



# Department of Defense **INSTRUCTION**

**NUMBER 5100.76**

February 28, 2014

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USD(I)

**SUBJECT:** Safeguarding Sensitive Conventional Arms, Ammunition, and Explosives (AA&E)

**References:** See Enclosure 1

1. **PURPOSE.** This instruction reissues DoD Instruction (DoDI) 5100.76 (Reference (a)), in accordance with the authority in DoD Directive (DoDD) 5143.01 (Reference (b)), to establish policy, assign responsibilities, and provide procedures for the formulation of uniform policy, standards, and guidance for the physical security of sensitive conventional AA&E, herein referred to as "AA&E," in the possession or custody of the DoD Components, DoD contractors, and under foreign military sales or security cooperation programs as outlined in Defense Security Cooperation Agency Manual 5105.38-M (Reference (c)).

2. **APPLICABILITY.** This instruction applies to:

a. 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 (referred to collectively in this instruction as the "DoD Components").

b. Working groups and organizations formed to improve the oversight, management, control, safety, and security of AA&E throughout the DoD logistics chain as addressed in the Under Secretary of Defense for Acquisition, Technology, and Logistics (USD(AT&L)) Memorandum (Reference (d)).

c. The procurement, use, shipment, storage, inventory control, disposal by sale, or destruction of AA&E designated as Security Risk Categories (SRC) I-IV, as described and categorized in Reference (h).

d. All DoD contracts for which performance depends on or affords access to DoD AA&E.

e. The protection of AA&E for cooperative research, development agreements, and memorandums of agreement with other research partners and government agencies that involve furnished DoD AA&E.

3. POLICY. It is DoD policy that the security of AA&E is of the highest importance to the DoD. If AA&E is compromised, sabotaged, stolen, misused or vulnerable to malicious mischief or acts of terrorism, subversion, criminal elements, or other acts of willful interference, it has the potential to jeopardize the safety and security of personnel, activities, missions, and installations worldwide. Continuous program and policy oversight is required to ensure protection of AA&E within the DoD.

4. RESPONSIBILITIES. See Enclosure 2.

5. PROCEDURES. See Enclosure 3.

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

7. EFFECTIVE DATE. This instruction:

a. Is effective February 28, 2014.

b. Must be reissued, cancelled, or certified current within 5 years of its publication to be considered current in accordance with DoDI 5025.01 (Reference (e)).

c. Will expire effective February 28, 2024 and be removed from the DoD Issuances Website if it hasn't been reissued or cancelled in accordance with Reference (e).



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Enclosures

1. References
2. Responsibilities
3. Procedures

Glossary

TABLE OF CONTENTS

ENCLOSURE 1: REFERENCES.....4

ENCLOSURE 2: RESPONSIBILITIES.....5

    UNDER SECRETARY OF DEFENSE FOR INTELLIGENCE (USD(I)).....5

    DIRECTOR, DEFENSE INTELLIGENCE AGENCY (DIA).....5

    DIRECTOR, DEFENSE SECURITY SERVICE (DSS).....5

    USD(AT&L).....6

    DoD COMPONENT HEADS.....6

ENCLOSURE 3: PROCEDURES.....8

    GENERAL.....8

    TRANSFERS.....8

    EXPLOSIVE SAFETY.....8

GLOSSARY .....9

    PART I: ABBREVIATIONS AND ACRONYMS .....9

    PART II: DEFINITIONS.....9

ENCLOSURE 1

REFERENCES

- (a) DoD Instruction 5100.76, "Safeguarding Conventional Arms, Ammunition, and Explosives (AA&E)," May 20, 2010 (hereby cancelled)
- (b) DoD Directive 5143.01, "Under Secretary of Defense for Intelligence (USD(I)),  
November 23, 2005
- (c) Defense Security Cooperation Agency Manual 5105.38-M, "Security Assistance Management Manual," current edition
- (d) Under Secretary of Defense for Acquisition, Technology, and Logistics Memorandum, "Department of Defense Strategic Plan for the Distribution of Arms, Ammunition and Explosives," May 2004
- (e) DoD Instruction 5025.01, "DoD Issuance Program," September 26, 2012, as amended
- (f) Defense Federal Acquisition Regulation Supplement (DFARS), Subpart 223.72, "Safeguarding Sensitive Conventional Arms, Ammunition, and Explosives," current edition
- (g) DoD Instruction 5230.29, "Security and Policy Review of DoD Information for Public Release," January 8, 2009
- (h) DoD 5100.76-M, "Physical Security of Sensitive Conventional Arms, Ammunition, and Explosives," April 17, 2012
- (i) DoD Manual 4140.01, Volume 5, "DoD Supply Chain Materiel Management Procedures: Delivery of Materiel," February 10, 2014
- (j) DoD Instruction 6055.07, "Mishap Notification, Investigation, Reporting and Record Keeping," June 6, 2011
- (k) Defense Transportation Regulation 4500.9-R, "Defense Transportation Regulation, Part II, Cargo Movement," current edition
- (l) DoD 5200.08-R, "Physical Security Program," April 9, 2007, as amended
- (m) DoD Instruction 5010.40, "Managers' Internal Control Program Procedures," May 30, 2013
- (n) DoD Instruction 2040.02, "International Transfers of Technology, Articles, and Services," July 10, 2008
- (o) DoD Instruction 2030.08, "Implementation of Trade Security Controls (TSC) for Transfers of DoD U.S. Munitions List (USML) and Commerce Control List (CCL) Personal Property to Parties Outside DoD Control," May 23, 2006
- (p) DoD Directive 5230.20, "Visits and Assignments of Foreign Nationals," June 22, 2005
- (q) DoD 6055.09-M, Volumes 1-8, "DoD Ammunition and Explosives Safety Standards: General Explosives Safety Information and Requirements," dates vary by volume
- (r) DoD Instruction 6055.16, "Explosives Safety Management Program," July 29, 2008, as amended
- (s) Joint Publication 1-02, "Department of Defense Dictionary of Military and Associated Terms," current edition

ENCLOSURE 2

RESPONSIBILITIES

1. UNDER SECRETARY OF DEFENSE FOR INTELLIGENCE (USD(I)). The USD(I) as the senior DoD official with the authority and responsibility for the establishment of uniform DoD physical security policy (except for nuclear, chemical, and biological matters):

a. Develops DoD guidance establishing the minimum security standards for safeguarding AA&E and facilities that maintain AA&E.

b. Establishes policies, standards, and procedures governing the physical security of AA&E and their effective and uniform implementation.

c. Coordinates the security of AA&E distribution and transportation with the Under Secretary of Defense for Acquisition, Technology, and Logistics (USD(AT&L)).

2. DIRECTOR, DEFENSE INTELLIGENCE AGENCY (DIA). Under the authority direction and control of USD(I), the Director, DIA, must:

a. Produce a multidisciplinary threat assessment triennially, or more frequently if required based on changes in assets or threat situations, foreign military conventional and special operations, foreign intelligence and security services, terrorism, criminal activity, information operations, sabotage, and proliferation threats related to AA&E.

b. Coordinate with USD(I) for the distribution of threat assessments to DoD Components responsible for the protection of AA&E.

3. DIRECTOR, DEFENSE SECURITY SERVICE (DSS). Under the authority, direction, and control of the USD(I), the Director, DSS, must:

a. Conduct pre-award surveys and inspections of contractor-owned, contractor-operated (COCO) facilities that maintain AA&E when the DoD Component and DSS have agreed that DSS will assume cognizance of surveys and inspections through a memorandum of understanding.

b. Verify safeguarding of AA&E relating to performance under DoD contracts and in the possession or custody of COCO facilities that maintain AA&E (DoD prime contractors or subcontractors) under DSS cognizance through an AA&E physical security inspection program.

4. USD(AT&L). The USD(AT&L) must:

a. Maintain the Defense Federal Acquisition Regulation Supplement Subpart 233.72 (Reference (f)) by identifying contractor compliance with Reference (h). The contractor will comply with the requirements of Reference (h) as specified in the statement of work that sets forth the requirements and criteria for the physical security of AA&E. The edition of Reference (h) in effect on the date of issuance of the solicitation for this contract will apply.

b. Establish that the contractor in possession of or has custody of AA&E must allow DSS and other government representatives access to its facilities and records for the purpose of surveys, inspections, and investigations necessary to review compliance of applicable contracts and subcontracts with requirements to protect AA&E.

5. DoD COMPONENT HEADS. DoD Component heads must:

a. Oversee, within their respective Components, compliance with the policy established in this instruction to include planning and programming fiscal and personnel resources necessary to implement this instruction.

b. Conduct pre-award surveys and inspections of government-owned, contractor-operated (GOCO) facilities that maintain AA&E. Establish a memorandum of understanding with the Director, DSS, to assume and provide cognizance responsibility for GOCO facility surveys and inspections, if applicable, to ensure that AA&E is adequately safeguarded.

c. Conduct pre-award surveys and inspections of COCO facilities that maintain AA&E. Establish memorandum of understanding with the Director, DSS, to assume and provide cognizance responsibility for COCO facility surveys and inspections, if applicable, to ensure that AA&E is adequately safeguarded.

d. Coordinate public releases of the information pertaining to AA&E security incidents and issues with the Office of the Under Secretary of Intelligence (OUSDI), Defense Office of Prepublication and Security Review, Washington Headquarters Services in accordance with DoDI 5230.29 (Reference (g)). Once information has been cleared for public release by the Office of Security Review, the DoD Component heads must coordinate with the Assistant to the Secretary of Defense for Public Affairs prior to release.

e. Conduct a specific threat analysis and vulnerability assessment at each AA&E facility prior to its occupation, use, or major renovation. The threat analysis and vulnerability assessment is updated annually or more frequently as new threats or vulnerabilities become known. The vulnerability assessment must include specific threats, a capabilities-based threat assessment, physical security surveys and inspection, security measures, and results of security and response force exercises.

f. Implement processes and procedures to assess and evaluate appropriate security measures for protecting AA&E based on continuous threat assessments, force protection condition levels,

physical security surveys and inspection, and vulnerability assessments. DoD Components will also use risk management principles for mitigating, reducing, or eliminating risks to the physical security of AA&E.

- g. Report AA&E that is lost, missing, or stolen to OUSD(I), Security Policy and Oversight Directorate in accordance with DoD 5100.76-M (Reference (h)).
- h. Develop and implement security plans and policies that include security measures designed to ensure all AA&E under their control is safeguarded against loss, theft, diversion, and unauthorized access or use.
- i. Require that contractual requirements provide for the protection of AA&E in accordance with Reference (c) and Reference (f).
- j. Establish procedures to clearly define methods and requirements for the accountability and control of AA&E in accordance with DoD 4140.1-R (Reference (i)).
- k. Accept AA&E shipments, at any time, for safe haven or after normal duty hours for secure hold as outlined in this instruction and Reference (h).
- l. Establish procedures and coordinated response plans for accidents or incidents involving AA&E that include memoranda of understanding or agreements with non-DoD Federal agencies in accordance with to DoDI 6055.07 (Reference (j)).
- m. Submit reports pertaining to mishaps involving AA&E in accordance with Reference (j).
- n. Maintain a program to record, review, and track approved waivers and deviations from minimum AA&E physical and transportation security standards prescribed in this instruction and Reference (h).

ENCLOSURE 3

PROCEDURES

1. GENERAL

a. AA&E must be safeguarded against theft, loss, sabotage, damage, or unauthorized use in accordance with minimum standards outlined in Reference (h) and DoD 5200.08-R (Reference (l)).

b. DoD installations must accept AA&E shipments for safe haven or secure hold regardless of arrival time or final destination. If safe haven or secure hold cannot be provided, the DoD activity will provide, in coordination with civil law enforcement authorities, assistance and escort to a suitable location. Protection of shipment will be commensurate with the sensitivity of the AA&E. Under safe haven conditions or secure hold, explosive safety quantity distance requirements must be considered, but these requirements will not eliminate the responsibility to provide safe haven or secure hold to mitigate shipment vulnerability.

c. Material weaknesses will be reported in accordance with DoDI 5010.40 (Reference (m)).

2. TRANSFERS

a. Export control requirements for AA&E must be implemented in accordance with DoDI 2040.02 (Reference (n)).

b. Transfers of AA&E outside of DoD control must be implemented in accordance with DoDI 2030.08 (Reference (o)) to ensure compliance with U.S. laws and DoD policy related to transfers, including ultimate disposal or sale, of DoD personal property outside of DoD control.

c. Visits and assignments with foreign nationals will be processed in accordance with DoDD 5230.20 (Reference (p)).

3. EXPLOSIVE SAFETY. AA&E will be stored and transported in accordance with the explosive safety requirements in DoD 6055.09-M, Volumes 1-8 (Reference (q)). Reference (q) and DoDI 6055.16 (Reference (r)), as implemented by the DoD Components heads, establish acceptable levels of protection for accidental explosions of AA&E. The explosive safety and physical security of AA&E address hazards associated with unique events; therefore, they specify different levels of protection. Compliance with both standards is required. Where conflicts arise, the more stringent criteria will govern.

GLOSSARY

PART I. ABBREVIATIONS AND ACRONYMS

AA&E	arms, ammunition, and explosives
COCO	contractor-owned, contractor-operated
DIA	Defense Intelligence Agency
DoDD	DoD Directive
DoDI	DoD Instruction
DSS	Defense Security Service
GOCO	government-owned, contractor-operated
OUUSD(I)	Office of the Under Secretary of Defense for Intelligence
USD(AT&L)	Under Secretary of Defense for Acquisition, Technology, and Logistics
USD(I)	Under Secretary of Defense for Intelligence

PART II. DEFINITIONS

Unless otherwise noted, these terms and their definitions are for the purpose of this instruction.

ammunition. A device charged with explosive, propellants, and pyrotechnics, initiating composition, riot control agents, chemical herbicides, smoke, and flame for the use in connection with defense or offense, including demolition. Excluded from this definition are devices charged with chemical agents, defined in Joint Publication 1-02 (Reference (s)), and nuclear and biological material. Ammunition including cartridges, projectiles, including missile rounds, grenades, mines, and pyrotechnics together with bullets, shot, and necessary primers, propellants, fuses, and detonators individually or having unit of issue, container, or package weight of 100 pounds or less. Blank, inert training ammunition and rim-fire ammunition are excluded.

arms. A weapon that will, or is designed to, expel a projectile or flame by the action of the explosive and the frame or receiver of any such weapon.

exception. An approved deviation from the minimum standards of this instruction and References (h) when those standards cannot be met. When standards cannot be met,

compensatory measures are required to provide security equivalent to the standards mandated therein.

explosives. Any chemical compound, mixture, or device, the primary or common purpose of which is to function by explosion. The term includes, but is not limited to, individual land mines, demolition charges, blocks of explosives (dynamite, trinitrotoluene, C-4, and other high explosives), and other explosives consisting of 10 pounds or more; for example, gunpowder or nitroguanidine.

force protection conditions. A DoD-approved system standardizing the DoD's identification, recommended preventive actions, and responses to terrorist threats against U.S. personnel and facilities. This system is the principal means for a commander to apply an operational decision on how to protect against terrorism and facilitates inter-Service coordination and support for antiterrorism activities.

installation. Real DoD properties including bases, stations, forts (including National Guard and Federal Reserve Centers), depots, arsenals, plants (both contractor and United States Government-operated), hospitals, terminals, and other special mission facilities, as well as those used primarily for military purposes.

physical security inspection. A formal recorded compliance of physical procedures and measures implemented by a unit or activity to protect its assets.

physical security survey. A formal recorded assessment of an installation physical security program.

risk. A measure of consequence of peril, hazard, or loss, which is incurred from a capable aggressor or the environment (the presence of a threat and unmitigated vulnerability).

risk management. As defined in Reference (s).

safe haven. On-installation parking for emergency situations such as, but not limited to, vehicle breakdown, driver illness, terrorist or criminal suspicious activity, civil disturbance, or natural disaster.

security forces. Includes armed personnel that can include DoD military and civilian security guards; police (including contract security personnel); and State, local, campus security officers.

sensitive conventional AA&E. Those conventional AA&E items designated as SRC I-IV, as described and categorized in Reference (h), which have the characteristics that require they be identified, accounted for, segregated, or handled in a special manner to ensure a high degree of protection and control.

secure hold. On-installation parking for after-hours AA&E arrivals during non-emergency circumstances. Secure hold must meet constant surveillance requirements through either driver attended, installation security forces, or enclosed fenced area with monitored CCTV.

threat analysis. The continual process of compiling and examining all available information concerning the capability, activity, and intention of potential aggressors, which supports the deployment and degree of countermeasure requirements to address the perceived threat.

threat assessment. A resultant product of the defined process used to conduct a threat analysis and develop an evaluation of a potential threat. It is the product of a threat analysis for a particular unit, installation, or activity.

vulnerability assessment. The comprehensive evaluation of an installation, facility, or activities to determine preparedness to deter, withstand, or recover from the full range of adversarial capabilities based on the threat assessment, compliance with protective standards and risk management.