



**DEFENSE SECURITY COOPERATION AGENCY
2800 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-2800**

23 MAY 2016

MEMORANDUM FOR 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 FINANCE AND
ACCOUNTING SERVICE-INDIANAPOLIS OPERATIONS
DIRECTOR, DEFENSE INFORMATION SYSTEMS AGENCY
DIRECTOR, DEFENSE LOGISTICS AGENCY
DIRECTOR, DEFENSE LOGISTICS INFORMATION SERVICE
DIRECTOR, DEFENSE LOGISTICS AGENCY DISPOSITION SERVICES
DIRECTOR, DEFENSE THREAT REDUCTION AGENCY
DIRECTOR, MISSILE DEFENSE AGENCY
DIRECTOR, NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY
DEPUTY DIRECTOR FOR INFORMATION ASSURANCE, NATIONAL
SECURITY AGENCY

**SUBJECT: Revision of the Mandatory Note for Sales of Cluster Munitions with Submunitions with
a Confirmed 99% or Higher Tested Rate, DSCA Policy 16-29, E-Change 313**

Recent instances of the use of cluster munitions have increased public discussion about civilian casualties from cluster munitions and revived humanitarian concerns related to their use. The Department of State has therefore requested that additional reporting requirements be associated with new sales of cluster munitions with submunitions at the legally required 99% or higher functioning rate.

This memo adds to the current mandatory Cluster Munitions note a requirement that the purchaser agrees whenever the munitions being sold are taken out of inventory on a permanent basis to report the date, quantity, place expended, and a brief description of the circumstances under which it was expended to the Bureau of Political-Military Affairs, Office of Regional Security and Arms Transfers (PM/RSAT), U.S. Department of State, either directly or through the Security Cooperation Office.

For questions concerning this policy, please or for general questions concerning the SAMM, please contact Mike Slack, STR/SPI, micheal.d.slack.civ@mail.mil or (703) 697-9058. Implementing Agencies should ensure dissemination to supporting activities. Updates to the SAMM are posted

regularly at www.samm.dsca.mil.



J. W. Rixey
Vice Admiral, USN
Director

Attachment: As stated

cc:

STATE/PM-RSAT
AFRICOM CENTCOM
EUCOM
NORTHCOM
PACOM SOCOM
SOUTHCOM
TRANSCOM
USASAC
SATFA TRADOC
NAVICP NETSAFA
AFSAC
AFSAT
DISAM
DTSA
OUSD(AT&L)

Security Assistance Management Manual (SAMM), E-Change 313
Revised Cluster Munitions Note

1. In Appendix 6, revise the Note Text as below:

Cluster Munitions with Submunitions with a Confirmed 99% or Higher Tested Rate

Note Usage			
Mandatory for FMS LOAs that include cluster munitions or cluster munitions technology. Mandatory for Amendments or Modifications that add cluster munitions or cluster munitions technology.			
References			
N/A			
Note Input Responsibility			
IA			
Note Text			
"The purchaser agrees that the [insert type of munitions] will be used only against clearly defined military targets and will not be used where civilians are known to be present or in areas normally inhabited by civilians. Whenever these munitions are taken out of inventory on a permanent basis for any reason (retransferred or expended in testing, training, disposal, or operations), the purchaser agrees, by the 15th of the month following the end of any calendar year quarter in which such an event has occurred, to report the information required below to the U.S. Department of State, either directly at PM_RSAT@state.gov or through the Security Cooperation Office."			
Date	Quantity	Recipient if retransferred; if expended, provide location of the expenditure (e.g., name of base, training range, target coordinates)	Brief Description of the Circumstances (e.g., retransfer or expended in testing, disposal, training, or operations)