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Office Of The Under Secretary

28 MAR 2000

MEMORANDUM FOR SEE DISTRIBUTION

FROM: SAF/IAX  
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SUBJECT: LOA Note Regarding Unauthorized Use of Defense Articles (**IAX-00007**)  
(DSCA Policy Memo-00-04, 14 Mar 00, Subject: LOA Note Regarding  
Unauthorized Use of Defense Articles)

This memo implements DSCA guidance within the Air Force by adding paragraph 70105.L.12 to the Security Assistance Management Manual (SAMM), "Unauthorized Use of Defense Articles". This note has already been established in DSAMS. Effective immediately, all LOAs will contain the following note:

**"12. Unauthorized Use of Defense Articles.**

**Defense articles furnished under this LOA may be used only for those authorized purposes set forth in section 2.2 of the Standard Terms and Conditions, unless the written consent of the USG has been obtained for a different use. The USG retains the right to verify reports that such defense articles have been used for purposes not authorized or for uses not consented to by the USG."**

POC in IAX is Mr. John M. Lucacos, (703) 588-8365, (DSN) 425-8365, (FAX) 425-8898, (E-mail) john.lucacos@pentagon.af.mil.

TERRY L. BATES  
Chief, Policy Division  
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Attachment:  
DSCA Memo 00-04

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14 March 2000  
In reply refer to:  
I-00/002801-PMD

MEMORANDUM FOR DEPUTY UNDER SECRETARY OF THE ARMY  
(INTERNATIONAL AFFAIRS)  
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DEPARTMENT OF THE ARMY

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SUBJECT: LOA Note Regarding Unauthorized Use of Defense Articles (DSCA Policy 00-04)

Section 1225 of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001 (P.L. 106-113) included language to be added to the end of Section 3 of the Arms Export Control Act (22 U.S.C. 2753) as a new subsection. The new language requires formal agreement between the U.S. and the recipient nations that the U.S. retains the right to verify credible reports that U.S. Munitions List articles have been used for purposes not authorized under section 4 of the Arms Export Control Act or, if such agreement provides that such articles may only be used for purposes more limited than those authorized under section 4, for a purpose not authorized under such agreement. To ensure that all cases are written consistently in accordance with the new legislation, the FMS community must begin to incorporate this language as a note on all Letters of Offer and Acceptance (LOA).

AKK

The following note should be inserted as paragraph, 70105.L.12, in the Security Assistance Management Manual (SAMM):

**12. Unauthorized Use of Defense Articles.** All LOAs will contain the following note:

Defense articles furnished under this LOA may be used only for those authorized purposes set forth in section 2.2 of the Standard Terms and Conditions, unless the written consent of the USG has been obtained for a different use. The USG retains the right to verify reports that such defense articles have been used for purposes not authorized or for uses not consented to by the USG.”

Guidance in this memorandum is effective immediately and will be included in the Defense Acquisition Deskbook version of the SAMM as E-Change 11. If you have any questions regarding this matter, please feel free to contact either Beth Baker (703) 604-6612/DSN 664-6612 or Steve Harris at (703) 604-6611/DSN 664-6611.

Sincerely,  
A.R. Keltz  
Acting Director

cc: AMSAC-OL-MP  
CEMP-MD