



DEFENSE SECURITY COOPERATION AGENCY

WASHINGTON, DC 20301-2800

SEP 03 2008

In reply refer to:
USP010711-08

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Inclusion of Foreign-Sourced Defense Articles and Services in Letter of Request (LOR) Advisories, DSCA Policy 08-25, [SAMM E-Change 112]

This memorandum updates Chapter 5 of the Security Assistance Management Manual (SAMM) to emphasize that additional scrutiny is required for all programs that propose to include foreign-sourced defense articles or services. The change expands the use of the Letter of Request (LOR) Advisory and revises the instructions for preparing and formatting the LOR Advisory.

LORs that request other than U.S. domestic end products or services (e.g., foreign-sourced defense articles and services) are included as items of a sensitive nature as identified in SAMM Chapter 5, paragraph C5.1.4.5.1.4., as a means of avoiding non-compliant transfers of defense articles and/or services, particularly those involving foreign procurement (including subcontracts).

The attached update to the SAMM is effective 30 days from the date of signature on this memo. If you have questions concerning this guidance, please contact Ms. Kathy Robinson, DSCA-STR/POL, kathy.robinson@dscamail.mil, (703) 601-4368.

A handwritten signature in cursive script that reads "Jeanne Farmer".

Attachment:
As Stated

Jeanne L. Farmer
Acting Director

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SAMM E-Change 112

1. Chapter 5, Paragraph C5.1.4.5.1.4. – revise as indicated with italics:

C5.1.4.5.1.4. Items and/or services of a sensitive nature. For example, NVDs, Missile Technology Control Regime Category I or II systems (air vehicles, support systems, payloads, ground stations, etc.), Man Portable Air Defense System, *foreign-sourced articles and or services*, and items associated with missile defense are considered items and/or services of a sensitive nature.

2. Chapter 5, Paragraph C5.1.4.5.2. – revise as indicated with italics:

C5.1.4.5.2. Preparing LOR Advisories. DSCA (Operations Directorate) prepares and sends an LOR Advisory to the Chairman of the Joint Chiefs of Staff and USD(AT&L) using the format in Figure C5.F1a. The LOR Advisory should include a copy of the purchaser's request as well as the Country Team Assessment (when required). *For NVD transfers*, the Implementing Agency's concurrence is included along with the proposed list of items to be transferred (including model-type/nomenclature and quantity). The Defense Technology Security Administration (DTSA) is added as an addressee for all NVD *and foreign-sourced articles and/or services* LOR Advisories. The Missile Defense Agency (MDA) is added as an addressee for all missile defense related LOR Advisories.

3. Chapter 5, Figure C5.F1a., – revise as indicated with italics:

Figure C5.F1a. Letter of Request (LOR) Advisory Format

MEMORANDUM FOR DIRECTOR, J-5, JOINT CHIEFS OF STAFF
ATTN: JS/J5

OFFICE OF THE UNDER SECRETARY OF DEFENSE
ACQUISITION, TECHNOLOGY, AND LOGISTICS
ATTN: INTERNATIONAL COOPERATION

DEFENSE TECHNOLOGY SECURITY ADMINISTRATION
ATTN: DTSA/PD (POLICY DIVISION)

Add for NVD or foreign sourced
articles and/or service LOR Advisories

MISSILE DEFENSE AGENCY

Add for missile defense related LOR Advisories

SUBJECT: Letter of Request (LOR) Advisory - [Insert Country or International Organization Name]

DSCA has received a request from [insert Country or International Organization Name] for [identify articles requested and whether they are Major Defense Equipment (MDE) that is being introduced for the first time; MDE that is expected to result in a notification to Congress under AECA, section 36(b); involve coproduction or licensing agreements for MDE; items/services of a sensitive nature; or MDE that has not yet completed operational testing and evaluation (OT&E)]. (Additional information may be provided specific to this request if desired.)

The purpose of this memorandum is to advise you of this request and provide you with a copy for your use and information. If you have any questions or desire additional information regarding this potential sale, please contact [insert name, office symbol, phone number, and e-mail address of DSCA Country Program Director].

It should be noted that this notification does not take the place of any Exception to National Disclosure Policy (ENDP) processes or releasability requirements that may need to be addressed by the Military Departments.

For NVD LOR Advisories add the following *paragraph*:

The Department of the [insert MILDEP] recommends and is prepared to offer the transfer of the following devices with capabilities that are equal to current DoD standard issue and considered to be of a sensitive nature: [insert type and quantity of specific devices to be offered]. The [insert Purchaser] has indicated its willingness to accept the physical security and accountability requirements as attached, which will become part of any Letter of Offer and Acceptance for these items. [Insert Purchaser's] letter of request and [Implementing Agency] memorandums are also enclosed.

Attachment:

[Insert Purchaser Request Information]

[Appropriate MILDEP Recommendation]

[Proposed Physical Security & Accountability Note]

Add for NVD LOR Advisories

cc: [Insert Applicable *USDP Regional ASD (e.g., ISA, etc.)*]

DoS (PM/RSAT)

[Insert Applicable SAO]

[Insert Applicable MILDEP]

[Insert Applicable Combatant Command]

DTSA/PD

USSOCOM/SOOP/SDO

Add for NVD LOR Advisories

NOTE: Memorandum is classified if applicable.