



DEFENSE SECURITY COOPERATION AGENCY

WASHINGTON, DC 20301-2800

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In reply refer to:
I-01/012924

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Classification of Pricing and Availability (P&A) Data (DSCA 01-25)

Recently, we have received numerous questions regarding P&A data and whether these data should be classified when they meet the dollar level thresholds applicable to Arms Export Control Act (AECA), Section 36(b) congressional notifications. In most circumstances, these data are not classified. The following information is provided to assist in your understanding of this policy.

The AECA, Section 36(b), requires that "offers" to sell defense articles or services that meet certain criteria must be notified to Congress. Classification of data during the notification process protects the deliberations and foreign policy discussions that may be associated with the proposed transfer. Once the notification has been made, the data is no longer classified (unless classified for some other reason).

P&A estimates reflect rough order of magnitude data. As such, P&A estimates do not represent an "offer" or commitment by the US Government. To emphasize this fact, any P&A data provided to a perspective purchaser must include the following note: "If the Government of (insert the appropriate foreign country) is interested in pursuing this potential purchase, it must request a Letter of Offer and Acceptance." (SAMM, 70003.B.4.)

Once an LOA is requested for items which meet the AECA 36(b) criteria, LOA data should be considered classified until notification to Congress has been completed.

The only circumstances in which P&A data would be considered classified is if the classification is directed by the Department of State or Defense or if the foreign purchaser requests classification of the information and either the Department of State or Defense approves the classification.

This guidance will be clarified in the next revision to the Security Assistance Management Manual (SAMM). If you have any questions regarding this matter, please feel free to contact Mr. Steve Harris, (703) 604-6611/DSN 664-6611 or e-mail steve.harris@osd.pentagon.mil.

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