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

MARCH 1, 2024

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, DEFENSE INFORMATION SYSTEMS AGENCY
        DIRECTOR, DEFENSE LOGISTICS AGENCY
        DIRECTOR, DEFENSE THREAT REDUCTION AGENCY
        DIRECTOR, MISSILE DEFENSE AGENCY
        DIRECTOR, NATIONAL GEOSPATIAL-INTELLIGENCE
          AGENCY
        DIRECTOR FOR SECURITY ASSISTANCE, DEFENSE FINANCE
          AND ACCOUNTING SERVICE – INDIANAPOLIS
          OPERATIONS
        DIRECTOR OF CYBERSECURITY DIRECTORATE AND DEPUTY
          NATIONAL MANAGER FOR NATIONAL SECURITY
          SYSTEMS, NATIONAL SECURITY AGENCY

SUBJECT: Defense Security Cooperation Agency Policy Memorandum 24-14, Releasability
          and Exportability Activities Clarification [SAMM E-Change 676]

References: (a) Arms Export Control Act (AECA), as amended

      Releasability policy decisions, including Technology Security and Foreign Disclosure
(TSFD) decisions, are required prior to the transfer of defense articles and defense services to
allies and foreign partners. These policy decisions are a U.S. government function and are
intended to protect U.S. national security and support U.S. foreign policy objectives. Therefore,
deliberation and decision making of releasability policy decisions cannot be funded by either the
Foreign Miliary Sales (FMS) case or the FMS administrative surcharge. However, activities
necessary to comply with and implement the requirements of a releasability policy decision (e.g.,
making exportability modifications to a defense article or reviewing an LOA for compliance
with a releasability decision) are for the benefit of the foreign partner and thus, must be funded
by the FMS case or the FMS administrative surcharge in accordance with section 21 and section
43(b) of reference (a). This policy serves to clarify what activities constitute releasability
activities and identify their proper funding source.

      The policy in the attachment is incorporated into the DSCA Security Assistance
Management Manual (SAMM) at https://samm.dsca.mil.

If you have questions on this guidance, please contact Jennifer Robey, Financial Policy & Regional Execution Directorate, Financial Policy Division (FPRE/FP), (571) 236-0341, jennifer.e.robey.civ@mail.mil.

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J. Aaron Harding
Chief Operating Officer and Chief Financial Officer

Attachment:
SAMM E-Change 676 – Releasability and Exportability Clarification

Security Assistance Management Manual E-Change 676

RELEASABILITY AND EXPORTABILITY CLARIFICATION

1. Delete SAMM Table C9.T2a row CD24:

ROW	ACTIVITY	ADMIN*	CASE	NON-STANDARD	FREQUENCY
CD24	Missile Technology Control Regime review of LOA for compliance.	MTCR compliance activities are not funded by FMS Admin or the FMS case. These activities are funded using other IA funds, e.g., O&M, RDT&E, etc.			

2. Update SAMM Table C9.T2a Row L13:

From:

L13	Negotiating Special Security Agreements, Project Security Instruction, and Access Management Control Plan.	These specific security activities are not funded by FMS Admin or the FMS case. These activities are funded using O&M.

To:

L13	Negotiating Security Agreements, Project Security Instruction, and Access Management Control Plan.	These specific security activities are not funded by FMS Admin or the FMS case. These activities may be funded using other IA funds, e.g. O&M, RDT&E, etc.

3. Update SAMM Table C9.T2a. Row CD22:

From:

ROW	ACTIVITY	ADMIN*	CASE	NON-STANDARD	FREQUENCY
CD22	Determine releasability and disclosure policy decisions for requested articles and services.	Releasability and disclosure activities are not funded by FMS Admin or the FMS case. These activities are funded using other IA funds, e.g., O&M, RDT&E, etc.			

To:

ROW	ACTIVITY	ADMIN*	CASE	NON-STANDARD	FREQUENCY
CD22a	Compile requirements and system design/configuration information on the FMS partner's requested defense articles/services.	X			
CD22b	Make releasability (Technology Security & Foreign Disclosure (TSFD)) policy decisions pertaining to requested articles and services.	These specific security activities are not funded by FMS Admin or the FMS case. These activities may be funded using other IA funds, e.g. O&M, RDT&E, etc.			
CD22c	Review LOA for compliance with releasability, physical security, and exportability requirements (to include potential impacts to cost and schedule) for the requested articles and services.	X			

4. Update SAMM Table C9.T2a: rows CE46, CE47, and CE48:

From:

ROW	ACTIVITY	ADMIN*	CASE	NON-STANDARD	FREQUENCY
CE44	Amending Special Security Agreements.	These specific security activities are not funded by FMS Admin or the FMS case. These activities are funded using O&M.			
CE45	Vetting personnel for security clearances to receive unclass/ classified information.				
CE46	Technology security and foreign disclosure activities.				
CE47	Information assurance accreditation for FMS customer to receive				

ROW	ACTIVITY	ADMIN*	CASE	NON-STANDARD	FREQUENCY
	unclass/ classified information.				
CE48	Staff Assistance Visits to provide OJT assistance based on US policy.				

To:

ROW	ACTIVITY	ADMIN*	CASE	NON-STANDARD	FREQUENCY
CE44	Amending Security Agreements	These specific security activities are not funded by FMS Admin or the FMS case. These activities may be funded using other IA funds, e.g. O&M, RDT&E, etc.			
CE45	Vetting personnel for security clearances to receive unclass/ classified information.				
CE46	Information assurance accreditation for FMS customer to receive unclass/ classified information.				
CE47	Designing and building-in exportability into system design, for requested activities and services, in order to comply with releasability requirements in support of the partner.		X		
CE48	Staff Assistance Visits to provide OJT assistance based on US policy.	These specific security activities are not funded by FMS Admin or the FMS case. These activities may be funded using other IA funds, e.g. O&M, RDT&E, etc.			

5. Delete SAMM Table C9.T2b row CD10:

ROW	ACTIVITY	ORGANIZATION	T10 BPC PROGRAM SUPPORT COSTS	T10 BPC CASE COSTS	PERFORMING ACITVITY T10 COSTS/NON-DSCA ADMINISTERED T10 FUNDS (RDT&E, O&M, etc.)
CD10	Complete Missile Technology Control Regime (MTCR) review to ensure compliance.				X

6. Update SAMM Table C9.T2b. Row CD9:

From:

ROW	ACTIVITY	ORGANIZATION	T10 BPC PROGRAM SUPPORT COSTS	T10 BPC CASE COSTS	PERFORMING ACITVITY T10 COSTS/NON-DSCA ADMINISTERED T10 FUNDS (RDT&E, O&M, etc.)
CD9	Determine required releasability, disclosure decisions, information assurance, accreditation actions for requested articles and services.	IAs/MILDEPs and Non-Traditional Implementers[1]			X

To:

ROW	ACTIVITY	ORGANIZATION	T10 BPC PROGRAM SUPPORT COSTS	T10 BPC CASE COSTS	PERFORMING ACITVITY T10 COSTS/NON-DSCA ADMINISTERED T10 FUNDS (RDT&E, O&M, etc.)
CD9a	Compile requirements and system design/configuration information on the partner's requested defense articles/services.	IAs/MILDEPs	X		
CD9b	Make releasability (Technology Security & Foreign Disclosure (TSFD)) policy decisions pertaining to requested articles and services.	DSCA and organizations as required			X
CD9c	Review LOA for compliance with releasability, physical security, and exportability requirements (to include potential impacts to cost and schedule) for the requested articles and services.	IAs/MILDEPs	X		

7. Update SAMM Table C9.T2b: rows CD35 and CE37:

From:

ROW	ACTIVITY	ORGANIZATION	T10 BPC PROGRAM SUPPORT COSTS	T10 BPC CASE COSTS	PERFORMING ACITVITY T10 COSTS/NON-DSCA ADMINISTERED T10 FUNDS (RDT&E, O&M, etc.)
CE35	Amend Special Security Agreements.	IAs/MILDEPs and Non-Traditional Implementers[1]			X
CE37	Technology Security and Foreign Disclosure (TS&FD) activities.	IAs/MILDEPs and Non-Traditional Implementers[1]			X

To:

ROW	ACTIVITY	ORGANIZATION	T10 BPC PROGRAM SUPPORT COSTS	T10 BPC CASE COSTS	PERFORMING ACITVITY T10 COSTS/NON-DSCA ADMINISTERED T10 FUNDS (RDT&E, O&M, etc.)
CE35	Amend Security Agreements.	IAs/MILDEPs and Non-Traditional Implementers[1]			X
CE37	Designing and building-in exportability into system design, for requested activities and services, in order to comply with releasability requirements in support of the partner.	IAs/MILDEPs and Non-Traditional Implementers[1]		X	