



DEFENSE SECURITY COOPERATION AGENCY

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WASHINGTON, D.C. 20301-2800

08 MAY 2020

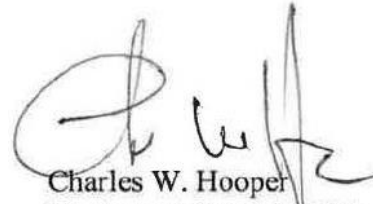
MEMORANDUM FOR DEPUTY UNDER SECRETARY OF THE AIR FORCE FOR
INTERNATIONAL AFFAIRS
DEPUTY ASSISTANT SECRETARY OF THE ARMY FOR DEFENSE
EXPORTS AND COOPERATION
DEPUTY ASSISTANT SECRETARY OF THE NAVY FOR
INTERNATIONAL PROGRAMS
DIRECTOR, DEFENSE CONTRACT MANAGEMENT AGENCY
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ACCOUNTING SERVICE-INDIANAPOLIS OPERATIONS
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SERVICES
DIRECTOR, DEFENSE THREAT REDUCTION AGENCY
DIRECTOR, MISSILE DEFENSE AGENCY
DIRECTOR, NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY
DEPUTY DIRECTOR FOR INFORMATION ASSURANCE, NATIONAL
SECURITY AGENCY
DIRECTOR, DEFENSE TECHNOLOGY SECURITY
ADMINISTRATION

SUBJECT: Mandatory Note Regarding Modifications of U.S. Defense Articles, DSCA Policy
20-23 [SAMM E-Change 475]

This memorandum revises the Security Assistance Management Manual (SAMM) to establish a mandatory note that will be required in all Foreign Military Sales (FMS) Letters of Offer and Acceptance (LOAs) to expand on requirements of the LOA Standard Terms and Conditions relating to modifications and unauthorized uses of defense articles provided through FMS. Effectively immediately, all FMS LOAs providing defense articles will include the attached note related to modifications and unauthorized use of those defense articles. The note requires purchasers to agree not to modify any defense article on the case from its original configuration at the point of delivery, or to use it other than as originally intended, unless the U.S. Department of State has provided consent for such use or modification, or the modification is carried out through another FMS case.

The Case Writing Division will add this note to all FMS LOAs that include defense articles, and to all Amendments to cases that include defense articles if not previously included on the case.

This note will be included in Appendix 6 of the online version of the SAMM found on the DSCA Web Page as SAMM E-Change 475. For questions regarding U.S. permissions to undertake modifications of FMS-origin defense articles, please contact the PM/RSAT Retransfer Team at PM_RSATFMSTeam@state.gov. For general questions about the SAMM, please contact Mr. Mike Slack, DSCA/SPP/SPI, at 703-697-9058 or e-mail: micheal.d.slack.civ@mail.mil.



Charles W. Hooper
Lieutenant General, USA
Director

Attachments:

As stated

cc:

AFRICOM
CENTCOM
EUCOM
NORTHCOM
SOUTHCOM
INDOPACOM
TRANSCOM
SOCOM
STATE/PM-RSAT
USASAC
SATFA
USACE
NAVSUP WSS
NETSAFA
TRADOC SATFA
AFSAC
AFSAT
DISCS
MARCOR IP
SCETC

USCG International Affairs (G-CI)

Security Assistance Management Manual (SAMM), E-Change 475

Modifications Note

1. In Appendix 6, add the following note:

Modifications of U.S. Defense Articles

Note Usage
FMS: Yes BPC: No Mandatory for all FMS LOAs that include defense articles. Mandatory for all Amendments that add defense articles if not previously included on the case.
References
Note Input Responsibility
CWD
Note Text
“In addition to the requirements of Standard Condition 2.5, the Purchaser agrees not to modify any defense article on this case from its original configuration at the point of delivery, and not to use it other than as originally intended or on another platform or system, unless the modification is carried out through another FMS case or the U.S. Department of State has provided written consent for such modification or use. In case of any questions, please contact the Political Military Bureau of the US Department of State’s Third Party Transfer Team at PM_RSAT-TPT@state.gov’