International Emergency Economic Powers Act. In December 1995, EO 12981 outlined procedures for interagency coordination and adjudication of dual-use export license applications submitted to the DOC.

International Security Directorate	FY 2009 <u>Actual</u>	FY 2010 <u>Estimate</u>	FY 2011 <u>Estimate</u>
	860	947	1,026

The International Security Directorate (ISD) classifies military information that requires protection in the interest of national security as described in EO 12958 and under DoD's control or jurisdiction. The ISD functions are established pursuant to U.S. law, treaty, and international agreements and are in direct support of the Arms Export Control Act, EO 12958, National Security Decision Memorandum 119, and the National Disclosure Policy (NDP-1) Presidential Directive on Information Sharing with Australia, Canada and the United Kingdom. The ISD carries out the authorities in DoD Directive 5111.1, concerning disclosure of classified information to foreign governments and international organizations, and the security aspects of all international cooperative programs. The ISD activities include:

- Responsibility for all matters concerning the security aspects of international bilateral and multilateral cooperative programs;
- Formulating, implementing and overseeing of national and defense international security policy;
- Administering and operating of the interagency National Disclosure Policy Committee (NDPC). This committee is responsible for developing and promulgating policy

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I. Description of Operations Financed: (continued)

- Governing the disclosure of classified military information and material to foreign governments and international organizations (National Disclosure Policy (NDP-1));
- Developing, coordinating, and issuing the U.S. Government's position on requests for exceptions to NDP-1;
- Developing and promulgating DoD security policies, procedures, and standards necessary for effective implementation of NDP-1 throughout the DoD;
- Establishment of policy governing the foreign release of classified military information and materiel involved in security assistance and arms cooperation and other international cooperative programs;
- Providing policy guidance on required security arrangements for these programs, and intelligence and geospatial arrangements with foreign governments;
- Preparing and initiating negotiations for General Security Agreements (GSAs) and Industrial Security Agreements (ISAs);
- Arranging for on-site security assessments of foreign governments' security programs to ascertain and monitor the capability of governments which the United States has established bilateral GSAs to protect U.S. classified information;
- Hosting foreign government security officials during the conduct of reciprocal security assessments;
- Establishing security requirements for bilateral and multilateral cooperative programs with foreign governments to protect U.S. security interests;
- Serving as the U.S. Security Authority to NATO and the DoD Designated Security Authority for international cooperative programs;
- Representing the United States on the NATO Security Committee and its working groups;
- Developing the interagency coordinated U.S. position on NATO security matters;

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- Developing policies for and provides oversight to the Defense Personnel Exchange Program (DPEP), the Foreign Liaison Officer (FLO) Program, the Cooperative Program Personnel (CCP) Program, and the Foreign Visits Program;
- Developing and providing policy oversight of international security training programs for the DoD and Defense industry and represents the United States on the Multinational Industrial Security Working Group (MISWG).

Management Directorate	FY 2009 <u>Actual</u>	FY 2010 <u>Estimate</u>	FY 2011 <u>Estimate</u>
	6,741	7,966	8,003

The Management Directorate (MD) plans, directs, and implements services in support of senior DTSA Executives and staff in the areas of Human Capital Programs; Planning, Programming and budgeting; Security; Information Technology; and general administrative support. Execution of these activities will ensure the DTSA fulfills its technology security mission and meets its strategic goals.

The MD responsibilities include oversight of personnel and manpower (military and civilian); financial execution; Defense Travel System (DTS) utilization; acquisition and contract administration; physical and personnel security; Anti-Terrorism/Force Protection, information security; information technology and network operations mission system; facilities management; government-owned vehicle management; property accountability; internal management control programs; and strategic planning.

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I. Description of Operations Financed: (continued)

Security Policy Automation Network (SPAN)	<u>FY 2009</u> <u>Actuals</u>	<u>FY 2010</u> <u>Estimate</u>	<u>FY 2011</u> <u>Estimate</u>
	11,847	7,082	8,394

The SPAN is a group of systems and applications that automates many of the technology security actions. The six SPAN systems maintained by DTSA include the following:

- USXPORTS - Provides case management and workflow tracking of DoD's disposition for munitions and dual-use license applications received DOS and DOC
- Spacelink - Provides a functional IT application to support statutory Space Monitoring mission. The system provides a web-based, collaborative environment for DoD and Industry to share and review all documentation associated with a foreign launch of U.S. technology.
- Foreign Visits System - The system is a multi-application infrastructure to request, approve, and confirm visits by foreign nationals to DoD facilities and organizations.
- Foreign Disclosure System - Provides an infrastructure to track various disclosures of classified military information to foreign governments.
- National Disclosure Policy System - Provides an infrastructure to support the functioning of the inter-agency National Disclosure Policy Committee, to include records of decisions on exceptions to national disclosure policy.
- ELISA - Provides an electronic mechanism for industry to obtain the current status on dual-use and munitions license applications.

The SPAN is currently supported by contractors in the areas of software design, development, deployment, maintenance, and documentation. The contractor also supports SPAN infrastructure requirements including technical support for networks, server support, mail and messaging, archiving, and database administration. This also includes

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SPAN system design and integration for networks and servers, design and implementation of mail and messaging solutions, technical solutions for certification, technical solutions to meet Federal archiving requirements for automated records, and technical personnel for operations requirements in these areas. The SPAN system is currently being evaluated and DTSA has initiated a plan to improve the oversight of contractor service and acquire those services more effectively, and in-source contractor services where it is more appropriate and efficient to do so.

II. Force Structure Summary: N/A

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III. Financial Summary (\$ in thousands)

	FY 2010						FY 2011 <u>Estimate</u>
	<u>FY 2009 Actuals</u>	<u>Budget Request</u>	<u>Congressional Action</u>		<u>Appropriated</u>	<u>Current Estimate</u>	
A. <u>BA Subactivities</u>			<u>Amount</u>	<u>Percent</u>			
	36,425	34,325	-58	-0.17	34,267	34,267	37,624

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III. Financial Summary (\$ in thousands)

<u>B. Reconciliation Summary</u>	<u>Change</u> <u>FY 2010/FY 2010</u>	<u>Change</u> <u>FY 2010/FY 2011</u>
Baseline Funding	34,325	34,267
Congressional Adjustments (Distributed)	-15	
Congressional Adjustments (Undistributed)	-43	
Adjustments to Meet Congressional Intent		
Congressional Adjustments (General Provisions)		
Subtotal Appropriated Amount	34,267	
Fact-of-Life Changes (CY to CY Only)		
Subtotal Baseline Funding	34,267	
Anticipated Supplemental		
Reprogrammings		
Price Changes		575
Functional Transfers		
Program Changes		2,782
Current Estimate		37,624
Less: Wartime Supplemental		
Normalized Current Estimate	34,267	

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III. Financial Summary (\$ in thousands)

	Amount	Totals
C. Reconciliation of Increases and Decreases		
FY 2010 President's Budget Request (Amended, if applicable)		34,325
1. Congressional Adjustments		-58
a. Distributed Adjustments		
b. Undistributed Adjustments	-43	
c. Adjustments to meet Congressional Intent	0	
d. General Provisions		
1) Sec 8037 - Mitigation of Environmental Impacts	-15	
FY 2010 Appropriated Amount		
2. War-Related and Disaster Supplemental Appropriations		
3. Fact of Life Changes		
FY 2010 Baseline Funding		34,267
4. Reprogrammings (requiring 1415 Actions)		
Revised FY 2010 Estimate		
5. Less: Item 2, War-Related and Disaster Supplemental Appropriations and Item 4, Reprogrammings, Iraq Freedom Fund Transfers		
FY 2010 Normalized Current Estimate		34,267
6. Price Change		575
7. Functional Transfers		0
8. Program Increases		2,782
a. One-Time FY 2011 Increases		
1) Increase for lump sum leave payments to civilian employees affected by BRAC in accordance with Title 10, United States Code, section 2687. (Baseline \$0)	306	
b. Program Growth in FY 2011		
1) Increase purchases 3 civilian FTEs to achieve authorized level to adequately support mission requirements. (Baseline: \$21,800)	498	

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III. Financial Summary (\$ in thousands)

C. Reconciliation of Increases and Decreases	Amount	Totals
2) Increased personnel costs associated with converting out of the National Security Personnel System. (Baseline \$21,800)	180	
3) Additional transportation, accounting support, lease costs, communications costs, supplies, and equipment maintenance to support operational requirements. (Baseline: \$3,085)	252	
4) Additional management, professional and studies necessary to support mission requirements. (Baseline: \$394)	160	
5) Increase for mission essential computer systems maintenance and engineering to process export control licenses, foreign visit requests, patent application requests, national disclosure policy events, space launch monitoring and associated network support. (Baseline: \$7,024)	1,390	
FY 2011 Budget Request		37,624

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IV. Performance Criteria and Evaluation Summary

Technology Security Actions (TSAs) represent work accomplished by the DTSA. A typical TSA represents a unit of work, which allows for the tracking and analysis of our business activity. The composite number of such actions actually counted represents the application of resources to achieve all mission, regulatory, statutory goals, and objectives. Some TSAs are devoid of precise performance or time measurement. For example, the development of an International Agreement may take months of work, negotiation, and coordination before actual implementation, where the review of a license is measured and tracked daily.

	FY 2009	FY 2010	FY 2011
License Reviews	56,000	64,000	73,600
End User Assessments	30,000	30,000	34,500
Patent Application Reviews	18,039	18,310	18,584
TD Opinions on Licenses	17,378	17,639	17,903
PD Opinions on Licenses	7,505	7,618	7,732
MTEC/SNEC/Shield	4,008	4,068	4,129
TD Security Reviews	1,100	1,117	1,133
Exemption Certifications	192	195	198
CFIUS Transactions	45	100	145
Bilateral/Multilateral Actions	150	152	155
Outreach	108	110	111
Exceptions to National Disclosure	93	94	96
International Agreements/DOPs	108	110	111
Foreign Military Sales Actions	66	67	68
Regulation Reviews	32	32	33
CFIUS Mitigation Agreements	15	15	15
TOTAL	134,839	143,627	158,513

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<u>V. Personnel Summary</u>	Changes				
	<u>FY 2009</u>	<u>FY 2010</u>	<u>FY 2011</u>	<u>FY 2009/ FY 2010</u>	<u>FY 2010/ FY 2011</u>
<u>Active Military End Strength (E/S) (Total)</u>	<u>30</u>	<u>20</u>	<u>18</u>	<u>-10</u>	<u>-2</u>
Officer	24	18	18	-6	-
Enlisted	6	2	-	-4	-2
<u>Reserve Drill Strength (E/S) (Total)</u>	<u>27</u>	<u>27</u>	<u>27</u>	-	-
Officer	20	20	20	-	-
Enlisted	7	7	7	-	-
<u>Civilian End Strength (Total)</u>	<u>168</u>	<u>174</u>	<u>177</u>	<u>6</u>	<u>3</u>
U.S. Direct Hire	168	174	177	6	3
Foreign National Direct Hire	-	-	-	-	-
Total Direct Hire	130	136	139	6	3
(Reimbursable Civilians Included Above (Memo))	38	38	38	-	-
<u>Active Military Avg Strength (Total)</u>	<u>30</u>	<u>20</u>	<u>18</u>	<u>-10</u>	<u>-2</u>
Officer	24	18	18	-6	-
Enlisted	6	2	-	-4	-2
<u>Reserve Drill Avg Strength (A/S) (Total)</u>	<u>27</u>	<u>27</u>	<u>27</u>	-	-
Officer	20	20	20	-	-
Enlisted	7	7	7	-	-
<u>Civilian FTEs (Total)</u>	<u>168</u>	<u>174</u>	<u>177</u>	<u>6</u>	<u>3</u>
U.S. Direct Hire	168	174	177	6	3
Foreign National Direct Hire	-	-	-	-	-
Total Direct Hire	130	136	139	6	3
Foreign National Indirect Hire	-	-	-	-	-
(Military Technician Included (Memo))	-	-	-	-	-
(Reimbursable Civilians Included Above (Memo))	38	38	38	-	-

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VI. OP 32 Line Items as Applicable (Dollars in thousands):

OP 32 Line	FY 2009 Actuals	FY 2009 Change		FY 2010 Estimate	FY 2010 Change		FY 2011 Estimate
		Price	Program		Price	Program	
101 Executive, General & Special Schedules	18,728	730	2,342	21,800	416	984	23,200
199 Total Civ Pers. Comp.	18,728	730	2,342	21,800	416	984	23,200
308 Travel & Transportation of Persons	670	9	(220)	459	6	3	468
399 Total Travel	670	9	(220)	459	6	3	468
673 Defense Financing and Accounting Services	211	0	6	217	5	30	252
699 Total Purchases	211	0	6	217	5	30	252
771 Transportation of Things	655	7	(232)	430	6	10	446
799 Total Transportation	655	7	(232)	430	6	10	446
912 Rental Payments to GSA Leases (SLUC)	1,134	29	17	1,180	17	163	1,360
914 Purchased Communications	559	7	14	580	8	1	589
917 Postal Services (U.S.P.S.) Supplies & Materials (Non Centrally Managed)	5 330	0 3	1 (159)	6 174	1 3	0 3	7 180
921 Printing and Reproduction	0	0	0	0	0	0	0
922 Equipment Maintenance by Contract	0	0	35	35	0	36	71
925 Equipment Purchases (Non Centrally Managed)	0	0	0	0	0	0	0
932 Management & Professional Support	0	0	0	0	0	0	0
933 Studies, Analysis & Evaluations	379	4	11	394	5	142	541
987 Other Intra-governmental Purchases	11,793	130	(10,017)	1,906	28	76	2,010
989 Other Contracts	1,959	22	5,101	7,082	80	1332	8,494
998 Other Costs	2	2	0	4	0	2	6
999 Total Other Purchases	16,161	197	(4,997)	11,361	142	1,755	13,258
Total	36,425	943	(3,101)	34,267	575	2,782	37,624

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