

POLICY JUSTIFICATION

Brazil—Assault Amphibious Vehicles

The Government of Brazil has requested the possible sale of 26 Assault Amphibious Vehicles (AAVs)/ Reliability, Availability and Maintainability/Rebuild to Standard (RAM/RS), with ancillary equipment, and machine guns. Also included are the upgrade of Brazil's existing AAVs to the RAM/RS configuration, weapons and ammunition, 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 is \$233 million.

The proposed sale will contribute to foreign policies and national security of the United States by helping to improve the security of Brazil which has been, and continues to be, an important force for political stability and economic progress in South America.

Brazil will use this equipment to augment its current inventory of amphibious vehicles and to modernize and strengthen its Naval operational amphibious capability in support of national defense objectives. Brazil will have no difficulty absorbing these vehicles into its armed forces.

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

The AAVs will be procured through a competitive procurement. 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 Brazil. There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

[FR Doc. 2012-20168 Filed 8-15-12; 8:45 am]

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DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal Nos. 12-41]

36(b)(1) Arms Sales Notification

AGENCY: Department of Defense, Defense Security Cooperation Agency.

ACTION: Notice.

SUMMARY: The Department of Defense is publishing the unclassified text of a section 36(b)(1) arms sales notification. This is published to fulfill the requirements of section 155 of Public Law 104-164 dated July 21, 1996.

FOR FURTHER INFORMATION CONTACT: Ms. B. English, DSCA/DBO/CFM, (703) 601-3740.

The following is a copy of a letter to the Speaker of the House of Representatives, Transmittals 12-41 with attached transmittal, and policy justification.

Dated: August 10, 2012.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

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Transmittal No. 12-41

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: Belgium
- (ii) Total Estimated Value:

Major Defense Equipment*	\$48 million
Other	\$40 million

TOTAL \$88 million

(iii) Description and Quantity or Quantities of Articles or Services under Consideration for Purchase: 240 Block I Javelin Missiles, Command Launch Units (CLU) Missile Simulation Rounds (MSR), Battery Coolant Units (BCU), support equipment, spare and repair parts, personnel training and training equipment, publications and technical data, U.S. Government and contractor technical assistance and other related logistics support.

(iv) Military Department: Army (WDM)

(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: 2 Aug 2012

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



DEFENSE SECURITY COOPERATION AGENCY

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

AUG 2 2012

The Honorable John A. Boehner
Speaker of the House
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 12-41, concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance to Belgium for defense articles and services estimated to cost \$88 million. After this letter is delivered to your office, we plan to issue a press statement to notify the public of this proposed sale.

Sincerely,

William E. Landay III
Vice Admiral, USN
Director

Enclosures:

1. Transmittal
2. Policy Justification
3. Sensitivity of Technology



BILLING CODE 5001-06-C

Policy Justification

Government of Belgium—Javelin Missiles

The Government of Belgium has requested a possible purchase of 240 Block I Javelin Missiles, Command Launch Units (CLU), Missile Simulation Rounds (MSR), Battery Coolant Units (BCU), support equipment, spare and repair parts, personnel training and training equipment, publications and

technical data, U.S. Government and contractor technical assistance and other related logistics support. The estimated cost is \$88 million.

This proposed sale will contribute to the foreign policy and national security of the United States by helping to improve the security of a NATO ally who continues to be an important force for the political stability and economic progress in Northern Europe.

The Belgium Army intends to use the Javelin system as part of its overall military modernization program. The

Javelin system will replace the Belgium Army's existing MILAN missile system.

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

The principal contractors will be Joint Javelin Venture (JJV), a consortium of Raytheon, in Tucson, Arizona, and Lockheed Martin, in Orlando, Florida. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will require 6 U.S. Government or

contractor representatives to travel to Belgium for a period of 2 weeks for equipment training.

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

Transmittal No. 12–41

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's hardware and the documentation provided are unclassified. However, sensitive technology is contained within the system itself. The sensitivity is primarily in the software programs that instruct the system how to operate in the presence of countermeasures. Programs are contained in the system in the form of microprocessors with Read Only Memory (ROM) maps, which do not provide the software program itself. The overall hardware is considered sensitive in that the modulation frequency and infrared wavelengths could be used in countermeasure development. The benefits to be derived from the sale, as outlined in the policy justification of this notification, outweigh the potential damage that could result if technology were to be revealed to unauthorized persons.

2. 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.

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DEPARTMENT OF DEFENSE

Office of the Secretary

Establishment of Department of Defense Federal Advisory Committee

AGENCY: DoD.

ACTION: Establishment of Federal Advisory Committee.

SUMMARY: Under the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C. Appendix) and 41 Code of Federal Regulations § 102–3.50(d), the Secretary of Defense, on October 11, 2010, established the Army National Cemeteries Advisory Commission. This discretionary advisory committee was chartered to provide independent

advice and recommendations on matters relating to the Army National Cemeteries Program. On December 31, 2011, Public Law 112–81 § 4723, National Defense Authorization Act for Fiscal Year 2012, directed the Department of Defense to create an “advisory committee on Arlington National Cemetery,” to advise the Department “with respect to the administration of Arlington National Cemetery, the erection of memorials at the cemetery, and master planning for the cemetery.”

Based upon this the Department disestablished the Army National Cemeteries Advisory Commission and established the Advisory Committee on Arlington National Cemetery. Like the former Commission, the new Committee's charter authorizes the Secretary of Defense to appoint up to nine members who are preeminent authorities in their respective fields of interest or expertise.

The Committee is a non-discretionary federal advisory committee that shall provide the Secretary of Defense through the Secretary of the Army, independent advice and recommendations, with respect to the administration of Arlington National Cemetery, the erection of memorials at the cemetery, and master planning for the cemetery.

The Committee shall report to the Secretary of Defense through the Secretary of the Army. The Secretary of the Army may act upon the Committee's advice and recommendations. The Committee shall be comprised of no more than nine members who are preeminent authorities in their respective fields of interest or expertise, including:

- a. One member nominated by the Secretary of Veterans Affairs;
 - b. One member nominated by the Secretary of the American Battle Monuments Commission; and
 - c. No more than 7 members nominated by the Secretary of the Army.
- Committee members, who are not full-time or permanent part-time Federal officers or employees, shall be appointed to serve as experts and consultants under the authority of 5 U.S.C. § 3109 and shall serve as special government employees. All Committee members shall be appointed by the Secretary of Defense and their appointments shall be renewed on an annual basis.

The Secretary of the Army shall designate the Co-Chairs from the total Committee membership. With the exception of travel and per diem for official Committee related travel,

Committee members shall serve without compensation.

The Secretary of Defense may approve the appointment of Committee members for one- to four-year terms of service; however, no member, unless authorized by the Secretary of Defense, may serve more than two consecutive terms of service. This same term of service limitation also applies to any DoD authorized subcommittees.

Each Committee member is appointed to provide advice on behalf of the government on the basis of his or her best judgment without representing any particular point of view and in a manner that is free from conflict of interest.

The Department, when necessary, and consistent with the Committee's mission and DoD policies and procedures, may establish subcommittees to support the Committee. Establishment of subcommittees will be based upon a written determination, to include terms of reference, by the Secretary of Defense, the Deputy Secretary of Defense or the Committee's sponsor. Such subcommittees shall not work independently of the chartered Committee, and shall report all their recommendations and advice to the Committee for full deliberation and discussion. Subcommittees have no authority to make decisions on behalf of the chartered Committee; nor can any subcommittee or its members update or report directly to the DoD or any Federal officers or employees.

All subcommittee members shall be appointed in the same manner as the Committee members; that is, the Secretary of Defense shall appoint subcommittee members even if the member in question is already a Committee member. Subcommittee members, with the approval of the Secretary of Defense, may serve a term of service on the subcommittee of one to four years. Subcommittee members, if not full-time or part-time government employees, shall be appointed to serve as experts and consultants under the authority of 5 U.S.C. 3109, and shall serve as special government employees, whose appointments must be renewed by the Secretary of Defense on an annual basis. With the exception of travel and per diem for official Committee related travel, subcommittee members shall serve without compensation.

All subcommittees operate under the provisions of FACA, the Government in the Sunshine Act, governing Federal statutes and regulations, and governing DoD policies/procedures.

FOR FURTHER INFORMATION CONTACT: Jim Freeman, Advisory Committee