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DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 24-15]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense (DoD).

ACTION: Arms sales notice.

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

FOR FURTHER INFORMATION CONTACT: Pamela Young at (703) 953-6092,
pamela.a.young14.civ@mail.mil, or dsca.ncr.rsrcmgmt.list.cns-mbx@mail.mil.

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 with attached Transmittal 24-15, Policy Justification, and Sensitivity of Technology.

Dated: December 10, 2024.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer,

Department of Defense.



December 8, 2023

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

Dear Mr. Speaker:

On December 8, 2023, 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 transmittal to the Government of Israel through the Foreign Military Sales process, including any further amendment specific to costs, quantity, or requirements occurring within the duration of circumstances giving rise to this emergency sale.

Please find attached (Tab 1) the Secretary of State Determination and Justification waiving the congressional review requirements under Section 36(b)(1) of the Arms Export Control Act (AECA), as amended. We will issue a news release to notify the public of this proposed sale upon delivery of this letter to your office.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Hursch", is positioned above the printed name and title.

James A. Hursch
Director

Enclosures:

1. Secretary of State Determination and Justification Letter
2. Transmittal
3. Policy Justification
4. Sensitivity of Technology

DETERMINATION UNDER SECTION 36(b)(1) OF THE ARMS EXPORT CONTROL
ACT

Pursuant to section 36(b)(1) of the Arms Export Control Act, 22 U.S.C. 2776, I hereby determine that an emergency exists that requires the immediate sale through the following foreign military sales case, including any further amendments specific to the cost, quantity, or requirements of these cases, in the national security interest of the United States:

For Israel:

- 120mm Tank Cartridges

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

12/8/23

Date



Antony J. Blinken
Secretary of State

(U) MEMORANDUM OF JUSTIFICATION
FOR EMERGENCY ARMS TRANSFERS TO ISRAEL UNDER SECTION 36(b)(1) OF
THE ARMS EXPORT CONTROL ACT

(U) On October 7, Hamas launched the worst attack on Israel since the 1973 Yom Kippur War. Thousands of rockets were fired and continue to be fired indiscriminately, hitting locations and civilians as far as Tel Aviv and Jerusalem. Hamas gunmen crossed into Israel, entering towns and communities as far as 15 miles from Gaza, slaughtering men, women, and children. More than 230 hostages were captured and dragged back into Gaza, including U.S. citizens. As of today, Hamas' act of terrorism has claimed the lives of more than 1,200 in Israel, including at least 31 U.S. citizens, and wounded thousands more. The attack is the single deadliest day for the Jewish people since the Holocaust, and is reminiscent of the worst rampages of ISIS. The following day, the Government of Israel formally declared war on Hamas in accordance with its Basic Law.

(U) Israel has the right to defend itself, and the United States supports Israel taking necessary action to defend its country and protect its people from Hamas terrorists, consistent with international law and, specifically, the law of war. Following the attack, the President directed surging additional military assistance to the Israeli Defense Force, to include ammunition and interceptors to replenish the Iron Dome. The Department of State and the Department of Defense are coordinating with Israeli partners to meet their military requirements and ensure Israel has what it needs to defend itself, its people, and U.S. citizens living, working, and traveling in Israel.

(U) Israel faces further credible security threats on its northern border with Lebanon and Syria. Since October 7, sporadic violence has occurred across the Blue Line, which marks the *de facto* boundary between Israel and Lebanon, and Israel remains at immediate risk of other parties in Lebanon or Syria exploiting Hamas' appalling attack.

(U) The United States' commitment to Israel's security is ironclad, which is reflected in decades of close political-military dialogues and high-level defense policy exchanges. The historic ten-year U.S.-Israel Memorandum of Understanding to provide Israel with \$38 billion in security assistance is a bulwark against regional threats; however, Israel requires urgent support to respond to the immediate threat raised by Hamas' horrific attack, to replenish stocks of key defense articles that maintain its Qualitative Military Edge in the region, and to deter and guard against the threat of broad scale regional conflict.

(U) Given the scale and scope of Hamas' offensive, it is in the United States' national security interest to swiftly provide Israel with the defense systems it requires to defend itself and reinforce deterrence against other regional threats, which we have undertaken since October 7. Israel has communicated an urgent requirement for 120mm tank rounds. The urgency of this requirement has been validated by the Department of Defense in consultation with the Department of State. We anticipate Israel will continue its military operations in Gaza in the near-term. In order to effectively do so and ensure it is prepared for any other attacks, it has an immediate need for these defense articles. These 120mm rounds are readily available in DoD stock and can be quickly transferred to Israel. The immediacy of the challenge at hand requires overcoming the statutory 15-day Congressional Notification timeline to expedite transfers to Israel.

(U) For the reasons cited above, an emergency exists requiring immediate provision of these defense articles to Israel in the national security interest of the United States. This transfer, through a Foreign Military Sale, will provide Israel as soon as possible with defense articles that are necessary to allow it to defend itself in its war with Hamas. The Secretary of State, therefore, has certified an emergency exists under sections 36(b)(1) of the Arms Export Control Act, 22 U.S.C. 2776, thereby waiving the congressional review requirement of that provision.

Transmittal No. 24-15

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 Israel

(ii) Total Estimated Value:

Major Defense Equipment*	\$ 99.9 million
Other	<u>\$ 6.6 million</u>
TOTAL	\$106.5 million

Funding Source: Foreign Military Financing and National Funds

(iii) Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:

Major Defense Equipment (MDE):

Thirteen thousand nine hundred eighty-one (13,981) 120mm M830A1 High Explosive Anti-Tank Multi-Purpose with Tracer (MPAT) Tank Cartridges

Non-MDE:

Also included are publications and technical documentation; U.S. Government and contractor engineering, technical, and logistics support services; studies and surveys; and other related elements of logistics and program support.

(iv) Military Department: Army (IS-B-VBS)

(v) Prior Related Cases, if any: None

(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: **December 8, 2023**

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

POLICY JUSTIFICATION

Israel – M830A1 120mm Tank Cartridges

The Government of Israel has requested to buy thirteen thousand nine hundred eighty-one (13,981) 120mm M830A1 High Explosive Anti-Tank Multi-Purpose with Tracer (MPAT) tank cartridges. Also included are publications and technical documentation; U.S. Government and contractor engineering, technical, and logistics support services; studies and surveys; and other related elements of logistics and program support. The estimated total cost is \$106.5 million.

The Secretary of State has determined and provided detailed justification that an emergency exists that requires the immediate sale to the Government of Israel 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.

The United States is committed to the security of Israel, and it is vital to U.S. national interests to assist Israel to develop and maintain a strong and ready self-defense capability. This proposed sale is consistent with those objectives.

Israel will use the enhanced capability as a deterrent to regional threats and to strengthen its homeland defense. Israel will have no difficulty absorbing this equipment into its armed forces.

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

This will be a sale from U.S. Army inventory. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will not require the assignment of any additional U.S. Government or contractor representatives to Israel.

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

Transmittal No. 24-15

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 120mm M830A1 High Explosive Anti-Tank Multi-Purpose with Tracer (MPAT) tank cartridge is a line-of-sight, full-bore, multipurpose munition for the Abrams tank. It requires the gunner to manually select the fuze mode to either point detonate against buildings, bunkers, and light armor vehicles or similar target sets, or proximity for anti-helicopter self-defense capabilities.
2. The highest level of classification of defense articles, components, and services included in this potential sale is Controlled Unclassified Information.
3. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures that might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.
4. A determination has been made that Israel will provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.
5. All defense articles and services listed in this transmittal have been authorized for release and export to the Government of Israel.