

Figure C5.F7. Statutory Notification Data

(CLASSIFICATION)

MEMORANDUM FOR (or LETTER TO) DSCA (Attention: Business Operations Directorate) (U)

SUBJECT: Data for a Possible Advance/Statutory AECA, section 36(b)(1) Notification (U)

(*) The following supporting data are provided in accordance with the Defense Security Cooperation Agency (DSCA) Security Assistance Management Manual (SAMM)

- a. (*) Prospective Purchaser [Insert Purchaser Country].
- b. (*) [Purchaser's reference and date of the Letter of Request (LOR)].
(Attach a copy of the country's LOR (submit to DSCA within 10 days of the LOR))
- c. (*) Date purchaser's LOR received by Military Department.
- d. (*) MDE/Non-MDE:
 1. Quantity, description and total dollar value of all MDE under consideration for sale. Include funding for Long Lead Items (LLI) if applicable.
 2. Description of non-MDE articles and services under consideration for sale. Generic descriptions/categories such as support equipment, communications equipment, ammunition, personnel training, spare and repair parts, facility design, publications, training equipment etc. should be used whenever possible in describing the non-MDE articles and services.
- e. (*) Estimated total dollar value of all LOAs for this program. Include packing, crating, handling, transportation, administrative charges, etc. One or several LOAs can implement a program.
- f. (*) Is the current section 36(b)(1) notification data an integral part of a larger planned country program which will also require Congressional Notification(s)? If YES, provide a brief description of the balance of the foreign country's program plan to include future plans for procurement of weapon systems, training, construction, logistics support, U.S. Government or contractor engineering or technical services, etc.
- g. (*) Estimated value of foreign country's total program (include the current Congressional Notification cost estimate) as well as program duration.
- h. (*) Identify if this is a first time buy of the MDE item(s) being proposed in this notification. If yes, identify countries in the region that have these items. If no, provide the data in paragraph i.
- i. (*) Identify prior related cases, if any, by providing FMS case designators, case dollar values, country acceptance dates, version and quantity of the MDE item(s), delivery date or expected delivery date, and brief case description including the Congressional Transmittal Notification number. If an initial LOA was used to offer long lead-time items, this LOA should be included in this reference.
- j. (*) Security classification level of the sale after statutory notification. If the sale is classified,

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attach justification citing a description of the damage to U.S. national security that could be expected to result from disclosure of the information.

- k. (*) Security classification level of the LOA(s) after statutory notification. If the LOA(s) is classified, attach justification citing rationale as above.
- l. (*) The DoD Component:
- m. (*) Case Designator: Provide lead tracking case designator and other associated case designators as necessary.
- n. (*) A description of each payment, contribution, gift, commission or fee paid or offered or agreed to be paid in order to solicit, promote or otherwise to secure such LOA. Include:
 - 1. Name of person who made such payment, contribution, gift, commission, or fee.
 - 2. The name of any sales agent or other person to whom such payment, contribution, gift, commission, or fee was paid.
 - 3. The date and amount of such payment, contribution, gift, commission, or fee.
 - 4. A description of the sale in connection with which such payment, contribution, gift, commission, or fee was paid.
 - 5. The identification of any business information considered confidential by the person submitting the information under the AECA, section 39 to the Secretary of State.
- o. (*) Is equipment for sale or transfer from new production or from U.S. Government inventory?
- p. (*) If equipment to be sold is from U.S. Government inventory, will reimbursements be adequate to cover the full replacement costs of those items sold or transferred at the time of replenishment to U.S. Government inventories? YES/NO
- q. (*) If reimbursements are inadequate, provide reason(s) for disparity and impact on procurement for replacement materiel.
- r. (*) Sensitivity of technology contained in the defense articles or services proposed for sale:
 - 1. When a proposed sale involves NO transfer of sensitive technology or classified information, the word "NONE" must be entered under this heading.
 - 2. When the transfer of sensitive technology or classified information is involved, the words "See Attachment No.____" will be entered under this heading and the data specified by Figure C5.F8. will be provided as an attachment.
- s. (*) Military Justification: See Attachment No.:____. Refer to Figure C5.F9. for required form and content.
- t. (*) Are there any offset agreements? YES/NO If yes, see Figure C5.F10. for required data and format. The description should indicate whether or not a known offset requirement exists,

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whether the country has a standard offset requirement, and whether offsets provided will be direct or indirect and the estimated percentage of each. If there is no offset agreement at the time of the notification, that should be so stated.

- u. (*) Provide Action Officer's name, organization, and telephone number (specifying area code and commercial number as well as DSN number).

*If the sale is classified, attach justification. Mark each paragraph with appropriate security classification level in accordance with classification guidelines and identify the classifying authority and declassification date.

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