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MEMORANDUM FOR DEPUTY UNDER SECRETARY OF THE AIR FORCE FOR
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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, NATIONAL GEOSPATIAL- INTELLIGENCE
AGENCY
DEPUTY DIRECTOR FOR INFORMATION ASSURANCE, NATIONAL
SECURITY AGENCY
DIRECTOR, DEFENSE TECHNOLOGY SECURITY ADMINISTRATION

SUBJECT: Pre-Letter of Request Initiation of Classified Military Information or Advanced
Technology Release Decisions, DSCA Policy 16-26, E-Change 311

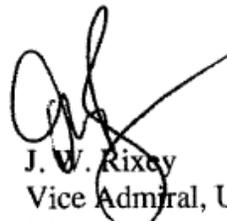
Foreign partners' procurement laws sometimes forbid the submission of a Letter of Request (LOR) prior to a competition among several vendors. The lack of an LOR may impede timely initiation of U.S. Government technology release and foreign disclosure processes and delay delivery of a Letter of Offer and Acceptance (LOA), complicating purchaser budget timelines and contractor production schedules. The policy explained herein attempts to accelerate when possible the release reviews of U.S. technologies and to initiate foreign disclosure processes in the absence of an LOR.

The Security Cooperation Organization (SCO) should be alert for potential sales of sensitive or classified defense articles or classified military information that will require inter-agency technology security and foreign disclosure (TSFD) release. When the SCO becomes aware of credible demand signals indicating the probable submission of an LOR for Price and Availability (P&A) or LOA, or a commercial Request for Information or Request for Proposal for such items, the SCO should develop a Pre-LOR Assessment Request (PAR), as directed in the attachment, which will serve in place of a Country Team Assessment (CTA) to inform the inter-agency community and prepare the cognizant Implementing Agency (IA) to initiate TSFD processes for the timely release

of information. When no formal LOR is available, a PAR serves in place of an LOR and CTA as grounds for the IA to initiate applicable foreign disclosure and technology security release processes. The PAR does not serve in place of an LOR for any purpose other than initiation of the foreign disclosure and technology security release process.

In the preparation of the PAR, the SCO consults with the IAs for releasability and technical information and also the relevant Combatant Command (CCMD). When complete, the SCO forwards the PAR to the CCMD. As the PAR is an extraordinary process, a CCMD endorsement is required in each case to support initiation of the TSFD release processes. The CCMD provides comments on each of the elements in Table C3.T2 addressed in the PAR in the endorsement and forwards the PAR and endorsement to the Joint Staff, the applicable IA, and the Defense Security Cooperation Agency (DSCA). This process forms the basis for a collaborative effort to analyze the recipient nation's military requirements in order to identify a capability that fulfills those requirements and initiates the Department of Defense's TSFD processes to meet the partner's acquisition needs.

For questions concerning this policy, contact Leon Yates, DSCA Strategy/WPN, at leon.n.yates.civ@mail.mil or (703) 697-9122. For general questions concerning the Security Assistance Management Manual (SAMM), contact Mike Slack, DSCA STR/SPI, at 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
OUSD(AT&L)

Security Assistance Management Manual (SAMM), E-Change 311

Pre-Letter of Request Assessment Request (PAR) for Classified and Advanced Technology Release Decision in Support of Security Cooperation Initiatives and Competitions

1. Add the following paragraph to SAMM Chapter 3 as new paragraph C3.1.2.

C3.1.2. Pre-Letter of Request Assessment Requests (PAR) for Classified and Advanced Technology Release Decisions in Support of Security Cooperation Initiatives and Competitions.

When potential sales of sensitive or classified defense articles or information will require inter-agency technology security and foreign disclosure (TSFD) release determinations are identified in the Foreign Military Sales (FMS) Sales Forecast within Categories of A or B, or when the Security Cooperation Organization (SCO) becomes aware of credible demand signals (i.e. written or verbal statements from senior procurement officials) indicating a probable submission of a Letter of Request (LOR) for Price and Availability (P&A) or Letter of Offer and Acceptance (LOA), or a Request for Information (RFI) or Request for Proposal (RFP) for such items, the SCO should develop a Pre-LOR Assessment Request (PAR), as described in Table C3.T2., to inform the inter-agency community and prepare the cognizant Implementing Agency (IA) to initiate TSFD processes for the timely release determinations. When no formal LOR is available, a PAR serves in place of an LOR and CTA as grounds for the IA to initiate applicable foreign disclosure and technology security release processes. Note that the PAR cannot be used as an LOR for any other purpose.

C3.1.2.1. In the preparation of the PAR, the SCO consults with the IAs, including their Foreign Disclosure Office for releasability and technical information and the relevant Combatant Command (CCMD). When complete, the SCO forwards the PAR to the CCMD. As the PAR is an extraordinary process, a CCMD endorsement is required in each case to support initiation of the TSFD release processes. The CCMD comments in the endorsement on each of the elements in Table C3.T2. addressed in the PAR. The PAR and CCMD endorsement are forwarded to Joint Staff, the applicable IA, and the Defense Security Cooperation Agency (DSCA) by the CCMD. This process forms the basis for a collaborative effort to analyze the recipient nation's military requirements in order to identify a capability that fulfills those requirements and initiates the Department of Defense's TSFD requirements to meet the partner's acquisition needs.

2. Add the following new Table as C3.T2. and renumber subsequent Tables and references to them accordingly:

Table C3.T2.

Pre-Letter of Request Assessment Requests (PAR) for Classified and Advanced Technology Release Determinations - Required Information

#	Required Information
1	What are the military requirements and operational intentions or plans for the defense article(s) described below:

#	Required Information
	<ul style="list-style-type: none"> a. Significant Military Equipment (SME) and Major Defense Equipment (MDE) b. Classified defense article(s) c. Communications Security articles(s)
2	<p>Specify performance characteristics of the desired capabilities.</p> <ul style="list-style-type: none"> a. Identify specific configuration. b. Are there any desired modifications or changes of the desired defense article from the U.S. standard configuration? If so, what and why?
3	<p>What is the absorptive capacity of the proposed recipient (i.e., does the proposed recipient have the resources (financial, educational, doctrinal, etc.) to purchase, maintain, employ, and sustain the system in accordance with its intended end-use?</p>
4	<p>How would the defense articles contribute to U.S. strategic and foreign policy goals?</p>
5	<p>What is the justification for number and type of defense articles that might be requested with an explanation of how the quantity endorsed is the minimum required consistent with the legitimate military requirements of the recipient?</p>
6	<p>What, if applicable, are the communications resources that the recipient nation would use to support its operations?</p> <ul style="list-style-type: none"> a. Does the recipient nation require beyond line-of-sight flight operations? b. Will air-ground communications and/or data transfer require encryption (if so, commercial or NSA Type 1)?
7	<p>Would the defense articles fulfill or contribute to a CCMD's requirement goals, and has it been identified in the CCMD's Capabilities Priorities for Partners (CPP)?</p>
8	<p>Explain how the classified and/or sensitive defense articles fulfills or contributes to a Department of State, OSD Policy, or CCMD priority or critical requirement?</p>
9	<p>Is this the first introduction of this system or capability into the recipient's inventory or the region?</p>
10	<p>What is the anticipated reactions of neighboring nations to the introduction of the capability into the region? Neighboring countries with which the proposed recipient has had recent, or historical issues must be addressed.</p>
11	<p>How would the proposed sale affect the relative military strengths of countries in the region and of the impact of the proposed sale on U.S. relations with the countries in the region?</p>

#	Required Information
12	What would be the extent of military interoperability on missions or training with U.S. Forces?
13	What is the availability of comparable systems from foreign suppliers? Is the defense article a DoD Program of Record? Does the proposed recipient have defense trade relations with potential adversaries of the U.S.?
14	<p>What is the assessment of the nation's ability to account for, safeguard, operate, maintain, sustain, and support the sensitive or classified defense articles?</p> <p>a. What is the nation's maintenance concept? Two level? Three level?</p> <p>b. Does the nation expect it will provide local depot level repair or will it elect contractor provided depot level maintenance?</p> <p>c. What level of repairable stocks does the nation anticipate it will require?</p>
15	Will the proposed recipient agree to a plan for end-use monitoring for sensitive and advanced war fighting technology and what is the SCO's plan for compliance verification?
16	<p>What training is required either in-country or in the United States, and what are the anticipated reactions resulting from the presence of U.S. trainers in-country?</p> <p>a. Approximately when, if elected, does the nation need to commence and end U.S.-based or in-country training?</p> <p>b. Will the nation need to participate in related U.S. armed services' user-groups, forums, or other USAF/USN/USA programs concurrent with adopting these capabilities?</p>
17	What is the possible negative impact of any in-country U.S. presence that might be required as a result of providing the requested defense articles?
18	<p>Is the potential recipient a:</p> <p>a. Member of NATO+?</p> <p>b. Coalition Partner?</p> <p>c. Signatory to a General Security Agreement (GSA)/General Security of Military Information Agreement (GSOMIA) or like agreement with the USG?</p> <p>d. Signatory to a Communications and Interoperability Security MOA (CISMOA) or like agreement, if applicable?</p> <p>e. Signatory to a Basic Exchange and Cooperation Agreement (BECA) or like agreement, if applicable?</p>