



Department of Defense INSTRUCTION

NUMBER 4140.66
October 15, 2009

USD(P)

SUBJECT: Registration and Monitoring of Defense Articles

References: See Enclosure 1

1. **PURPOSE.** Under the authority of DoD Directive 5111.1 (Reference (a)) and Deputy Secretary of Defense Memorandum (Reference (b)), this Instruction:

a. Establishes policy, assigns responsibilities, and sets forth procedures in accordance with section 1228 of Public Law 110-181 and Assistant Secretary of Defense for Global Strategic Affairs Memorandum (References (c) and (d)), to certify the establishment of a registration and monitoring system for controlling the export and/or transfer of defense articles to specified countries and/or to other groups, organizations, citizens, or residents of those countries.

b. Designates the Defense Security Cooperation Agency (DSCA) as the DoD Lead Agent responsible for:

(1) Developing, implementing, and enforcing the registration and monitoring policy pursuant to this Instruction.

(2) Managing and implementing the Golden Sentry End Use Monitoring Program of all government-to-government transfers of defense articles, defense services, and related technologies.

c. Incorporates and cancels Directive-Type Memorandum (DTM) 08-041 (Reference (e)).

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 Department of Defense (hereafter referred to collectively as the "DoD Components").

b. All DoD-managed government-to-government transfers or exports of defense articles and services to groups, organizations, citizens, or residents of Iraq and Afghanistan (hereafter referred to collectively as “Iraq” and/or “Afghanistan”).

3. DEFINITIONS. See Glossary.

4. POLICY. It is DoD policy that:

a. Defense articles are provided to Iraq and Afghanistan when it is in the national security interests of the United States to do so, including in support of the conduct of effective overseas contingency operations. Exchanges and transfers for substantial benefits and donations as approved by the Deputy Under Secretary of Defense for Logistics and Materiel Readiness (DUSD(L&MR)); the Commander, Multi-National Force-Iraq; the Commander, Combined Security Transition Command-Afghanistan; and follow-on commands as delegated by the DUSD(L&MR) are also permitted.

b. A registration and monitoring system to control the export and transfer of defense articles to Iraq and Afghanistan shall be implemented pursuant to References (c) and (d).

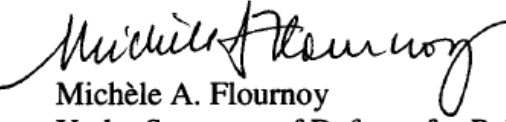
5. RESPONSIBILITIES. See Enclosure 2.

6. PROCEDURES. See Enclosure 3.

7. INFORMATION REQUIREMENTS. The quarterly report referred to in paragraph 3.d. of Enclosure 2 has been assigned report control symbol RCS DD-POL(Q)2334 in accordance with DoD 8910.1-M (Reference (f)).

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

9. EFFECTIVE DATE. This Instruction is effective immediately.


Michèle A. Flournoy
Under Secretary of Defense for Policy

Enclosures

1. References
 2. Responsibilities
 3. Procedures for Certification of Registration and Monitoring Systems for Defense Articles Provided to Iraq or Afghanistan
- Glossary

ENCLOSURE 1

REFERENCES

- (a) DoD Directive 5111.1, "Under Secretary of Defense for Policy (USD(P)),
December 8, 1999
- (b) Deputy Secretary of Defense Memorandum, "Delegation of Authority,"
November 30, 2006
- (c) Section 1228 of Public Law 110-181, "National Defense Authorization Act for Fiscal Year
2008," January 28, 2008
- (d) Assistant Secretary of Defense for Global Strategic Affairs Memorandum, "Registration
and Monitoring of Defense Articles in Afghanistan," January 29, 2009¹
- (e) Directive-Type Memorandum 08-041, "DoD Registration and Monitoring of Defense
Articles and Services Provided to Iraq," September 25, 2008 (hereby canceled)
- (f) DoD 8910.1-M, "Department of Defense Procedures for Management of Information
Requirements," June 30, 1998
- (g) Sections 2403, 2753, and 2785 of title 22, United States Code
- (h) Part 121 of title 22, Code of Federal Regulations

¹ To obtain a copy of this Memorandum, contact the office of the Assistant Secretary of Defense for Global Strategic Affairs at (703) 571-9255.

ENCLOSURE 2

RESPONSIBILITIES

1. DIRECTOR, DSCA. The Director, DSCA, under the authority, direction, and control of the Under Secretary of Defense for Policy, shall:

a. Manage and implement the Golden Sentry End Use Monitoring Program of all government-to-government transfers of defense articles, defense services, and related technologies.

b. Ensure that DSCA, as the DoD lead agency, develops, implements, and enforces the defense articles registration and monitoring system, and prepares DoD submissions for the Office of the Secretary of Defense and/or the President certifying that DoD systems are compliant with this Instruction.

c. Develop guidance in collaboration with the DoD Components to ensure compliance with this Instruction.

d. Conduct a review of all appropriate DoD Components to ensure consistent and proper implementation of the guidance and procedures prescribed in this Instruction.

e. Maintain liaison with the DoD Components that authorize the export or transfer of defense articles subject to the requirements of this Instruction.

f. Ensure that the Heads of the DoD Components who manage or administer programs that transfer or export defense articles subject to the requirements of this Instruction, the Commander, Multi-National Security Transition Command-Iraq (MNSTC-I), the Commander, Combined Security Transition Command-Afghanistan (CSTC-A) and follow-on commands under the authority, direction, and control of the Commander, United States Central Command (USCENTCOM), and through the Chairman of the Joint Chiefs of Staff, develop and implement the necessary procedures to comply with this Instruction.

g. Request and receive support from intelligence or counterintelligence agencies as necessary with respect to defense articles to be transferred to mitigate risk of illicit transfers or proliferation of military systems with sensitive technologies.

2. COMMANDER, USCENTCOM. The Commander, USCENTCOM, will identify and commit the appropriate resources to ensure compliance with this Instruction.

3. COMMANDER, MNSTC-I; COMMANDER, CSTC-A; COMMANDERS OF FOLLOW-ON COMMANDS; AND THE HEADS OF THE DoD COMPONENTS. The Commander, MNSTC-I; the Commander, CSTC-A; commanders of follow-on commands under the authority,

direction, and control of Commander, USCENTCOM (through the Chairman of the Joint Chiefs of Staff); and the Heads of the DoD Components who manage or administer programs that transfer or export defense articles to Iraq and Afghanistan, shall:

a. Collaborate with the Director, DSCA, to develop and recommend updates to the policy in this Instruction.

b. Develop the necessary compliance plans and procedures to administer and maintain a comprehensive system of registration and monitoring of defense articles provided to Iraq or Afghanistan, including maintaining auditable records sufficient to certify that the system complies with this Instruction. These plans and procedures shall include the necessary steps to ensure:

(1) The registration of the serial numbers of all small arms (as defined in the Glossary) to be provided to the governments of Iraq or Afghanistan or to other groups, organizations, citizens, or residents of Iraq and/or Afghanistan.

(2) A program of end-use monitoring of all lethal defense articles (as defined in the Glossary) to be provided to the governments of Iraq or Afghanistan and/or to other groups, organizations, citizens, or residents of Iraq or Afghanistan. Monitoring will include as a minimum formal and informal site visits (at least one facility per quarter) to evaluate the security of weapons storage facilities and procedures for issuing and securing lethal defense articles. Records of these visits will be maintained and made available during DSCA evaluations.

(3) A detailed record of the origin, shipping, and distribution of all defense articles transferred pursuant to this Instruction or any other security assistance program.

c. Provide the Director, DSCA, formal documentation through their respective headquarters specifying the procedures that shall be implemented to ensure compliance with this policy.

d. Provide to DSCA and the Army Materiel Command's Logistics Support Activity a quarterly report (Small Arms/Lethal Items Transfer Report) with the quantities and types of all small arms and lethal items transferred to Iraq or Afghanistan; submit these quarterly reports electronically on the last day of each quarter of the fiscal year.

(1) Programs that do not allow transfer or export of small arms or lethal defense articles are exempt from subparagraphs 2.a.(1) and 2.a.(2) of Enclosure 3 of this Instruction.

(2) In cases where no shipment is involved or the recipients within the governments of Iraq or Afghanistan are responsible for removal and transportation of general defense articles, only a description of the origin and distribution must be captured in records.

e. Identify a point of contact to DSCA who shall be responsible to ensure compliance with this Instruction.

ENCLOSURE 3

PROCEDURES FOR CERTIFICATION OF REGISTRATION AND MONITORING SYSTEMS FOR DEFENSE ARTICLES PROVIDED TO IRAQ OR AFGHANISTAN

1. NOTIFICATION

a. DSCA. DSCA shall ensure that all responsible DoD Components have established procedures that meet the requirements of the registration and monitoring system prescribed by this Instruction.

b. DoD Components. Each DoD Component point of contact shall identify to the Director, DSCA, all transfers or exports of defense articles to Iraq or Afghanistan.

2. INFORMATION SUBMISSION. Each DoD Component identified by DSCA shall assemble and provide to the Director, DSCA, a complete submission with the following mandatory elements:

a. Transfer Authority. A detailed description of its transfer authority and system in accordance with this Instruction, including:

(1) The registration of the serial numbers of all small arms transferred in accordance with Reference (c).

(2) The end-use monitoring of lethal defense articles transferred in accordance with Reference (c).

(3) Its process for keeping records of the origin, shipping, and distribution of all defense articles to be transferred under the Iraq Security Forces Fund, the Afghanistan Security Force Fund, or any security assistance program to Iraq or Afghanistan.

b. Validation Procedure. A detailed description of the validation procedure used by the DoD Component to assess system compliance with this Instruction, including preparatory steps and conditions, actual validation steps, expected results, and criteria and protocols for recording actual results.

c. Compliance Assessment. A thorough assessment of compliance as to each part of this Instruction.

d. Process Deficiencies. For any system not fully compliant with this Instruction:

(1) A detailed description of system and process deficiencies and a plan whereby the DoD Component will ensure compliance on a schedule as directed by DSCA.

(2) If compliance cannot be ensured within the schedule established by DSCA, the impact on mission performance and national security if the DoD Component cannot provide defense articles to Iraq or Afghanistan pursuant to this Instruction.

e. General Monitoring. An assessment of compliance with sections 2753 and 2785 of title 22, United States Code (Reference (g)) as to general end-use monitoring.

f. Background Material. Supporting background material, system test results, and any documentation deemed relevant by the DoD Component or DSCA.

3. CONTENT. Content, format, and detail of system submissions shall be prescribed by DSCA.

GLOSSARY

DEFINITIONS

Unless otherwise noted, the following terms and their definitions are for the purpose of this Instruction.

defense article. Defined in section 2403 of Reference (g).

defense service

Includes any service, test, inspection repair, publication, or technical or other assistance or defense information used for the purposes of furnishing military assistance.

Does not include military educational and training activities.

lethal defense article. Any defense article provided to Iraq or Afghanistan that are:

Munitions in Categories I and II of part 121 of title 22, Code of Federal Regulations (Reference (h)), commonly known and hereinafter referred to as the United States Munitions List (USML), capable of firing or launching any ammunition, ordnance, or munitions in USML Categories III or IV.

Vessels, vehicles, or aircrafts fitted with, or designed or modified to accommodate, any defense article described in this term.

Munitions in USML Category IV.

small arms. Defined in section 1228(e)(2) of Reference (c).