

CHAPTER 12

SECURITY ASSISTANCE

A. GENERAL

1. Security Assistance is an important instrument of national security policy and an integral element of DoD's mission. The development and execution of the program shall be accorded the same high degree of attention and efficiency as other DoD programs. To the extent practicable, security assistance requirements shall be integrated with other DoD requirements and implemented through the same DoD systems, facilities, and procedures.

2. The DSAA is the DoD agency that monitors, coordinates and approves or disapproves the sale/issue of military equipment and hardware to foreign governments, under the general control and with the concurrence of the DoS. DSAA also provides guidance and direction to the Military Services and defense agencies for the operation of their FMS programs and other security assistance programs.

B. STATUTORY AUTHORITY. These instructions are based upon the authority contained in the Foreign Assistance Act of 1961, as amended, the Arms Export Control Act of 1976, as amended, and Section 4304 of Public Law 102-484.

C. PROCEDURES

1. Excess Defense Articles may be made available to foreign countries and international organizations designated by the DoS and DoD as eligible to purchase property under the International Security Assistance and Arms Export Control Act of 1976 (Public Law 94-329). Transactions under this authority are reimbursable and are referred to as FMS. Such sales are consummated by use of the Letter of Offer and Acceptance (LOA), and the procedures specified in DoD 5105.38-M, Security Assistance Management Manual.

2. DoD excess, surplus, and FEPP may also be available to eligible foreign countries and international organizations under the authorities of the Foreign Assistance Act. Such transfers are made on a grant transfer basis, however any associated services provided, such as packing, crating, and handling will be charged to the recipient country via an FMS case for those services per the guidance in DoD 5105.38M.

3. Per Section 644(g) of the Foreign Assistance Act and Section 47(1) of the Arms Export Control Act, construction equipment, "including tractors, scrapers, loaders, graders, bulldozers, dump trucks, generators, and compressors" may not be transferred or sold to foreign governments under these security assistance authorities.

DoD 4160.21-M

4. Eligibility for FMS is listed in DoD 5105.38-M. Eligibility to receive excess property on a grant basis under the Foreign Assistance Act is established by the DoS and provided to DSAA. DoD components should follow the latest guidance from DSAA showing which countries are eligible under the various authorities.

5. In the case of DRMS' controlled assets, FMS screening of excess and FEPP for foreign countries and international organizations is accomplished during the Federal reutilization screening period. Section 4304 of public law 102-484 prohibits the sale or transfer of fire equipment until all disposal actions have been accomplished. If fire equipment survives all screening and surplus sales, it is then made available to Security Assistance customers with a certification to DSAA that the property has completed all required screening and no surplus sales customers were found. The term "fire equipment" is defined as "pumpers, fuel and water tankers, crash trucks, utility vans, rescue trucks, ambulances, hook and ladder units, compressors, large capacity generators, and miscellaneous fire fighting equipment.

6. Transfer of items will be accomplished in accordance with guidance provided by DSAA.

7. Pricing of FMS is governed by DoD 7000.14-R, Volume 15.

8. The EPU of the U.S. Embassy in Bonn is authorized to obtain excess equipment after it is determined excess to the DoD, ahead of Security Assistance requirements. This authorization applies to excess vehicles, furniture, office equipment, and related general purpose equipment. Accordingly, the EPU may physically screen the aforementioned types of excess property still on the books of USAREUR and USAFE, i.e., not yet turned-in to a DRMO. However, receipt and issue documentation shall be processed by the servicing DRMO.

