



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

31 JUL 2019

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

SUBJECT: Update to Interim Clarification on 10 USC § 333, DSCA Policy 19-22

Reference: [DSCA Policy Memo 18-38](#), Interim Clarification on 10 USC § 333, dated September 5, 2018

Effective immediately, this memorandum updates the referenced DSCA policy regarding the use of funds, to allow the Department of Defense (DoD) to conditionally notify to Congress a program under section 333 of Title IO of the U.S. Code no more than one fiscal year in advance of an available appropriation. This policy supersedes the original policy which required DoD to fund section 333 programs with an appropriation available during the year in which the program was notified to Congress.

When DoD notifies a section 333 proposal in advance of an appropriation, DoD may not may not release or execute funds in the fi scal year of execution without full funding from available appropriations. DoD will also include in the notification package a statement explicitly conditioning execution of the project on follow-on coordination with the DoD Office of General Counsel, the Office of the Under Secretary of Defense (Comptroller), and the Department of State. This secondary review of the proposed section 333 program ensures funds are available to execute the program and that there are no new statutory or policy enactments that may affect program execution. For example, Congress could enact additional conditions or restrictions that would impact funds availability or country eligibility in the fiscal year after DoD notified a proposed section 333 program.

If you have any questions concerning this guidance, please contact Ms. Caroline Chin, DSCA-SPP/SPI, caroline.s.chin.civ@mail.mil, (703) 697-9073.



Gregory M. Kausner
Deputy Director

cc:

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