



Department of Defense DIRECTIVE

NUMBER 5105.38

August 10, 1978

ASD(C)

SUBJECT: Defense Security Assistance Agency (DSAA)

- References: (a) DoD Directive 5105.38, "Defense Security Assistance Agency," August 11, 1971 (hereby canceled)
- (b) The Foreign Assistance Act of 1961, as amended
 - (c) The Arms Export Control Act, as amended
 - (d) through (h) see enclosure E3.

1. REISSUANCE AND PURPOSE

Pursuant to authority vested in the Secretary of Defense under the provisions of title 10, United States Code, this Directive reissues reference (a), establishes the Defense Security Assistance Agency (hereafter referred to as "DSAA") and defines responsibilities, functions, authorities and relationships of DSAA as outlined below.

2. MISSION

DSAA shall direct, administer, and supervise the execution of security assistance programs. "Security assistance" as used in this Directives refers to the responsibilities of the Secretary of Defense under the Foreign Assistance Act of 1961, as amended (reference (b)), the Arms Export Control Act, as amended (reference (c)), related statutory authorities and Executive Orders and Directives relating to the administration of Military Assistance, International Military Education and Training, credit financing and Foreign Military Sales (references (d), (e), (f)).

3. ORGANIZATION AND MANAGEMENT

3.1. DSAA is established as a separate agency of the Department of Defense

under the direction, authority and control of the Assistant Secretary of Defense (International Security Affairs) (hereinafter referred to as "ASD(ISA)").

3.2. DSAA shall consist of a Director and such subordinate organizational elements as are established by the Director within resources authorized by the Secretary of Defense.

3.3. The Director, DSAA, may also serve as Deputy Assistant Secretary of Defense (Security Assistance) in the Office of the ASD(ISA).

4. RESPONSIBILITIES AND FUNCTIONS

4.1. The Director, DSAA, shall:

4.1.1. Organize, direct and manage the DSAA and all resources assigned to the DSAA.

4.1.2. Direct, administer, and supervise, within the policies established by the ASD(ISA), Security Assistance planning and programs. The administration of sales programs may be delegated in whole or in part to the Military Departments, but such administration will be under the direction and supervision of the DSAA.

4.1.3. Supervise formulation of detailed Security Assistance programs in accordance with approved guidance and policies.

4.1.4. Coordinate the formulation and execution of Security Assistance programs with other Governmental Agencies under the guidance of the ASD(ISA).

4.1.5. Review evaluations of Security Assistance program administration, including responsibility with respect to GAO and other audits.

4.1.6. Conduct international logistics and sales negotiations with foreign countries, as directed by the ASD(ISA) and in coordination with the Under Secretary of Defense for Research and Engineering and the Assistant Secretary of Defense (Manpower, Reserve Affairs and Logistics), as appropriate.

4.1.7. Serve as DoD focal point for liaison with U.S. industry with respect to Security Assistance activities.

4.1.8. Manage the credit financing program, including the conclusion of

credit agreements and the issuance of guaranties.

4.1.9. Develop and promulgate Security Assistance procedures (MASM) 5105.38-M (reference (g)).

4.1.10. Supervise and perform, as appropriate, accounting and reporting functions for Security Assistance programs.

4.1.11. Develop and operate the data processing system and maintain the worldwide data base required by all levels of management for the Security Assistance program.

4.1.12. Maintain liaison with Congress on Security Assistance legislation and related matters and provide support to the ASD(ISA) for the presentation of the annual Security Assistance program before the Congress.

4.1.13. Provide data support for the annual Security Assistance budget for inclusion in the President's budget.

4.1.14. Keep the Joint Chiefs of Staff and the Commanders of the Unified Commands fully informed of Security Assistance matters.

4.1.15. Direct and supervise organization, functions, and staffing of DoD elements in foreign countries responsible for managing Security Assistance programs.

4.1.16. Perform such other functions as assigned by the ASD(ISA).

4.2. The ASD(ISA) shall:

4.2.1. Establish DoD Security Assistance policies.

4.2.2. Coordinate the activities of DoD Components related to Security Assistance affairs.

4.2.3. Serve as the principal DoD point of contact and spokesman regarding Security Assistance policy, representing the DoD with other Governmental Agencies with respect to such matters.

4.3. The basic responsibilities and functions of other DoD Components relating to Security Assistance remain as assigned in DoD Directive 5132.3 (reference (d)).

5. AUTHORITY

The Director, DSAA, is specifically delegated authority to:

5.1. Have free and unrestricted access to, and direct communication with, all elements of the Department of Defense and other Executive Departments and Agencies as necessary. All ASD(ISA) and DSAA Security Assistance directives and communications to the Unified and Specified Commands, the Military Departments, and the Military Assistance Advisory Groups, which have military operational implications, shall be coordinated with the Joint Chiefs of Staff. Conversely, all Joint Chiefs of Staff directives and communications to the Unified and Specified Commands or the Military Departments, which pertain to Security Assistance affairs, shall be coordinated with the ASD(ISA).

5.2. Obtain such information, consistent with the policies and criteria of DoD Directive 5000.19 (reference (h)), advice, and assistance from other DoD components as may be necessary for the performance of assigned functions and responsibilities.

5.3. Exercise the redelegation of authority contained in enclosures E1. and E2. of this Directive.

6. RELATIONSHIPS

6.1. In the performance of his functions, the Director, DSAA shall:

6.1.1. Maintain appropriate liaison with other DoD Components for the exchange of information on programs in the field of assigned responsibilities.

6.1.2. Make use of established facilities and services in the DoD or other Governmental Agencies wherever practicable to achieve maximum efficiency and economy.

6.1.3. 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 Assistant Secretary of Defense (Comptroller).

6.2. The Military Departments and other DoD Components shall provide support, within their respective fields of responsibility, to the Director, DSAA, to assist in

carrying out assigned responsibilities and functions of DSAA.

7. ADMINISTRATION

7.1. The Director, DSAA, shall be appointed by the Secretary of Defense.

7.2. The appointment of other personnel to the Agency will be subject to the approval of the Director, DSAA, and the ASD(ISA).

7.3. DSAA will be authorized such personnel, facilities, funds, and other administrative support as the Secretary of Defense deems necessary.

7.4. The Military Departments will assign military personnel to DSAA in accordance with approved authorizations and procedures for assignment to joint duty.

8. EFFECTIVE DATE

This Directive is effective immediately



C. W. DUNCAN, JR.
Deputy Secretary of Defense

Enclosures - 3

1. SecDef Memo, Subj: Delegation of Authority Relating to Security Assistance, Feb 12, 1972
2. ASD(ISA) Memo, Subj: Redlegation of Authority Relating to Security Assistance, Feb 24, 1972
3. References

E1. ENCLOSURE 1
THE SECRETARY OF DEFENSE
WASHINGTON D C 20301

12 Feb 1972

MEMORANDUM FOR THE ASSISTANT SECRETARY OF DEFENSE
(INTERNATIONAL SECURITY AFFAIRS)

SUBJECT: Delegation of Authority Relating to Security Assistance

Notwithstanding paragraph V.A.* of Department of Defense Directive 5105.38, the statutory functions of making findings, determinations, certifications, and waivers under the Foreign Assistance Act of 1961 (P.L. 87-195), as amended, the Special Foreign Assistance Act of 1971 (P.L. 91-652), as amended, the Foreign Military Sales Act (90-629), as amended, and the Foreign Military Sales Act Amendments of 1971 (P.L. 91-672), as amended, which are vested directly in the Secretary of Defense or delegated to him by Executive Order are delegated, or redelegated, to the Assistant Secretary of Defense, International Security Affairs, with authorization to redelegate in whole or in part (excluding any function which by specific statutory provision may be exercised only by the Secretary, Deputy Secretary, or an Assistant Secretary of Defense) to any official of the Department of Defense.

/s/Melvin R. Laird

*Refers to section D.1. in this reissued directive.

E2. ENCLOSURE 2



ASSISTANT SECRETARY OF DEFENSE
WASHINGTON, D.C. 20301

INTERNATIONAL SECURITY AFFAIRS

24 Feb 1972
In reply refer to:
I-3101/72

MEMORANDUM FOR THE DIRECTOR, DEFENSE SECURITY ASSISTANCE AGENCY

SUBJECT: Redlegation of Authority Relating to Security Assistance

Pursuant to the authority vested in me by the memorandum, dated February 12, 1972, to the Assistant Secretary of Defense (International Security Affairs) from the Secretary of Defense (a copy of which is attached), all statutory functions thereby delegated or redelegated to the Assistant Secretary of Defense, International Security Affairs, with the exception of the function specified in subsection 509(b) of the Foreign Assistance Act of 1961, as amended, are redelegated to the Director, Defense Security Assistance Agency, or in his absence, the Deputy Director, without authorization to redelegate.

Pursuant to paragraph V.B.* of Department of Defense Directive 5105.38, any request for the approval of the Department of State and the Department of the Treasury of a proposed credit sale, with attached justification, will hereafter be transmitted only over the signature of the Assistant Secretary of Defense, International Security Affairs, or in his absence, over that of the Principal Deputy Assistant Secretary of Defense, International Security Affairs.

/s/G. Warren Nutter

*Refers to section D.2. in this revised directive.

E3. ENCLOSURE 3

REFERENCES

- (d) [DoD Directive 5132.3](#), "Department of Defense Policy and Responsibilities Relating to Security Assistance," December 20, 1972
- (e) [DoD Directive 5100.27](#), "Delineation of International Logistics Responsibilities," December 29, 1964
- (f) [DoD Directive 5105.20](#), "Defense Representation, United States Mission to the North Atlantic Treaty Organization (NATO) and Europe," November 16, 1972
- (g) DoD Manual 5105.38-M, "Military Assistance and Sales," August 24, 1973
- (h) DoD Directive 5000.19, "Policies for the Management and Control of Information Requirements," March 12, 1976