



Billing Code: 5001-06

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 17-70]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense.

ACTION: Arms sales notice.

SUMMARY: The Department of Defense is publishing the unclassified text of an arms sales notification.

FOR FURTHER INFORMATION CONTACT: Karma Job at karma.d.job.civ@mail.mil or (703) 697-8976.

SUPPLEMENTARY INFORMATION: This 36(b)(1) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104-164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 17-70 with attached Policy Justification; Sensitivity of Technology; and State Department Emergency Determination and Justification.

Dated: July 19, 2019.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer,

Department of Defense.



DEFENSE SECURITY COOPERATION AGENCY

201 12TH STREET SOUTH, STE 203
ARLINGTON, VA 22202-5408

The Honorable Nancy Pelosi
Speaker of the House
U.S. House of Representatives
H-209, The Capitol
Washington, DC 20515

MAY 24 2019

Dear Madam Speaker:

On May 23, 2019, the Secretary of State, pursuant to section 36(b) of the Arms Export Control Act, as amended, determined that an emergency exists which requires the immediate sale of the defense articles and defense services identified in the attached transmittals to the Kingdom of Saudi Arabia and the United Arab Emirates through the Foreign Military Sales process, including any further amendments specific to costs, quantity, or requirements, occurring within the duration of circumstances giving rise to these emergency sales, in order to deter further the malign influence of the Government of Iran throughout the Middle East region.

Please find attached (Tab 1) the Secretary of State Determination and Justification waiving the Congressional review requirements under Section 36(b)(1) and 36 (b)(5)(C) of the Arms Export Control Act, as amended, for the attached list of Transmittals of proposed Letters of Offer and Acceptance to the United Arab Emirates and the Kingdom of Saudi Arabia for defense articles and services pursuant to the notification requirements of Section 36(b)(1) and Section 36(b)(5)(C) of the Arms Export Control Act (AECA), as amended. The determination and detailed justification are a part of each Transmittal. After this letter is delivered to your office, we plan to issue a news release to notify the public of the proposed sales.

Sincerely,

A handwritten signature in black ink, appearing to read "C. Hooper", written over a circular stamp or seal.

Charles W. Hooper
Lieutenant General, USA
Director

Enclosures:

1. Secretary of State Determination and Justification Transmittal
2. Transmittal 17-0B for the United Arab Emirates
3. Transmittal 17-39 for the United Arab Emirates
4. Transmittal 17-70 for the United Arab Emirates
5. Transmittal 17-73 for the United Arab Emirates
6. Transmittal 18-21 for the Kingdom of Saudi Arabia
7. Transmittal 18-31 for the Kingdom of Saudi Arabia

8. Transmittal 19-18 for the United Arab Emirates
9. Transmittal 19-01 for the Kingdom of Saudi Arabia
10. Regional Balance Determinations (Classified document provided under separate cover)

Transmittal No. 17-70

Notice of Proposed Issuance of Letter of Offer
Pursuant to Section 36(b)(1)
of the Arms Export Control Act, as amended

- (i) Prospective Purchaser: Government of the United Arab Emirates
- (ii) Total Estimated Value:
- | | |
|--------------------------|----------------------|
| Major Defense Equipment* | \$ 92 million |
| Other | <u>\$ 10 million</u> |
| TOTAL | \$102 million |
- (iii) Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:
- Major Defense Equipment (MDE):
Three hundred thirty-one (331) Javelin Guided Missiles with Containers
- Non-MDE:
Also included are System Integration & Checkout (SICO) service; Field Service Representative; U.S. Government and contractor technical, engineering and logistics support services' tools and test equipment; support equipment; publications and technical documentation; spare and repair parts; and other related elements of logistics and program support.
- (iv) Military Department: Army (AE-B-ZAO, Amendment 3)
- (v) Prior Related Cases, if any: AE-B-ZUB
- (vi) Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: None
- (vii) Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: See Attached Annex
- (viii) Date Report Delivered to Congress: May 24, 2019

*As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

UAE – JAVELIN Guided Missiles and Associated Materiel and Services

The Government of the United Arab Emirates (UAE) has requested to buy three hundred thirty-one (331) Javelin Guided Missiles with container. Also included are System Integration & Checkout (SICO) service; Field Service Representative; U.S. Government and contractor technical, engineering and logistics support services' tools and test equipment; support equipment; publications and technical documentation; spare and repair parts; and other related elements of logistics and program support. The estimated total case value is \$102 million.

The Secretary of State has determined and provided detailed justification that an emergency exists that requires the immediate sale to the United Arab Emirates of the above defense articles (and defense services) in the national security interests of the United States, thereby waiving the Congressional review requirements under Section 36(b) of the Arms Export Control Act, as amended.

This proposed sale will contribute to the foreign policy and national security of the United States by improving the security of an important partner that has been, and continues to be, a force for political stability and economic progress in the Middle East. This sale is consistent with U.S. initiatives to provide key partners in the region with modern systems that will enhance interoperability with U.S. forces and increase security.

The proposed program will enhance the UAE's capability to meet current and future enemy threats. The UAE will use the capability as a deterrent to regional threats and to strengthen its homeland defense. The UAE previously procured Javelin missiles and will have no difficulty absorbing these additional missiles into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The prime contractor will be Raytheon, Tucson, AZ. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed program will not require additional Contractor or U.S. Government personnel in country for an extended period of time.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 17-70

Notice of Proposed Issuance of Letter of Offer
Pursuant to Section 36(b)(1)
of the Arms Export Control Act

Annex
Item No. vii

(vii) Sensitivity of Technology:

1. The Javelin Weapon System is a medium-range, man portable, shoulder-launched, fire and forget, anti-tank system for infantry, scouts, and combat engineers. It may also be mounted on a variety of platforms including vehicles, aircraft and watercraft. The system weighs 49.5 pounds and has a maximum range in excess of 2,500 meters. The system is highly lethal against tanks and other systems with conventional and reactive armors. The system possesses a secondary capability against bunkers.

2. Javelin's key technical feature is the use of fire-and-forget technology which allows the gunner to fire and immediately relocate or take cover. Additional special features are the top attack and/or direct fire modes, an advanced tandem warhead and imaging infrared seeker, target lock-on before launch, and soft launch from enclosures or covered fighting positions. The Javelin missile also has a minimum smoke motor thus decreasing its detection on the battlefield.

3. The Javelin Weapon System is comprised of two major tactical components, which are a reusable Command Launch Unit (CLU) and a round contained in a disposable launch tube assembly. The CLU incorporates an integrated day-night sight that provides a target engagement capability in adverse weather and countermeasure environments. The CLU may also be used in a stand-alone mode for battlefield surveillance and target detection. The CLU's thermal sight is a second generation Forward Looking Infrared (FLIR) sensor. To facilitate initial loading and subsequent updating of software, all on-board missile software is uploaded via the CLU after mating and prior to launch.

4. The missile is autonomously guided to the target using an imaging infrared seeker and adaptive correlation tracking algorithms. This allows the gunner to take cover or reload and engage another target after firing a missile. The missile has an advanced tandem warhead and can be used in either the top attack or direct fire modes (for target undercover). An onboard flight computer guides the missile to the selected target.

5. The Javelin Missile System hardware and the documentation are UNCLASSIFIED. The missile software which resides in the CLU is considered SENSITIVE. The sensitivity is primarily in the software programs which instruct the system how to operate in the presence of countermeasures. The overall hardware is also considered sensitive in that the infrared wavelengths could be useful in attempted countermeasure development.

6. If a technologically advanced adversary were to obtain knowledge of specific hardware, the information could be used to develop countermeasures which might reduce weapons system effectiveness or be used in the development of a system with similar or advanced capabilities.

7. A determination has been made that the United Arab Emirates can provide substantially the same degree of protection for sensitive technology being released as the U.S. Government. This proposed sustainment program is necessary to the furtherance of the U.S. foreign policy and national security objectives outlined in the policy justification.

8. All defense articles and services listed in this transmittal are authorized for release and export to the Government of United Arab Emirates.

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DATE DSCA RECEIVED
MAY 24 2019

DETERMINATION UNDER THE ARMS EXPORT CONTROL ACT

SUBJECT: Emergency Arms Sales to Saudi Arabia, the United Arab Emirates, and Jordan

Pursuant to sections 36(b)(1), 36(c)(2), and 36(d)(2) of the Arms Export Control Act, 22 U.S.C. 2776, I hereby state that an emergency exists which requires the immediate sale of the following foreign military sales and direct commercial sales cases, including any further amendments specific to the cost, quantity, or requirements of these cases, in the national security interest of the United States:

For the Kingdom of Saudi Arabia:

- F-15 Support
- Paveway Precision Guided Munitions (sale and co-production)
- Aircraft Maintenance Support
- Aurora Bomb Fuzing System
- 120mm M933A1 Mortar Bombs
- F110 Engines for F-15s
- F/A-18 Panel Manufacture in Saudi Arabia for other end-users
- Advising and support of Ministry of Defense reform
- Continuation of follow-on logistics support and services for Royal Saudi Air Force, including Tactical Air Surveillance System support

For the United Arab Emirates:

- AH-64 Equipment
- APKWS Laser-guided Rockets
- Javelin Anti-Tank Missiles
- Paveway Precision Guided Munitions and Maverick missile support
- RQ-21 Blackjack UAS
- M107A1 .50 caliber Rifles
- FMU-152A/B Programmable Bomb Fuse
- Patriot Guidance Enhanced Missile – Tactical Ballistic Missile
- U.S. Marine Corps training of UAE Presidential Guard
- F-16 engine parts
- Amendment to previously Congressionally notified case for ScanEagle and Integrator Unmanned Aerial Systems

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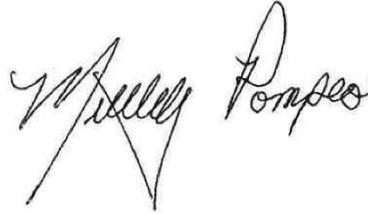
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For Jordan:

- Transfer of Paveway II Precision Guided Munitions from the United Arab Emirates.

This determination shall be published in the *Federal Register* and, along with the accompanying Memorandum of Justification, shall be transmitted to Congress.

A handwritten signature in black ink, appearing to read "Mike Pompeo". The signature is written in a cursive style with a large, stylized initial "M".

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(U) MEMORANDUM OF JUSTIFICATION
FOR EMERGENCY ARMS TRANSFERS AND AUTHORIZATIONS TO THE
KINGDOM OF SAUDI ARABIA,
THE UNITED ARAB EMIRATES, AND THE HASHEMITE KINGDOM OF
JORDAN TO DETER IRANIAN MALIGN INFLUENCE

(U) Iranian malign activity poses a fundamental threat to the stability of the Middle East and to American security at home and abroad. Iran's actions have led directly to the deaths of over six hundred U.S. military personnel in Iraq, untold suffering in Syria, and significant threats to Israeli security. In Yemen, Iran helps fuel a conflict creating the world's greatest humanitarian crisis. Iran directed repeated attacks on civilian and military infrastructure in Saudi Arabia and the United Arab Emirates by Iranian-designed explosives-laden drones and ballistic missiles fired by the Houthis, also known as Ansar Allah, who receive financial, technical, and materiel support from Iran.

(U) Current threat reporting indicates Iran engages in preparations for further malign activities throughout the Middle East region, including potential targeting of U.S. and allied military forces in the region. As the Administration publicly noted and briefed to Congress in greater detail in the appropriate setting, a number of troubling and escalatory indications and warnings from the Iranian regime have prompted an increased U.S. force posture in the region. The Iran-backed Houthis publicly threatened to increase operations targeting vital military targets in the United Arab Emirates, Saudi Arabia, and Saudi-Led Coalition positions in Yemen. The rapidly-evolving security situation in the region requires an accelerated delivery of certain capabilities to U.S. partners in the region.

(U) As President Trump noted in National Security Memorandum 11 of May 8, 2018, "the actions and policies of the Government of Iran, including its proliferation and development of missiles and other asymmetric and conventional weapons capabilities, its network and campaign of regional aggression, its support for terrorist groups, and the malign activities of the Islamic Revolutionary Guard Corps and its surrogates continue to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States."

(U) Iran's actions pose a critical threat to regional stability and the national security of the United States, which has been long acknowledged. Since 1984, Iran remains designated by the United States as a State Sponsor of Terrorism pursuant to section 6(j) of the Export Administration Act, section 40 of the Arms Export

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Control Act, and section 620A of the Foreign Assistance Act. In addition, the recent designation of Iran's Islamic Revolutionary Guard Corps (IRGC) as a Foreign Terrorist Organization under section 219 of the Immigration and Nationality Act notes the Government of Iran, through the IRGC-Quds Force, provides material support to the Taliban, Lebanese Hizballah, Hamas, Palestinian Islamic Jihad, and the Popular Front for the Liberation of Palestine-General Command (PFLP-GC). Iran is also identified as constituting an unusual and extraordinary threat to the national security, foreign policy and economy of the United States under Executive Orders dating back to the Carter and Clinton Administrations.

(U) In 2014, the Houthis, an Iran-supported force increasingly contributing to the Iranian regime's efforts to destabilize the Arabian Peninsula, attempted to overthrow the internationally recognized government of Yemen. The Houthis have greatly increased regional instability, threatened the global economy, destroyed infrastructure, and terrorized the Yemeni people.

(U) The Houthis have attacked civilian areas within Saudi Arabia and the UAE with ballistic missile and unmanned aerial vehicle attacks in addition to cross-border raids; these have resulted in the deaths of over five hundred Saudi civilians, and the Kingdom of Saudi Arabia was fortunate in 2017 to have intercepted a ballistic missile aimed at Mecca which could have led to in a regional conflagration.

(U) The Houthi threat to stability extends beyond the security of their immediate neighbors. Over 10% of global shipping passes through the Bab-el-Mandeb straits separating Yemen from Africa, including an estimated 4.8 million barrels of oil per day, or about 5% of the global oil trade. Since 2016, the Houthis have repeatedly targeted international shipping transiting these straits to or from the Suez Canal. Houthi-controlled media recently announced the Houthis' intent to target Saudi ARAMCO infrastructure. Utilizing anti-ship cruise missiles, small boat attacks, and remote-controlled explosive vessels, the Houthis continue to strike not only commercial oil tankers, but also struck a cargo ship carrying grain to a Yemeni port. The Houthis conducted maritime attacks on the USS Mason and the USS Ponce, demonstrating the direct nature of the Houthi threat to U.S. personnel, assets, and our national security.

(U) Within Yemen, the Houthis severely limited the ability of the international community to provide humanitarian assistance to the population under their control. International humanitarian organizations report the "Houthi

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forces' widespread use of landmines along Yemen's western coast since mid-2017 has killed and injured hundreds of civilians and prevented aid groups from reaching vulnerable communities." Despite the humanitarian catastrophe, the Houthis continue to escalate the conflict in Yemen, most recently disregarding their own commitments under the UN-sponsored ceasefire deal regarding the port city of Hudaydah.

(U) The United States strongly backs peace efforts brokered by UN Special Envoy Martin Griffiths. Griffiths' painstaking endeavor to have parties reach agreements in peace talks in Sweden in 2018 would lay a solid track for a political process to end the conflict.

(U) For the reasons cited above, an emergency exists requiring immediate provision of certain defense systems to Saudi Arabia, the United Arab Emirates, and Jordan in the national security interest of the United States. Such transfers, whether provided via the Foreign Military Sales system, or through the licensing of Direct Commercial Sales, must occur as quickly as possible in order to deter further Iranian adventurism in the Gulf and throughout the Middle East. The Secretary of State, therefore, has certified an emergency exists under sections 36(b)(1), 36(c)(2), and 36(d)(2) of the Arms Export Control Act, 22 U.S.C. 2776, thereby waiving the congressional review requirements of those provisions.

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