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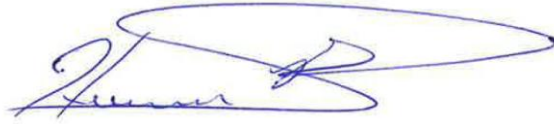
MEMORANDUM FOR DEPUTY UNDER SECRETARY OF THE AIR FORCE FOR
INTERNATIONAL AFFAIRS
DEPUTY ASSISTANT SECRETARY OF THE ARMY FOR
DEFENSE EXPORTS AND COOPERATION
DEPUTY ASSISTANT SECRETARY OF THE NAVY FOR
INTERNATIONAL PROGRAMS
DIRECTOR, DEFENSE CONTRACT MANAGEMENT AGENCY
DIRECTOR, DEFENSE INFORMATION SYSTEMS AGENCY
DIRECTOR, DEFENSE LOGISTICS AGENCY
DIRECTOR, DEFENSE THREAT REDUCTION AGENCY
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DIRECTOR OF CYBERSECURITY DIRECTORATE AND DEPUTY
NATIONAL MANAGER FOR NATIONAL SECURITY
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SUBJECT: Defense Security Cooperation Agency Policy Memorandum 26-33, Guidance on
Pre-Letter of Request Activities [SAMM E-Change 734]

This memorandum updates the Security Assistance Management Manual (SAMM) to provide guidance to the Security Cooperation community on pre-Letter of Request (LOR) activities for Foreign Military Sales (FMS). Planning and activities during the pre-LOR phase help lay the groundwork for an efficient LOR to Letter of Offer and Acceptance (LOA) process. Pre-LOR work begins when a partner communicates a requirement to the U.S. Government (USG) to address a capability gap or operational requirement; a partner identifies a source of anticipated funding available for procurement and requests USG assistance with identifying an effective use of such funds; or a Security Cooperation Organization submits a Pre-LOR Assessment Request (PAR) to initiate applicable technology security and foreign disclosure processes. The pre-LOR phase may include activities such as discussing capability gaps and operational requirements with partners, developing and scoping FMS requirements, assisting with acquisition planning, deploying security assistance survey teams, drafting Country Team Assessments, and responding to PARs. When completed comprehensively, these activities can save considerable time to get to an actionable LOR. The policy in the attachment is incorporated into the DSCA SAMM at <https://samm.dscamilitary.com>.

If you have questions on this memorandum, please contact DSCA (Office of Strategy, Plans, and Policy, Execution Policy and Analysis Directorate (SPP/EPA)) at

dscn.ncr.spp.mbx.epa@mail.mil. Please reference the DSCA policy number and memorandum subject.

A handwritten signature in blue ink, appearing to read "Hussam H. Bader", with a large, stylized flourish above the name.

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

Attachment: SAMM E-Change 734 - Guidance on Pre-Letter of Request Activities

SAMM E-Change 734 - Pre-Letter of Request Activities

1. Update the title of SAMM Chapter 5 from “Foreign Military Sales Case Development” to “Foreign Military Sales Planning and Case Development” and add SAMM Section 5.1. “Pre-Letter of Request Activities”:

C5 - Foreign Military Sales **Planning and Case Development.**

Chapter 5, Foreign Military Sales **Planning and Case Development**, describes **pre-Letter of Request (LOR) activities**, as well as requirements for submission of **Letters of Request (LORs)** and for responding to them with **either Price and Availability (P&A) data or** a formal Letter of Offer and Acceptance (LOA).

Section	Title
C5.1.	Pre-Letter of Request Activities
C5.2.	Letter of Request Submissions
C5.3.	Letter of Request Responses - General Information
C5.4.	Letter of Request Responses - Price and Availability Data
C5.5.	Letter of Request Responses - Letter of Offer and Acceptance
C5.6.	Congressional Notification - Arms Export Control Act 36(b) for Security Assistance Programs
C5.7.	Multinational Foreign Military Sales

~~**C5.1.1. General.** The Foreign Military Sales (FMS) process begins when an eligible foreign country or international organization requests information on defense articles or services, including training, being considered for purchase. All requests for information require the same channels of submission and must be answered consistent with the legal provisions under which the FMS program operates. The Security Cooperation Organization (SCO) can provide necessary assistance for many FMS partners.~~

C5.1. Pre-Letter of Request Activities.

~~**C5.1.1.** The Foreign Military Sales (FMS) system begins with the pre-Letter of Request (pre-LOR) phase, which may entail the U.S. Government (USG) engaging with the partner to assist with activities such as LOR development. Pre-LOR activities with the USG can be critical for effective execution of an FMS program that supports the partner’s operational and budget plans. During this phase, security cooperation stakeholders may work with the partner to define requirements, scope the procurement, and plan acquisition strategies. Discussions of capabilities and potential solutions should be conducted during the pre-LOR phase. The Security Cooperation Organization (SCO), as the entry point for the partner at the U.S. Embassy, plays a pivotal role in facilitating communication, coordinating technical expertise with relevant stakeholders, and documenting and tracking pre-LOR activities to maintain accountability and~~

transparency. Pre-LOR work is not required for a partner to submit a LOR, and the type of pre-LOR activities will vary based on the partner and specific circumstances.

C5.1.1.1. Pre-LOR work begins when a partner requests USG support to address a capability gap or operational requirement; a partner identifies a source of anticipated funding available for procurement and requests USG assistance with identifying an effective use of such funds; or a SCO submits a Pre-LOR Assessment Request. Pre-LOR activities conclude upon USG receipt of an LOR, at which point the LOR assessment begins. In general, official LORs should not be submitted until the partner can identify the specific defense articles or services they wish to acquire.

C5.1.1.2. Pre-LOR activities are generally funded using the FMS Administrative Surcharge Account, unless otherwise stated in [Table C9.T2A](#). When additional manpower is required to answer multiple requests for information (RFIs) for the same items, the Implementing Agency (IA) may charge the FMS case for this additional manpower once implemented. For a list of pre-LOR activities and their funding source, as well as additional guidance on pre-LOR and case development activities, see [Table C9.T2A](#), and [Section C9.3.4](#). For information on pre-Memorandum of Request activities for Building Partner Capacity cases, see [Section C15.1.6.1](#).

C5.1.2. Assisting Partners to Determine Operational Requirements. Before submitting an LOR, FMS eligible partners may request assistance or information on how to conduct a preliminary assessment of their strategic demand, current capabilities, and gaps in operational requirements. The SCO, relevant Combatant Commands (CCMD), and relevant IA(s) as appropriate can play a key role in assisting partners by 1) providing technical expertise; 2) facilitating communication with relevant U.S. agencies; 3) promoting alignment with U.S. strategic objectives and plans found in the relevant geographic CCMD's Theatre Campaign and Country Campaign Plans and COCOM Strategy, as well as the U.S. Embassy's Integrated Country Strategy (ICS) and Mission Resource Requests (MRRs); and 4) working with the partner to align acquisitions with the partner's national security strategy, military threats, regional environment, mission capability gaps, and budget constraints. SCOs should connect with appropriate USG stakeholders to support a collaborative approach to ensure the partner receives tailored support to address its requirements effectively. As appropriate, SCOs should work with relevant stakeholders to:

- Provide a gap analysis of doctrine, organization, training, materiel, leadership, personnel, facilities, and policy (DOTMLPF-P) for the partner's capability requirements.
- Consider the partner's political will to apply the capabilities, the national legal framework that permits or circumscribes the application of the capabilities in support of the desired partner role, and the capacity of the partner's Ministry of Defense (MoD) and other supporting institutions, to sustain the capabilities.
- Validate against the Country Campaign Plan and articulate how desired partner roles and capabilities relate to specific geographic CCMD and national-level strategic objectives. (See [Section C2.1.3.2](#).)
- Validate against the ICS and MRRs desired partner objectives. (See [Section C2.1.3.3](#).)

C5.1.2.1. Requirements Development. Once the foreign partner identifies the type of defense capability that will satisfy its requirements and requests assistance with identifying options, the SCO should reach out to the relevant IA(s) to request a detailed assessment of potential materiel or training solutions. SCOs and IAs should keep in mind that, in some cases, solutions may involve multiple IAs. If a potential solution involves Command, Control, Communications, Computers, Cyber, and Intelligence (C5I) equipment, the SCO and/or IA should reach out to the DSCA (Office of International Operations, Weapons Directorate (IOPS/WPN)) C5I team for guidance. Reaching out to the IA early in the process helps ensure a future LOR will include the necessary details for a Total Package Approach. When the SCO reaches out to the IA, they should include the DSCA (IOPS) Country Portfolio Director for their awareness. While the pre-LOR phase does not have prescribed timeframes, SCOs should keep the relevant IAs and the DSCA (IOPS) Country Portfolio Director aware of discussions and planned milestones. IAs may opt to end pre-LOR discussions based on feasibility assessments.

C5.1.2.2. Modality of Sale Considerations. When partners are undecided on modality of sale and assessing whether they wish to pursue a sale through FMS, Direct Commercial Sale (DCS), or a combination of the two (i.e., hybrid, see [Section C5.3.1.1.](#)), SCOs should consult relevant SAMM guidance on international competitions for defense articles and/or services (see [Section C4.3.1.](#)); funding considerations, such as potential Terms of Sale options (see [Section C9.8.](#)); USG policy on neutrality for modality of sale (see [Section C4.3.4.](#)); and hybrid case policy (see [Section C5.3.1.1.](#)). If partners are unsure if they can pursue a defense article or service through DCS due to a Government of Government (G2G) Only determination, see [Section C4.3.5.](#) for guidance. If further clarity is needed contact DSCA (IOPS/WPN).

C5.1.2.2.1. In some instances, companies may prefer that a sale be made through DCS instead of FMS. If a company receives a request for proposal from a country and prefers DCS, the company may request that DSCA (Office of Strategy, Plans, and Policy, Execution Policy and Analysis Directorate (SPP/EPA)) issue a DCS preference for that particular sale (see [Section C4.3.6.](#)). If the SCO becomes aware of the partner seeking to pursue a DCS option, they must stop work on any FMS case or Price and Availability/Rough Order of Magnitude development (see [Section C4.3.7.](#) for guidance on concurrent FMS and DCS negotiations). If the partner determines they are interested in pursuing a procurement through FMS (or hybrid), the SCO will work with the partner, the relevant Implementing Agencies (IA), and DSCA to:

- Perform research and analyze materiel/non-materiel solutions to address capability gaps. Non-materiel solutions could include items such as military doctrine, force structure, or training philosophy.
- Review relevant U.S. policy to confirm partner eligibility for the desired capability and identify potential alternative capabilities if necessary. A SCO should consider submitting a Pre-LOR Assessment Request (PAR) to initiate and expedite applicable technology security and foreign disclosure release processes when a partner is seeking to procure Significant Military Equipment or Major Defense Equipment. See [Section C3.1.2.](#) for details on how to initiate a PAR.
- Further define requirements, including partner-specific requirements such as potential integration efforts, timelines, constraints, delivery and payment requirements, or other country-specific requirements.

- Assess the partner’s institutional capacity to integrate, maintain, and sustain a new capability.
- Conduct a capability-specific security assessment to evaluate the partner nation’s infrastructure and procedures for protecting the requested technology. This assessment is intended to verify the practical application of security measures required by the Arms Export Control Act (AECA) of 1976, as amended ([22 U.S.C. 2751](#)) for the specific defense article or service and does not replace or reinterpret existing government-to-government security agreements (e.g., General Security of Military Information Agreement (GSOMIA)). Findings shall inform all security-related LOA provisos.
- Assess interoperability and regional knowledge considerations. See [Figure C5.F1](#) for a detailed list of interoperability and regional knowledge considerations.

Figure C5.F1. Interoperability and Regional Knowledge Considerations

Interoperability Considerations

Interoperability: The ability to act together coherently, effectively, and efficiently to achieve tactical, operational, and strategic objectives. It is the condition achieved among communications-electronics systems or items of communications-electronics equipment when information or services can be exchanged directly and satisfactorily between them and/or their users. (See [Joint Publication 3-0 "Joint Campaigns and Operations"](#) (accessible to DoD CAC holders only))

Elements of these interoperability considerations should include data requirements, sustainment, and logistics, command and control, and training. These should be discussed with the partner, IA, and DSCA (Office of International Operations, Weapons Directorate (IOPS/WPN)) Command, Control, Communications, Computers, Cyber, and Intelligence (C5I) team to determine if a technical assistance case is required to define interoperability needs prior to submission of a Letter of Request (LOR) for procurement.

Regional Knowledge Considerations

Regional Knowledge: Identification of factors in which the partner will be expected to operate in to include topography, civil, political, and infrastructure considerations.

1. **Political:** Evaluate how national and sub-national political structures, legal authorities, and informal power brokers influence the ability to receive, employ, and sustain U.S.-provided systems.
2. **Military:** Assess how regional force disposition, capability, doctrine, and relationships with other military actors shape the operational viability, operation restrictions, and interoperability of the provided systems.
3. **Economic:** Identify economic conditions that may limit sustainment, local sourcing of support, or affordability of lifecycle costs associated with the system.

4. **Social:** Account for religious, tribal, ethnic, and class divisions that may affect how partner forces deploy or maintain the system, and how the population responds to it.
5. **Information:** Understand how local access to media, telecommunications, and digital infrastructure enables or constrains system operation, coordination, and public perception.
6. **Infrastructure:** Determine whether physical infrastructure (facilities, transportation, maintenance, storage, and power) is sufficient to support the operational and logistical needs of the system.
7. **Physical Environment:** Evaluate the terrain, climate, and seasonal conditions where the equipment will operate to determine system suitability and required adaptations.
8. **Time:** Analyze how seasonal, political, or operational calendars align with system delivery, training, and fielding schedules.

C5.1.3. Assisting Partners to Determine Requirements for Letter of Request. Partners may request USG support in determining what capability options are available to meet their requirements. For some partners, scoping pre-LOR requirements may be critical to support the partner submitting an actionable LOR. The SCO should, in collaboration with the partner, relevant IA, and geographic CCMD, collaborate to define the partner's requirements comprehensively. This may include identifying the quantity, desired configuration, maintenance and sustainment package, desired delivery date, delivery/transportation considerations, training, and services needed to support the program. The SCO should consider if the requirements are aligned with the partner's operational requirements, budget constraints, and strategic objectives. By refining these details during the pre-LOR phase, the SCO and IAs can help the partner develop actionable LORs that address capability gaps efficiently and effectively, while ensuring alignment with U.S. foreign policy goals.

C5.1.4. Acquisition Planning. SCOs will work with the partner to understand how the procurement fits into the partner's budgeting timeline and funding considerations. The IA Program Office will oversee the acquisition planning process to ensure all facets of acquisition, including technical, regulatory, and procedural aspects are managed appropriately. The SCO will consult with the relevant IA Program Office to stay abreast of current U.S. Programs of Record and associated acquisition milestones, lot buys, and production schedules to ensure the partner is informed of any pertinent upcoming deadlines, as well as other potential issues, such as any obsolescence issues or production delays, thereby enabling proactive planning, risk mitigation, and continuity of support. SCOs and IAs should emphasize to the partner that sustainment of requested defense articles will likely require budgetary planning beyond the initial acquisition case.

C5.1.4.1. Request for Security Assistance Survey Teams. If needed, a SCO may also work with DSCA to arrange more extensive and specialized assistance such as site survey teams or Expeditionary Requirements Generation Teams (ERGT) (see [Section C2.4.](#)). Such teams can identify capability gaps where applicable (e.g., upgrading existing weapon system to a newer model/iteration), facilitate planning and requirements discussions that help save considerable time in the FMS process and ensure all USG and the foreign partners' stakeholders fully

understand all of the technical and programmatic issues involved with the anticipated acquisition request, and also help ensure the proposed acquisition matches the operational requirement and budget. Approval for ERGTs is made by the DSCA Director. Deployment of an ERGT should result in submission of an actionable LOR. If an LOA does not yet exist, FMS Administrative funds may be used to perform the site survey up front, but the FMS Administrative account must be reimbursed if and when an LOA is developed from the site survey.

C5.1.4.2. Requests for Studies and Analysis, Planning, or Technical Assistance Case.

Should the partner’s requirements be complex such that it involves significant acquisition costs, intricate integration of systems of systems, bespoke deviations from the U.S. Program of Record design, strategic acquisition and contracting, or other risk reduction activities, the partner should be directed to submit an LOR for LOA for a Studies & Analysis case, Planning Case, or Technical Assistance Case to cover the cost of such assistance.

C5.1.4.3. Security Cooperation Organization’s Role. See [Figure C5.F2.](#) for example of a SCO’s role in pre-LOR activities. SCOs should reach out to the relevant IA, Combatant Command, or DSCA Office as appropriate for assistance with these activities.

Figure C5.F2. Examples of a Security Cooperation Organization’s Role in Pre- Letter of Request Activities

- Avoid false impressions.
- Maintain dialogue and assist partner with strategic planning.
- Contribute to assessing partner capabilities in context of U.S. strategies (Doctrine, Organization, Training, Material, Leadership and Education, Personnel, Facilities, and Policy, or DOTMLPF-P framework tool).
- Recommend appropriate U.S. defense equipment and training to address the partner’s operational requirements, in line with U.S. policies and strategies.
- As appropriate, prepare a Pre-LOR Assessment Request (PAR) when it appears likely the partner will pursue sensitive or classified defense capabilities.
- As appropriate, align partner requests to realistic forecasting and budget estimates and consult with the relevant IA Program Office(s) to stay up-to-date of acquisition milestones, lot buys, and production schedules.
- Promote U.S. industry solutions to foreign government counterparts while maintaining neutrality between U.S. competitors.

2. Move and renumber SAMM Section C5.1.4. “Country Team Assessment” (including subsections, and tables) under “Pre-LOR Activities” as SAMM Section C5.1.5.

3. Update Section C5.1.4. (now Section C5.1.5.):

C5.1.4. 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:

1. is likely to result in a Congressional Notification (CN) pursuant to AECA section 36(b) ([22 U.S.C. 2776](#)) ([See Section C5.5.](#)) based on its cost; or
2. regardless of cost, that would result in first introduction of a new capability for the country; or
3. that requests defense articles or services of a sensitive nature ([See Section C5.1.4.2.](#)); or
4. upon request by DSCA (Office of International Operations, Regional Execution Directorate (IOPS/REX)).

*Please note that Combatant Commander's concurrence is required if this is the first introduction of this system/capability to the recipient/region. If provided separately, cite reference if available.

4. Make the following administrative updates:

- Renumber remaining sections in Chapter 5 as required,
- Renumber tables and figures in Chapter 5 in order of appearance, and
- Update referring links to Chapter 5 sections/tables/figures throughout the SAMM.