



Department of Defense

DIRECTIVE

NUMBER 5105.65
October 26, 2012

DA&M

SUBJECT: Defense Security Cooperation Agency (DSCA)

References: See Enclosure 1

1. PURPOSE. This Directive:

a. Reissues DoD Directive (DoDD) 5105.65 (Reference (a)) to update the mission, organization and management, responsibilities and functions, relationships, and authorities of the DSCA, in accordance with sections 191 and 192 of title 10, United States Code (U.S.C.) (Reference (b)), and the authority vested in the Secretary of Defense by section 113 of Reference (b).

b. Authorizes and directs the conversion of DoD 5105.38-M and DoD 5105.65-M (References (c) and (d)) from DoD issuances to a DSCA Manual within 180 days, after which time those DoD issuances shall be removed (cancelled) from the DoD Directives system.

2. APPLICABILITY. This Directive applies to OSD, the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities within the DoD (hereinafter referred to collectively as the "DoD Components").

3. MISSION. The DSCA, under the authority, direction, and control of the Under Secretary of Defense for Policy (USD(P)), directs, administers, and provides DoD-wide guidance to the DoD Components and DoD representatives to U.S. missions abroad for the execution of DoD security assistance and security cooperation programs over which DSCA has responsibility, in accordance with Chapter 32 and Chapter 39 of title 22, U.S.C. (Reference (e)), DoDD 5132.03 (Reference (f)), other laws, and this Directive.

4. ORGANIZATION AND MANAGEMENT

a. The DSCA is a Defense Agency, under the authority, direction, and control of the USD(P), or as delegated by the USD(P), pursuant to section 192 of Reference (b).

b. The DSCA shall consist of a Director and such subordinate organizational elements as established by the Director within resources assigned by the Secretary of Defense.

5. RESPONSIBILITIES AND FUNCTIONS. The Director, DSCA, shall:

a. Organize, direct, and manage the DSCA and all assigned resources.

b. Represent the interests of the Secretary of Defense and the USD(P) in security cooperation matters, in accordance with this Directive, Reference (f), and direction from the USD(P).

c. Direct, administer, and provide DoD-wide guidance to the DoD Components and DoD representatives to U.S. missions for the execution of DoD security cooperation programs for those programs over which DSCA has responsibility, in accordance with sections 2151, et seq., and 2751, et seq., of Reference (e), Reference (f), other laws, and this Directive.

d. Delegate the administration of security cooperation programs, in whole or in part, to the Military Departments, Combatant Commands, and Defense Agencies and DoD Field Activities implementing assigned responsibilities, as appropriate, under the overall guidance of the DSCA.

e. Conduct security cooperation and sales negotiations with foreign countries in accordance with USD(P) guidance, and negotiate and conclude security cooperation-related international agreements, in accordance with DoDD 5530.3 (Reference (g)), and in coordination with the General Counsel of the Department of Defense (GC, DoD).

f. Co-chair the Security Cooperation Steering Group (SCSG), with the USD(P)-designated representative, in accordance with DoD Instruction (DoDI) 5105.18 (Reference (h)). The SCSG shall:

(1) Consist of representatives from the Combatant Commands; Military Departments; Joint Staff; the Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics (OUSD(AT&L)); the Office of the USD(P); the Under Secretary of Defense for Intelligence (USD(I)); the Office of the GC, DoD; and the Defense Technology Security Agency.

(2) Provide general oversight of DoD worldwide security cooperation efforts focusing on the timely transfer of defense articles and services in support of DoD strategic and regional objectives.

(3) Oversee the implementation of high-priority and urgent foreign military sales (FMS) cases and related activities to ensure they are executed in a timely and effective manner.

(4) Oversee the development, maintenance, and application of DoD equipping priority guidelines and make recommendations regarding requests to deviate from DoD equipping priorities or when there are competing demands between partner nations, or between partner nations and U.S. forces, for defense articles and services, in a manner consistent with the priorities and allocations authorities assigned under DoDD 4400.01E (Reference (i)).

g. Establish, in accordance with Reference (h), a security cooperation Strategic Planning Support Group (SPSG) to collaborate and coordinate with the Commanders of the Combatant Commands, Secretaries of the Military Departments, Chairman of the Joint Chiefs of Staff, USD(AT&L), and USD(P) (including the Technology Security and Foreign Disclosure Office (TSFDO)). The SPSG shall:

(1) In coordination with the stakeholders identified in paragraph 5.g., identify partner capability requirements that may require DoD-level technology security and foreign disclosure reviews and documentation, including the development of mitigation plans that anticipate potential releasability problems, as required.

(2) Develop proposed policies for potential arms transfers and submit them, through the TSFDO to the Arms Transfer and Technology Release Senior Steering Group, for review and approval through the Technology Security and Foreign Disclosure processes.

h. In coordination with the Commanders of the Combatant Commands, the Secretaries of the Military Departments, the USD(P), and, when appropriate, the USD(I), the Heads of other DoD Components, and other Federal agency representatives, establish and deploy expeditionary requirements generation teams to partner countries, as necessary, to assist Combatant Commands and Security Cooperation Organizations (SCOs) with translating capability needs into specific requirements for military equipment, training, and services.

i. Develop, coordinate, and publish a single DSCA manual that incorporates the provisions of, and replaces, References (c) and (d).

j. Inform the Chairman of the Joint Chiefs of Staff and the Commanders of the Combatant Commands of security cooperation matters for which DSCA has responsibility.

k. Maintain liaison with Congress, in coordination with the Assistant Secretary of Defense for Legislative Affairs (ASD(LA)) and the Under Secretary of Defense (Comptroller) (USD(C))/Chief Financial Officer (CFO), Department of Defense, as appropriate, on security cooperation legislation and related matters for which DSCA has responsibility; and provide support to the USD(P) for the presentation of security cooperation related briefings and testimony before the Congress.

l. Resource and lead the administration of security cooperation programs for which DSCA has responsibility throughout the DoD.

m. Exercise financial management and fiduciary responsibility for the FMS Trust Fund and reporting functions for security cooperation programs for which DSCA has responsibility. In addition, exercise management and dissemination responsibility over FMS administrative funds.

n. Develop, operate, and maintain, in accordance with policies, standards, and procedures established by the DoD Chief Information Officer, Defense Information Systems Agency, and U.S. Cyber Command, appropriate information technology systems and databases in support of security cooperation programs and the security cooperation workforce.

o. Provide oversight and exercise overall management responsibility for the Defense Security Assistance Development Center for the development, operation, maintenance, and enhancement of information systems to support security cooperation programs and the security cooperation workforce.

p. Provide oversight and exercise overall management responsibility for the Defense Institute for International Legal Studies for the professional legal education and training of foreign military and civilian leaders, in accordance with Memorandum of Agreement between the USD(P) and the GC, DoD (Reference (j)).

q. Act as the DoD Executive Agent for DoD Regional Centers for Security Studies, in accordance with Reference (f), Directive-Type Memorandum 05-002 (Reference (k)), and direction from the Secretary of Defense and the USD(P).

r. Ensure the DoD security cooperation workforce possesses the skills required to develop partner country capabilities in support of U.S. theater and global objectives.

(1) Provide oversight and exercise overall management responsibility for the Defense Institute of Security Assistance Management for the consolidated professional education of the security cooperation workforce.

(2) Identify requirements, criteria, and procedures for the selection and training of key personnel engaged in DoD security cooperation activities.

(3) Conduct periodic assessments of the security cooperation workforce to identify manning and training gaps.

s. Provide functional oversight of DoD elements in foreign countries responsible for managing security assistance and security cooperation programs for which DSCA has responsibility.

t. Jointly, with the Director, Defense Intelligence Agency (DIA), and in accordance with DoDD 5105.75 (Reference (l)), manage the Senior Defense Official (SDO)/Defense Attaché (DATT) nomination, selection, and training process, and provide guidance and oversight of SDOs/DATTs in discharging responsibility for managing security cooperation programs.

- u. Jointly, with the Director, DIA, approve changes to the grade or Military Department affiliation of the SDO or DATT.
- v. Fund and provide related oversight functions for SCO program management and approve, in coordination with the Chairman of the Joint Chiefs of Staff, SCO joint manpower programs involving the establishment of new SCOs or changes in manpower authorizations or organizational structure.
- w. Provide recommendations to the USD(P) for policy on DoD participation in international air shows and trade exhibitions, and provide oversight on such participation.
- x. Provide oversight and exercise overall program management responsibility for DoD humanitarian assistance and demining activities funded by the Overseas Humanitarian Disaster and Civic Aid, also known as “OHDACA” appropriation, in coordination with the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict (ASD(SO/LIC)).
- y. Provide oversight of program execution and exercise overall resourcing management responsibility for the DoD and international portions of the Warsaw Initiative Program, in coordination with the ASD(SO/LIC).
- z. Provide oversight of program execution and exercise overall resourcing management responsibility for the Defense Institutions Reform Initiative program, in coordination with the ASD(SO/LIC).
- aa. Provide oversight and, in coordination with the Department of State, exercise overall program management responsibility for the Special Defense Acquisition Fund.
- ab. Design and manage DSCA programs and activities to improve standards of performance, economy, and efficiency and demonstrate DSCA’s attention to the requirements of its organizational customers, both internal and external to the DoD, consistent with the requirements of the Secretary of Defense Biennial Review of Defense Agencies and DoD Field Activities.
- ac. Perform such other duties as may be assigned by the Secretary of Defense, the USD(P), or delegated authority.

6. RELATIONSHIPS

- a. In the performance of assigned responsibilities and functions, the Director, DSCA, shall:
 - (1) Report to the USD(P), or an official designated by the USD(P), pursuant to sections 192 and 131 of Reference (b).
 - (2) Maintain appropriate liaison with other DoD Components for the exchange of information on programs in the field of assigned responsibilities.

(3) Conduct activities involving financial management, fiscal matters, accounting, budgeting, statistical reporting, and the international balance of payments, in accordance with policies and procedures established by the USD(C)/CFO.

(4) Use existing systems, facilities, and services of the DoD and other Federal agencies, when possible, to avoid duplication and to achieve maximum effectiveness, efficiency, and economy.

b. The Military Departments and other DoD Components shall provide support, within their respective fields of responsibility, to the Director, DSCA, to assist in carrying out assigned responsibilities and functions of DSCA.

c. The basic responsibilities and functions of other DoD Components relating to security cooperation remain as assigned in Reference (f).

d. The Director, DSCA, shall ensure that all DSCA security cooperation-related communications, and direction and guidance issued to the Combatant Commands, the Military Departments, and the SCOs that have military operational implications, are coordinated with the Chairman of the Joint Chiefs of Staff. Correspondingly, the Chairman of the Joint Chiefs of Staff shall ensure that Joint Chiefs of Staff instructions and communications to the Combatant Commands or the Secretaries of the Military Departments that pertain to security cooperation affairs are coordinated with the Director, DSCA.

7. AUTHORITIES. The Director, DSCA, is specifically delegated authority to:

a. Communicate directly with the other Heads of the DoD Components, as necessary, to carry out assigned responsibilities and functions, including the transmission of requests for advice and assistance.

(1) Communications to the Military Departments shall be transmitted through the Secretaries of the Military Departments or their designees, or as otherwise provided in law or directed by the Secretary of Defense in other DoD issuances.

(2) Formal communications to the Commanders of the Combatant Commands normally shall be transmitted through the Chairman of the Joint Chiefs of Staff, except those communications dealing solely with security cooperation functions.

b. Communicate with other Government officials, representatives of the Legislative Branch, members of the public, and representatives of foreign governments, as appropriate, in carrying out assigned responsibilities and functions. Communications with representatives of the Legislative Branch shall be coordinated with the ASD(LA) and the USD(C)/CFO, as appropriate, and be consistent with the DoD Legislative Program.

c. Obtain reports and information, in accordance with DoDI 8910.1 (Reference (m)), as necessary, to carry out assigned responsibilities and functions.

d. Perform all functions of making findings, determinations, certifications, and waivers, consistent with authority delegated to the USD(P) in DoDD 5111.1 (Reference (n)), and pursuant to:

(1) The delegation to the Secretary of Defense made by Executive Order 11958 (Reference (o)), as amended.

(2) The delegation to the Secretary of Defense made by Executive Order 12163 (Reference (p)), as amended.

(3) Those authorities provided to the Secretary of Defense under Chapter 32 of Reference (e) (also known as the "Foreign Assistance Act of 1961, as amended") and Chapter 39 of Reference (e) (also known as the "Arms Export Control Act of 1976, as amended") not referred to in subparagraphs 7.d.(1) and 7.d.(2).

(4) Such other delegations as may be made by the Secretary of Defense or the USD(P), including delegations of authority provided in security cooperation-related provisions of authorization and appropriation acts.

e. Grant waivers or reductions of nonrecurring cost (NC) recoupment charges and approve pro rata NC recoupment charges for major defense equipment. These authorities shall be exercised in coordination with the USD(AT&L), the USD(C)/CFO, the DSCA General Counsel, and, as appropriate, the offices within the Office of the USD(P). This further delegates authority delegated to the USD(P) in DoDD 2140.2 (Reference (q)).

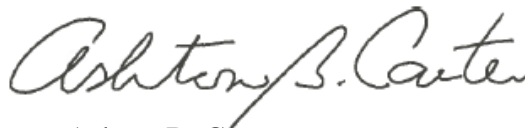
f. Exercise the administrative delegations of authority in Enclosure 2.

8. RELEASABILITY. UNLIMITED. This Directive is approved for public release and is available on the Internet from the DoD Issuances Website at <http://www.dtic.mil/whs/directives>.

9. EFFECTIVE DATE. This Directive:

a. Is effective October 26, 2012.

b. Must be reissued, cancelled, or certified current within 5 years of its publication in accordance with DoDI 5025.01 (Reference (r)). If not, it will expire effective October 26, 2022 and be removed from the DoD Issuances Website.



Ashton B. Carter
Deputy Secretary of Defense

Enclosures

1. References
 2. Delegations of Authority
- Glossary

ENCLOSURE 1

REFERENCES

- (a) DoD Directive 5105.65, "Defense Security Cooperation Agency (DSCA)," October 31, 2000 (hereby cancelled)
- (b) Title 10, United States Code
- (c) DoD 5105.38-M, "Security Assistance Management Manual (SAMM)," October 3, 2003
- (d) DoD 5105.65-M, "Foreign Military Sales (FMS) Case Reconciliation and Closure Manual (RCM)," August 11, 2004
- (e) Title 22, United States Code
- (f) DoD Directive 5132.03, "DoD Policy and Responsibilities Relating to Security Cooperation," October 24, 2008
- (g) DoD Directive 5530.3, "International Agreements," June 11, 1987
- (h) DoD Instruction 5105.18, "DoD Intergovernmental and Intragovernmental Committee Management Program," July 10, 2009
- (i) DoD Directive 4400.01E, "Defense Production Act Programs," October 12, 2001
- (j) Memorandum of Agreement between the USD(P) and the General Counsel of the DoD, April 17, 2007¹
- (k) Directive-Type Memorandum 05-002, "Executive Agent for DoD Regional Centers for Security Studies," September 29, 2005
- (l) DoD Directive 5105.75, "Department of Defense Operations at U.S. Embassies," December 21, 2007
- (m) DoD Instruction 8910.01, "Information Collection and Reporting," March 6, 2007
- (n) DoD Directive 5111.1, "Under Secretary of Defense for Policy (USD(P)),," December 8, 1999
- (o) Executive Order 11958, "Administration of Arms Export Controls," January 18, 1977
- (p) Executive Order 12163, "Administration of Foreign Assistance and Related Functions," September 29, 1979
- (q) DoD Directive 2140.2, "Recoupment of Nonrecurring Costs (NCs) on Sales of U.S. Items," January 13, 1993
- (r) DoD Instruction 5025.01, "DoD Directives Program," September 26, 2012

¹ Contact the Office of the Director for Strategy, DSCA, (703) 604-6642, for copies of this document.

ENCLOSURE 2

DELEGATIONS OF AUTHORITY

Pursuant to the authority vested in the Secretary of Defense, and subject to the authority, direction, and control of the USD(P), and in accordance with DoD policies and issuances, the Director, DSCA, or in the absence of the Director, the person acting for the Director, is hereby delegated authority as required in the administration and operations of the DSCA to:

a. Exercise the powers vested in the Secretary of Defense by sections 301, 302(b), 3101, and 5107 of title 5, U.S.C. on the employment, direction, and general administration of DSCA civilian personnel.

b. Fix rates of pay of wage-rate employees exempted from the Classification Act of 1949 by section 5102 of title 5, U.S.C. on the basis of rates established under the Federal Wage System. In fixing such rates, the Director, DSCA, shall follow the wage schedule established by the DoD Wage Fixing Authority.

c. Administer oaths of office to those entering the Executive Branch of the Federal Government or any other oath required by law in connection with employment therein, in accordance with section 2903 of title 5, U.S.C., and designate in writing, as may be necessary, officers and employees of the DSCA to perform this function.

d. Establish a DSCA Incentive Awards Board, and pay cash awards to, and incur necessary expenses for the honorary recognition of, civilian employees of the Government whose suggestions, inventions, superior accomplishments, or other personal efforts, including special acts or services, benefit or affect the DSCA, in accordance with section 4503 of title 5, U.S.C.; Office of Personnel Management (OPM) regulations; and DoD 1400.25-M, "Civilian Personnel Manual," December, 1996, Subchapter 451, "Awards".

e. Maintain an official seal and attest to the authenticity of official records under that seal.

f. Use advisory committees and employ temporary or intermittent experts or consultants, as approved by the Secretary of Defense or the Director of Administration and Management, for the performance of DSCA functions, consistent with sections 173 and 174 of title 10, U.S.C.; section 3109(b) of title 5, U.S.C.; the Federal Advisory Committee Act (Appendix 2 of title 5, U.S.C.); and DoDI 5105.04, "Department of Defense Federal Advisory Committee Management Program," August 6, 2007.

g. In accordance with Executive Order 10450, "Security Requirements for Government Employment," April 27, 1953; Executive Order 12968, "Access to Classified Information," August 4, 1995; and DoDD 5200.2, "DoD Personnel Security Program (DoDSP)," April 9, 1999, as appropriate:

(1) Designate any position in the DSCA as a "sensitive" position.

(2) Authorize, in exceptional circumstances where official functions must be performed prior to the completion of an investigation and adjudication process, temporary access to a sensitive position in the DSCA for a limited period to individuals for whom an appropriate investigation is underway.

(3) Initiate personnel security investigations and, if necessary, in the interest of national security, suspend a security clearance for personnel assigned to, detailed to, or employed by the DSCA. Any actions under this paragraph shall be taken in accordance with procedures prescribed in DoD 5200.2-R, "Personnel Security Program," January, 1987.

h. Authorize and approve:

(1) Temporary duty travel for military personnel assigned or detailed to the DSCA in accordance with Joint Federal Travel Regulations, Volume 1, "Uniformed Service Members," current edition.

(2) Travel for DSCA civilian personnel, in accordance with Joint Travel Regulations (JTR), Volume 2, "DoD Civilian Personnel," current edition.

(3) Invitational travel to non-DoD personnel whose consultative, advisory, or other highly specialized technical services are required in a capacity that is directly related to, or in connection with, DSCA activities, in accordance with JTR, Volume 2, "DoD Civilian Personnel."

(4) Overtime work for DSCA civilian personnel in accordance with subchapter V of chapter 55 of title 5, U.S.C. and applicable OPM regulations.

i. Approve the expenditure of funds available for travel by military personnel assigned or detailed to the DSCA for expenses incident to attendance at meetings of technical, scientific, professional, or other similar organizations in such instances when the approval of the Secretary of Defense, or designee, is required by section 412 of title 37, U.S.C. and sections 4110 and 4111 of title 5, U.S.C.

j. Develop, establish, and maintain an active and continuing Records Management Program, pursuant to section 3102 of title 44, U.S.C. and DoDD 5015.2, "DoD Records Management Program," March 6, 2000.

k. Use the Government-Wide Purchase Card for making appropriate purchases of material and services, other than personal services, for the DSCA when it is determined more advantageous and consistent with the best interests of the Government.

l. Authorize the publication of advertisements, notices, or proposals in newspapers, magazines, or other public periodicals, as required for the effective administration and operation of the DSCA, consistent with section 3702 of title 44, U.S.C.

m. Establish and maintain, for the functions assigned, an appropriate publications system for the promulgation of agency regulations, instructions, and reference documents, and changes thereto, similar to the policies and procedures prescribed in DoDI 5025.01, "DoD Directives Program," October 28, 2007.

n. Enter into interdepartmental and intragovernmental support agreements, as the receiver or the supplier, with the other DoD Components, non-DoD Federal Government departments and agencies, and State and local governments, as required for effective performance of DSCA responsibilities and functions, in accordance with section 1535 of title 31, U.S.C. and DoDI 4000.19, "Interservice and Intragovernmental Support," August 9, 1995.

o. Enter into and administer contracts, directly or through a Military Department, a DoD contract administration services component, or other Federal agency, as appropriate, for supplies, equipment, and services required to accomplish the mission of the DSCA. To the extent that any law or Executive order specifically limits the exercise of such authority to persons at the Secretarial level of a Military Department, such authority shall be exercised by the appropriate Under Secretary or Assistant Secretary of Defense.

p. Establish and maintain appropriate property accounts for the DSCA and appoint Boards of Survey, approve reports of survey, relieve personal liability, and drop accountability for DSCA property contained in the authorized property accounts that has been lost, damaged, stolen, destroyed, or otherwise rendered unserviceable, in accordance with applicable laws and regulations.

q. Issue the necessary security regulations for the protection of property and places under the jurisdiction of the Director, DSCA, pursuant to DoDI 5200.08, "Security of DoD Installations and Resources and the DoD Physical Security Review Board (PSRB)," December 10, 2005.

r. Lease property under the control of the DSCA, under terms that will promote the national defense or that will be in the public interest, pursuant to section 2667 of title 10, U.S.C.

s. Exercise the authority delegated to the Secretary of Defense by the Administrator of the General Services Administration under Federal Management Regulation 102-75.1055 for the disposal of surplus personal property.

t. Redelegate these authorities, as appropriate, and in writing, except as otherwise specifically indicated in this Directive or as otherwise provided by law or regulation.

GLOSSARY

PART I. ABBREVIATIONS AND ACRONYMS

ASD(LA)	Assistant Secretary of Defense for Legislative Affairs
ASD(SO/LIC)	Assistant Secretary of Defense for Special Operations and Low Intensity Conflict
DATTs	Defense attachés
DIA	Defense Intelligence Agency
DoDD	DoD Directive
DoDI	DoD Instruction
DSCA	Defense Security Cooperation Agency
FMS	foreign military sales
GC, DoD	General Counsel of the Department of Defense
JTR	Joint Travel Regulations
NC	nonrecurring cost
OHDACA	Overseas Humanitarian Disaster and Civic Aid
OPM	Office of Personnel Management
OUSD(AT&L)	Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics
SCO	Security Cooperation Organization
SCSG	Security Cooperation Steering Group
SDO/DATT	Senior Defense Official/Defense Attaché
SPSG	Strategic Planning Support Group
TSFDO	Technology Security and Foreign Disclosure Office
U.S.C.	United States Code
USD(AT&L)	Under Secretary of Defense for Acquisition, Technology, and Logistics

USD(C)/CFO Under Secretary of Defense (Comptroller)/Chief Financial Officer,
Department of Defense

USD(I) Under Secretary of Defense for Intelligence

USD(P) Under Secretary of Defense for Policy