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11 APR 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
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DIRECTOR, DEFENSE THREAT REDUCTION AGENCY
DIRECTOR, MISSILE DEFENSE AGENCY
DIRECTOR, NATIONAL GEOSPATIAL-INTELLIGENCE
AGENCY
DEPUTY DIRECTOR FOR INFORMATION ASSURANCE,
NATIONAL SECURITY AGENCY

SUBJECT: Update to 2282 Building Partner Capacity Authority in Chapter 15 of the Security Assistance Management Manual (SAMM), DSCA Policy 16-22 [SAMM E-Change 308]

References: (a) DSCA Policy Memo 15-20, DoD, Update to the Building Partner Capacity Authorities in Chapter 15 of the Security Assistance Management Manual (SAMM), September 8, 2015
(b) DSCA Manual 5105.38, Security Assistance Management Manual, Chapter 15
(c) DSCA Policy Memo 15-20, DoD, Clarification to Standardize use of the Months of Service (MOS) Fields on a Building Partnership Capacity (BPC) Letter of Offer and Agreement, August 8, 2015

This memorandum provides additional clarification to reference (a) and reference (b) guidance related to Section 2282 execution and associated case notes. To clarify nomenclature for all stakeholders reference (b) is updated to establish the difference between a Section 2282 proposal to develop a capability for a partner nation and a congressionally notified and approved Section 2282 program. The verbiage for the "Full Operational Capability" case note established in reference (a) is revised to reflect the latest operational and legal reviews. The "Associated Letters of Offer and Acceptance" note supports the Section 2282 program concept and notifies stakeholders if the approved Section 2282 program consists of multiple interrelated Letters of Offer and Acceptance managed by different executing offices and different implementing

agencies. Reference (c) clarifies that the Months of Service field represents the dates the article or service will be provided to the U.S. Government. The Section 2282 Delivery to the Partner Nation note provides all stakeholders with an estimated delivery of the articles and services to the partner nation.

This policy is effective immediately. Should you require further information, please contact Ms. Caroline Chin, caroline.s.chin.civ@mail.mil.



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Attachment 1: Security Assistance Management Manual (SAMM) E-Change 308

1. Update Chapter 15, C15.1.4.5:

C15.1.4.5. Section 2282 Global Train and Equip (GT&E). Effective December 19, 2014, Section 1205 of the [National Defense Authorization Act \(NDAA\) for Fiscal Year \(FY\) 2015, Public Law \(P.L.\) 113-235](#), enacted Section 2282 of Title 10, United States Code, and repealed the analogous authority provided by the [NDAA for FY 2006, P.L. 109-163](#). The Secretary of Defense, with the concurrence of the Secretary of State, has the authority under Section 2282 to provide equipment, supplies, defense services, training, and small-scale military construction to build the capacity of a foreign country's national military forces participating in or supporting on-going allied or coalition stability operations that benefit the national security interests of the United States or to conduct counterterrorism operations. Section 2282 authority may also be used to build the capacity of a foreign country's national-level security, maritime and border security forces that conduct counterterrorism operations. The Section 2282 Program is funded with Operations & Maintenance appropriations or other funds made available to carry out programs on an annual basis. Similar to the preceding Section 2282 authority, the CCMD submits Section 2282 proposals to OSD (SO/LIC) to specify requirements. DSCA oversees a feasibility review of the proposals to identify procurement and other issues with Combatant Commands (CCMDs) equipment lists and training requirements, which serve as the MOR. The proposals are simultaneously reviewed and prioritized by OSD (SO/LIC), the Joint Staff, and DOS; approved by the Secretary of Defense; and then submitted for Congressional Notification. Once Congress approves a Section 2282 proposal, it becomes an approved Section 2282 program ready for execution. An approved Section 2282 program may consist of multiple interrelated LOAs managed by different executing offices and possibly different IAs to provide the desired capability. The IAs develop Section 2282 program cases as rapidly as possible to meet the short timelines of the Section 2282 process and maximize the time remaining for contracting actions. The CCMDs and SCOs should remain actively engaged and responsive to support the case development efforts. DSCA Security Assistance & Equipping (SA&E) Directorate centrally manages Section 2282 programs and tracks all cases from inception to case closure, including the timely and reliable delivery of defense articles and services. [See Section C15.3.4.3](#) for Cross Fiscal Year Authority and [Section C15.3.4.4](#) for a discussion on Full Operational Capability.

2. Update Chapter 15, C15.3.4.4.1.

C15.3.4.4.1. Full Operational Capability authority is available only if the equipment under the 2282 program is delivered to the USG before the end of second fiscal year (the fiscal year after Congressional Notification). If articles are not delivered to the USG by the fiscal year after the fiscal year of Congressional Notification, the time extension provided in the full operational capability provision does not apply. In such cases, cross-fiscal year authority is still available to procure and deliver long-lead items. Funds for services, other than initial operator and maintenance training, following delivery of the equipment default to the

limitations of the cross fiscal year authority. Therefore, if such services require additional funds, the CCMD must request current year funds from OSD (SO/LIC).

3. Update the following note in the Security Assistance Management Manual, Appendix 6:

Full Operational Capability Note

Note Usage
BPC Mandatory for LOAs that utilize Section 2282 funds or transfer authorities that utilize the Section 2282 execution process. DSCA- SA/EQP will identify any exceptions (true standalone training cases) that will receive only the Cross fiscal year authority note. Mandatory for any Modifications and Amendments if not included on the basic case.
References
DSCA Policy Memo 16-22
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Note Text
<p>For the Full Operational Capability (FOC) authority to apply, the U.S. Government must receive equipment before the end of the subsequent fiscal year after the fiscal year of Congressional Notification. The provision of services, supplies and/or training associated with equipment tied to this 2282 program, must commence when the partner nation takes receipt of the equipment and may continue into the next fiscal year until reaching FOC pursuant to 10 U.S.C. § 2282(c)(4). Services/training associated with delivered equipment may commence upon implementation of the case and may continue into the next fiscal year after delivery of the equipment, but must conclude before the end of that fiscal year. Funds for services/training associated with equipment, provided under this 2282 program, which support the achievement of FOC, may include, but are not limited to: Field Service Representatives, Contractor Logistics Support, Small-Scale Military Construction (subject to separate limits), Defense Institute for International Legal Studies promotion of respect for human rights, fundamental freedoms and respect for civilian control of the military, and New Equipment/Initial Operator Training.</p> <p>Every effort will be made to have equipment provided to support the program delivered to the U.S. Government no later than the end of the subsequent fiscal year after the fiscal year of Congressional Notification. The goal is to deliver articles to the partner nation within 120 days after delivery of the articles to the U.S. Government or as soon as practical.</p>

4. Add the following to Security Assistance Management Manual, Appendix 6:

Associated Letters of Offer and Acceptance

Note Usage
<p>BPC</p> <p>Mandatory for LOAs that utilize Section 2282 funds or transfer authorities that utilize the Section 2282 execution process. Mandatory for any Modifications and Amendments if not included on the basic case.</p>
References
DSCA Policy Memo 16-22
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Note Text
<p>Varies. This LOA supports the Congressionally Notified program for [Country- Program Title], executed under authority of title 10 United States Code, section 2282. The following associated LOAs are managed by other executing offices within the United States Government:</p> <p>XX-X-XXX</p> <p>XX-X-XXX</p> <p>XX-X-XXX</p> <p>XX-X-XXX</p> <p>XX-P-XXX (DIILS case for the tranche)</p>

Section 2282 Delivery to the Partner Nation

Note Usage
<p>BPC</p> <p>All Section 2282 cases and transfer funding authorities utilizing FOC authority must use this case note to identify the quarter of delivery of all articles to the Partner Nation.</p>
References
DSCA Policy Memos 16-22 and 15-45

Note Input Responsibility

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Note Text

Varies – All articles within this LOA will be delivered to the U.S. Government no later than the end of the subsequent fiscal year after the fiscal year of Congressional Notification. Below is the estimated delivery schedule to the Partner Nation for all articles:

Line	Delivery to Partner	QTY
###	CY ___ QTR ___	___
###	CY ___ QTR ___	___