



Billing Code: 5010-01

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 17-0B]

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)(5)(C) 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 17-0B 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,

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)

REPORT OF ENHANCEMENT OR UPGRADE OF
SENSITIVITY OF TECHNOLOGY OR
CAPABILITY (SEC. 36(B)(5)(C), AECA)

- (i) Purchaser: Government of the United Arab Emirates (UAE)
- (ii) Sec. 36(b)(1), AECA Transmittal No.: 16-15
Date: 8 December 2016
Military Department: Army
- (iii) Description: On December 8, 2016, Congress was notified by Congressional certification transmittal number 16-15 of the possible sale under Section 36(b)(1) of the Arms Export Control Act of twenty-eight (28) AH-64E Remanufactured Apache Attack Helicopters; nine (9) new AH-64E Apache Attack Helicopters; seventy-six (76) T700-GE-701D Engines (56 remanufactured, 18 new, 2 spares); thirty-nine (39) AN/ASQ-170 Modernized Target Acquisition and Designation Sight/AN/AAR-11 Modernized Pilot Night Vision Sensors (28 remanufactured, 9 new, 2 spares); thirty-two (32) remanufactured AN/APR-48B Modernized Radar Frequency Interferometers; forty-six (46) AAR-57 Common Missile Warning Systems (31 remanufactured, 9 new, 6 spares); eighty-eight (88) Embedded Global Positioning Systems with Inertial Navigation (72 new, 16 spares); forty-four (44) Manned-Unmanned Teaming-International (MUMTi) systems (28 remanufactured, 9 new, 7 spares); and fifteen (15) new MUMTi System Upper Receivers, training devices, helmets, simulators, generators, transportation, wheeled vehicles and organization equipment, spare and repair parts, support equipment, tools and test equipment, technical data and publications, personnel training and training equipment, U.S. government and contractor engineering, technical, and logistics support services, and other related elements of logistics support. The estimated cost was \$3.5 billion. Major Defense Equipment (MDE) constituted \$1.68 billion of this total.

This transmittal reports:

1. the addition of thirty (30) Radar Electronic Units (REU) as MDE, which were included in the total value of the original transmittal, but were not properly identified as MDE; and
2. the inclusion of additional quantities of the following items: one (1) new AH-64E Apache Attack Helicopter, six (6) T700-GE-701D engines (2 installed, 4 spares), one (1) new AN/ASQ-170 Modernized Target Acquisition and Designation Sight/AN/AAR-11 Modernized Pilot Night Vision Sensor, one (1) new AAR-57 Common Missile Warning System, sixty-two (62) Embedded Global Positioning

Systems with Inertial Navigation (EGIs) (60 remanufactured, 2 new), and one (1) new Manned-Unmanned Teaming-International (MUMTi) system. The total MDE value of these items is \$101,518,591. The addition will not add to the total notified value of MDE, which will remain \$1.68 billion. The total notified case value will remain \$3.5 billion.

- (iv) Significance: This notification is being provided to report the inclusion of MDE and non-MDE items that were not included in the original notification. The UAE lost a helicopter during recent operations and has requested to replace this loss.
- (v) Justification: The Secretary of State has determined and certified 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 equipment will support the capabilities of UAE's Apache fleet and enhance interoperability with the United States.
- (vi) Sensitivity of Technology:
The AH-64E Apache Attack Helicopter weapon system contains communications and target identification equipment, navigation equipment, aircraft survivability equipment, displays, and sensors. The airframe itself does not contain sensitive technology; however, the pertinent equipment listed below will be either installed on the aircraft or included in the sale:
 - a. The Radar Electronic Unit (REU) is a component upgrade to the AN/APG-78 Fire Control Radar (FCR). The REU replaces two legacy Line Replaceable Units (Programmable Signal Processor and Low Power Radio Frequency), achieving a weight reduction of approximately 85 pounds, with improved reliability, increased processing power, growth for new modes/capabilities and replacement of obsolete components. Critical system information is stored in the FCR/REU in the form of mission executable code, target detection, classification algorithms and coded threat parametric. This information is provided in a form that cannot be extracted by the foreign user via anti-tamper provisions built into the system.
 - b. The AN/APG-78 Fire Control Radar (FCR) is an active, low-probability of intercept, millimeter-wave radar, combined with a passive AN/APR-48B Modernized Radar Frequency Interferometer (M-RFI) mounted on top of the helicopter mast. The FCR Ground Targeting Mode detects, locates, classifies and prioritizes stationary or moving armored vehicles, tanks and mobile air defense systems as well as hovering helicopters, helicopters, and fixed wing aircraft in normal flight. If desired, the radar data can be used to refer targets to the regular electro-optical Modernized Target Acquisition and Designation Sight (MTADS). This information is provided in a form that cannot be

extracted by the foreign user. The content of these items is classified SECRET. User Data Module (UDM) on the RFI processor, contains the Radio Frequency threat library. The UDM, which is a hardware assemblage, is classified CONFIDENTIAL when programmed with threat parameters, threat priorities and/or techniques derived from U.S. intelligence information.

c. The AN/ASQ-170 Modernized Target Acquisition and Designation Sight/AN/AAQ-11 Pilot Night Vision Sensor (MTADS/PNVS) provides day, night, and limited adverse weather target information, as well as night navigation capabilities. The PNVS provides thermal imaging that permits nap-of-the-earth flight to, from, and within the battle area, while TADS provides the co-pilot gunner with search, detection, recognition, and designation by means of Direct View Optics (DVO), EI2 television, and Forward Looking Infrared (FLIR) sighting systems that may be used singularly or in combinations. Hardware is UNCLASSIFIED. Technical manuals for authorized maintenance levels are UNCLASSIFIED. Reverse engineering is not a major concern.

d. The AAR-57 Common Missile Warning System (CMWS) detects energy emitted by threat missiles in-flight, evaluates potential false alarm emitters in the environment, declares validity of threat and selects appropriate countermeasures. The CMWS consists of an Electronic Control Unit (ECU), Electro-Optic Missile Sensors (EOMSs), and Sequencer and Improved Countermeasures Dispenser (ICMD). The ECU hardware is classified CONFIDENTIAL; releasable technical manuals for operation and maintenance are classified SECRET.

e. The Embedded Global Positioning System/Inertial Navigation System plus Multi- Mode Receiver (EGI+MMR) The aircraft has two EGIs which use internal accelerometers, rate gyro measurements, and external sensor measurements to estimate the aircraft state, provides aircraft flight and position data to aircraft systems. The EGI is a velocity-aided, strap down, ring laser gyro based inertial unit. The EGI unit houses a GPS receiver. The receiver is capable of operating in either non-encrypted or encrypted. When keyed, the GPS receiver will automatically use anti-spoof/jam capabilities when they are in use. The EGI will retain the key through power on/off/on cycles. Because of safeguards built into the EGI, it is not considered classified when keyed. Integrated within the EGI is an Inertial Measurement Unit (IMU) for processing functions. Each EGI also houses a Multi-Mode Receiver (MMR). The MMR is incorporated to provide for reception of ground based NAVAID signals for instrument aided flight. Provides IMC I IFR integration and certification of improved Embedded Global Positioning System and Inertial (EGI) unit, with attached MMR, with specific cockpit instrumentation allows Apaches to operate within the worldwide IFR route structure. Also includes integration of the Common Army Aviation Map

(CAAM), Area Navigation (RNAV), Digital Aeronautical Flight Information File (DAFIF) and Global Air Traffic Management (GATM) compliance.

f. Manned-Unmanned Teaming-International (MUMT-I) provides Manned-Unmanned Teaming with Unmanned Aerial Systems (UASs), other Apaches and other interoperable aircraft and land platforms. Provides ability to display real-time UAS sensor information to aircraft and transmit MTADS video. Capability to receive video and metadata from Interoperability Profile compliant (IOP) as well as legacy systems. It is a data link for the AH-64E that provides a fully integrated multiband, interoperable capability that allows pilots to receive off-board sensor video streaming from different platforms in non-Tactical Common Data Link (TCDL) bands. The MUMT- I data link can retransmit UAS or Apache Modernized Target Acquisition Designation Sight full-motion sensor video and metadata to another MUMT-I-equipped Apache. It can also transmit to ground forces equipped with the One Station Remote Video Terminal. It provides Apache aircrews with increased situational awareness and net-centric interoperability while significantly reducing sensor-to-shooter timelines. This combination results in increased survivability of Apache aircrews and ground forces by decreasing their exposure to hostile fire.

(vii) Date Report Delivered to Congress: May 24, 2019

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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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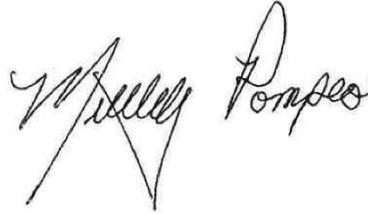
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For Jordan:

- 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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[FR Doc. 2019-15753 Filed: 7/23/2019 8:45 am; Publication Date: 7/24/2019]