



DEFENSE SECURITY COOPERATION AGENCY

2800 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-2800

19 AUG 2010

MEMORANDUM FOR THE DEPUTY UNDER SECRETARY OF THE AIR FORCE
FOR INTERNATIONAL AFFAIRS
DEPUTY ASSISTANT SECRETARY OF THE ARMY
FOR DEFENSE EXPORTS AND COOPERATION
DEPUTY ASSISTANT SECRETARY OF THE NAVY
FOR INTERNATIONAL PROGRAMS
DIRECTOR, DEFENSE CONTRACT MANAGEMENT
AGENCY
DIRECTOR FOR SECURITY ASSISTANCE, DEFENSE
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INDIANAPOLIS OPERATIONS
DIRECTOR, DEFENSE INFORMATION SYSTEMS
AGENCY
DIRECTOR, DEFENSE LOGISTICS AGENCY
DIRECTOR, DEFENSE LOGISTICS INFORMATION
SERVICE
DIRECTOR, DEFENSE REUTILIZATION AND
MARKETING SERVICE
DIRECTOR, DEFENSE THREAT REDUCTION
AGENCY
DIRECTOR, NATIONAL GEOSPATIAL-
INTELLIGENCE AGENCY
DEPUTY DIRECTOR FOR INFORMATION
ASSURANCE, NATIONAL SECURITY AGENCY

SUBJECT: Revision to Code “G5” for Afghanistan Security Forces Fund (ASFF) Letters of Offer and Acceptance (LOAs), DSCA Policy 10-48 [SAMM E-Change 167]

REFERENCE: Revise Code “G5” and Rescind Code “G6” for Afghanistan Security Forces Fund (ASFF), DSCA Policy 10-07, [SAMM E-Change 158]

This memorandum revises code “G5” to track funds authorized under the National Defense Authorization Act, 2010 (P.L. 111-84) and appropriated under the Department of Defense Appropriations Act, 2010 (P.L. 111-118), as supplemented by the Supplemental Appropriations Act, 2010 (P.L. 111-212). Funds provided under the Defense Appropriations Act, 2010 (P.L. 111-118) expire on September 30, 2011. Funds provided under the Supplemental Appropriation Act, 2010 (P.L. 111-212) also expire on September 30, 2011.

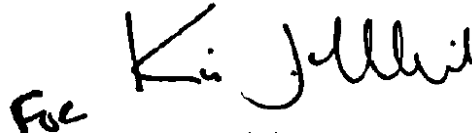
As a matter of policy, all Pseudo LOA documents using the “G5” country code should be expended as well as fully reconciled and closed on or before July 31, 2016.

The Defense Security Cooperation Agency must authorize and will assign use of this code for Pseudo LOA documents. The following information applies:

Organization	FMS Code	Combatant Command 1	Regional Grouping 2	FMS AECA Eligible 3	Accel. Case Closure Eligible
National Defense Authorization Act for FY 2010 (P.L. 111-84) and Department of Defense Appropriations Act, 2010 (P.L.111-118), as supplemented by P.L. 111-212 Afghanistan Security Forces Fund (ASFF)	G5	CE	NR	AECA Only	N/A

This change will be included in the automated version of the SAMM found on the DSCA Web Page as SAMM E-Change 167.

If you have any questions concerning the attached guidance, please contact Mr. Kent Bell, DSCA-STR/POL, kent.bell@dscamil, (703) 604-6612.



Scott Schless
Principal Director
Strategy

Attachment:
As stated

Instructions for Preparing Pseudo Letters of Offer and Acceptance (LOAs)
(P.L. 111-84/111-118) as Supplemented by P.L. 111-212 Afghanistan Security Forces Fund
Cases

Contracts to carry out a Pseudo LOA may not rely on title 10 United States Code (U.S.C.) section 2304 (c) (4), implemented by the Federal Acquisition Regulation (FAR) 6.302-4, International Agreement (directed source), as authority to award using other than full an open competition. Any sole source purchases must be justified and approved in accordance with other statutory authority found in title 10 U.S.C. using procedures applicable to United States Government appropriated-funded purchases.

Instructions for preparing P.L. 111-84/111-118 Pseudo LOAs as supplemented by P.L. 111-212
1. Case Identifier. DSCA (Strategy Directorate) will assign a case identifier composed of country code (e.g., “G5” for Afghanistan Security Forces Fund (ASFF), Implementing Agency code of the DoD Component providing the support. Implementing Agencies may request unique designators to meet their requirements as identified in SAMM Figure C5.F5.
2. Nickname Field. The country/organization receiving the support and the Pseudo case authority and the text “(Non-FMS)” (e.g., ASFF 111-84/111-118/111-212, (Non-FMS)) are identified in the “nickname” field on the Pseudo LOA. Since ASFF has four internal customers, Afghanistan National Army (ANA), Afghanistan National Police (ANP), Related Activities (RA), and Contributions (CTRB), ASFF cases should be identified as ASFF/ANA, ASFF/ANP, ASFF/RA, or ASFF/CTRB, P.L. 111-84/111-118/111-212, (Non-FMS).
3. Purchaser’s Reference Field. Include the following statement below in the Purchaser’s Reference Field of the Customer Request: “Based on funds provided and the request of Program Originator [insert Program Originator’s name (e.g., CSTC-A, Combatant Commands, etc.) and LOR/MOR reference number] to the Defense Security Cooperation Agency, dated [insert date of written request]. The legal authority is P.L. 111-84, National Defense Authorization Act, 2010 and P.L. 111-118, Department of Defense Appropriations Act, 2010 as supplemented by P.L. 111-212, Supplemental Appropriations Act, 2010. See Note [insert LOA note number] for additional information.”
4. Terms of Sale Field. The Term of Sale for ASFF Pseudo LOAs is Cash with Acceptance, P.L. Law 111-84/111-118/111-212.
5. Authority Field. Insert “ASFF PL 111-84/111-118/111-212” (in DSAMS only).
6. Authority Fiscal Year. Insert “FY 2010” (in DSAMS only).
7. Purchaser Signature Field (Customer Signatory Name on Distribution Tab of Case Detail). Insert the authority and the statement that no purchaser signature is required (e.g., P.L. 111-84/111-118/111-212 (Non-FMS - No Purchaser Signature Required)).

Instructions for preparing P.L. 111-84/111-118 Pseudo LOAs as supplemented by P.L. 111-212
8. Purchaser Mailing Address. Insert “Department of Defense”.
9. MASL. Use valid existing MASLs for items being transferred or contact DSCA to approve new MASLs, if required.
10. Delivery Term Code. National Defense Authorization Act for Fiscal Year 2010 (P.L. 111-84 and Department of Defense Appropriations Act, 2010 (P.L. 111-118), as supplemented by Supplemental Appropriations Act, 2010 (P.L. 111-212), Pseudo LOAs, use the Delivery Term Code (DTC) for Defense Transportation System that will provide shipment all the way into recipient country. This is generally accomplished through DTC 7, unless DTC 9 suffices.
11. Offer Expiration Date. The Offer Expiration Date on the LOA should be no later than the last date the funds are required to ensure they are obligated prior to the funds expiring.
12. Benefitting Country. Afghanistan (AF)

LOA Notes for P.L. 111-84/111-118, as supplemented by P.L. 111-212, Pseudo LOAs		
Note Name	Note Usage	Note Text
Authority for Sale – P.L. 111-84/111-118 Programs as supplemented by P.L. 111-212	Mandatory for all P.L. 111-84/111-118 as supplemented by P.L. 111-212 Pseudo LOAs.	“This sale is made under the authority of P.L. 111-84/111-118 as supplemented by P.L. 111-212 and the Arms Export Control Act (AECA). Any reference in this Letter of Offer and Acceptance to the AECA, to defense articles, and to defense services shall be construed instead to be a reference to P.L. 111-84/111-118 as supplemented by P.L. 111-212 and the United States AECA. Any reference in this LOA to “purchaser” shall be construed as a reference to the Department of Defense.”
Case Closure – P.L. 111-84/111-118 Programs as supplemented by P.L. 111-212	Mandatory for all P.L. 111-84/111-118 as supplemented by P.L. 111-212 Pseudo LOAs.	“This case must be fully reconciled and closed by July 31, 2016.”

<p>Funds, Purpose, Availability and Amount P.L. 111-84/111-118 Programs as supplemented by P.L. 111-212</p>	<p>Mandatory for all P.L. 111-84/111-118 as supplemented by P.L. 111-212 Pseudo LOAs.</p>	<p>“The funds financing this Pseudo Letter of Offer and Acceptance (LOA) are expiring funds and are subject to all the requirements and restrictions under the heading of P.L. 111-84/111-118 as supplemented by P.L. 111-212. The funds provided carry the same time, purpose, and availability restrictions associated with fund source 21 10/11 2091.</p> <p>a. Failure to obligate the funds during the period of availability ending on September 30, 2011 will render them unavailable for new obligations after that date.</p> <p>b. All funds must be expended on or before July 31, 2016.</p> <p>c. Total funds available for expenditure against this Pseudo LOA are limited to the value of [insert dollar value].</p> <p>d. Amendments or Modifications to this Pseudo LOA are only authorized with DSCA written approval.”</p>
<p>Nonrecurring Costs – USG Appropriation</p>	<p>Mandatory for LOAs when an NC charge has been established, but the case is financed by a USG appropriation.</p> <p>Mandatory for Amendments or Modifications when the case is financed by a USG appropriation and (1) lines items are added and the NC charge applies to the new lines; or (2) quantities are increased on line items for which NC charges have been established. See Chapter 9, C9.4.5.</p>	<p>“Nonrecurring Costs (NC) have been established for line item(s) [insert line item numbers] of this case. These charges are not included on this case because the case is financed with a USG appropriation.”</p>

<p>Title and Custody Transfer - P.L. 111-84/111-118 Programs as supplemented by P.L. 111-112</p>	<p>Mandatory for all P.L. 111-84/111-118 Programs as supplemented by P.L. 111-212 Pseudo LOAs.</p>	<p>“The U.S. Government will retain title to and custody of the defense articles to be transferred under the authority of P.L. 111-84/111-118 as supplemented by P.L. 111-212 until delivery to the recipient country. A designated U.S. Government representative will confirm and document delivery of the P.L. 111-84/111-118 as supplemented by P.L. 111-212 program materiel to an authorized recipient country representative or agent. This U.S. Government representative will keep documentation showing when, where, and to whom delivery was made and will provide a copy of this documentation to the [insert U.S Army Security Assistance Command, Navy International Programs Office, or Deputy Under Secretary of the Air Force/International Affairs].”</p>
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