
FOREIGN MILITARY SALES CASES

INTRODUCTION

The foundation of any United States government-sponsored sale of defense articles or services is the letter of offer and acceptance (LOA), a contractual sales agreement between the seller (the U.S. government (USG)) and the purchaser (a foreign government or international organization). The LOA is written by a U.S. military department (MILDEP) or other USG implementing agency (IA), based on applicable regulations and the specifications the purchaser has set forth in its letter of request (LOR). The LOA, is commonly referred to as a foreign military sales (FMS) case. Each LOA has a unique case identifier (described later in this chapter), which enables both the USG and the foreign purchaser to refer to it without possibility of confusion amidst the thousands of foreign military sales cases currently active.

CATEGORIES OF STANDARD FOREIGN MILITARY SALES CASES

The LOA is used to implement one of the following three types of FMS cases:

- Defined order
- Blanket order
- Cooperative Logistics Supply Support Arrangement (CLSSA)

While each MILDEP uses its own terminology to describe a given type of case, in accordance with DoD 5105.38-M, *Security Assistance Management Manual* (SAMM), C5.4.3, all FMS cases, regardless of nomenclature, fall into one of the aforementioned categories.

Defined Order

A defined order case is one in which the defense articles, services, or training desired by the requesting country or international organization are specified/quantified by the customer in their LOR, and subsequently stated in the LOA. The defined order case is most commonly used for sale of major end items or significant military equipment (SME) which requires security controls throughout the sales process. Also included in a major end item sale (tanks, aircraft, etc.) are approximately two years of related initial support items. Cases of this type are commonly referred to as standard sales by the U.S. Army, defined line or push requisitioning by the U.S. Navy, and firm order by the U.S. Air Force. Attachment 6-1 is an example of a defined order FMS case.

A defined order case normally requires a complete LOA data study of separately deliverable line items in the case. This study gives the purchaser the best available estimate of item costs and delivery schedules within an allowable processing time frame. This data study also includes information on payment schedules, financial analysis for program milestones, and deliveries and payments made to contractors.

The types of defense articles, services, or training normally processed as defined order cases include:

- SME which includes major end items and weapon systems (e.g., tanks, ships, airplanes, missiles, etc.), and any related requirements to activate and operate an item or system during an initial period of time.
- Explosives including munitions
- Specific services (i.e. transportation, aircraft ferrying)
- Technical data packages (TDP)

Blanket Order Foreign Military Sales Case

A blanket order case is an agreement between a customer and the USG to purchase a specific category of items or services (including training) at a set dollar value ceiling with no definitive listing of the exact items or quantities desired. Customers may requisition against a blanket order case as long as the case has funds available. Cases of this nature are commonly called the following:

- Blanket open end by the U.S. Army
- Direct requisitioning procedures, open end requisitioning, by the U.S. Navy
- Blanket order/annual requisitioning by the U.S. Air Force

Attachment 6-2 is an example of a blanket order case.

Blanket order cases are normally used to process the following items:

- Spares and repair parts. Spares and repair parts are consumable or repairable items that become part of a higher assembly during use. Normally, a case in this category is opened to provide for follow-on support of a major item or weapon system following an initial support period. Initial or concurrent support is usually provided for in the system/package sale as a part of the total package approach. A blanket order case can be established for each major item or weapon system, or if offered by the implementing agency, one case may be established for the support of multiple systems.
- Publications. To order, maintain, and support defense articles and services, the following publications may be ordered through a blanket order case: forms, catalogs, manuals, stock lists, technical orders, engineering drawing specifications, reports, books, maps, and charts.
- Support Equipment. These items are special tools, test equipment, vehicles, construction equipment, materials handling equipment, etc., used in direct or indirect support and maintenance of weapon systems or end items.
- Maintenance. Minor modifications/alterations performed at United States military installations. These involve changes to an existing configuration as authorized by the cognizant MILDEP. The level of service so authorized must be specified in the case.

- Repairables. These are any items of supply of a durable nature and design which, when unserviceable, normally can be economically restored to a serviceable condition through regular repair procedures. Repairables may be repaired at the request of the customer and with the approval of the appropriate military service. Examples are major components such as aircraft engines, communications equipment, radars, motor vehicle engines, and transmissions.
- Technical Assistance Services. These are services in the form of technical advice or action that require the assistance of a specialist. Technical assistance services include such processes as determining the economy and feasibility of repair, estimating the nature and level of repair to be accomplished, analyzing the feasibility of updating the configuration of items, determining the range and depth of spare parts needed to sustain repair at various levels, establishing failure rates and analyzing reported failure data to make adjustments. Other examples of such assistance are:
 - Site/system survey teams
 - Installation and operational readiness testing of major items
 - Systems evaluation
 - Study groups to develop such essentials as engineering requirement plans, system integration and training programs
 - Program activation teams
 - Technical assistance teams
- Training. This includes formal (classroom) or informal (on-the-job) instruction of international military students by Department of Defense (DoD) components, contractors (including instruction at civilian institutions), or by correspondence course and also includes technical, educational, or informational publications, and instructional media of all kinds.
- Training Aid Devices. These are used principally to supplement training programs. the following are examples:
 - Videotapes
 - Slides
 - Film
 - Microfiche
 - Transparencies
 - Aperture cards

Restrictions on Blanket Order Procedures

There are a number of instances where, by regulation, blanket order case procedures do not apply. [SAMM, C5.4.3.2.2] These items must be ordered under a defined order case. Included in these restrictions, but not limited thereto, are:

- SME initial logistics support that is normally ordered for concurrent delivery
- Classified material
- Lumber and other commercial-type material
- Technical data packages
- Ozone depleting substances

Defined versus Blanket Order Procedures

There are instances wherein either the defined order or blanket order case may be used, depending on the specific implementing agency and country involved. MILDEP policy, customer preference, minimum case values, and item application (support for a specific system or program, or general support to a customer service, unit, depot, etc.), will dictate which type of case is most appropriate.

An important feature of both defined order and blanket order cases is that their material requirements are normally filled from DoD stocks only if on-hand assets are above the control level. The only time that FMS requisitions will normally be filled below the control level is through a mature (programmed) cooperative logistics supply support arrangement (CLSSA).

Cooperative Logistics Supply Support Arrangement

A CLSSA is an arrangement designed to provide responsive follow-on spare part support for U.S. produced military hardware possessed by foreign countries. Implementing agencies may offer a CLSSA to a customer on approval from the Defense Security Cooperation Agency (DSCA).

The advantage of a CLSSA for a customer is that it allows support for the purchaser on an equal basis with U.S. units having the same force activity designator (FAD), which relates to the mission of the activity, and the same urgency of need. This arrangement provides for the execution of two foreign military sales orders (FMSOs) covering stockage, and consumption as follows:

- Foreign Military Sales Order I Case. The FMSO I is to provide the estimated value of the total initial list of items and quantities to be stocked and maintained on order from procurement sources for the support of the purchaser's U.S. furnished equipment.
- Foreign Military Sales Order II Case. The FMSO II is a blanket order type case, and covers the estimated annual withdrawals from the U.S. supply system by the purchasing country. FMSO II cases are undefined in terms of items and quantities, reflecting instead the value of an estimated demand. Each MILDEP treats FMSO II cases slightly differently, and the appropriate departmental regulations and directives should be consulted before any definitive action is taken.

A CLSSA increases the chance of items being available for issue from DoD stock. For additional information on the CLSSA, refer to later Chapter 10, "Logistics Support of International Military Sales."

CASE IDENTIFIER

Each FMS case will have a unique case identifier assigned on the first page of the LOA by the implementing agency. The case identifier has three major components:

- **Country Code.** A two-position code representing the purchasing country or organization. A list of DoD country/activity codes is in SAMM, Table C4.T2.
- **Implementing Agency (or service) Code.** A single character alpha code which identifies the U.S. MILDEP or agency which has made the sale on behalf of the USG. The most common codes are B-Army, D-Air Force, P-Navy. Refer to Chapter 5, “Foreign Military Sales Process,” Attachment 5-1 or to SAMM Table C5.T2 for additional codes.
- **Case Designator.** A three-position alpha code assigned by the implementing agency to identify a specific offer to a country. The first character of a case designator identifies the category item or service to be provided to the purchaser. The meaning of this first position code varies by service. See Attachment 6-3 for the different meanings. The second and third characters are assigned sequentially to distinguish among a country’s separate cases for the same category of item or service.

SAMM Figure C5.F5 further discusses building case identifiers and designators.

The case identifier on the LOA in Attachment 6-2 is BN-B-BAB. The country code “BN” is for Bandaria, the purchasing country; the implementing agency is “B” for the U.S. Army; and the first position code is “B,” indicating that this is a blanket order case for spares. Finally, the “AB” in “BAB” indicates that this is the second case that the U.S. Army has implemented for Bandaria in the “B” (spares) category. The next case for Bandaria in this category would be “BAC,” and so forth. The case identifier should be used on all documentation relating to its associated LOA. It is used to track the status of the LOA and is perpetuated in case directives, military standard requisitioning and issue procedures (MILSTRIP) documents, FMS billing documents, and the DSCA 1200 computer system.

SECURITY COOPERATION PROGRAM LETTER OF OFFER AND ACCEPTANCE

Various authorities within U.S. law allow using U.S. appropriated funds, other than foreign military financing (FMF) and international military education and training (IMET) funds, to provide defense articles and services to friends and allies. Typically these are supplemental appropriations used to provide equipment, supplies and training to foreign military forces to conduct joint operations with U.S. forces and to conduct counter-narcotics and counter-terrorist operations. Under these authorities, federal agencies or DoD components that conduct security cooperation programs may (note that this is an option) order defense articles and services through DSCA which acts as a servicing agency.

To start this process DoD and other federal agencies will submit a request to DSCA identifying the services and equipment to be provided and citing the legal authority for the program. DSCA will approve the use of the FMS infrastructure to include the SAO, implementing agencies, Defense Finance and Accounting Service (DFAS), etc., and existing security assistance automated systems to execute the program. The implementing agency prepares an implementing document known as a security cooperation program-letter of offer and acceptance (SCP-LOA) – formerly referred to as a pseudo LOA. The SCP-LOA will itemize defense articles and/or services included in the request and will be used by the USG to track the sale.

SCP-LOAs are not written under the authorities of the Arms Export Control Act (AECA), instead they are subject to the authority cited in the DoD or federal agency request. Each SCP-LOA will be funded with a single source of appropriated funds; multiple funding sources for a single SCP-LOA cannot be used. Normally funds from one appropriation fiscal year or type cannot be merged with another appropriation fiscal year or type to fund requirements under a SCP-LOA.

Some of the operating guidelines for a SCP-LOA are as follows:

- Pricing of articles and services for SCP-LOAs is in accordance with DoD 7000.14-R and the Foreign Assistance Act (FAA)
- All SCP-LOA documents require DSCA countersignature
- The SCP-LOA is NOT signed by the country and/or organization receiving the articles and/or services
- The FMS community delivers the items to the purchasing agency or at purchasing agency's direction to another party
- The purchasing agency is responsible for any Congressional notifications, assuring that the party is authorized to take delivery of the articles or services, and for any subsequent requirements pertaining to use and accountability for the items after delivery
- LOA standard terms and conditions DO NOT apply to SCP-LOAs
- The time period for the availability of financial authority will be noted in the SCP-LOA
- SCP cases are readily identified by the unique country code assigned by DSCA, historically either by a "Y_", "S_", or "B_". The case nickname filed will clearly indicate the legal authority for the case, e.g., FAA Section 632(b), and that this is a non-AECA case. The purchaser's reference field will cite the written request from the DoD or federal agency

A change is pending to SAMM Chapter 11, "Special Programs and Services," to reflect more detailed policy and operating instructions for SCP-LOAs. An example of a SCP LOA is shown in Attachment 6-3.

SUMMARY

The FMS case concept is crucial to the understanding and management of the overall FMS program. Standard FMS cases fall into one of three categories as defined by the SAMM: defined order, blanket order, and CLSSA.

Each FMS case has a unique identifier, composed of a country code, implementing agency code, and a case designator series, which is used for all managerial tasks associated with the case such as financial and logistics tracking.

REFERENCES

U.S. Department of Defense. DoD 5105.38-M, *Security Assistance Management Manual (SAMM)*, Chapter 5.

U.S. Department of the Air Force. Air Force Manual 16-101, *International Affairs and Security Assistance Management*.

U.S. Department of the Army. Army Regulation (AR) 12-8, *Foreign Military Sales Operations/Procedures*.

U.S. Department of the Navy. Naval Supply (NAVSUP) Systems Command Publication 526, *Foreign Military Sales Customer Supply System Guide*.

Items to be supplied (costs and months for delivery are estimates):

(1) Itm	(2) Nbr Description Condition	(3) Qty Unit of Issue	(4) Costs (a) Unit (b) Total	(6) (5) SC/MOS/ TA	(7) Ofr Rel Cde	Del Trm Cde
001	D4A 2350001226826 (Y)(N)(R)	20 ea	\$747,723.80	\$14,954,476	P(24)	X 9
K	D4A 2350001226826 (VII) RECOVERY VEHICLE MED M88A1P Recovery Vehicle, Full Tracked Diesel Engine (M88A1) with Installed Communications Equipment				TA5	
002	K8A 9K8A000CMBTSP (N)(N)(R)	XX		\$2,000,000	X(18-21)	A 5
A	COMBAT VEHICLE (XXI) SPARE PARTS FOR ITEMS PROGRAMMED UNDER GENERIC CODE D, ALSO INCLUDE CONVERSION KITS				TA4	
003	J8A 768ZBOOKSPUBS (N)(N)(R)	XX		\$175,000	S(12-15)	A 5
6	TECH BOOKS, PUBLICATIONS, SOFTWARE Technical and Non-Technical Books and Publications - DA Publications				TA3	
Estimated Cost Summary:						
(8)	Net Estimated Cost			\$17,129,476		
(9)	Packing, Crating, and Handling			\$0		
(10)	Administrative Charge			\$428,237		
(11)	Transportation			\$515,243		
(12)	Other			\$0		
(13)	Total Estimated Cost			\$18,072,956		

To assist in fiscal planning, the USG provides the following anticipated costs of this LOA:

Estimated Payment Schedule

<u>Payment Date</u>	<u>Quarterly</u>	<u>Cumulative</u>
Initial Deposit	\$1,544,934	\$1,544,934
15 Jun 2007	\$2,153,637	\$3,698,571
15 Sep 2007	\$3,333,005	\$7,031,576
15 Dec 2007	\$3,903,164	\$10,934,740
15 Mar 2008	\$4,584,635	\$15,519,375
15 Jun 2008	\$2,150,716	\$17,670,091
15 Sep 2008	\$402,865	\$18,072,956

Explanation for acronyms and codes, and financial information, may be found in the "Letter of Offer and Acceptance Information."

Signed Copy Distribution:

1. Upon acceptance, the Purchaser should return one signed copy of this LOA to Defense Finance and Accounting Service - Denver, ATTN: DFAS-ADY/DE, 6760 E. Irvington Place, Denver, CO 80279-2000. Simultaneously, wire transfer of the initial deposit or amount due with acceptance of this LOA document (if required) should be made to financial institution identifier ABA# 021030004 U. S. Treasury NYC, Agency Location Code 00003801, Beneficiary: DFAS-ADY/DE Agency showing "Payment from Government of Bandaria for BN-B-UDD"; or a check for the initial deposit, made payable to the U.S. Treasury, mailed to DFAS-JDT/DE, P.O. Box 173659, Denver, CO 80217-3659, showing "Payment from Government of Bandaria for BN-B-UDD". Wire transfer is preferred.

2. One signed copy should be returned to Department of the Army, Commander, U.S. Army Security Assistance Command, ATTN: AMSAC-ME-CP, 5701 21st Street, Bldg. 216, Fort Belvoir, VA 22060.

Explanation for acronyms and codes, and financial information, may be found in the “Letter of Offer and Acceptance Information.”

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2. One signed copy should be returned to Department of the Army, Commander, U.S. Army Security Assistance Command, ATTN: AMSAC-ME-CP, 5701 21st Street, Bldg. 216, Fort Belvoir, VA 22060.

Customer description continued: 777-999 Program Originator Department of Defense to Defense Security Cooperation Agency, dated 08 May 2007. The Arms Export Control Act (AECA) does not apply. The legal authority is section 1206 of PL 777-999. See Note 5 for additional information.

Items to be Supplied (costs and months for delivery are estimates):

(1) Itm Nbr	(2) Description Condition		(3)	(4)		(5)	(6)	(7)
			Qty Unit of Issue	(a) Unit	(b) Total	SC/MOS/ TA	Ofr Rel Cde	Del Trm Cde
001 A	A7A 4920000001A7A GRND HANDLING EQP	(N)(N)(R) (VIII)	8 EA		\$995,368	X(24) TA4	X	9
	Power Units, Ground Diesel (Note(s) 2)							
002 A	H6Z 589Z000THRC0M OTHER COM- ELECTRONIC EQUIPMENT	(N)(N)(R) (XI)	XX		\$157,636	X (24) TA4	X	9
	GPS, Handheld and Laser Designators, Finger Type (Note(s) 1)							

Estimated Cost Summary:

(8) Net Estimated Cost	\$1,153,004
(9) Packing, Crating, and Handling	0
(10) Administrative Charge	43,814
(11) Transportation	187,363
(12) Other	0
(13) Total Estimated Cost	\$1,384,181

To assist in fiscal planning, the USG provides the following anticipated costs of this LOA:

ESTIMATED PAYMENT SCHEDULE

<u>Payment Date</u>	<u>Quarterly</u>	<u>Cumulative</u>
Initial Deposit	\$1,384,181	\$1,384,181

Signed Copy Distribution:

1. Upon acceptance, the Purchaser should return one signed copy of this LOA to Defense Finance and Accounting Service - Denver, ATTN: DFAS-JY/DE, 6760 E. Irvington Place, Denver, CO 0279-2000 .Simultaneously, wire transfer of the initial deposit or amount due with acceptance f this LOA document (if required) should be made to ABA# 021030004, U.S. Treasury NYC, Agency Location Code: 00003801, Beneficiary: DFAS-JY/DE Agency, showing "Payment from Section 1206 (FY07) for B4-P-AZZ"; or a check for the initial deposit, made payable to the US Treasury, mailed to DFAS-JDT/DE, P.O.Box 173659, Denver, CO 80217-3659, showing "Payment from Section 1206 (FY07) for B4-P-AZZ". Wire transfer is preferred.

2. One signed copy should be returned to Department of the Navy, Navy International Programs Office, 2521 South Clark Street, Suite 800, Arlington VA 22202-3928.

Note 1. GPS HAND HOLD AND LASER DESIGNATOR, FINGER TYPE.

Line 001 provides for eight (8) Power Units, Ground Diesel. All equipment will be new and unused from procurement.

Note 2. GPS HAND HELD AND LASER DESIGNATOR, FINGER TYPE.

Line 002 provides for forty (40) GPS Hand Held receivers and one-hundred (100) laser designators, finger type. All equipment will be new and unused from procurement.

Note 3. AUTHORITY FOR SALE - SECTION 1206 OF PL 109-999 PROGRAMS.

This sale is made under the authority of section 1206 of PL 110-999. Any reference in this Letter of Offer and Acceptance to the United States Arms Export Control Act, to defense articles, and to defense services shall be construed instead to be a reference to section 1206 of PL 109-999. Any reference in this LOA to "purchaser" shall be construed as a reference to the Department of Defense

Note 4. CASE CLOSURE - SECTION 1206 OF PL 110-999 PROGRAMS.

This case must be fully reconciled and closed by 30 September 2011.

Note 5. FUNDS, PURPOSE, AVAILABILITY AND AMOUNT - SECTION 1206 OF PL 109-999 PROGRAMS.

The funds financing this Pseudo Letter of Offer and Acceptance (LOA) are expiring funds and are subject to all the requirements and restrictions under the heading of section 1206 of PL 109-999. The funds provided are in support of authority to build the capacity of foreign military forces and carry the same time, purpose, and availability restrictions associated with the fund source 9760100, DoD Defense-Wide Operation and Maintenance.

- a. Failure to obligate FY 2006 DoD Defense-Wide Operation and Maintenance funds during the period of availability ending on 30 September 2006 will render them unavailable for new obligations after that date.
- b. FY 2006 DoD Defense-Wide Operation and Maintenance funds must be expended on or before 30 September 2011.
- c. Total funds available for expenditure against this Pseudo LOA are limited to the value of \$1,384,181.
- d. Amendments or Modifications to this Pseudo LOA are only authorized with DSCA written approval

Note 6. ANTI-TAMPER (AT) MEASURES.

The United States Government (USG) may incorporate Anti-Tamper (AT) protection into weapon systems and components that contain Critical Program Information (CPI). The AT protection will not impact operations, maintenance, or logistics provided that all terms delineated in the system technical documentation are followed.

Note 7. MISSILE TECHNOLOGY CONTROL REGIME (MTCR).

Paragraph 2.3 of the Standard Terms and Conditions of this LOA discusses use and transfer restrictions on articles and services provided under this LOA and emphasizes that the Purchaser “shall not use or permit their use for purposes other than those authorized, unless the written consent of the USG has first been obtained.” The customer agrees not to divert articles and services received under this LOA for purposes or uses other than those for which furnished to include, but not limited to, any use that could contribute to the acquisition, design, development or production of a “missile,” as defined in section 74 of the AECA (22 U.S.C. 2797c). The items will be used only for the purpose stated and such use will not be modified nor the items modified or replicated without the prior consent of the USG; neither the items nor replicas nor derivatives thereof will be retransferred without the consent of the USG. The USG also reserves the right to take action under section 73(a) of the AECA (22 U.S.C. 2797b(a)) in the case of any export or transfer of any MTCR equipment or technology that contributes to the acquisition, design, development or production of missiles in a country that is not an MTCR adherent.”

Note 8. END-USE MONITORING.

Pursuant to section 505 of the Foreign Assistance Act of 1961, as amended (FAA), and section 40A of the Arms Export Control Act (AECA), the USG will be permitted, upon request, to conduct end-use monitoring (EUM) verification with respect to the use, transfer, and security of all defense articles and defense services transferred under this LOA. The Purchaser agrees to permit scheduled inspections or physical inventories upon USG request, except when other means of EUM verification shall have been mutually agreed. Upon request, inventory and accountability records maintained by the purchaser will be made available to U.S. personnel conducting EUM verification.

Note 9. ADMINISTRATIVE SURCHARGES.

An administrative surcharge of 3.8% has been applied to line(s) 001, 002.

ATTACHMENT 6-4 FIRST POSITION OF CASE DESIGNATOR

U.S. Army		U.S. Navy		U.S. Air Force	
B	Repair parts	A	Ammunition and other explosives	A	Munitions (ammunitions, bombs, and rockets)
G	SELPO/communications security	B-C	Individual spares and components	C	CAD/PAD
H	Construction (Corps of Engineers)	G	Technical and engineering services	D	Communication equipment (i.e., C4) and facilities
I	EDA	H-J	Direct requisitioning procedures	E	Support equipment
J	SDAF (special defense acquisition fund)	K	FMSO (KA or KS-FMSO I and KB-KR or KT-KW-FMSO II)	G	Technical services
K	CLSSA	L	Major end items (components and equipment)	K	CLSSA
L	Leases	M	Repair and return	M	Repair and return
M	Medical (U.S. Army Medical Materiel Agency)	P	Cartridge actuated devices (CAD) Propellant actuated devices (PAD) Air crew escape propulsion systems (AEPS)	N	Special support
N	Coproduction	R	Open end requisitioning procedures	O	INFOSEC/COMSEC
O	Training	S	Weapon system sale (ship or aircraft)	P	Publications
P	P&A	T	Training	Q	Specialized follow-on sustainment support
Q	Materiel/services (from U.S. activities) located in Europe)	Z	Leases	R	Blanket Orders Spares
S	Materiel/services (from U.S. Army Security Assistance Agency-Latin America)			S	Major aircraft system sale
T	Publications			T	Training
U-Z	Materiel/services provided from various life-cycle management commands (including but not limited to system package sales, munitions, spare parts equipment, technical services maintenance, etc.)			U	PSEUDO or SCP
				V	Major/minor modifications
				X	Reserved for DFAS-IN
				Y	Major missile system sale
				Z	Leases under AECA (not an FMS case)

