

**DEPARTMENT OF DEFENSE****Defense Acquisition Regulations System**

[Docket Number DARS-2020-0014; OMB Control Number 0704-0359]

**Information Collection Requirement; Defense Federal Acquisition Regulation Supplement, Contract Financing**

**AGENCY:** Defense Acquisition Regulations System, Department of Defense (DoD).

**ACTION:** Notice and request for comments regarding a proposed extension of an approved information collection requirement.

**SUMMARY:** In compliance with section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, DoD announces the proposed revision of a public information collection requirement and seeks public comment on the provisions thereof. DoD invites comments on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of DoD, including whether the information will have practical utility; (b) the accuracy of the estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including the use of automated collection techniques or other forms of information technology. The Office of Management and Budget (OMB) has approved this information collection requirement for use through May 31, 2020. DoD proposes that OMB extend its approval for an additional three years.

**DATES:** DoD will consider all comments received by May 18, 2020.

**ADDRESSES:** You may submit comments, identified by OMB Control Number 0704-0359, using any of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.
- *Email:* [osd.dfars@mail.mil](mailto:osd.dfars@mail.mil). Include OMB Control Number 0704-0359 in the subject line of the message.
- *Fax:* 571-372-6094.
- *Mail:* Defense Acquisition Regulations System, Attn: Ms. Amy G. Williams, OUSD(A&S)DPC/DARS, Room 3B941, 3060 Defense Pentagon, Washington, DC 20301-3060.

Comments received generally will be posted without change to <http://www.regulations.gov>, including any personal information provided. To

confirm receipt of your comment(s), please check [www.regulations.gov](http://www.regulations.gov) approximately two to three days after submission to verify posting. Please allow 30 days for posting of comments submitted by postal mail.

**FOR FURTHER INFORMATION CONTACT:** Ms. Amy G. Williams, telephone 571-372-6106.

**SUPPLEMENTARY INFORMATION:**

*Title and OMB Number:* Defense Federal Acquisition Regulation Supplement (DFARS) Part 232, Contract Financing and Related Clauses at 252.232; OMB Control Number 0704-0359.

*Type of Request:* Extension.  
*Affected Public:* Businesses or other for-profit and not-for-profit institutions.  
*Respondents' Obligation:* Required to obtain or retain benefits.

*Respondents:* 1,000.

*Responses per Respondent:* 14.

*Annual Responses:* 14,000.

*Hours per Response:* 1.2 hour.

*Estimated Hours:* 16,800.

*Reporting Frequency:* On occasion.

*Needs and Uses:*

- *DFARS 252.232-7007, Limitation of Government's Obligation.* The data submitted by contractors enables contracting officers to calculate improved financing opportunities that will provide benefit to both industry (prime and subcontractor level) and the taxpayer.

- *DFARS subpart 232.10, Performance-Based Payments, 252.232-7012, Performance Based Payments—Whole Contract Basis, and 252.232-7013, Performance Based Payments—Deliverable-Item Basis.* Contracting officers use the information provided by contractors to create a cash-flow model for use in evaluating alternative financing arrangements. The analysis tool calculates improved financing opportunities that will provide benefit to both industry (prime and subcontractor level) and the taxpayer.

**Summary of Information Collection**

DFARS 252.232-7007 is prescribed for use in solicitations and resultant incrementally-funded fixed-price contracts. Paragraph (c) of the clause requires a written notification from the contractor that: (1) States the estimated date when the total amount payable by the Government, including any cost for termination for convenience, will approximate 85 percent of the total amount then allotted to the contract for performance of the applicable items; (2) states an estimate of additional funding, if any, needed to continue performance of applicable line items up to the next scheduled date for allotment of funds,

or to a mutually agreed upon substitute date; and (3) advises the contracting officer of the estimated amount of additional funds that will be required for the timely performance of the items funded pursuant to the clause, for a subsequent period as may be specified in the allotment schedule, or otherwise agreed to by the parties to the contract.

DFARS subpart 232.10 requires the contracting officer, when considering performance-based payments, to obtain from the contractor a proposed performance-based payments schedule which includes all performance-based payments events, completion criteria and event values along with the expected expenditure profile.

DFARS 252.232-7012 is prescribed for use at DFARS 232.1005-70(a). This clause requires contractors to report the negotiated value of all previously completed performance-based payments; negotiated value of current performance-based payment(s) event(s); cumulative negotiated value of performance-based payment(s) events completed to date; total costs incurred to date; cumulative amount of payments previously requested; and the payment amount requested for the current performance based payment.

DFARS 252.232-7013 is prescribed for use at 232.1005-70(b). This clause requires contractors to report the negotiated value of current performance-based payment(s) event(s); cumulative negotiated value of performance-based payment(s) events completed to date; total costs incurred to date; cumulative amount of payments previously requested; and the payment amount requested for the current performance based payment.

**Jennifer Lee Hawes,**

*Regulatory Control Officer, Defense Acquisition Regulations System.*

[FR Doc. 2020-05353 Filed 3-16-20; 8:45 am]

**BILLING CODE 5001-06-P**

**DEPARTMENT OF DEFENSE****Office of the Secretary**

[Transmittal No. 20-09]

**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](mailto: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 20-09 with attached Policy Justification and Sensitivity of Technology.

Dated: March 10, 2020.  
**Aaron T. Siegel,**  
*Alternate OSD Federal Register Liaison  
Officer, Department of Defense.*  
BILLING CODE 5001-06-P



**DEFENSE SECURITY COOPERATION AGENCY**  
201 12<sup>TH</sup> STREET SOUTH, SUITE 101  
ARLINGTON, VA 22202-5408

MAR 04 2020

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

Dear Madam 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. 20-09 concerning the Army's proposed Letter(s) of Offer and Acceptance to the Government of Poland for defense articles and services estimated to cost \$100 million. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

A handwritten signature in black ink, appearing to read "C. Hooper".

Charles W. Hooper  
Lieutenant General, USA  
Director

Enclosures:

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

## BILLING CODE 5001-06-C

Transmittal No. 20-09

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 Poland

(ii) *Total Estimated Value*:

Major Defense Equipment * ..	\$ 75 million
Other .....	\$ 25 million
Total .....	\$100 million

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

*Major Defense Equipment (MDE)*:

One hundred eighty (180) Javelin Missiles  
Seventy-nine (79) Javelin Command Launch Units (CLU)

*Non-MDE*:

Also included are Basic Skill Trainers (BST), Missile Simulation Rounds (MSR), Battery Coolant Units (BCU), tool kits, modified 2-level maintenance parts, training, U.S. Government and contractor technical assistance, transportation and other related elements of logistics support.

(iv) *Military Department*: Army (PL-B-UDN)

(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*: March 4, 2020

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

## POLICY JUSTIFICATION

## Poland—Javelin Missile and Command Launch Unit

The Government of Poland has requested to buy one hundred eighty (180) Javelin missiles and seventy-nine (79) Javelin Command Launch Units (CLUs). Also included are Basic Skill Trainers (BST), Missile Simulation Rounds (MSR), Battery Coolant Units (BCU), tool kits, modified 2-level maintenance parts, training, U.S. Government and contractor technical assistance, transportation and other related elements of logistics support. The total estimated program cost is \$100 million.

This proposed sale will support the foreign policy and national security of the United States by improving the security of a NATO ally and partner nation which is an important force for peace, political stability, and economic progress in Eastern Europe.

This proposed sale of the Javelin system will help Poland build its long-term defense capacity to defend its sovereignty and territorial integrity in order to meet its national defense requirements. Poland will have no difficulty absorbing this system into its armed forces.

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

The prime contractors will be Raytheon/Lockheed Martin Javelin Joint Venture, Orlando, Florida and Tucson, Arizona. There are no known offset agreements proposed in connection with this potential sale. However, the purchaser typically requests offsets. Any offset agreement will be defined in negotiations between the purchaser and the contractor(s).

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

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

Transmittal No. 20-09

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. 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 Forward Looking Infrared (FLIR) sensor.

3. The 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. The

missile is autonomously guided to the target which allows the gunner the ability to reload and engage another target after firing a missile. The missile has a tandem warhead that is effective against armor threats.

4. The Javelin Missile System hardware and the documentation are UNCLASSIFIED. The missile software which resides in the CLU is CLASSIFIED.

5. If a technologically advanced adversary obtains knowledge of the specific hardware and software elements, the information could be used to develop countermeasures or equivalent systems that might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

6. A determination has been made that Poland can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This proposed sale is necessary to further the U.S. foreign policy and national security objectives outlined in the Policy Justification.

7. All defense articles and services listed on this transmittal are authorized for release and export to the Government of Poland.

[FR Doc. 2020-05389 Filed 3-16-20; 8:45 am]

BILLING CODE 5001-06-P

## DEPARTMENT OF DEFENSE

## Office of the Secretary

[Transmittal No. 19-71]

## 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](mailto: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 19-71 with attached Policy Justification and Sensitivity of Technology.

Dated: March 10, 2020.

**Aaron T. Siegel,**  
Alternate OSD Federal Register Liaison  
Officer, Department of Defense.

BILLING CODE 5001-06-P