



DEPARTMENT OF THE AIR FORCE
WASHINGTON, DC

Office Of The Under Secretary

1 November 2001

MEMORANDUM FOR SEE DISTRIBUTION

FROM: SAF/IAPX
1080 Air Force
Washington DC, 20330-1080

SUBJECT: Processing Contingency LOA Documents in Support of Operation Enduring Freedom (IAPX 01030)

References: (a) DSCA Message 111339Z OCT 01

(b) DSCA Message 231604Z Apr 99, Contingency LOA's in support of Coalition Forces and Humanitarian Operations

SAF/IAPX and DSCA staff members met on 26 October 2001 to review DSCA Contingency LOA procedures in support of Operation Enduring Freedom. DSCA message DTG 111339Z OCT 01 Ref (a) (Attachment 1) established procedures for expeditious processing of documents (LOA's, Amendments, and Modifications) in support of Operation Enduring Freedom and associated humanitarian operations. Ref (b) published contingency LOA processing policy in support of Coalition Forces and Humanitarian Operations. Procedures and policy outlined in reference (b) will not be followed for Operation Enduring Freedom.

Key points and USAF specific actions are summarized below:

- Only LORs in direct support of Operation Enduring Freedom combat operations and associated humanitarian operations will be considered.
- The Air Force Senior Working Group (AFSWG), chaired by SAF/IA will validate all Operation Enduring Freedom LORs and will allocate articles/services as appropriate. No action will be taken until the customer's request has been validated by the AFSWG.
- A copy of all Operation Enduring Freedom LORs must be provided to DSCA and SAF/IA (marked for AFSWG SAF/IAPX) on receipt at USAF LOA writing activities (SAF/IA, AFSAC or AFSAT). These documents must clearly identify that the requested articles/services are in support of on-going Operation Enduring Freedom operations. SAF/IAPX will log and distribute the LOR for appropriate action and inform AFSAC/AFSAT of the AFSWG disposition of the LOR.

- Standard 36(b) Congressional Notification thresholds and procedures apply. However, DSCA is prepared to expedite the notification process.
- Request for NRC waiver must be processed and approved prior to contingency LOA signature.
- It is imperative that all Operation Enduring Freedom LOA documents (e.g. Congressional Notification, NRC Waiver Request, LORs & LOA documents) be clearly marked **Operation Enduring Freedom**. The Nickname tab in DSAMS will be utilized to insert Operation Enduring Freedom in LOA documents. Other documents will include Operation Enduring Freedom in the subject line or header.
- Operation Enduring Freedom documents will be submitted to DSCA using the established electronic countersignature system (e-mail) procedure. The E-mail subject line must state the document is in support of Operation Enduring Freedom.
- Should an emergency arise of such urgency that it requires a hard copy be hand-carried to DSCA for immediate processing, prior coordination/approval must be obtained from the appropriate DSCA Country Manager and DSCA/COMPT-RM.
- USAF minimum coordination requirements as stated in AFMAN 16-101 apply to Operation Enduring Freedom documents.
- LOAs, Amendments, and Modifications in support of Operation Enduring Freedom can **not** be processed through the Automatic State Department Approval (ASDA) System.

Under exceptional circumstances, Modifications may be used in lieu of a new case or an Amendment. This exception may be required to cover items already shipped (using a new case or an Amendment would allow the purchaser not to accept the sale even though they already have the equipment). Use of Modifications in lieu of an Amendment may be approved by DSCA/P³ on a case-by-case basis under the following conditions:

- A copy of the LOR must accompany the Modification. The LOR must be signed by a customer representative with LOA signature authority and specifically state the case/lines to be impacted.
- The cover memorandum must include an explanation for the extenuating circumstances that necessitate using a Modification instead of an Amendment
- The Modification must be coordinated/approved by DSCA. If there is a scope change to the existing program, the Modification will require State Department Approval.

Paragraph 3.B. addresses special considerations for initial payment and directs maximum flexibility when developing payment terms. Requests for payment terms more favorable than in advance of delivery, as well as the use of foreign military financing (FMF) will be reviewed by DSCA on a case-by-case basis.

Request AFSAC and AFSAT identify to SAF/IAPX NLT 9 Nov 01 a command focal point for Operation Enduring Freedom. Additionally, provide a non-duty hours telephone contact (e.g. staff duty officer, etc.).

If you require additional information or have questions contact Debra Wortham, SAF/IAPX, DSN 425-8971, or email Debra.Wortham@pentagon.af.mil.

//signed//
TERRY BATES
Chief, Security Assistance Policy
Policy Directorate

Attachment:
DSCA Msg 111339Z OCT 01

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 ZNR UUUUU
 R 111339Z OCT 01
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 RUEHFR/ODC PARIS FR
 RUEHRL/ODC BONN GE
 RUEHTH/ODC ATHENS GR
 RUEHUP/AMEMBASSY BUDAPEST//ODC//
 RUEHRO/ODC ROME IT
 RUEHLE/AMEMBASSY LUXEMBOURG//ODC//
 RUEHTC/ODC THE HAGUE NL
 RUEHNY/ODC OSLO NO
 RUEHWR/ODC WARSAW PL
 RUEHLI/ODC LISBON PO
 RUEHMD/ODC MADRID SP
 RUETITH/ODC ANKARA TU
 RUEHLO/ODC LONDON UK
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 RUEHNT/USDAO TASHKENT UZ

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 RUEHAD/USLO ABU DHABI TC
 RUEHAM/MAP AMMAN JO
 RUEHIL/ODRP ISLAMABAD PK
 RUEHBY/ODC CANBERRA AS
 RUEHNE/DSA NEW DELHI IN
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 RUMIAAA/USCINCSO MIAMI FL//SCJ//
 INFO RUEKJCS/SECDEF WASH DC//USDP-CH//
 RUEKJCS/JOINT STAFF WASHINGTON DC//J4/J5//
 RUEHC/SECSTATE WASHINGTON DC
 RUVALAN/AFMC DISAM WRIGHT PATTERSON AFB OH//CC//
 RUEADWD/DA WASHINGTON DC//SAUS-IA//

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 BT

UNCLAS
 SUBJECT: CONTINGENCY LOA'S IN SUPPORT OF OPERATION ENDURING FREEDOM
 PARTICIPANTS AND HUMANITARIAN OPERATIONS.

1. DSCA HAS ESTABLISHED A CONTINGENCY LOA PROCESS TO HELP EXPEDITE SUPPORT FOR PARTICIPATION IN OPERATION ENDURING FREEDOM AND ASSOCIATED HUMANITARIAN OPERATIONS. COUNTRY REQUESTS WILL BE HANDLED ON A CASE BY CASE BASIS.
2. USE OF CONTINGENCY LOAS WILL ENABLE OPERATION ENDURING FREEDOM PARTICIPANTS TO RESPOND TO CHANGING PRIORITIES AND NEEDS AND SELECTIVELY IMPLEMENT EARLY ACQUISITION WHEN NECESSARY. OPERATION ENDURING FREEDOM PARTICIPANTS SHOULD RECOGNIZE THAT DEFENSE STOCKS ARE LIMITED. AS SUCH, WE MUST ADDRESS ANTICIPATED PROCUREMENT REQUIREMENTS AS EARLY AS POSSIBLE.

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3. ODC'S/SAO'S SHOULD RECOMMEND THAT THEIR HOST GOVERNMENT MOD/SERVICE REPRESENTATIVES CONSIDER USING A CONTINGENCY LOA TO HELP MEET ANTICIPATED AND UNANTICIPATED REQUIREMENTS. THE CONTINGENCY LOA CAN PROVIDE A VEHICLE FOR URGENT REQUIREMENTS AND ENABLE QUICKER INITIATION OF ACTIONS TO PROVIDE FROM STOCK OR TO INITIATE FASTER PROCUREMENT.
 - A. THE THRESHOLDS FOR 36(B) CONGRESSIONAL NOTIFICATION ARE \$14M MAJOR DEFENSE EQUIPMENT (MDE), \$50M NON-MDE, AND \$200M CONSTRUCTION. ANY WAIVERS FOR ANY APPLICABLE NON-RECURRING CHARGES FOR SME/MDE ITEMS MUST BE PROCESSED/APPROVED PRIOR TO SIGNATURE OF THE CONTINGENCY LOA. IF A COUNTRY IDENTIFIES REQUIREMENTS CLEARLY IN SUPPORT OF OPERATION ENDURING FREEDOM DSCA IS PREPARED TO EXPEDITE PROCESSING OF AN LOA. IF CONGRESSIONAL NOTIFICATION IS REQUIRED, DSCA IS PREPARED TO EXPEDITE THE NOTIFICATION PROCESS. ON THE FIRST PAGE OF THE LOA, THE CONTINGENCY LOA WILL BE CLEARLY IDENTIFIED DIRECTLY UNDERNEATH THE CASE DESIGNATOR AS SUPPORTING OPERATION ENDURING FREEDOM.
 - B. NORMALLY, AN INITIAL DEPOSIT BEYOND ONE-HALF OF THE ADMINISTRATIVE SURCHARGE WILL NOT BE NECESSARY. FOR ITEMS SUPPLIED FROM DOD STOCKS, PAYMENT UPON DELIVERY MAY BE AUTHORIZED. FOR ITEMS

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- TO BE PROCURED, PAYMENT TERMS WILL BE AS FLEXIBLE AS POSSIBLE, BUT, THE COUNTRY WILL NEED TO MAKE FUNDS AVAILABLE IN SUCH AMOUNTS AND AT SUCH TIMES AS MAY BE REQUIRED TO MEET THE PAYMENTS REQUIRED BY THE CONTRACT AND AS REFLECTED ON THE LOA PAYMENT SCHEDULE. IN CERTAIN CASES, AUTHORITY TO ALLOW PAYMENT UPON ISSUANCE OF BILLING FOR DELIVERY MAY BE SOUGHT. ALL REQUESTS FOR PAYMENT TERMS MORE FAVORABLE THAN IN ADVANCE OF DELIVERY, AS WELL AS THE USE OF FOREIGN MILITARY FINANCING (FMF), WILL BE REVIEWED ON A CASE-BY-CASE BASIS BY DSCA.
- C. THE CONTINGENCY LOA DOES NOT GUARANTEE THAT A PARTICULAR ITEM WILL BE AVAILABLE AT A PARTICULAR TIME, OR IN PARTICULAR QUANTITIES, FROM EITHER STOCK OR PROCUREMENT. PURCHASER'S REQUEST SHOULD DESCRIBE THE PARTICULAR TYPES OF ASSETS THAT MAY BE REQUIRED AS SPECIFICALLY AS POSSIBLE, AS NORMALLY WOULD BE IDENTIFIED ON A DEFINED ORDER FMS CASE. THE SPECIFIC REQUIREMENTS FOR SME/MDE ITEMS WILL BE LISTED AS SEPARATE LINE ITEMS ON THE CONTINGENCY LOA. THE IMPLEMENTING AGENCY WILL INPUT 1 FOR THE QUANTITY, \$1 FOR THE UNIT COST AND THE SOURCE OF SUPPLY AS 'X'. A LINE ITEM NOTE IN THE CASE MUST EXPLAIN THAT THE ACTUAL QUANTITY AND COST OF THE LINE WILL BE DEFINED AT A LATER TIME BY AMENDMENT.

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D. AS OPERATIONAL REQUIREMENTS DICTATE, THE PURCHASER MAY REQUEST SUPPORT FROM ONE OR MORE LINE ITEMS ON THE CASE. THE IMPLEMENTING AGENCY WILL PROVIDE PRICE AND AVAILABILITY DATA FROM U.S. STOCK IF AVAILABLE AND WILL ENSURE PRICING ACCORDING TO CURRENT FINANCIAL MANAGEMENT POLICY. IF ASSETS ARE NOT AVAILABLE FROM U.S. STOCK, CONTRACT PROCUREMENT AND LEAD-TIME AVAILABILITY DATA WILL BE PROVIDED. THE IMPLEMENTING AGENCY MUST DETERMINE WHETHER OR NOT CONTRACT PROCUREMENT CAN PROVIDE THE NECESSARY SUPPORT IN A TIMELY MANNER AND ADVISE ACCORDINGLY.

E. UPON REVIEW AND ACCEPTANCE OF THE PRICE AND AVAILABILITY INFORMATION, THE PURCHASER WILL REQUEST PROCESSING OF REQUIREMENTS FOR THE QUANTITY AND PRICE SPECIFIED BY THE IMPLEMENTING AGENCY. THE IMPLEMENTING AGENCY WILL ISSUE AN AMENDMENT TO REFLECT THE DEFINED REQUIREMENT, AGREED PRICE, DELIVERY SCHEDULE AND PAYMENT AS NECESSARY.

F. THE CONTINGENCY LOA CAN BE USED AS A VEHICLE TO PROVIDE ITEMS FROM IN-THEATRE DOD STOCKS.

4. ODC'S/SAO'S SHOULD CONTACT THEIR RESPECTIVE COUNTRY PROGRAM DIRECTOR FOR QUESTIONS REGARDING THE CONTINGENCY LOA.

5. CINCS DESIRING TO PROVIDE THIS SERVICE TO ADDITIONAL COUNTRIES

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NOT ADDRESSED IN THIS MESSAGE SHOULD COORDINATE WITH DSCA.

RL

JOINT STAFF V1

ACTION

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INFO SJS-C(*) SJS-C(*) NMCC:CWO(*) CMAS(*)
CMAS(*) J4(*) J5(*) JSAMS(*) JSAMS UNCLAS DMS(*)
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SECDEF V2

ACTION CHAIRS(1) CHAIRS TESTBED(*)

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