



DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 24-53]

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 24-53 and Policy Justification.

Dated: August 8, 2025.

Stephanie J. Bost,

Alternate OSD Federal Register Liaison Officer,

Department of Defense.



DEFENSE SECURITY COOPERATION AGENCY

2800 Defense Pentagon
Washington, DC 20301-2800

April 9, 2024

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

Dear Mr. Speaker:

On April 8, 2024, the Secretary of State, pursuant to section 36(b) of the Arms Export Control Act (AECA), 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 Ukraine 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, 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 that reads "James A. Hursch".

James A. Hursch
Director

Enclosures:

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

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 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 Ukraine:

- HAWK Phase III Missile System Sustainment

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.

1/8/24
Date

Antony Blinken
Antony J. Blinken
Secretary of State

billion in assistance for Ukraine (including a total of \$896 million directed in conjunction with section 614 of the FAA during FY 2022 and FY 2023). The principal equipment delivered under these drawdowns for Ukraine included High Mobility Artillery Rocket Systems (HIMARS), Stinger air-defense missiles, munitions for the National Advanced Surface-to-Air Missile Systems (NASAMS), high-speed anti-radiation missiles (HARMs), Javelin anti-armor missiles, command launch units, M18A1 Claymore anti-personnel munitions (configured to be compliant with the Ottawa Convention), first aid kits, artillery and ammunition, helicopters, unmanned aerial systems, machine guns, tactical gear, night vision devices, personal protective equipment, spare parts, and various calibers of ammunition.

(U) Although U.S. security assistance has improved Ukraine's overall defense posture and capabilities, Ukraine requires urgent support to enable it to continue resisting and repelling Russia's ongoing invasion. The U.S. multi-year security assistance effort is designed to help Ukraine build a sustainable defense capacity over the long term, while defense articles provided through this emergency arms transfers under Section 36(b)(1) of the Arms Export Control Act would address its most pressing defense needs in response to Russia's aggression.

(U) In the midst of the ongoing conflict, a critical need has surfaced requiring the immediate transfer of these defense articles in order for Ukraine to maintain its ability to prevent Russian gains. Russia has shown no sign of easing air attacks against Ukrainian targets and Ukrainian stocks of air defense munitions are reaching critical levels. Meanwhile, the United States and its partners are struggling to continue to provide air defense systems at the rate needed by Ukrainian forces, especially if there are any delays in the transfer process. The HAWK system has proven extremely effective against the types of offensive air munitions that Russia is employing and the systems are in constant use – requiring, at this time, immediate and thorough refurbishment, refit, or replacement.

(U) It is in the United States' national security interest to swiftly provide Ukraine with the defense systems it requires to defend itself. In

order to effectively do so and ensure it is prepared for any other attacks, it has an immediate need for these defense articles and services for sustainment, refurbishment, overhaul, and integration of the HAWK Phase III Missile System. The urgency of this requirement has been validated by the Department of Defense in consultation with the Department of State. These items and services are readily available in DoD stock and can be quickly transferred to Ukraine. The immediacy of the challenge at hand requires overcoming the statutory 30-day Congressional Notification timeline to immediately expedite transfers to Ukraine.

(U) For the reasons cited above, an emergency exists requiring immediate provision of these defense articles to Ukraine in the national security interest of the United States. This transfer, through a Foreign Military Sale, will provide Ukraine as soon as possible with defense articles that are necessary to allow it to defend itself in its war with Russia. 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.

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 Ukraine

(ii) Total Estimated Value:

Major Defense Equipment*	\$ 0
Other	<u>\$138 million</u>
TOTAL	\$138 million

Funding Source: Foreign Military Financing

(iii) Description and Quantity or Quantities of Articles or Services under Consideration for Purchase: The Government of Ukraine has requested to buy sustainment-related articles and services for the HAWK Phase III missile system, including:

Major Defense Equipment (MDE):

None

Non-MDE:

Engineering and integration for communications and interoperability; refurbishment and system overhaul of HAWK air defense fire units; missile recertification components; tool kits; test equipment; support equipment; technical documentation; spare parts; training; United States (U.S.) Government and contractor technical and field office support; and other related elements of logistics and program support.

(iv) Military Department: Army (UP-B-UCX)

(v) Prior Related Cases, if any: NX-B-VGA, NW-B-WTD (USAI Cases)

(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: None

(viii) Date Report Delivered to Congress: **April 9, 2024**

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

POLICY JUSTIFICATION

Ukraine – HAWK Phase III Missile System Sustainment

The Government of Ukraine has requested to buy sustainment-related articles and services for the HAWK Phase III missile system, including engineering and integration for communications and interoperability; refurbishment and system overhaul of HAWK air defense fire units; missile recertification components; tool kits; test equipment; support equipment; technical documentation; spare parts; training; U.S. Government and contractor technical and field office support; and other related elements of logistics and program support. The estimated total cost is \$138 million.

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

This proposed sale will support the foreign policy goals and national security objectives of the U.S. by improving the security of a partner country that is a force for political stability and economic progress in Europe.

Ukraine has an urgent need to increase its capabilities to defend against Russian missile strikes and the aerial capabilities of Russian forces. Maintaining and sustaining the HAWK missile system will enhance Ukraine's ability to defend its people and protect critical national infrastructure.

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

The principal contractors will be RTX Corporation, located in Andover, MA, and PROJECTXYZ, located in Huntsville, AL. Equipment will be supplied from a combination of U.S. Army stock, country donations, Commercial Off-the-Shelf (COTS), and new production. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will require temporary duty travel of an estimated 5 U.S. Government and 15 contractor representatives to Europe to support HAWK system training and sustainment.

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