



DEFENSE SECURITY COOPERATION AGENCY

2800 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-2800

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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, SECURITY COOPERATION ACCOUNTING
DIRECTORATE, 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 26-100, Update to Security Assistance Management Manual Section C5.8.2.9.2. and Figure C5.F24., "Request for Multinational Foreign Military Sales Blanket Retransfer Authorization," and addition of Figure C5.F25., "Lead Nation Foreign Military Sales Blanket Retransfer Authorization Letter of Offer and Acceptance Note" [SAMM E-Change 867]

This policy memorandum updates Security Assistance Management Manual (SAMM) [Section C5.8.2.9.2.](#) and [Figure C5.F24.](#) "Request for Multinational Foreign Military Sales Blanket Retransfer Authorization." This policy memorandum also implements a new [Figure C5.F25.](#) "Lead Nation Foreign Military Sales Blanket Retransfer Authorization Letter of Offer and Acceptance Note," and places the note in [Appendix 6.](#)

This change will take effect immediately and the policy in the attachment is incorporated into the DSCA SAMM at <https://samm.dsca.mil>. If you have any questions concerning this guidance, please contact DSCA (Office of Strategy, Plans, and Policy, Execution Policy and Analysis Directorate (SPP/EPA)) at dsca.ncr.spp.mbx.epa@mail.mil. Implementing Agencies should disseminate this policy to supporting activities.

A handwritten signature in blue ink, appearing to read 'Hussam H. Bader', with a long horizontal flourish extending to the right.

Hussam H. Bader
Acting Assistant Director
Strategy, Plans, and Policy

Attachment: SAMM E-Change 867 - Update to Security Assistance Management Manual
Section C5.8.2.9.2. and Figure C5.F24., and New Figure C5.F25.

Attachment: Security Assistance Management Manual E-Change 867

Update to Security Assistance Management Manual Section C5.8.2.9.2. and Figure C5.F24., and New Figure C5.F25.

- 1) Update Section C5.8.2.9.2. “Subsequent Retransfers” as follows:

C5.8.2.9.2. Subsequent Retransfers.

C5.8.2.9.2.1. If a Participating Nation subsequently seeks to retransfer the defense articles among other Participating Nation(s) after the initial retransfer from the Lead Nation, the Lead Nation must submit Figure C5.F24. “Request for Lead Nation Foreign Military Sales Blanket Retransfer Authorization,” with the required signed basic retransfer assurances to the State (PM/RSAT) third party transfer team (PM_RSAT-TPT@state.gov) for processing to receive blanket retransfer authorization, allowing subsequent retransfer among Participating Nations.

Figure C5.F24. Request for ~~Multinational~~ Lead Nation Foreign Military Sales Blanket Retransfer Authorization

(See update #2 below for revised figure)

C5.8.2.9.2.1.1. The Lead Nation may request a Lead Nation Foreign Military Sales (FMS) Blanket Retransfer Authorization from the State (PM/RSAT) third party transfer team prior to FMS case signature on a basic case. The request must include: 1) a completed and signed Request for Lead Nation FMS Blanket Retransfer Authorization (Figure C5.F24.), 2) a copy of the signed LOR, 3) completed and signed Basic Retransfer Assurances of Participating Nations (Figure C5.F22.) for each Participating Nation country included in the FMS case, and 4) the completed and signed Basic Retransfer Assurances for Lead Nation (Figure C5.F21.) if the Lead Nation is procuring for its national use in the FMS case.

C5.8.2.9.2.1.2. Should the Lead Nation request a Lead Nation FMS Blanket Retransfer Authorization after FMS case signature on a basic case, a signed copy of the FMS case must also be included with the request, in addition to the requirements above.

C5.8.2.9.2.2. After State (PM/RSAT) has advised the Lead Nation that the **Lead Nation FMS Blanket Retransfer Authorization** ~~blanket retransfer authorization~~ has been approved, the Participating Nation(s) may retransfer the defense articles to one another in accordance with the terms of their end use assurances and any special terms of the ~~LOA~~ **FMS case**. National stocks of defense articles procured separately by the Participating Nations are subject to the individual terms and conditions of the export authorities (i.e., FMS, **Memorandum of Agreement (MOA)** ~~MOU~~, Excess Defense Articles (EDA), Direct Commercial Sales (DCS), or other security assistance programs) under which they were

sold or transferred, and may not be commingled with any defense articles acquired through a Lead Nation case, including those defense articles in the common configuration for retransfer among the Participating Nations.

C5.8.2.9.2.3. The **Lead Nation FMS Blanket Retransfer Authorization** ~~blanket retransfer authorization~~ solely applies to the Participating Nations procuring in the **LOA FMS case**. If an additional Participating Nation is subsequently added to the **LOA FMS case**, the Lead Nation must submit **an amended Request for Lead Nation FMS Blanket Retransfer Authorization** ~~a separate request~~ to State (PM/RSAT) for the additional Participating Nation to be added to the **Lead Nation FMS Blanket Retransfer Authorization** ~~blanket retransfer authorization~~ in place.

C5.8.2.9.2.3.1. An amended Request for Lead Nation FMS Blanket Retransfer Authorization shall be comprised of 1) the original approved Lead Nation FMS Blanket Retransfer Authorization, 2) completed and signed Basic Retransfer Assurances of Participating Nations (Figure C5.F22.) for each Participating Nation country being added, and 3) a signed copy of the basic case or most recent amendment.

C5.8.2.9.2.4. The Lead Nation is permitted to join the **Lead Nation FMS Blanket Retransfer Authorization** ~~blanket retransfer authorization~~ if the Lead Nation also procures for itself in the **LOA FMS case**. Otherwise, the Participating Nations procuring in the **LOA FMS case** will be the sole participants eligible to take part.

C5.8.2.9.2.5. Once State (PM/RSAT) has approved a Lead Nation FMS Blanket Retransfer Authorization for a Lead Nation case and has advised the Lead Nation and the Implementing Agency of the approval, each basic case and any amendments and modifications shall include a version of the LOA note in Figure C5.F25.

Figure C5.F25. Lead Nation Foreign Military Sales Blanket Retransfer Authorization Letter of Offer and Acceptance Note

(See update #3 below for figure text)

C5.8.2.9.2.56. Should any Participating Nation wish to change the end use of the defense articles or to retransfer permanently or temporarily any defense articles sold on the case to any entity outside of the identified and approved group of Participating Nations, it must seek prior USG consent from State (PM/RSAT) in accordance with the Transferee Terms and Conditions using the retransfer process described at <https://www.state.gov/third-party-transfer-process-and-documentation/>.

- 2) Update Figure C5.F24. “Request for Multinational Foreign Military Sales Blanket Retransfer Authorization” as follows:

**Figure C5.F24 - Request for ~~Lead Nation Multinational~~ Foreign Military Sales
Blanket Retransfer Authorization**

**Step-By-Step Process for Receiving a Blanket Retransfer Authorization
for a Lead Nation Foreign Military Sales Case**

The Lead Nation will forward the following documents to the third-party transfer team at the Department of State, Bureau of Political-Military Affairs, Office of Regional Security and Arms Transfers (State (PM/RSAT)): PM_RSAT-TPT@state.gov.

1. A copy of the Letter of Request (LOR).
2. A copy of the completed Standard Questionnaire (provided below).
- ~~3. A signed copy of the Letter of Offer and Acceptance (LOA) Foreign Military Sale (FMS) case.~~
3. Signed ~~Basic~~ **Basic** Retransfer Assurances of Participating Nations ([Figure C5.F22.](#)) ~~end-use assurances~~ from each Participating Nation country included in the ~~LOA FMS case, whether or not they are purchasing at the time.~~ This allows the Department of State to complete the blanket retransfer **authorization approval** in one action.
4. Signed Basic Retransfer Assurances for Lead Nation ([Figure C5.F21.](#)) from the Lead Nation, if the Lead Nation is procuring for its own national use on the FMS case.
5. A signed copy of the Letter of Offer and Acceptance (LOA) Foreign Military Sales (FMS) case, if the Lead Nation requests blanket retransfer authorization after LOA signature on a basic case.

**Standard Questions for Requests to the U.S. For Authority to
Retransfer Government-Origin Defense Articles**

1. Who is the Lead Nation?

**EXAMPLE: North Atlantic Treaty Organization (NATO) Support and
Procurement Agency (NSPA)**

2. What commodity/equipment/service/technical data is to be transferred?
- EXAMPLE: N4-D-YAB Attached**
3. How did the divesting country originally acquire the defense article(s)?
- Please note the FMS case designator:**
- EXAMPLE: N4-D-YAB Attached**
4. Why does that government wish to divest itself of the equipment?
- Default: National security purposes**
5. Who are the Participating Nations?
- EXAMPLE: The Governments of Belgium, Denmark, Finland, Greece, Hungary, Italy, Netherlands, Norway, Poland, Portugal, Spain, and the United Kingdom**
6. Is this a temporary or permanent transfer to the proposed recipients?
- Default: May be either**
7. What is the planned end-use for the **articles procurement** (please provide as much detail as possible)?
- Default: National and NATO operations**
8. Does the proposed recipient currently possess this model of equipment?
- Default: All proposed recipients are authorized for release by the USG**
9. Is there a certain date requested for approval? If so, please indicate the date and provide the relevant details.
- EXAMPLE: First deliveries are expected in Quarter [X] of Calendar Year (CY) [XXXX]**
10. Please provide point of contact (POC) details for the divesting governments, the proposed recipients, and any intermediaries.
- Primary POC:** **Alternate POC:**

Name	Name
Title	Title
Agency	Agency

- 3) Add Figure C5.F25. Lead Nation Foreign Military Sales Blanket Retransfer Authorization Letter of Offer and Acceptance Note as follows:

In Chapter:

Figure C5.F25. Lead Nation Foreign Military Sales Blanket Retransfer Authorization Letter of Offer and Acceptance Note

See Appendix 6 Lead Nation Foreign Military Sales Blanket Retransfer Authorization Letter of Offer and Acceptance Note for note text.

Appendix 6 Entry:

Building Partner Capacity:	No
Foreign Military Sales:	Yes
Note Input Responsibility:	IA
Date Range of Use:	All
References:	See Section C5.8.2.9.2.5.
Note Usage Instructions for Documents:	
Mandatory for all new basic Letters of Offer and Acceptance (LOAs) for Lead Nation FMS cases that have received an approved Lead Nation FMS Blanket Retransfer Authorization from State (PM/RSAT), and all LOAs for Lead Nation FMS amendments and modifications where an FMS case has received an approved Lead Nation FMS Blanket Retransfer Authorization from State (PM/RSAT).	
Note Text:	
Pursuant to Section 3(a) of the Arms Export Control Act (22 U.S.C. 2753), and consistent with applicable end-use and retransfer assurances, the U.S. Government (USG) hereby approves the subsequent retransfer of the defense articles identified in Lead Nation Foreign Military Sales (FMS) Case [XX-X-XXX] among the Participating Nations identified in FMS Case [XX-X-XXX] , subject to the following conditions:	

1. This authorization applies solely to retransfers among the Participating Nations identified in FMS Case [XX-X-XXX] and is limited to the procurement in FMS Case [XX-X-XXX]. The Lead Nation is authorized to join this Lead Nation FMS Blanket Retransfer Authorization if the Lead Nation is also procuring for its national use in FMS Case [XX-X-XXX]. Otherwise, the Lead Nation is not authorized to join this Lead Nation FMS Blanket Retransfer Authorization, and the Participating Nations procuring in FMS Case [XX-X-XXX] are the sole participants eligible to join.
2. After State (PM/RSAT) has advised the Lead Nation that the Lead Nation FMS Blanket Retransfer Authorization has been approved, the Participating Nation(s) may retransfer the procurement to one another (and the Lead Nation, if the Lead Nation is also procuring for its national use on this case) in accordance with the terms of their end use assurances and any special terms of FMS Case [XX-X-XXX].
3. Participating Nation(s) are required to report their retransfers to the Lead Nation on a quarterly basis. The Lead Nation agrees to provide the information on its retransfers (if the Lead Nation is also procuring for its national use on this case) as well as those of the Participating Nation(s) by email to PM_RSAT-TPT@state.gov in a quarterly report to State (PM/RSAT) by the 15th of each month following the end of each quarter in which a retransfer has occurred. The Lead Nation is further required to maintain records of retransfers for FMS Case [XX-X-XXX] and to provide such information to the USG if requested.
4. No retransfer outside the defined group of Participating Nations (and Lead Nation, if the Lead Nation is also procuring for its national use on this case); no addition of Participating Nations; and no change in end use are authorized without the prior written consent of the USG.
5. The entire procurement remains subject to applicable USG end-use monitoring, retransfer, and compliance requirements, including any special terms and conditions of FMS Case [XX-X-XXX].
6. National stocks of defense articles procured separately by the Participating Nations are subject to the individual terms and conditions of the governing U.S. export authorities (i.e., Arms Export Control Act (AECA) ([22 U.S.C. Chapter 39](#)), Foreign Assistance Act (FAA) ([22 U.S.C. Chapter 32](#)), International Traffic in Arms Regulations (ITAR) ([22 CFR 120](#)), or [Export Administration Regulations \(EAR\)](#), or other applicable U.S. laws and regulations) under which they were sold or transferred, and may not be commingled with any defense articles acquired through a Lead Nation case, including those defense articles in the common configuration for retransfer among the Participating Nations.
7. The Lead Nation FMS Blanket Retransfer Authorization solely applies to the Participating Nation(s) procuring in FMS Case [XX-X-XXX] (and the Lead Nation, if the Lead Nation is also procuring for its national use on this case). If an additional Participating Nation is subsequently added to FMS Case [XX-X-XXX], the Lead Nation must submit an amended Lead Nation FMS Blanket Retransfer Authorization Request ([Figure C5.F24.](#)) to State (PM/RSAT) for the additional Participating Nation to be added to the Lead Nation FMS Blanket Retransfer Authorization in place.

8. If the Lead Nation FMS Blanket Retransfer Authorization is in support of a Lead Nation NATO Support Partnership FMS case, solely the Participating Nations procuring in FMS Case [XX-X-XXX] are authorized to participate. Any Support Partnership member countries that are not procuring in FMS Case [XX-X-XXX], but may want to share the procurement outlined in FMS Case [XX-X-XXX], may participate in the Lead Nation FMS Blanket Retransfer Authorization only if 1) they are listed in the corresponding Note for Lead Nation North Atlantic Treaty Organization Support Partnership Cases (Figure C5.F23.) as Support Partnership member countries, and 2) the Lead Nation requests and has received approval from State (PM/RSAT) for a separate Blanket Third Party Transfer (<https://www.state.gov/third-party-transfer-process-and-documentation>), comprised of the Support Partnership member countries not procuring in FMS Case [XX-X-XXX], the designated Participating Nations, and the Lead Nation (if the Lead Nation is also procuring for its national use on this case).
9. Retransfers are permitted solely for internal security, for legitimate self-defense, for preventing or hindering the proliferation of weapons of mass destruction and of the means of delivering such weapons, to permit the Purchaser to participate in regional or collective arrangements or measures consistent with the Charter of the United Nations, or otherwise to permit the Purchaser to participate in collective measures requested by the United Nations for the purpose of maintaining or restoring international peace and security.
10. This authorization may be modified, suspended, or withdrawn by the USG in the event of non-compliance with U.S. law, policy, or the terms of FMS Case [XX-X-XXX].

4) Renumber remaining figures in C5.8. as needed.