



Department of Defense INSTRUCTION

NUMBER 4160.28

April 7, 2011

Incorporating Change 2, August 31, 2018

USD(A&S)

SUBJECT: DoD Demilitarization (DEMIL) Program

References: See Enclosure 1

1. PURPOSE. This Instruction establishes policy and assigns responsibilities for the DoD DEMIL program in accordance with the authority in DoD Directive 5134.01 (Reference (a)) for mandatory DEMIL training, oversight of DEMIL functions, DEMIL code assignment accuracy, and DEMIL life cycle planning in accordance with section 1051 of Public Law 105-261 (Reference (b)).

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. DoD personal property in possession of DoD Special Programs as defined in DoD Manual 4160.21 (Reference (c)).

c. DoD personal property in possession of other Federal agencies (OFA) in accordance with parts 101 and 102 of title 41, Code of Federal Regulations (CFR) (Reference (d)).

3. DEFINITIONS. See Glossary.

4. POLICY. It is DoD policy that:

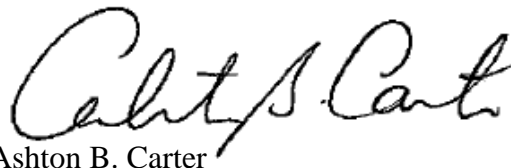
- a. The Department of Defense shall maintain the DoD DEMIL Program to evaluate and support the execution of DEMIL requirements within the Department of Defense, DoD Special Programs, and OFAs.
- b. DoD programs for the research, development, and acquisition; management; sustainment; maintenance; disposition; or release of DoD personal property outside the control of the Department of Defense shall be administered for proper DEMIL analysis, planning, and execution.
- c. DoD personal property identified as significant military equipment on the United States Munitions List (USML) in accordance with parts 120 through 130 of title 22, CFR (Reference (e)) and other DoD personal property determined to have significant military utility shall be demilitarized prior to release from DoD control except when permitted pursuant to specific legal authority.
- d. DoD personal property identified by parts 730 through 774 of title 15, CFR (Reference (f)) as being on the Commerce Control List (CCL) shall be mutilated to the point of scrap worldwide or controlled utilizing established trade security controls (TSC) measures in accordance with DoD Instruction 2030.08 (Reference (g)) prior to release from DoD control except when permitted pursuant to specific legal authority. Sensitive and non-sensitive Commerce Control List Items (CCLI) located outside the United States and its territories shall be mutilated before release. Inside the United States and its territories, only sensitive CCLI require mutilation before release, while non-sensitive CCLIs may be released with appropriate TSC. International transfers shall follow the procedures in DoD Instruction 2040.02 (Reference (h)).

5. RESPONSIBILITIES. See Enclosure 2.

6. RELEASABILITY. Cleared for public release. This instruction is available on the Directives Division Website at <http://www.esd.whs.mil/DD/>.

7. SUMMARY OF CHANGE 2. This change reassigns the office of primary responsibility for this instruction to the Under Secretary of Defense for Acquisition and Sustainment in accordance with the July 13, 2018 Deputy Secretary of Defense Memorandum (Reference (i)).

8. EFFECTIVE DATE. This Instruction is effective April 7, 2011.



Ashton B. Carter
Under Secretary of Defense for
Acquisition, Technology, and Logistics

Enclosures

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ENCLOSURE 1

REFERENCES

- (a) DoD Directive 5134.01, "Under Secretary of Defense for Acquisition, Technology, and Logistics (USD(AT&L))," December 9, 2005, as amended
- (b) Section 1051 of Public Law 105-261, "Strom Thurmond National Defense Authorization Act for Fiscal Year 1999," October 17, 1998
- (c) DoD Manual 4160.21, "Defense Materiel Disposition," October 22, 2015
- (d) Parts 101 and 102 of title 41, Code of Federal Regulations
- (e) Parts 120 through 130 of title 22, Code of Federal Regulations
- (f) Parts 730 through 774 of title 15, Code of Federal Regulations
- (g) DoD Instruction 2030.08, "Implementation of Trade Security Controls (TSC) for Transfers of DoD Personal Property to Parties Outside DoD Control," February 19, 2015, as amended
- (h) DoD Instruction 2040.02, "International Transfers of Technology, Articles, and Services," March 27, 2014, as amended
- (i) Deputy Secretary of Defense Memorandum, "Establishment of the Office of the Under Secretary of Defense for Research and Engineering and the Office of the Under Secretary of Defense for Acquisition and Sustainment," July 13, 2018
- (j) DoD Directive 5134.12, "Assistant Secretary of Defense for Logistics and Materiel Readiness (ASD(L&MR))," May 25, 2000, as amended
- (k) DSCA 5105.38-M, "Electronic Security Assistance Management Manual," April 30, 2012
- (l) DoD Manual 4100.39, "Federal Logistics Information System (FLIS) Procedures," March 8, 2017
- (m) DoD Directive 5000.01, "The Defense Acquisition System," May 12, 2003
- (n) Office of the Chairman of the Joint Chiefs of Staff, "DoD Dictionary of Military and Associated Terms," current edition

ENCLOSURE 2

RESPONSIBILITIES

1. UNDER SECRETARY OF DEFENSE FOR ACQUISITION, TECHNOLOGY, AND LOGISTICS (USD(AT&L)). The USD(AT&L) shall develop implementing guidance as appropriate on all matters relating to the DEMIL of DoD personal property.

2. ASSISTANT SECRETARY OF DEFENSE FOR LOGISTICS AND MATERIEL READINESS (ASD(L&MR)). The ASD(L&MR), under the authority, direction, and control of the USD(AT&L) and consistent with DoD Directive 5134.12 (Reference (j)), shall implement the DoD DEMIL Program.

3. DIRECTOR, DEFENSE LOGISTICS AGENCY (DLA). The Director, DLA, under the authority, direction, and control of the USD(AT&L), through the ASD(L&MR), shall, in addition to the responsibilities in section 5 of this enclosure:

a. Maintain a DoD Demilitarization Program Office (DDPO) and designate a DoD Demilitarization Program Manager (DDPM) with direct reporting authority to the Director, DLA, to support the intent of Reference (b) for management control and oversight of the DoD DEMIL Program in coordination with the ASD(L&MR) and the Heads of the DoD Components to:

(1) Provide guidelines for the identification and DEMIL of DoD personal property to prevent its unauthorized use and the potential compromise of U.S. national security.

(2) Evaluate DoD DEMIL program deficiencies and advances in technology in coordination with the Defense Technology Security Administration and recommend changes to lists of defense articles requiring DEMIL and other controls.

(3) Chair meetings with Military Service and Defense Agency DEMIL Program administrators on an as-required basis to discuss DEMIL procedural changes and potential policy impacts.

(4) In accordance with Reference (b), maintain the DoD Demilitarization Life Cycle Planning Center (DLPC) to support the DDPO in executing DoD DEMIL program responsibilities for DEMIL planning during total life cycle systems management.

(5) In accordance with Reference (b), maintain an appropriate DoD DEMIL training program and continuously evaluate and develop a revised training curriculum for all DoD Components, DoD Special Programs, and OFAs who utilize DoD personal property.

(6) Maintain and update the DoD DEMIL Program Website with the latest DoD DEMIL Program information.

(7) Review and take appropriate action on requests for waivers and modifications.

b. In accordance with Reference (b), maintain the DoD Demilitarization Coding Management Office (DDCMO) within the DLA Logistics Information Service to improve DEMIL code accuracy.

(1) The DDPM shall provide operational direction for the DDCMO's mission and functions as an integral part of the DDPO in accordance with the intent of Reference (b).

(2) The DLA Logistics Information Service shall provide administrative direction and support for the DDCMO's mission and functions in full cooperation with the DDPM.

c. Maintain the Controlled Property Verification Office within the DLA Disposition Services under operational control of the DDPM to support the DDCMO in validating DEMIL codes cited on DoD personal property receipt documents.

d. Maintain the controlled property process within the DLA Disposition Services, to include identification and verification of DEMIL required DoD personal property turned in as batch lots and DoD personal property turned in with suspect local stock numbers.

e. Maintain centralized DEMIL centers within the DLA Disposition Services to perform required physical DEMIL.

f. Establish DEMIL instructions in a readily available location for every DLA-managed National Item Identification Number (NIIN) that requires such instructions.

g. Identify DEMIL requirements in the terms and conditions of DLA contracts.

h. Require that each DLA Supply Center appoint a knowledgeable individual to serve as the DEMIL Administrator for that DLA Supply Center to support DoD DEMIL Program execution.

4. DIRECTOR, DEFENSE SECURITY COOPERATION AGENCY (DSCA). The Director, DSCA, under the authority, direction, and control of the Under Secretary of Defense for Policy, and in addition to the responsibilities in section 5 of this enclosure, shall, for DoD personal property provided under security assistance programs in accordance with DSCA 5105.38-M (Reference (k)):

a. Assist Security Cooperation Organizations (SCOs) in responding to issues associated with DEMIL requirements and, as necessary on a case-by-case basis, support SCO supervision of approved DEMIL performance.

b. Designate a point of contact to work with DDPM, SCO, and Department of State in DoD DEMIL Program oversight.

c. Ensure that appropriate guidance regarding DEMIL requirements is incorporated into Reference (k).

5. HEADS OF THE DoD COMPONENTS. The Heads of the DoD Components shall:

a. Plan and budget for DoD personal property DEMIL requirements throughout the total life cycle systems management process and identify DEMIL requirements in all procurement actions in their Components.

b. Ensure personnel assigned duties specifically for DEMIL receive required training to identify requirements for DEMIL as part of the acquisition process. Training will include the following topics: identification of DoD personal property; DEMIL code assignment, administration, management, disposition; and performing physical DEMIL.

c. Apply appropriate inventory controls based on the assigned Controlled Inventory Item Code (CIIC) for DoD personal property with DEMIL requirements during all phases of the acquisition life cycle.

d. Administer DEMIL requirements as provided for in terms and conditions of assigned contracts.

6. SECRETARIES OF THE MILITARY DEPARTMENTS. The Secretaries of the Military Departments, in addition to the responsibilities in section 5 of this enclosure, shall:

a. Designate a DEMIL Program Administrator to support the DDPM in DoD DEMIL Program oversight of their respective Military Departments.

b. For each inventory control point (ICP) under their respective Military Department, require an individual knowledgeable in DEMIL be appointed to serve as the DEMIL Administrator for that ICP to support DoD DEMIL Program execution.

c. Provide DEMIL plans to the respective Military Department DEMIL Program Administrator and the DDPM, when requested, to support DoD DEMIL program oversight reviews and to activities requiring the plans to perform physical DEMIL.

d. Assign an accurate DEMIL code to every item of DoD personal property for which each Military Department has management responsibility to include items for which logistic responsibility has been reassigned.

e. Require that DoD Component Defense Acquisition Program Managers (DAPM) apply DEMIL requirements during the entire system design process and prepare programmatic and procedural DEMIL plans and related documentation.

f. Establish DEMIL instructions in a readily available location for every managed NIIN that requires such instructions.

g. Support the DoD DEMIL Code Challenge Program and collaborate with the DDCMO on code corrections.

h. Identify DEMIL requirements in the terms and conditions of DoD Component contracts.

i. Identify the DEMIL requirement as indicated by the assigned DEMIL code and, when available, documentation such as DEMIL plans, to the DSCA to support security assistance program case development and oversight.

GLOSSARY

PART I. ABBREVIATIONS AND ACRONYMS

ASD(L&MR)	Assistant Secretary of Defense for Logistics and Materiel Readiness
CCL	Commerce Control List
CCLI	Commerce Control List Item
CFR	Code of Federal Regulations
CIIC	Controlled Inventory Item Code
DAPM	Defense Acquisition Program Manager
DDCMO	DoD Demilitarization Coding Management Office
DDPM	DoD Demilitarization Program Manager
DDPO	DoD Demilitarization Program Office
DEMIL	demilitarization
DLA	Defense Logistics Agency
DLPC	DoD Demilitarization Life Cycle Planning Center
DSCA	Defense Security Cooperation Agency
ICP	inventory control point
NIIN	national item identification number
OFA	other Federal agency
SCO	Security Cooperation Organization
TSC	trade security controls
USD(AT&L)	Under Secretary of Defense for Acquisition, Technology, and Logistics
USML	United States Munitions List

PART II. DEFINITIONS

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

CCL. Defined in part 772 of Reference (f).

CCLI. An item included on the CCL.

CIIC. Defined in DoD Manual 4100.39 (Reference (1)).

DAPM. The designated individual with responsibility for and authority to accomplish Defense acquisition program objectives for development, production, and sustainment to meet the user's operational needs in accordance with DoD Directive 5000.01 (Reference (m)).

DDCMO. An organization within the Defense Logistics Information Service under the auspices of the centralized DDPO established to support the plans required by Reference (b) to improve accuracy of DEMIL codes.

defense article. Defined in subpart 120.6 of Reference (e).

DEMIL. The act of eliminating the functional capabilities and inherent military design features from DoD personal property. Methods and degree range from removal and destruction of critical features to total destruction by cutting, crushing, shredding, melting, burning, etc. DEMIL is required to prevent property from being used for its originally intended purpose and to prevent the release of inherent design information that could be used against the United States. DEMIL applies to DoD personal property in both serviceable and unserviceable condition.

DEMIL code. A code assigned to DoD personal property. It indicates the degree of required physical destruction, identifies items requiring specialized capabilities or procedures, and identifies items that do not require DEMIL but may require TSC. It is used throughout the total life cycle systems management process to identify control requirements required before release of DoD personal property from DoD control.

DEMIL plan. A set of procedures and information to assist in the performance of physical DEMIL or the programmatic conduct of analysis and planning for DEMIL. A DEMIL plan is a living document that should be updated throughout the total life cycle systems management process. There are two types:

procedural DEMIL plan. A plan that provides information to support the performance of physical DEMIL and is needed before DoD personal property will be subject to a disposal requirement.

programmatic DEMIL plan. A plan tailored to each acquisition program that may be addressed as a stand-alone or integrated with other plans. It should address how DEMIL considerations will be integrated into system engineering processes.

DLPC. An organization established by the DDPM to support plans required by Reference (b) to improve the implementation of DEMIL requirements throughout the defense acquisition life cycle in accordance with Reference (m).

DoD DEMIL Code Challenge Program. A quality control program implemented by the DDPM and administered by the DDCMO to validate DEMIL code accuracy.

DoD personal property. Defined in Reference (g).

ICP. Defined in the DoD Dictionary of Military and Associated Terms (Reference (n)).

NIIN. Defined in Reference (l).

TSC. Defined in Reference (g).

United States and its territories. Includes the 50 States; the District of Columbia; the U.S. Virgin Islands, American Samoa, Guam, Puerto Rico, the Northern Mariana Islands, the Federated States of Micronesia, the Marshall Islands, and Palau.

USML. Defined in part 121 of Reference (e).