

Figure C5.F9. Template for 36(b)(5)(A) and 36(b)(5)(C) Transmittal Documents

TEMPLATE NOTES:

1. Update all bracketed text and delete brackets. Delete quotation marks around recommended language.
 - a. If bracketed text begins with “SELECT,” choose only one of the provided options and delete the others.
 - b. Suggested language is provided throughout the document. Confirm statements are true prior to submitting the document to DSCA. If a statement is not true, do not use it.
2. All congressional notification (CN) documentation should be marked as Controlled Unclassified Information (CUI) and “PRE-DECISIONAL” prior to notification unless a higher classification applies, in which case the documentation should be developed and transmitted over Secret Internet Protocol Router Network (SIPRNET). If any information in this document is CUI or classified independent of the pre-notification handling process, update the classification markings and include portion markings throughout the document.
3. A CUI designation indicator should be placed on the bottom right side of the first page of the transmittal document prior to the footer. The below template contains the approved CUI designation indicator for Section 36(b) CNs.
4. Formatting: Times New Roman, 12-point font, 1-inch margins, two spaces between sentences.
5. Writing guidelines: Write out all acronyms upon first usage if they will be repeated in the document, even if they are commonly abbreviated without writing them out in full (e.g., “global positioning system (GPS)”), and then subsequently use the acronym instead of writing out in full each time. Use lower case for all terms that are not proper nouns or part of official names, and use serial (“Oxford”) commas if listing more than two items within each section of the list separated by a semicolon. Ensure all names and terms are used consistently across sections and documents].
6. Delete this section (including line break) before submitting.

Transmittal No. [XX-XX]

REPORT OF ENHANCEMENT OR UPGRADE OF
SENSITIVITY OF TECHNOLOGY OR
CAPABILITY (SEC. [SELECT: 36(B)(5)(A) OR 36(B)(5)(C)], AECA)

(i) (U) Purchaser: [Purchaser]

(ii) (U) Sec. 36(b)(1), Arms Export Control Act (AECA) Transmittal No.: [XX-XX | Note: This is the transmittal number of the original Section 36(b)(1) notification].

Date: [Month DD, YYYY | Note: This is the date the original Section 36(b)(1) CN was formally notified to Congress].

Implementing Agency (IA): [Implementing Agency]

(iii) (U) Description: On [Month DD, YYYY], Congress was notified by congressional certification transmittal number [XX-XX] of the possible sale, under Section 36(b)(1) of the AECA, of [Note: Copy/paste the entirety of the first paragraph of the Policy Justification from the original Section 36(b)(1) notification. The text must match exactly, with two exceptions: delete the first part of the first sentence so that it is grammatically correct, and change verbs to past tense]. The total estimated value was \$###.# m/billion. Major Defense Equipment (MDE) constituted \$###.# m/billion of this total. | Note: These numbers can be found on the first page of the original Section 36(b)(1) notification under “Total Estimated Value: Major Defense Equipment.” If there was no MDE, delete the second sentence and state, “There was no Major Defense Equipment (MDE) associated with this sale.”

[Note: If there are previous Section 36(b)(5)(A) reports or 36(b)(5)(C) notifications to the original Section 36(b)(1) notification, list them here. Include all amendments to the original notification, in chronological order, creating a new paragraph for each amendment. If there are no amendments, delete this paragraph]. On [Month DD, YYYY], Congress was notified by Congressional certification transmittal number [XX-XX], under Section [36(b)___] of the Arms Export Control Act of the inclusion of [Note: Copy/paste the entirety of the paragraph(s) beginning “This transmittal reports the inclusion...” to the sentence ending, “The total case value will increase \$###.# m/billion” from the 36(b)(5)(A) or 36(b)(5)(C) amendment. The text must match exactly, with two exceptions: delete the first part of the first sentence so that it is grammatically correct, and change verbs to past tense].

This transmittal reports the addition of [Note: List all of the new MDE, including quantity, article name, and Military Articles and Service Lists (MASLs). Spell out the number and provide the numeral in parenthesis. Separate all MDE with semicolons. E.g., Number (##) Article Name (MASL); Quantity (##) Article Name (MASL); and Quantity (##) Article Name (MASL)]. The following non-MDE items will also be included: [Note: List all new non-MDE that enhances or upgrades the capability and/or sensitivity of technology or increases the overall notification value from what was previously notified. Start with new Significant Military Equipment (SME) items, followed by general descriptions of new non-SME services and articles associated with the sale. If there are no MDE additions, change the first sentence of this paragraph to state, “This transmittal reports the addition of the following non-MDE items:” and then list the new SME and non-SME descriptors]. The total cost of the new MDE articles is \$###.# m/billion. This [SELECT: results in a net increase in cost of MDE of \$###.# m/billion, and a revised total cost for MDE of \$###.# m/billion OR does not result in a net increase in total cost of MDE. The total MDE remains \$###.# m/billion]. [Note: If there is no MDE, state, “There is no additional MDE being reported with this notification, and as such the total MDE value remains \$###.# m/billion]. The total cost of the new non-MDE articles is \$###.# m/billion. This [SELECT: results in a net increase in cost of non-MDE of \$###.# m/billion, and a revised total cost for non-MDE of \$###.# m/billion OR does not result in a net increase in total cost of non-MDE. The total non-MDE remains \$###.# m/billion]. The total case value [SELECT:

increases by \$##.# m/billion, resulting in a total case value of \$##.# m/billion OR does not increase and remains \$##.# m/billion].

(iv) (U) Significance: [Note: If this amendment includes MDE, state, “This notification is being provided because the additional MDE items were not enumerated in the original notification.”] [If this amendment includes MDE that has not been previously notified, add, “This MDE was not included in the previous notification.”] The proposed articles and/or services will support [purchaser’s] [rationale for sale].

(v) (U) Justification: [Note: Copy/paste the second paragraph of the Policy Justification from the original Section 36(b)(1) notification that begins with, “This proposed sale...”]

(vi) (U) Sensitivity of Technology: [Note: If this package adds items already notified in the original Section 36(b)(1) notification, then state, “The Sensitivity of Technology Statement contained in the original notification applies to items reported here.” If this package is for new items not included in the original Section 36(b)(1) notification, then provide a Sensitivity of Technology statement here. This statement should address all new MDE and any other new non-MDE article or service that is sensitive or classified. Describe the capabilities of the new items, how they are used, and the overall highest level of classification for the new defense articles, components, and services being included. Add additional paragraphs for each major end item].

(vii) (U) Date Report Delivered to Congress: [Note: Leave this blank, DSCA will provide the date once the CN is notified].

Controlled by: DSCA

Controlled by: IOPS/GEX

CUI Category: OPSEC, LMI

LDC: FEDCON

LDC: Publicly Releasable Upon Congressional Notification

POC: DSCA/IOPS/GEX

dscanrc.dsa.mbx.cns@mail.mil

[Include the following language in the footer, along with classification markings: “This document contains information exempt from mandatory disclosure under the Freedom of Information Act (FOIA).”]