



DEFENSE SECURITY COOPERATION AGENCY

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

25 SEPT 2026

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
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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 26-118, Administrative and Compliance Updates to the Congressional Notification Process [SAMM E-Change 882]

This policy memorandum incorporates updated guidance into the Security Assistance Management Manual (SAMM), [Chapter 5](#) to clarify Arms Export Control Act (AECA) Section 36(b) ([22 U.S.C. 2776](#)) Congressional Notification (CN) submission requirements.

This SAMM E-change updates rules for offering Letters of Offer and Acceptance (LOA) following CN, introduces a reference table mapping statutory notification requirements to their document locations, clarifies acceptable Country Team Assessment (CTA) formats to ensure sender authenticity, revises the standard Policy Justification template, and specifies compliance requirements for Letters of Request (LORs) containing “not-to-exceed” thresholds.

If you have any questions concerning this memorandum, please contact DSCA (Office of International Operations, Global Execution Directorate, Security Cooperation Division (IOPS/GEX/SCD)) FMS Congressional Notification Team group inbox at dsca.ncr.rsrcmgmt.list.cns-mbx@mail.mil. Please reference the DSCA Policy Number and Memo Subject. For general questions about the SAMM, please contact DSCA (Office of

Strategy, Plans, and Policy, Execution Policy and Analysis Directorate (SPP/EPA)) at dsca.ncr.spp.mbx.epa@mail.mil.

A handwritten signature in blue ink, appearing to read 'Hussam H. Bader', with a stylized flourish at the end.

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

Attachment: SAMM E-Change – 882 – Administrative and Compliance Updates to the Congressional Notification Process

Attachment: Security Assistance Management Manual E-Change 882

Administrative and Compliance Updates to the Congressional Notification Process

1. Update Section C5.7.6.4.1. Rules for Offering Letters of Offer and Acceptance Following Notification:

From:

C5.7.6.4.1. Rules for Offering Letters of Offer and Acceptance Following

Notification. For Section 36(b)(1) and 36(b)(5)(C) notifications, the final LOA cannot be offered until the congressional statutory review period elapses; however, the IA can provide a draft LOA to the purchaser once DSCA confirms the CN has been formally notified. Section 36(b)(5)(A)s may be offered immediately upon formal notification, as no statutory review period exists; however, items may not be delivered until 45 days after notification.

To:

C5.7.6.4.1. Rules for Offering Letters of Offer and Acceptance Following

Notification. For Section 36(b)(1) and 36(b)(5)(C) notifications, ~~the IA cannot provide a draft LOA to the purchaser until the Department of State confirms the CN has been formally transmitted to Congress or without the express written consent from the Assistant Director for International Operations at DSCA. Additionally, a final LOA cannot be offered until the congressional statutory review period elapses; however, the IA can provide a draft LOA to the purchaser once DSCA confirms the CN has been formally notified.~~ For Section 36(b)(5)(A)s notifications, the LOA may be offered immediately upon formal notification, as no statutory review period exists; however, ~~items may not be delivered~~ defense articles reported on the 36(b)(5)(A) may not be physically delivered or transferred to the partner until 45 days after formal notification.

2. Update Section C5.7.3.1. “36(b)(1) Congressional Notifications” and add Table C5.T19. following Table C5.T18. Renumber remaining tables in Chapter 5 appropriately.

From:

C5.7.3.1. 36(b)(1) Congressional Notifications. By law, a 36(b)(1) CN is required when an LOA meets or exceeds one of the thresholds identified in [Table C5.T18](#). These thresholds vary by purchaser. A 36(b)(1) CN is also required if an LOA Amendment or Modification would increase the Major Defense Equipment (MDE) value or the total case value (TCV) such that it would meet or exceed the thresholds in [Table C5.T18](#). and Congress has not been notified of the sale previously. See [Section C5.7.3.2](#). for LOA Amendments and Modifications to cases that have already been notified to Congress.

Table C5.T18. Thresholds for 36(b) Congressional Notification

	North Atlantic Treaty Organization Countries, Australia, Israel, Japan, Republic of Korea, New Zealand	All Other Countries, North Atlantic Treaty Organization Organizations, All Other International Organizations
Major Defense Equipment	\$25M	\$14M
Any Articles, Services, or Both (Total Case Value)	\$100M	\$50M
Design and Construction Services	\$300M	\$200M

To:

C5.7.3.1. 36(b)(1) Congressional Notifications. By law, a 36(b)(1) CN is required when an LOA meets or exceeds one of the thresholds identified in [Table C5.T18](#). These thresholds vary by purchaser. A 36(b)(1) CN is also required if an LOA Amendment or Modification would increase the Major Defense Equipment (MDE) value or the total case value (TCV) such that it would meet or exceed the thresholds in [Table C5.T18](#), and Congress has not been notified of the sale previously. See [Section C5.7.3.2](#) for LOA Amendments and Modifications to cases that have already been notified to Congress. [Table C5.T19](#), specifies information required in AECA 36(b)(1) CNs, identifies the three notification documents that provide this information in its entirety (i.e., Transmittal, Policy Justification, and Sensitivity of Technology) and references authorized transmittal drafting guidance in the SAMM.

Table C5.T18. Thresholds for 36(b) Congressional Notification

	North Atlantic Treaty Organization Countries, Australia, Israel, Japan, Republic of Korea, New Zealand	All Other Countries, North Atlantic Treaty Organization Organizations, All Other International Organizations
Major Defense Equipment	\$25M	\$14M
Any Articles, Services, or Both (Total Case Value)	\$100M	\$50M
Design and Construction Services	\$300M	\$200M

Table C5.T19. Congressional Notification Requirement References

#	Arms Export Control Act	SAMM References		
	Information Requirements	Transmittal Template Figure C5.F15.	Policy Justification Template Figure C5.F17.	Sensitivity of Technology Template Figure C5.F18.
1	Purchaser: Foreign country or international organization to which the article/service is offered or sold.	X		
2	Value & Quantity: Dollar amount and the quantity of each MDE article.	X		
3	Description: Description of the defense articles or services.	X		
4	Military Department: The U.S. Armed Forces or other U.S. agency making the offer.	X		
5	Technology Sensitivity: Sensitivity of technology within articles, services, or design.			X
6	Sensitivity Justification: Detailed reasons necessitating the sale given the technology's sensitivity.		X	
7	Offset Agreements: Indicating if any offset agreement is proposed (if known).		X	
Information Requirements upon Request (from Congress, State Department, and/or DSCA)				
8	Detailed Capabilities: Detailed description of articles/services or designs and construction services, including capabilities of the defense articles.			X
9	Personnel Estimate: Estimate of USG and civilian contractor personnel needed to be deployed in-country.		X	
10	Statement of Need: Reasons why the purchaser needs the items and how they intend to use them.		X	
11	National Interest: Reasons why the proposed sale is in the U.S. national interest.		X	
20	Delivery Schedule: Projected delivery dates of the articles or services.			
21	Quantity of non-MDE items: Critical large define line items, i.e., helicopters, trucks.			
For additional information, refer to Table C5.T21 . “Other Required Information”				

3. Update Section C5.1.5. “Country Team Assessment” as follows:

From:

C5.1.5. Country Team Assessment. The Country Team Assessment (CTA) presents the coordinated position of senior U.S. Embassy leadership in support of a proposed sale and provides key information necessary to evaluate and explain it. See [Chapter 2](#) for a description of the Country Team. CTAs can be published as cables or memos on embassy letterhead and signed by a member of the country team. It should be viewed as an important opportunity to provide valuable information that will expedite the decision process and should be unclassified to the greatest extent possible. Any classified information should be confined to separate, individually marked paragraphs. SCOs should begin drafting the CTA early in the process in order to include it with the LOR submission and avoid unnecessary delays. The CTA must accompany any LOR that:

To:

C5.1.5. Country Team Assessment. The Country Team Assessment (CTA) presents the coordinated position of senior U.S. Embassy leadership in support of a proposed sale and provides key information necessary to evaluate and explain it. See Chapter 2 for a description of the Country Team. ~~CTAs can be published memos on embassy letterhead and signed by an authorized member of the U.S. country team, at the MILGP Chief level or above, or as cables with the emblem. In the event the seal is not included, the cable should include the original email authenticating its origin with a full signature block with the person’s name and title who is authorizing the CTA. Any upward adjustment or clarification to the CTA will require either a formally updated CTA or an official email confirmation from an authorized member of the Country Team verifying that the embassy concurs with the changes. This email will accompany the original CTA submitted for Congressional Notification processing. CTAs can be published as cables or memos on embassy letterhead and signed by a member of the country team.~~ It should be viewed as an important opportunity to provide valuable information that will expedite the decision process and should be unclassified to the greatest extent possible. Any classified information should be confined to separate, individually marked paragraphs. The MILGPs and U.S. Country Teams should begin drafting the CTA early in the process in order to include it with the LOR submission and avoid unnecessary delays. ~~At any time, DSCA and the Department of State retain the authority to request a more formalized CTA on letterhead with an electronic or wet signature. Please see [Section C5.7.5.3.](#) on when CTAs are required.~~ The CTA must accompany any LOR that:

4. Update Figure C5.F17. “Template for Policy Justification” as follows:

From:

...

(U) The principal contractor(s) will be [Full Company Name, located in City, State Abbreviation. | Note: Identify all principal contractors. Use the city and state where the

work will occur, not the corporate headquarters. If the proposed equipment for sale or transfer is from U.S. Government inventory, replace the words “The principal contractor(s) will be” with “The [item name] will be transferred from [descriptor] stock.”]. [If there are known offset requirements, state, “There are known offset requirements associated with this sale. See attached annex for further details” and provide a CONFIDENTIAL Offset Certification attachment. If there are no known offsets, SELECT (based on whether or not any offset requirements were identified in the Letter of Request (LOR) or are known to exist): “There is no known offset agreement proposed in connection with this potential sale” OR “The purchaser typically requests offsets. Any offset agreement will be defined in negotiations between the purchaser and the contractor.”]

...

To:

...

(U) The principal contractor(s) will be [Full Company Name, located in City, State Abbreviation. | Note: Identify all principal contractors **separated by semicolons**. Use the city and state where the work will occur, not the corporate headquarters. If the proposed equipment for sale or transfer is from U.S. Government inventory, replace the words “The principal contractor(s) will be” with “The [item name] will be transferred from [descriptor] stock.”]. [If there are known offset requirements, state, “There are known offset requirements associated with this sale. See attached annex for further details” and provide a CONFIDENTIAL Offset Certification attachment. If there are no known offsets, ~~state, SELECT, (based on whether or not any offset requirements were identified in the Letter of Request (LOR) or are known to exist): “There is no known offset agreement proposed in connection with this potential sale” OR “The purchaser typically requests offsets. Any offset agreement will be defined in negotiations between the purchaser and the contractor.~~ “At this time, the U.S. Government is not aware of any offset agreement proposed in connection with this potential sale. Any offset agreement will be defined in negotiations between the purchaser and the contractor.”]

...

5. Add Section C5.7.3.3.1. “Not-To-Exceed.”

C5.7.3.3.1. Not-to-Exceed. If the LOR specifies a "not to exceed" (NTE) threshold, any significant upward adjustment to the total case value will require an updated LOR or official email confirmation from the MILGP or partner, at or above the level of the original LOR signatory, attestation that the partner verbally confirmed approving the revised case amount.