

## **LOA DOCUMENT PROCESSING PROCEDURES FOR EMERGENCY/IMMEDIATE SUPPORT FOR ON-GOING COMBAT OPERATIONS**

The purpose of this paper is to identify the procedures by which DSCA will process emergency 36(b) Notifications, LOAs, Amendments, and Modifications in support of on-going combat operations.

### **36(b) NOTIFICATIONS PROCEDURES**

Requirements for Congressional Notification will not be waived. Emergency notifications per AECA, Section 36(b) will occur simultaneously with LOA preparation. Emergency 36(b) notifications allow delivery before the 15/30-day time constraints are finished, with a Presidential Determination (Section 614, FAA) and the appropriate language in the notification.

There are new reporting levels, effective 1 October 2002:

- 30-day notification period (15-day for NATO and its agencies)
  - \$ 14 million for MDE
  - \$ 50 million for other articles/services
  - \$200 million for construction services (\$300 million for enhancement of these services – 36(b)(5)(A) & 36(b)(5)(C))
- 15-day notification period (NATO member countries, Australia, New Zealand, and Japan)
  - \$ 25 million for MDE
  - \$100 million for other articles/services
  - \$200 million for construction services (\$300 million for enhancement of these services – 36(b)(5)(A) & 36(b)(5)(C))

The following procedures will be in support of on-going combat operations:

- A copy of all LORs received by the MILDEP for on-going support should be forwarded to DSCA in accordance with existing policy. MILDEP expedites the preparation and staffing of the Congressional Notification Package to DSCA.
- All applicable 36(b) documents, Military Justification Data, Sensitivity of Technology and applicable Offset Agreement data submitted to DSCA will be clearly identified as being processed in support of on-going combat operations.
- DSCA expedites the preparation and staffing of the Congressional Notification Package to State Department (the 20-day Advance/Informal notification process will be waived.)

- State Department expedites the staffing, pre-consultations, and Presidential Determination (PD) for the Congressional Notification.
- After State Department receives the PD from the White House, they fax the PD and State clearance to DSCA for processing. The PD is attached to the Formal Congressional Notification Package to the Hill, then the LOA can be countersigned.

### LOA PROCEDURES

A copy of all LORs received by the military departments for on-going combat support must be forwarded to DSCA in accordance with existing policy.

All applicable documents, whether a basic case, Amendment, or Modification, submitted to DSCA must be clearly identified as being processed in support of on-going combat operations. The e-mail submitting the document for coordination/countersignature should include this information in the subject line.

Implementing Agencies should submit emergency documents to DSCA, using the electronic countersignature system (e-mail) during normal duty hours, whenever possible. After normal duty hours, emergency cases must be processed via "hardcopy." See After Normal Duty Hours, below. Regardless of whether the emergency case is being processed using electronic or hardcopy procedures, the following coordinations are ALWAYS required:

- MEAN/ERASA - The Country Program Director (CPD) (or backup) must coordinate on all documents
- P<sup>3</sup> - A policy chop is required for any documents containing EDA, STINGERS, unique notes, etc. (per existing LOA processing procedures). A policy chop is also required on all Modifications that would under normal circumstances have been accomplished using an Amendment or new LOA (e.g., those that change scope). After hours POCs for P<sup>3</sup> chops are Steve Harris, (703) 313-7903 or Beth Baker, (703) 425-9535.
- COMPT-FM - The Country Finance Director (CFD) (or backup) must coordinate on all documents. If the case is FMF funded, commitments must be obtained prior to approval. After hours POC for COMPT-FM chops is Art Hotop, (703) 978-6867.

If the case is financed completely or partially with FMF and it contains MDE items (or non-MDE items defined to be aircraft, ships, missiles, or combat vehicles), a Program Content Notification may be required. This must be accomplished prior to countersignature. If it was reported (quantity, not money) in the classified portion of the CBJ, a Program Content Notification is not required.

Once all DSCA coordinations have been accomplished, State Department approval must be obtained. During regular duty hours, COMPT-RM will be responsible for contacting State Department. In the case of an emergency during non-duty hours, the CPD should contact State (PM/RSAT) for clearance, in the following order:

Dave Quinn (office phone 202-647-8145)  
Monday through Thursday - (703) 924-6819  
e-mail - [quinndavid@starpower.net](mailto:quinndavid@starpower.net)  
Friday through Sunday - (301) 294-9368  
e-mail - [axelvipier@aol.com](mailto:axelvipier@aol.com)  
Cell phone - (703) 477-3394

Mike Slack (office phone 202-647-2882)  
(703) 914-8842  
e-mail - [mdslack@aol.com](mailto:mdslack@aol.com)

After State has approved the case, COMPT-RM will update DSAMS with DSCA approval. The DSCA CPD should countersign Hardcopy emergency cases processed during non-duty hours. A hardcopy of the case must be given to COMPT-RM the following day for further processing and DSAMS update. If problems are found, a Modification can be issued to fix the errors found.

Basic cases, Amendments, and Modifications supporting on-going combat operations will not be processed through the Automatic State Department Approval (ASDA). The ASDA does not allow DSCA coordination of the cases.

Existing rules for when Amendments, Modifications, or new LOAs are appropriate will still be followed. 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 Amendments may be approved 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 cases/lines to be impacted.
- The cover memorandum (sent by the MILDEP as part of the electronic package) must include an explanation for the extenuating circumstances that necessitate using a Modification vice an Amendment.
- The Modification document will be fully coordinated in DSCA to include Policy, Plans & Programs (P<sup>3</sup>). Modifications do not, normally, require State Department approval. Under circumstances where we are adding scope to an existing program, however, these Modifications will require State Department approval.

#### After Normal Duty Hours

As stated above, after normal duty hours documents should be processed "hard copy." In lieu of a "hard copy," the document can be pulled up and reviewed in DSAMS. The country desk can obtain the required DSCA and Department of State approvals (as stated above) by phone.

The country desk notifies the Implementing Agency to 1) print the LOA in DSAMS and 2) add by typewriter on the countersignature section "DSCA reviewed/approved" and the date. The LOA can then be signed by the Implementing Agency and offered to the purchaser. By the following workday, a PDF copy of this document should be sent to DSCA/COMPT-RM (e-mail address loa-dsca@dsca.mil) who must obtain the official required coordination and approvals and arrange for a "Data Fix" in DSAMS.

If assistance is needed on the above procedures call:

Beverly Rexrode (703) 604-6549

Janet Hurd: (703) 604-6575

Paula Murphy: (703) 604-6576

Prepared by: DSAA/COMPT-RM, P. Murphy/J. Hurd , 3 February 2003