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INSPECTOR GENERAL

U.S. Department of Defense

October 6, 2022



(U) The DoD's Accountability of Equipment Provided to Ukraine

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INSPECTOR GENERAL

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

October 6, 2022

MEMORANDUM FOR UNDERSECRETARY OF DEFENSE FOR POLICY
COMMANDER, U.S. EUROPEAN COMMAND
DIRECTOR, JOINT STAFF
DIRECTOR, DEFENSE SECURITY COOPERATION AGENCY

SUBJECT: The DoD's Accountability of Equipment Provided to Ukraine (Report No. DODIG-2023-002)

(U) We are providing this report for your information and use. This report discusses the DoD's approach to ensuring accountability of equipment provided to Ukraine, where DoD personnel have limited access, and compiles information about end-use monitoring and enhanced end-use monitoring of equipment. We conducted this evaluation from February 2022 through September 2022 in accordance with the "Quality Standards for Inspections and Evaluations," published in December 2020 by the Council of the Inspectors General on Integrity and Efficiency.

(U) The Under Secretary of Defense for Policy, Commander of the U.S. European Command, Director of the Joint Staff, and Director of the Defense Security Cooperation Agency should read this report as a reminder of current policies related to end-use monitoring of defense articles provided to Ukraine's military personnel.

(CUI) This report contains no recommendations for action. We did not issue a draft report, and no written response is required. If you have any questions, please contact DoD OIG (b)(6) at DoD OIG (b)(6) (DSN DOD OIG (b)(6)).

Jefferson L. DuBinok

Acting Assistant Inspector General for Programs, Combatant Commands, and Overseas Contingency Operations Evaluations

(U) Objective

- (U) The objective of this evaluation was to determine the extent to which the DoD developed plans to provide and account for security assistance to the Government of Ukraine authorized by the FY 2022 National Defense Authorization Act.
- (U) During the evaluation we found that the DoD was unable to provide end-use monitoring (EUM) in accordance with DoD policy because of limited U.S. presence in Ukraine.¹ Therefore, we are issuing this report identifying the challenges faced by DoD personnel responsible for conducting EUM and Enhanced EUM (EEUM) when there are limited or no U.S. personnel present in the area the equipment is being used.² We identify the requirements for conducting EUM and EEUM, as well as outline the actions the DoD is taking to account for the U.S. equipment provided to Ukraine when there are limited or no U.S. personnel present in the area in which the equipment is being used.

(U) Background

- (U) As of August 2, 2022, the United States committed more than \$23 billion in regular and supplemental appropriations to provide security assistance to Ukraine. The security assistance packages were provided under multiple authorities and authorizations, including:
 - (U) the Ukraine Security Assistance Initiative (USAI) within the FY 2022 National Defense Authorization Act;
 - (U) the Ukraine Supplemental Appropriations Act, 2022; and
 - (U) the Additional Ukraine Supplemental Appropriations Act, 2022.3

(U) Presidential Drawdown Authority Was the Primary Method for Providing Equipment to Ukraine

(U) Presidential Drawdown Authority (PDA) allows for rapid provision of defense articles and services from existing DoD stocks. In FY 2022, Congress progressively increased the cap on PDA from \$100 million to \$11 billion. From August 2021 to August 2022, the President used PDA 11 times to provide security assistance to Ukraine, and additional PDA tranches are planned.

¹ (U) EUM provides U.S. Government oversight of defense articles and services provided under the Arms Export Control Act and the Foreign Assistance Act and seeks to protect U.S. defense technologies.

² (U) EEUM is a more rigorous process than EUM and is for oversight of certain sensitive items.

³ (U) Public Law 117-81, section 1232; Public Law 117-103, Division N; and Public Law 117-128.

(U) Ukraine Security Assistance Initiative

(U) The USAI originated in the FY 2016 National Defense Authorization Act. The purpose of the USAI is to provide security assistance and intelligence support, including training, equipment, logistics support, supplies, and services, to military and other security forces of the Government of Ukraine.⁴ The USAI allows for more advanced capabilities to be provided, but where PDA authority draws from existing stock, the USAI relies on the lengthy procurement cycle to obtain materials from industry. As of August 2022, Congress had appropriated \$6.3 billion for USAI.

(U) Defense Articles and Services Provided to Ukraine

(U) The DoD provided or committed to provide the following defense articles and services to Ukraine under the security assistance authorities previously described.

- (U) Lethal assistance, including anti-aircraft systems, anti-armor systems, artillery rocket systems, counter-battery systems, laser-guided rocket systems, grenade launchers, coastal defense systems, and various artillery, arms, and ammunition.
- (U) Counter-artillery, counter-mortar, and air surveillance radars.
- (U) Various unmanned aerial systems.
- (U) Armored vehicles and patrol boats.
- (U) Night vision devices, thermal imagery systems, optics, and rangefinders.
- (U) Counter-electronic warfare capabilities, such as secure communications equipment and other electronic protection systems.
- (U) Protective gear and equipment, field equipment, and medical supplies.
- (U) A detailed list of defense articles and services is in Appendix B.

(U) End-Use Monitoring

(U) In 1996, Congress amended the Arms Export Control Act to require the President to establish a program for monitoring the end use of defense articles and services sold, leased, or exported under the Arms Export Control Act and the Foreign Assistance Act of 1961. This requirement included defense articles and services provisioned through Foreign Military Sales and Direct Commercial Sales, as well as under various security

⁴ (U) FY 2016 National Defense Authorization Act, section 1250, Public Law 114-92.

- (U) assistance programs, Excess Defense Articles, and Emergency Drawdown programs.⁵ EUM provides U.S. Government oversight to ensure that the conditions of transfer and use are met. The intent of EUM is to improve accountability of defense articles and services provided under the Arms Export Control Act and the Foreign Assistance Act. EUM is an important component to protecting U.S. defense technologies.
- (U) The requirement to conduct EUM resulted in the establishment of the Golden Sentry EUM program for defense articles and services provisioned through Foreign Military Sales and the various security assistance programs. The Secretary of Defense assigned management and administration of the Golden Sentry program to the Defense Security Cooperation Agency (DSCA).
- (U) The DSCA is responsible for providing DoD-wide guidance for the management or implementation of the DoD's security assistance and security cooperation programs. The DSCA's Security Assistance Management Manual (SAMM) outlines the authorities and requirements of security assistance, including the requirements for routine EUM and EEUM of defense articles provided to foreign nations.⁶

(U) Golden Sentry

- (U) Golden Sentry is designed to verify that defense articles and services transferred by the U.S. Government to foreign recipients are being used in accordance with the terms and conditions of the transfer agreement or other applicable agreement. Specifically, the goals of the Golden Sentry program are:
 - (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 without prior written consent of the U.S. Government;
 - (U) to maintain the security of any article with substantially the same degree of protection afforded to it by the U.S. Government; and

⁵ (U) 22 U.S.C. § 2785(a)(2), "End-Use Monitoring of Defense Articles and Defense Services" 1996.

⁶ (U) Defense Security Cooperation Agency (DSCA) Manual 5105.38-M, DSCA Policy 12-20, "Security Assistance Management Manual (SAMM)" April 30, 2012.

⁽U) EEUM is required for defense articles or munitions controlled items designated by the Military Department's export policy, the interagency release process, or by DoD policy promulgated as a result of consultation with Congress or the Department of State.

- (U) to permit observation and review by, and to furnish necessary information to, representatives of the U.S. Government with regard to use of such articles.
- (U) The principal components of Golden Sentry include obtaining pre-delivery end-user assurances from the recipient governments and international organizations regarding authorized end use, re-transfer restrictions, and protection of U.S.-origin defense equipment.
- (U) The Golden Sentry program outlines how security cooperation organizations (SCOs) assigned to U.S. Embassies implement routine EUM and EEUM by monitoring and verifying end use, accountability, and security of defense articles and services. SCO personnel develop standard operating procedures and control plans for EUM and conduct EEUM in accordance with established DoD Golden Sentry EUM checklists.
- (U) DSCA personnel conduct in-person assessments and focused checks to verify compliance with established end use sale or transfer agreements, as well as SCO compliance with the Golden Sentry program.

(U) EUM Is Reliant on In-Person Monitoring

- (U) SAMM defines routine EUM and EEUM, and specifies the defense articles and services that are subject to each type of monitoring. Routine EUM and EEUM rely on inperson checks by SCO personnel, and the results of each check should be documented electronically in the DSCA-managed Security Cooperation Information Portal.
 - (U) **EUM.** Routine EUM is required for significant military equipment, as defined in SAMM, and should be conducted at least quarterly by SCO personnel during regular, in-person visits to partner nation installations in performance of their security cooperation duties.⁷
 - (U) **EEUM.** EEUM is required for sensitive items, as defined in SAMM. EEUM requires in-person physical security and accountability assessments of the storage facilities and 100 percent annual serial number inventories to verify compliance with transfer agreements. SCOs conduct security and accountability assessments in accordance with standardized checklists documented electronically in the DSCA managed Security Cooperation Information Portal.

^{7 (}U) SAMM defines significant military equipment as defense articles for which special export controls are warranted because of the capacity of such articles for substantial military utility or capability. These items are identified on the U.S. Munitions List in the International Traffic in Arms Regulations by an asterisk preceding the item category listing.

(U) For Ukraine-related routine EUM and EEUM, the U.S. European Command (USEUCOM) J-5 Office of Defense Cooperation Support Division oversees the U.S. Embassy-based SCO, the Office of Defense Cooperation–Kyiv (ODC-Kyiv).8 ODC-Kyiv is the SCO responsible for executing routine EUM and EEUM in Ukraine.

(U) The Office of Defense Cooperation—Kyiv Was Unable to Conduct End-Use Monitoring of Equipment Provided to Ukraine in Accordance with DoD Policy in FY 2022

(U) ODC-Kyiv was unable to conduct required EUM of military equipment that the United States provided to Ukraine in FY 2022. Therefore, we are issuing this report identifying the challenges faced by DoD personnel responsible for conducting EUM when there are limited or no U.S. personnel present in the area where the equipment is being used. The current guidance and effectiveness of the DoD's execution of routine EUM and EEUM rely on in-person access to equipment by U.S. personnel to conduct compliance assessment visits and accountability assessments. The inability of DoD personnel to visit areas where equipment provided to Ukraine was being used or stored significantly hampered ODC-Kyiv's ability to execute EUM.

(U) The DoD's ability to monitor equipment provided to Ukraine was hampered because of the limited number of U.S. personnel allowed in country and movement restrictions placed on those personnel. In addition, the U.S. Embassy in Kyiv was closed under ordered departure from February 2022 to May 2022, during which time all non-essential embassy operations were suspended. When the U.S. Embassy reopened, it resumed operations slowly. According to USEUCOM J-5 personnel, standard EUM activities for ODC-Kyiv are challenging in an active conflict area, especially because of limited personnel permitted in country and restrictions on movement within Ukraine.

(U) USEUCOM sought to mitigate the inability to conduct in-person EUM by implementing other methods of monitoring and accounting for equipment transferred to Ukraine, including:

- (U) requesting and maintaining hand receipts,
- (U) requesting updates from the Government of Ukraine,

^{8 (}U) The USEUCOM J-5 is the Plans, Policy, Strategy, and Capabilities Directorate responsible to the USEUCOM Commander for formulating and providing staff direction, and executing military/political strategy and policy, deliberate planning, and security cooperation for command activities involving other U.S. unified commands, allied and partner military organizations, and subordinate commands.

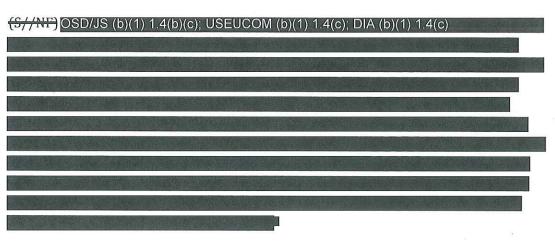
- (U) using automated tracking, and
- (CUI) leveraging intelligence reporting to help account for equipment provided to the Armed Forces of Ukraine (AFU).

(U) In addition, according to USEUCOM personnel, the Ukrainians made efforts to prevent illicit proliferation of defense material provided by the United States.

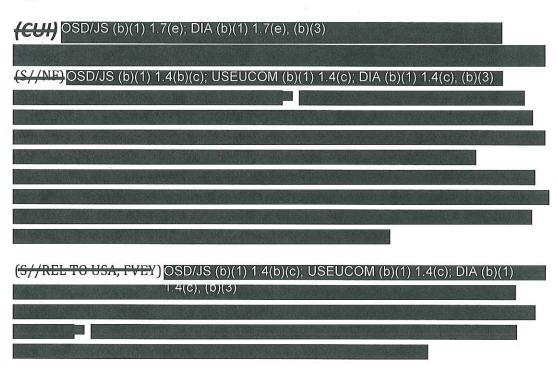
(U) ODC-Kyiv Requested Equipment Hand Receipts from the AFU

(U) ODC-Kyiv requested equipment hand receipts and other documentation from AFU recipients to help with EUM. According to ODC-Kyiv personnel, on May 31, 2022, ODC-Kyiv sent a diplomatic note to the AFU that requested copies of hand receipts from Logistics Command Ukraine to the battalion level, as well as expenditure, loss, and damage reports to further track and account for the U.S.-provided materials that require routine EUM and EEUM. USEUCOM J-5 personnel stated that Ukraine is making a goodfaith effort to provide equipment hand receipts and updates on the status and location of provided equipment. We requested copies of the diplomatic note and any associated documentation from ODC-Kyiv and the USEUCOM J-5 on July 15, 2022, and from the USEUCOM Inspector General on August 2, 2022. As of September 13, 2022, we had not received any information related to this request. However, we are not pursuing this information further for the purposes of this report because the DoD Office of Inspector General (OIG) intends to conduct an evaluation that will focus on the in-transit security and the transfer of equipment to Ukraine, which will include chain of custody records for equipment transferred to the Government of Ukraine down to the lowest required level.

OSD/JS (b)(1) 1.4(b)(c); USEUCOM (b)(1) 1.4(a)
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(S//NE) OSD/JS (b)(1) 1.4(b)(c); USEUCOM (b)(1) 1.4(c); DIA (b)(1) 1.4(c)



(U) Although intelligence reporting may provide some accountability for large platforms, such as missiles, such reporting is limited in its ability to provide observable usage and accountability for smaller materials that require EUM and EEUM, such as night vision devices.



 (U) In late June 2022, the SBU dismantled an organized crime group that was controlled by an unspecified Russian official. The group members joined a volunteer battalion using forged identity documents and procured weapons,

^{9 (}U)DIA (b)(1) 1.7(e), (b)(3)

^{10 (}U)DIA (b)(1) 1.7(e), (b)(3)

^{11 (}C//DEL TO LICA, EVEY) OSD/JS (b)(1) 1.4(b)(c); USEUCOM (b)(1) 1.4(c); DIA (b)(1) 1.4(c), (b)(3),

- (U) including a grenade launcher and a machine gun, and more than 1,000 rounds of ammunition. The perceived intent of the group was to conduct destabilizing activities.
- (U) In mid-August 2022, the SBU disrupted a group of volunteer battalion members who took more than 60 rifles and almost 1,000 rounds of ammunition and stored them illegally in a warehouse, presumably for sale on the black market.
- (U) In late June 2022, the SBU disrupted a group of Ukrainian criminals posing as members of a humanitarian aid organization who distributed bulletproof vests. The group illicitly imported the vests and sold them rather than distribute them to Ukrainian forces. A member of the group was found with a cache of vests worth \$17,000.
- (U) In late June 2022, the SBU disrupted a group of arms traffickers who were selling weapons and ammunition stolen from the front lines in southern Ukraine.

(U) Current EUM and EEUM Require In-Person Monitoring, Which Is Challenging for Non-Peacetime, Limited-Access Environments Such as Ukraine

- (U) The DoD is unable to conduct EUM and EEUM in Ukraine because completing EUM and EEUM in accordance with DoD policy requires in-person access to the defense equipment provided. Intelligence methods provide some accountability for observable platforms, such as missiles and helicopters, but smaller items, such as night vision devices, have limited accountability. In addition, according to the DSCA Deputy Director, a more fulsome execution of EUM will be possible once the DoD has personnel in country to execute physical validation and verification of materials. In the interim, EUM requirements are challenging to implement for non-peacetime, limited-access environments.
- (U) We are not making any recommendations in this report because the DoD has made some efforts to mitigate the inability to conduct in-person EUM and EEUM. In addition, the DoD OIG intends to conduct a project that will focus on the in-transit security and the transfer of equipment to Ukraine, which will include chain of custody records for equipment transferred to the Government of Ukraine down to the lowest required level.

(U) Scope and Methodology

- (U) We conducted this evaluation from February 2022 through September 2022 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 the findings and conclusions. We did not make any recommendations in this report.
- (U) The scope of our work included reviewing all relevant DoD criteria and information regarding security assistance, routine EUM, and EEUM from the DSCA, as well as policy, guidance, and laws from other DoD and Federal resources, with a focus on identifying methods for collecting and reporting information related to EUM of defense articles and services provided to Ukraine. We received written responses from personnel from the DSCA, USEUCOM, and ODC-Kyiv who are responsible for planning and conducting EUM. We also consulted the DIA to help identify intelligence reporting that provided direct or incidental information on end use monitoring of defense articles and services provided to Ukraine.
- (U) We drafted this report for all DoD personnel involved with conducting EUM of defense articles and services provided to Ukraine. This report is intended to assist DoD personnel in identifying incidental and alternative means of conducting EUM in Ukraine, as well as any other region that U.S. personnel have limited access to conduct EUM via traditional means.

(U) Use of Computer-Processed Data

(U) We did not use computer-processed data to perform this evaluation.

(U) Prior Coverage

(U) We found and analyzed one report issued by the DoD OIG between 2014 and 2021 that reviewed EUM and EEUM in Ukraine.

(U) DoD OIG

(U) DoD OIG Report No. DODIG-2020-121, "Evaluation of Department of Defense Enhanced End-Use Monitoring for Equipment Transferred to the Government of Ukraine," August 27, 2020

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Scope and Methodology

(U) The DoD OIG found deficiencies in the DoD's transfer of military equipment to the Government of Ukraine requiring EEUM, including Javelin missiles, Javelin Command Launch Units, and night vision devices; and in Ukraine's security and accountability of U.S.-provided military equipment requiring EEUM.

(U) List of Defense Articles and Services Committed to Ukraine

- (U) The following is a listing of defense articles and services committed to Ukraine through in FY 2022 (as of August 2022), via all available security cooperation and assistance authorities:
 - (U) Over 1,400 Stinger anti-aircraft systems;
 - (U) Over 6,500 Javelin anti-armor systems;
 - (U) Over 20,000 other anti-armor systems;
 - (U) Over 700 Switchblade Tactical Unmanned Aerial Systems;
 - (U) 126 155mm Howitzers and up to 486,000 155mm artillery rounds;
 - (U) 72,000 105mm artillery rounds;
 - (U) 126 Tactical Vehicles to tow 155mm Howitzers;
 - (U) 22 Tactical Vehicles to recover equipment;
 - (U) 16 High Mobility Artillery Rocket Systems and ammunition;
 - (U) Four Command Post vehicles;
 - (U) Two National Advanced Surface-to-Air Missile Systems (NASAMS);
 - (U) 20 Mi-17 helicopters;
 - (U) Counter-battery systems;
 - (U) Hundreds of Armored High Mobility Multipurpose Wheeled Vehicles;
 - (U) 200 M113 Armored Personnel Carriers;
 - (U) Over 10,000 grenade launchers and small arms;
 - (U) Over 59,000,000 rounds of small arms ammunition;
 - (U) 75,000 sets of body armor and helmets;
 - (U) Approximately 700 Phoenix Ghost Tactical Unmanned Aerial Systems;

Defense Articles and Services Committed to Ukraine

- (U) Laser-guided rocket systems;
- (U) Puma Unmanned Aerial Systems;
- (U) Unmanned Coastal Defense Vessels;
- (U) 26 counter-artillery radars;
- (U) Four counter-mortar radars;
- (U) Four air surveillance radars;
- (U) Two harpoon coastal defense systems;
- (U) 18 coastal and riverine patrol boats;
- (U) M18A1 Claymore anti-personnel munitions;
- (U) C-4 explosives, demolition munitions, and demolition equipment for obstacle clearing;
- (U) Tactical secure communications systems;
- (U) Thousands of night vision devices, thermal imagery systems, optics, and laser rangefinders;
- (U) Commercial satellite imagery services;
- (U) Explosive ordnance disposal protective gear;
- (U) Chemical, Biological, Radiological, Nuclear protective equipment;
- (U) Medical supplies to include first aid kits;
- (U) Electronic jamming equipment;
- (U) Field equipment and spare parts;
- (U) Funding for training, maintenance, and sustainment. 12

^{12 (}U) Department of State, Bureau of Political-Military Affairs, "U.S. Security Cooperation with Ukraine Fact Sheet," August 19, 2022

(U) Defense Articles Designated for EEUM

(U) The DSCA's SAMM lists the defense articles designated for EEUM. The following table, from SAMM, lists these items.¹³ Other defense articles may require EEUM or additional U.S. control measures (such as U.S. custody or electronic monitoring) on a case-by-case basis as determined in the transfer approval process.

(U) Table 1. DSCA SAMM EEUM-Designated Defense Articles

(UNCLASSIFIED) (U) EEUM-Designated Defense Articles	(U) Description
(U) Air Intercept Missiles-9X (AIM-9X)	AIM-9X Missiles, Guidance Units (GU), Captive Air Training Missiles (CATM), and Special Air Training Missiles (NATM).
(U) ATIRCM	Advanced Threat Infrared Countermeasures (ATIRCM) System
(U) Communication Security (COMSEC) Equipment	COMSEC items are managed and controlled by the National Security Agency (NSA).
(U) Harpoon Block II Missiles	Harpoon Block II missile and/or other specified Harpoon Block II Missile defense articles (Retrofit kits and GCUs).
(U) Javelin Missiles and Command Launch Units (CLUs)	Javelin Missiles and CLUs only.
(U) Joint Air-to-Surface Standoff Missiles (JASSM)	JASSM or other specified JASSM enhanced defense articles.
(U) Joint Standoff Weapons (JSOW)	JSOW or other specified JSOW defense articles (Captive Flight Vehicles (CFV), and Missile Simulator Units (MSU)).
(U) Large Aircraft Infrared Countermeasures (LAIRCM)	LAIRCM components as specified in the LOA note.
(U) LMAMS	Lethal Miniature Aerial Missile System (LMAMS) Switchblade
(U) Night Vision Devices (NVDs) (Man-portable Devices only)	For each FMS offer of man-portable NVDs, the Implementing Agency will include the DSCA NVD Approval memorandum as supporting documentation to the LOA. For NVD exports, the partner nation must provide the SCO a copy of the physical (UNCLASSIFIED

^{13 (}U) DSCA SAMM, Chapter 8, End-Use Monitoring, Table C8.T4

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Defense Articles Designated for Enhanced End Use Monitoring

(UNCLASSIFIED) (U) EEUM-Designated Defense Articles	(U) Description
	security and accountability control plan (NVD Control Plan) signed by a partner nation competent authority for the protection and security of NVDs. The NVD Control Plan must be provided within 30 days of signing the LOA, and must direct all subordinate organizations to comply with the plan. NVDs will not be delivered until receipt of the NVD Control Plan. SCO will review and maintain a copy of the purchaser's NVD Control Plan and forward a copy to dsca.eumhelpdesk@mail.mil. SCOs must provide a written report to DSCA (Directorate for Security Assistance (DSA)) within 30 calendar days of any reported loss, theft, or unauthorized access of any NVD provided to the partner nation.
(U) Small Diameter Bomb, Increment Two (SDB-II) / GBU-53	SDB-II All Up Round (AUR), GBU-53/B; SDB II Guided Test Vehicle (GTV), GBU-53(T-1)/B; and SDB II Captive Carry Vehicle (CCV), GBU-53(T-2)/B Embedded COMSEC items are managed by the National Security Agency (NSA)
(U) Standard Missiles-3 (SM-3)	Standard Missiles-3 (SM-3)
(U) Standard Missiles-6 (SM-6)	Standard Missiles-6 (SM-6)
(U) Standoff Land Attack Missiles Expanded Response (SLAM-ER)	SLAM-ER or other specified SLAM-ER defense articles, (Retrofit kits and Guidance Control Unit (GCU)).
(U) Stinger Missiles and Gripstocks	Stinger Missiles designated for EEUM may include, but are not limited to: MANPADS, AVENGER, Linebacker, and Vehicle Mounted Stinger Launch Platform (VMSLP).
(U) Terminal High Altitude Area Defense (THAAD)	THAAD missiles or Radar systems
(U) Tomahawk Missiles	Tomahawk Missiles
(U) Unmanned Aircraft Systems (UAS) designated as Category I by the Missile Technology Control Regime (MTCR) or as specified in the LOA	UAS and system components as specified in the LOA note. (UNCLASSIFIED)

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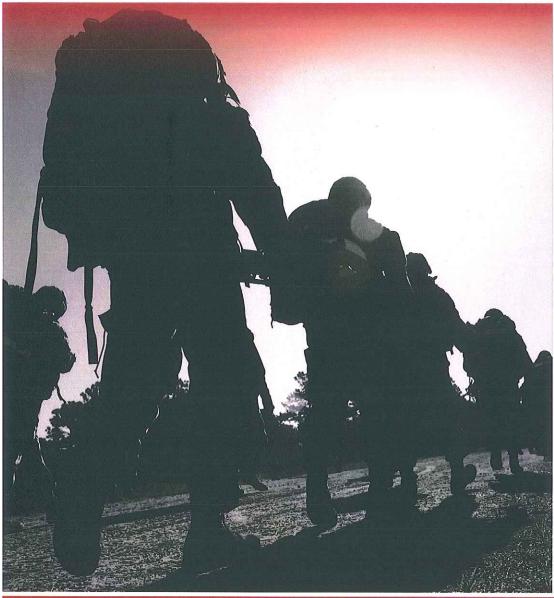
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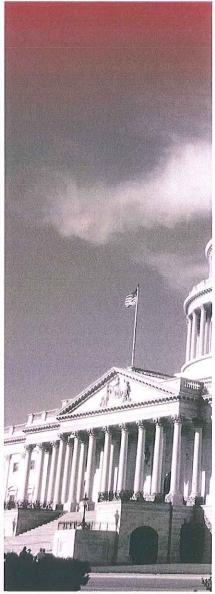
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