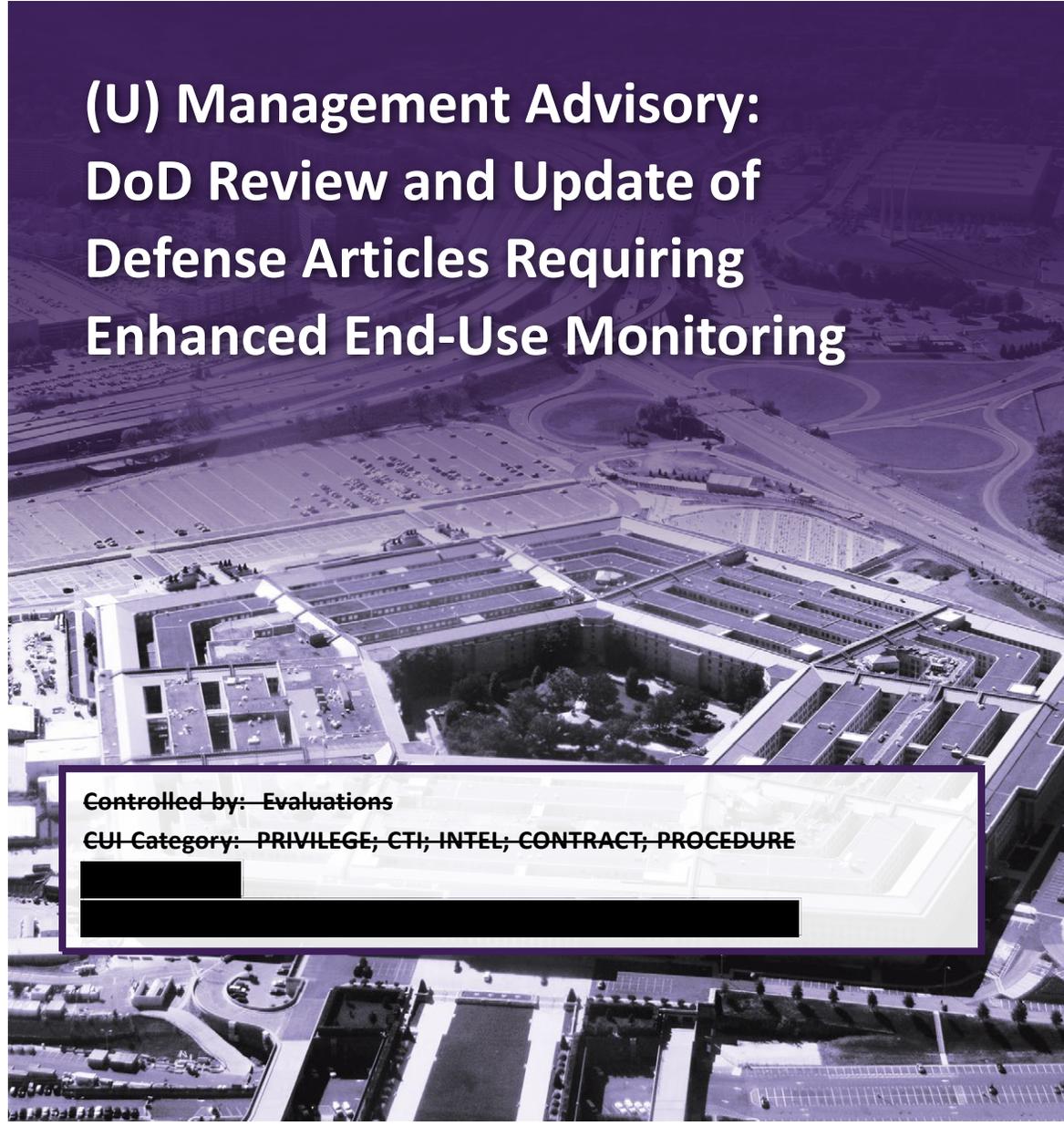


CUI

INSPECTOR GENERAL

U.S. Department of Defense

MAY 19, 2023



(U) Management Advisory: DoD Review and Update of Defense Articles Requiring Enhanced End-Use Monitoring

Controlled by: Evaluations

CUI Category: PRIVILEGE; CTI; INTEL; CONTRACT; PROCEDURE

[REDACTED]

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INTEGRITY ★ INDEPENDENCE ★ EXCELLENCE

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**INSPECTOR GENERAL
DEPARTMENT OF DEFENSE
4800 MARK CENTER DRIVE
ALEXANDRIA, VIRGINIA 22350-1500**

May 19, 2023

MEMORANDUM FOR UNDER SECRETARY OF DEFENSE FOR ACQUISITION
AND SUSTAINMENT
UNDER SECRETARY OF DEFENSE FOR POLICY
COMMANDER, UNITED STATES EUROPEAN COMMAND
DIRECTOR, DEFENSE SECURITY COOPERATION AGENCY
DIRECTOR, DEFENSE TECHNOLOGY SECURITY
ADMINISTRATION
AUDITOR GENERAL, DEPARTMENT OF THE ARMY
AUDITOR GENERAL, DEPARTMENT OF THE NAVY
AUDITOR GENERAL, DEPARTMENT OF THE AIR FORCE
CHIEF, OFFICE OF DEFENSE COOPERATION-UKRAINE

SUBJECT: (U) DoD Review and Update of Defense Articles Requiring Enhanced
End-Use Monitoring (Report No. DODIG-2023-074)

(U) We are providing this management advisory to inform DoD leadership of the need to review and update the list of U.S. defense articles included in the Enhanced End-Use Monitoring program. We conducted the work on this management advisory with integrity, objectivity, and independence, as required by the Council of the Inspectors General on Integrity and Efficiency's Quality Standards for Inspection and Evaluation.

(U) During our evaluation of DoD Enhanced End-Use Monitoring in Ukraine, we determined that the Defense Security Cooperation Agency did not include a regular and recurring requirement in the Security Assistance Management Manual to review, update, and remove defense articles designated for Enhanced End-Use Monitoring.

(U) This management advisory contains recommendations to the Director, Defense Security Cooperation Agency, with coordination from other DoD stakeholders. We are providing this management advisory to enable the Director to take immediate actions on our recommendations. We conducted this evaluation from January 2023 to March 2023 in accordance with the "Quality Standards for Inspections and Evaluations," published in

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(U) December 2020 by the Council of the Inspectors General on Integrity and Efficiency. A future report will address the results of our evaluation on Enhanced End-Use Monitoring for defense articles provided to Ukraine.

FOR THE INSPECTOR GENERAL:

A handwritten signature in black ink that reads "Andre M. Brown". The signature is written in a cursive style with a large initial 'A'.

Andre M. Brown
Acting Assistant Inspector General for Evaluations
Programs, Combatant Commands, and
Overseas Contingency Operations

(U) Executive Summary

(U) The DoD designed the Golden Sentry End-Use Monitoring (EUM) program to meet the intent of the Arms Export Control Act to ensure foreign nations use U.S. defense articles in accordance with the terms and conditions of respective transfer agreements or other applicable agreements. The DoD's EUM program includes defense articles requiring added physical security and inventory requirements. The DoD designates these defense articles as requiring Enhanced End-Use Monitoring (EEUM).

(U) As of February 3, 2023, the United States has provided \$29.3 billion of defense articles to the Government of Ukraine since Russia's invasion of Ukraine in February 2022. As of February 10, 2023, we estimate that the United States has provided Ukraine over \$1.8 billion in defense articles that require EEUM.

(U) During our most recent evaluation of EEUM, from January 2023 to March 2023, we determined that the current list of EEUM-designated defense articles is not up-to-date. This occurred because the Defense Security Cooperation Agency (DSCA) did not include a regular and recurring requirement in the Security Assistance Management Manual (SAMM) to review, update, and remove defense articles designated for EEUM. As a result, the current EEUM list in the SAMM may not include all sensitive equipment and technology, and may require monitoring defense articles that are neither sensitive nor require protection. In turn, this would be an inefficient use of limited Office of Defense Cooperation (ODC) resources. We made three recommendations to the DSCA Director. The DSCA agreed with our recommendations, and therefore, the recommendations are resolved but will remain open until the DSCA provides documentation that they have addressed the specifics of the recommendations.

(U) Objective

(U) The objective of this evaluation was to determine the extent to which the DoD is conducting EEUM of defense articles provided to Ukraine in accordance with DoD policy.

(U) During the evaluation, we determined that the DSCA did not include a regular and recurring requirement in the SAMM to review, update, and remove defense articles designated for EEUM. We are providing this management advisory while the larger evaluation is pending to enable the DSCA Director to take immediate actions on our recommendations. A future report will discuss the results of our evaluation on EEUM for defense articles provided to Ukraine.

(U) Background

(U) The Arms Export Control Act authorizes the President to control the sale or export of defense articles and services to a foreign nation and to establish a program for monitoring the end-use of defense articles provided or sold by the United States. As a result, the DoD designed the Golden Sentry EUM program to ensure the foreign nation uses the defense articles from the United States in accordance with the terms and conditions of respective transfer agreements or other applicable agreements, such as a Letter of Offer and Acceptance.¹ According to Section 505 of the Foreign Assistance Act (22 U.S.C § 2314), as amended, and Section 3 (22 U.S.C § 2753) and Section 4 (22 U.S.C. § 2754) of the Arms Export Control Act, foreign nations agree:

- (U) to use U.S.-provided defense articles, training, and services only for their intended purpose;
- (U) not to transfer title to, or possession of, any defense article or related training to anyone not an officer, employee, or agent of that country or of the U.S. Government (USG) without prior written consent of the USG;
- (U) to maintain the security of any article with substantially the same degree of protection afforded to it by the USG; and
- (U) to permit observation and review by, and to furnish necessary information to, representatives of the USG with regard to use of such articles.

(U) Under the Golden Sentry program, DoD officials at U.S. embassy missions worldwide conduct two levels of monitoring of defense articles and services depending on the nature of the defense articles: routine EUM and EEUM. Routine EUM consists of observing during the conduct of routine security cooperation activities, and monitoring readily available sources of information for any potential misuse or unapproved transfer of U.S.-provided defense articles.

(U) EEUM requires additional layers of verification and protections for specified items that incorporate sensitive technology, or are particularly vulnerable to diversion or other misuse, or whose diversion or other misuse could have significant consequences, as identified by the Military Department interagency release process or DoD policy. These added requirements are in written agreements between the United States and the foreign nation and include physical security assessments of the foreign nation's storage facilities and serial number inventories. The agreements between the United States and the foreign nation for such items include inspections and verifications by U.S. Government personnel, as well as reporting

¹ (U) A Letter of Offer and Acceptance is a U.S. DoD letter by which the USG offers to sell to a foreign nation or international organization U.S. defense articles and defense services in accordance with the Arms Export Control Act. The Letter of Offer and Acceptance lists the items and services, estimated costs, and the terms and conditions of sale; it also provides for the signature of an appropriate foreign government official to indicate acceptance.

(U) requirements for the foreign nation to the United States to ensure the foreign nation uses the defense articles for the agreed purpose(s). The current list of defense articles designated for EEUM is shown in Figure 1.

(U) Figure 1. EEUM Defense Article List

(U) EEUM-Designated Defense Articles	Description
"Advanced Medium-Range Air-to-Air Missiles (AMRAAM)"	AMRAAM or other specified AMRAAM defense articles
Air-Intercept Missiles-9X (AIM-9X)	"AIM-9X Missiles, Guidance Units, Captive Air Training Missiles, and Special Air Training Missiles"
ATIRCM	Advanced Threat Infrared Countermeasures (ATIRCM) System
Communication Security Equipment	"Communication security (COMSEC) items are managed and controlled by the National Security Agency"
Harpoon Block II Missiles	"Harpoon Block II Missile and/or other specified Harpoon Block II Missile Defense Articles"
"Javelin Missiles and Command Launch Units (CLUs)"	Javelin Missiles and CLUs only
Joint Air-to-Surface Standoff Missile (JASSM)	JASSM or other specified JASSM enhanced defense articles
Joint Standoff Weapons (JSOW)	"JSOW or other specified JSOW defense articles, such as Captive Flight Vehicles and Missile Simulator Units"
"Large Aircraft Infrared Countermeasures (LAIRCM)"	LAIRCM Components as specified in the LOA note
LMAMS	"Lethal Miniature Aerial Missile System (LMAMS) Switchblade"
"Night Vision Devices (NVDs) (Man-portable devices only)"	Night Vision Devices (NVDs)
"Small-Diameter Bomb, Increment Two (SDB-II) / GBU-53"	National Security Agency manages embedded COMSEC equipment
Standard Missiles-3	Standard Missiles-3 (SM-3)
Standard Missiles-6	Standard Missiles-6 (SM-6)
"Standoff Land Attack Missiles Expanded Response (SLAM-ER)"	SLAM-ER or other specified SLAM-ER defense articles
Stinger Missiles and Gripstocks	Stinger Missiles designated for EEUM may be included in various vehicle platforms
Terminal High Altitude Area Defense (THAAD)	THAAD Missiles or Radar systems
Tomahawk Missiles	Tomahawk Missiles
"Unmanned Aircraft Systems (UAS) designated as Category I"	UAS and system components designated as Category I by the Missile Technology Control Regime (MCTR) or as specified in the LOA (U)

(U) Source: Derived from DSCA, SAMM Table C8.T4.

(U) DoD Organizations with EEUM Roles and Responsibilities

(U) The EUM program involves multiple DoD organizations, including the DSCA and ODCs. The ODCs are attached to U.S. embassies around the world. The roles of other DoD organizations involved in the EUM program are discussed in the “DoD’s Process for Designating Defenses Article for EEUM” section of this report.

(U) DSCA

(U) The DSCA serves as the DoD’s lead for EUM, as it oversees and executes the Golden Sentry program. The DSCA develops and maintains EUM policy in the SAMM, which includes EEUM implementation plans and procedures. The DSCA updated the SAMM in December 2022 and added a section on conducting EUM in a hostile environment. The new section modifies the requirements for conducting EUM by placing greater responsibility on the foreign nation to conduct EUM activities within its borders to compensate for the inability of USG personnel to fully access areas typically required to perform their EEUM responsibilities due to the hostile environment. This is consistent with a DoD OIG report that we released in October 2022, in which we concluded that the USG did not comply with its EEUM requirements because of the limited DoD personnel present in Ukraine.² The DSCA also maintains the DoD’s database that tracks EUM and EEUM defense articles in a system called the Security Cooperation Information Portal (SCIP).

(U) ODC-Ukraine

(U) The ODC-Ukraine aligns under the U.S. European Command and attaches to the U.S. Embassy in Ukraine. One of the ODC’s roles is to serve as the Security Cooperation Organization that has primary responsibility for Golden Sentry program execution. ODC-Ukraine:

- (U) conducts EEUM in accordance with established checklists to verify that Ukrainian recipients comply with the physical security and accountability requirements in the Letters of Offer and Acceptance;
- (U) immediately reports the destruction or loss of any EEUM-designated defense articles to the DSCA;
- (U) establishes and maintains in the SCIP-EUM database a baseline of all EEUM-designated defense articles and services exported via government-to-government transfers to Ukraine; and
- (U) conducts annual serial number inventories to verify that all EEUM-designated defense articles in Ukraine are accounted for.

² (U) Evaluation of the DoD’s Accountability of Equipment Provided to Ukraine, DoDIG-2023-002, October 7, 2022.

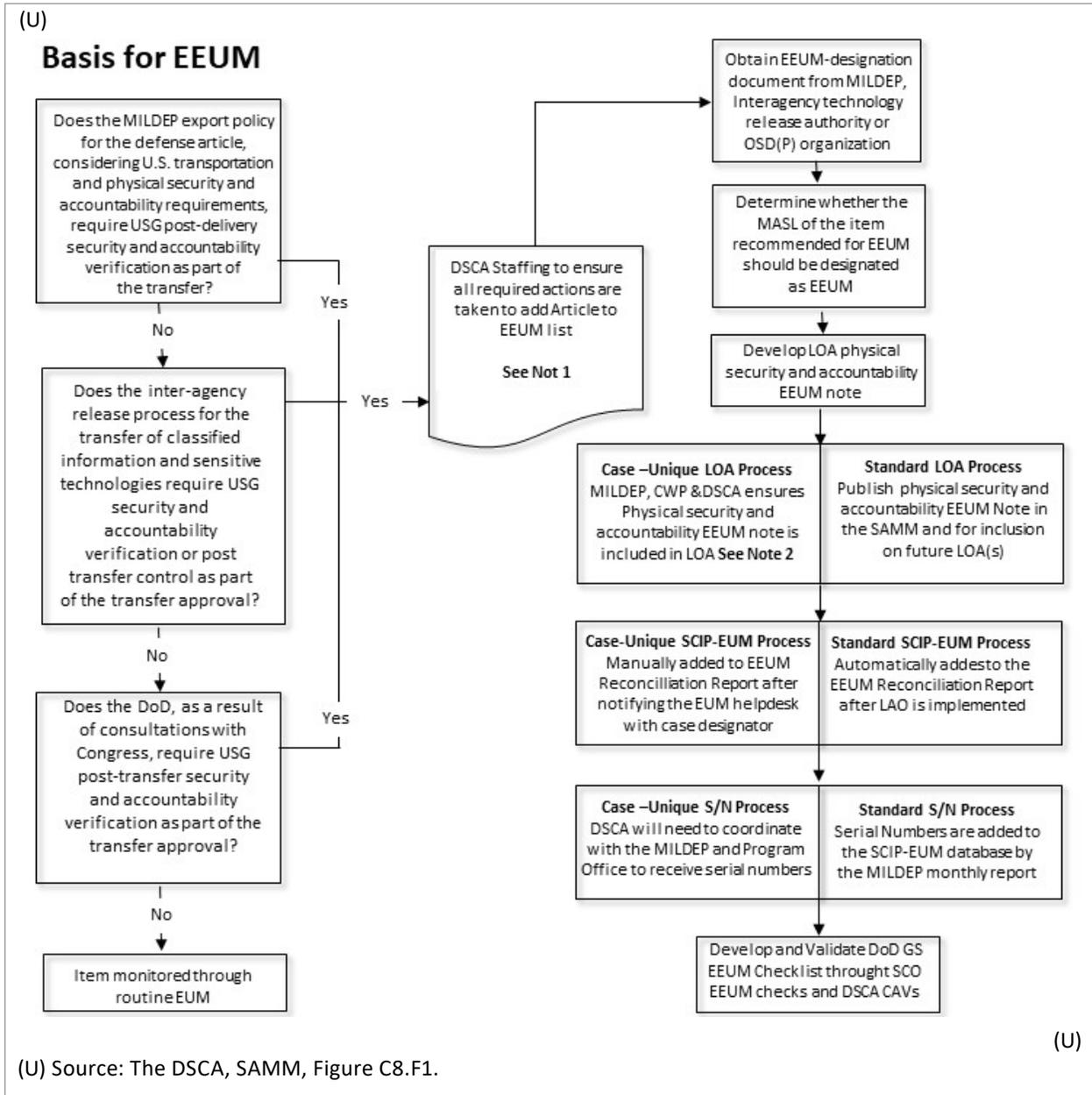
(U) The DoD's Process for Designating Defense Articles for EEUM

(U) The SAMM identifies the process by which the DoD designates a defense article for EEUM. This process includes three criteria that may initiate the EEUM designation for a defense article. These three criteria include the following:

1. (U) Whether the Military Department export policy requires post-delivery security and accountability verification of the defense article;
2. (U) Whether the interagency release process for classified information and sensitive technologies requires U.S. Government security and accountability verification of the defense article; or
3. (U) Whether the DoD, in consultation with Congress, requires security and accountability verification of the defense article.

(U) For the first criteria, the Military Departments each have an office responsible for developing and implementing Service-specific export policies. DoD officials told us that the Tri-Service Committee serves as the primary source for the second criteria, which is chaired by the Office of the Under Secretary of Defense for Acquisition and Sustainment (OUSD[A&S]). According to an OUSD(A&S) official, the Tri-Service Committee includes representatives—in addition to the OUSD(A&S) Chair—from the Office of the Under Secretary of Defense for Research and Engineering, Military Departments, Defense Technology Security Administration, Missile Defense Agency, an anti-tampering agent, and technology subject matter experts. The third criteria would be the DoD or Congress imposing special conditions on a particular defense article transfer. The complete process to designate a defense article for EEUM is illustrated in Figure 2.

(U) Figure 2. DoD Process for Designating Defense Articles for EEUM



(U) Legend

CAV	Compliance Assessment Visits	MILDEP	Military Department
CWD	Case Writing Division	OSD(P)	Office of the Under Secretary of Defense for Policy
GS	Golden Sentry	SCO	Security Cooperation Organization
MASL	Military Articles and Services List		

(U) Source: The DSCA, SAMM E-Glossary

(U) Note 1: DSCA staffing will include the DSCA (Directorate for Security Assistance), staffing actions led by the EUM Division, Weapons Division, DSCA (Strategy, Plans, and Policy Directorate), DSCA (Office of the General Counsel), the appropriate Military Department, and the Defense Technology Security Administration.

(U) Note 2: Case-unique process is for items not generally treated as EEUM but designated as EEUM only for specific Foreign Military Sales export sales.

(U) EEUM-Designated Defense Articles Provided to Ukraine

(U) Since February 2022, Congress has appropriated \$113.4 billion for U.S. assistance to Ukraine, \$62.3 billion of which has been appropriated for the DoD for security assistance. As of February 3, 2023, the President of the United States has authorized the transfer of \$29.3 billion of defense articles to the Government of Ukraine since the February 2022 invasion. The U.S. aid includes the following types of EEUM-designated defense articles:

- (U) Advanced Medium Range Air-to-Air Missiles (AMRAAM);
- (U) 1,600+ Stinger anti-aircraft systems;³
- (U) 8,500+ Javelin anti-armor systems;⁴
- (U) Lethal Miniature Ariel Missile Systems Switchblade; and
- (U) Thousands of night vision devices (NVDs), surveillance systems, thermal imagery systems, optics, and laser rangefinders.

(U) As of February 10, 2023, the values of the EEUM-designated defense articles are as follows:

(CUI) Table 1: [REDACTED]

(CUI) [REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

(U) Note: Costs are rounded to the nearest dollar value.

(U) Source: Multiple sources, including the Army, SCIP, DSCA, DTSA, and open sources.

³ (U) This includes the Stinger missiles and gripstocks, which serve as reusable launchers.

⁴ (U) This includes the Javelin missiles and command launch units. The command launch units serve as reusable launchers and perform surveillance, allowing a gunner to see targets.

(U) The DSCA Needs to Update the Current List of EEUM-Designated Defense Articles

(U) The current list of EEUM-designated defense articles is not up-to-date. This occurred because the DSCA did not include a regular and recurring requirement in the SMM to review, update, and remove defense articles designated for EEUM from the list.

(U) As a result, the current EEUM list in the SMM may not include all sensitive equipment and technology, and the current list may require monitoring defense articles that are neither sensitive nor require protection, which is an inefficient use of limited Office of Defense Cooperation (ODC) resources.

(U) Reviewing, Updating, and Deleting EEUM Articles

(U) The SMM delineates how to designate defense articles for EEUM, as identified in Figure 2, but the SMM does not identify a way to review, update, or remove defense articles for EEUM. Section C8.4 of the SMM focuses exclusively on EEUM. However, the SMM does not identify a way or require the DoD to conduct regular, recurring, and methodical reviews of the list of EEUM-designated defense articles to determine whether those designated articles should remain EEUM, and whether other defense articles should be designated as EEUM.

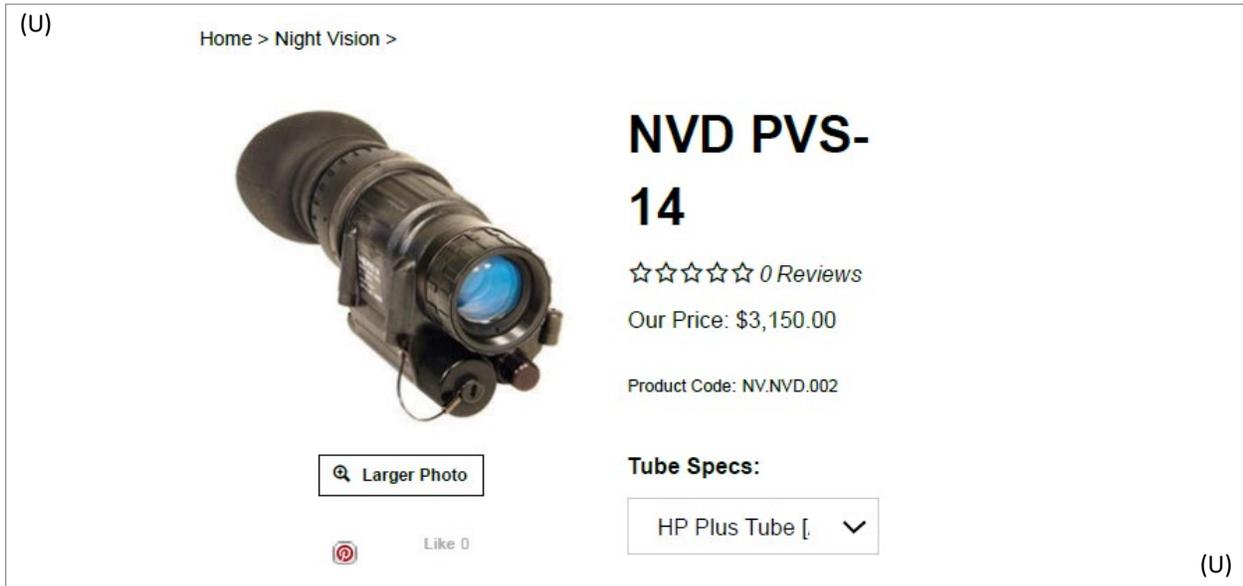
(U) One example is second and third generation NVDs. As of February 10, 2023, DSCA's SCIP-EUM data showed that the United States has provided more than 13,000 NVDs to Ukraine, accounting for just under 50 percent of the EEUM defense articles. A senior DoD official from the OUSD(A&S) stated that they do not have concerns about any NVD generations from a technology perspective that would require the additional accountability controls of EEUM. Senior ODC-Ukraine officials stated that while the SMM identifies these generations of NVDs as EEUM, this technology is commercially available. Furthermore, the ODC-Ukraine officials stated that the outdated capability of some of these devices did not justify the resources expended to conduct EEUM in a hostile environment. Figure 3 provides a stock image from a public website of a commercially available NVD; however, the website notes that NVDs cannot be exported from the United States without U.S. Department of State authorization.

(U) In an August 2020 DoD OIG report, we provided a recommendation to the DSCA Director to improve the USG and Ukraine's ability to conduct EEUM inventories of NVDs.⁵ We obtained a memorandum from ODC-Ukraine dated March 22, 2021, that illustrated how Ukraine did not comply with all of the terms and conditions for NVDs during inspections conducted by ODC-Ukraine personnel in Ukraine on March 15, 16, and 17, 2021. However, removing some defense articles, such as older generation NVDs, from the EEUM list should reduce the

⁵ (U) Evaluation of Department of Defense Enhanced End-Use Monitoring for Equipment Transferred to the Government of Ukraine, DODIG-2020-121, August 27, 2020.

(U) amount of resources that ODC-Ukraine is required to spend conducting EEUM of NVDs in a hostile environment. Moreover, removing articles should improve the ability of the USG to conduct oversight of defense articles with more sensitive technologies.

(U) Figure 3. Commercially Available Night Vision Devices



(U) Source: Public Website, <https://www.nvdevices.com/product/pvs-14-night-vision-monocular/>.

(U) Protecting Sensitive Equipment and Technology

(U) The EEUM program is designed to provide additional layers of security and accountability verification for defense articles with sensitive or classified components or information. The DSCA did not include a periodic review of EEUM defense articles in the SAMM.

(U) Recommendations, Management Comments, and Our Response

(U) Recommendation 1

(U) We recommend that the Director, Defense Security Cooperation Agency, in coordination with the Tri-Service Committee member representatives, review, analyze, and update the list of defense articles currently designated as requiring Enhanced End-Use Monitoring.

(U) Defense Security Cooperation Agency Comments

(U) The Assistant Director, International Operations, responding on behalf of the DSCA Director, agreed and stated that the DSCA will review and modify current internal procedures to incorporate a regularly scheduled review to update the list of defense articles designated as

(U) requiring EEUM. The Assistant Director also stated that the DSCA will alternatively consider updating SAMM guidance to better explain that the provided list is merely intended to be informative and point to the relevant documents.

(U) Our Response

(U) Comments from the Assistant Director addressed the specifics of the recommendation; therefore, the recommendation is resolved but will remain open. We will close the recommendation when DSCA personnel provide documentation that the DSCA has reviewed and modified current internal procedures to incorporate a regularly scheduled review to update the list of defense articles designates as requiring EEUM.

(U) Recommendation 2

(U) We recommend that the Director, Defense Security Cooperation Agency, update the Security Assistance Management Manual to:

- a. **(U) develop and implement a process for which defense articles no longer requiring Enhanced End-Use Monitoring be removed from the list, similar to the process currently in place for adding a defense article for Enhanced End-Use Monitoring, via “Designating Defense Articles for Enhanced, End-Use Monitoring (EEUM),” Figure C8.F1; and**

(U) Defense Security Cooperation Agency Comments

(U) The Assistant Director, International Operations, responding on behalf of the DSCA Director, agreed and stated that the DSCA supports process reviews to ensure the EEUM designation status is current.

(U) Our Response

(U) Comments from the Assistant Director addressed the specifics of the recommendation; therefore, the recommendation is resolved but will remain open. We will close the recommendation when DSCA personnel provide documentation that they have developed and implemented a process for which defense articles no longer requiring EEUM be removed from the list.

- b. **(U) add a recurring requirement to review and update the list of all defense articles provided to foreign nations to ensure designation of those requiring Enhanced End-Use Monitoring.**

(U) Defense Security Cooperation Agency Comments

(U) The Assistant Director, International Operations, responding on behalf of the DSCA Director, agreed and stated that the DSCA supports process reviews that ensure the EEUM designation status is current.

(U) Our Response

(U) Comments from the Assistant Director addressed the specifics of the recommendation; therefore, the recommendation is resolved but will remain open. We will close the recommendation when DSCA personnel provide documentation that they have developed and implemented a process to add a recurring requirement to review and update the list of all defense articles provided to foreign nations. This process will ensure designation of those defense articles requiring EEUM.

(U) Scope and Methodology

(U) We conducted this management advisory as part of an evaluation looking at EEUM from January 2023 through March 2023 in accordance with the “Quality Standards for Inspection and Evaluation,” published in December 2020 by the Council of the Inspectors General on Integrity and Efficiency. Those standards require that we adequately plan the evaluation to ensure that objectives are met and that we perform the evaluation to obtain sufficient, competent, and relevant evidence to support the findings, conclusions, and recommendations. We believe that the evidence obtained was sufficient, competent, and relevant to lead a reasonable person to sustain our evaluation findings.

(U) We identified and reviewed policies, directives, and DoD guidance. This includes criteria such as the U.S. Code, DoD Directives, and the SAMM. Specifically, we reviewed the following criteria:

- (U) 22 U.S.C Chapter 39, “Arms Export Control Act (AECA)”, June 30, 1976.
- (U) 22 U.S.C § 2314, “Foreign Assistance Act (FAA)”, September 4, 1961.
- (U) DoD Directive 3025.14, “Evacuation of U.S. Citizens and Designated Aliens from Threatened Areas Abroad”, Incorporating Change 1, November 30, 2017.
- (U) DoD Directive 5105.65, “Defense Security Cooperation Agency”, Incorporating Change 1 March 2, 2023.
- (U) DoD Directive 5105.72, “Defense Technology Security Administration”, April 26, 2016.
- (U) SAMM Chapter 8, “End Use Monitoring (EUM)”, Updated December 20, 2022.

(U) We traveled to Jasionka, Poland, and physically observed the aerial port of debarkation, the Poland Logistics Hub, the Materiel Aid Contribution Coordination Cell, and EEUM item serial number inventory processes and systems. Additionally, the team physically observed the DoD presence in the international environment in support of Ukraine.

(U) We obtained documentary evidence from various EEUM program stakeholder organizations, including OUSD(A&S), DSCA, DTSA, Defense Export Policy offices, U.S. European Command, ODC-Ukraine, and 101st Airborne 1-75 Cavalry Regiment.

(U) We conducted interviews with EEUM defense article experts. These included interviews with individuals from the following organizations: the OUSD(A&S), OUSD(P), DSCA, DTSA, Military Department export policy experts, U.S. European Command, and ODC-Ukraine. The interviews provided context for what the team physically observed while in the U.S. European Command area of responsibility. Additionally, the interviews provided the team clarity and context on the documentation the organizations provided, as well as testimonial evidence on the EEUM designation process.

(U) This report was reviewed by the DoD Component(s) associated with this oversight project to identify whether any of their reported information, including legacy FOUO information, should be safeguarded and marked in accordance with the DoD CUI Program. In preparing and marking this report, we considered any comments submitted by the DoD Component(s) about the CUI treatment of their information. If the DoD Component(s) failed to provide any or sufficient comments about the CUI treatment of their information, we marked the report based on our assessment of the available information.

(U) Acronyms and Abbreviationsw

DSCA	Defense Security Cooperation Agency
EEUM	Enhanced End-Use Monitoring
EUM	End-Use Monitoring
NVDs	Night Vision Devices
ODC	Office of Defense Cooperation
OSD(A&S)	Office of the Under Secretary of Defense for Acquisition and Sustainment
SAMM	Security Assistance Management Manual
SCIP	Security Cooperation Information Portal
USG	United States Government



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