

remaining true to what their customers deserve. Congratulations to King Arthur Flour for this outstanding achievement and to everyone who was involved.

#### VOTE EXPLANATION

Mr. MENENDEZ. Mr. President, I was unavoidably detained for rollcall vote No. 83 on passage of S. 2613. Had I been present, I would have voted yea.

#### ARMS SALES NOTIFICATION

Mr. CORKER. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive prior notification of certain proposed arms sales as defined by that statute. Upon such notification, the Congress has 30 calendar days during which the sale may be reviewed. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Senate Foreign Relations Committee.

In keeping with the committee's intention to see that relevant information is available to the full Senate, I ask unanimous consent to have printed in the RECORD the notifications which have been received. If the cover letter references a classified annex, then such annex is available to all Senators in the office of the Foreign Relations Committee, room SD-423.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEFENSE SECURITY  
COOPERATION AGENCY,  
Arlington, VA.

Hon. BOB CORKER,  
Chairman, Committee on Foreign Relations,  
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 16-24, concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance to the Government of Oman for defense articles and services estimated to cost \$260 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,

J.W. RIXEY,  
Vice Admiral, USN, Director.

Enclosures.

TRANSMITTAL NO. 16-24

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 Oman.

(ii) Total Estimated Value:

Major Defense Equipment\* \$0 million.

Other \$260 million.

Total \$260 million.

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

Non-MDE: Follow-on support for Oman's existing F-16 fleet that includes support equipment, communications equipment, personnel training, spare and repair parts, publications, Electronic Combat International Security Assistance Program (ECISAP), Contractor Engineer Technical Services (CETS),

Technical Coordination Group (TCG), International Engine Management Program (IEMP), Precision Measurement Equipment Laboratory (PMEL) calibration and technical orders. The estimated value of this possible sale is \$260 million.

(iv) Military Department: USAF (QAO).

(v) Prior Related Cases, if any: MU-D-SDC-\$693,191,686-5 June 2002; MU-D-QAJ-\$186,003,411-22 September 2009; MU-D-SAB-\$1,418,883,494-2 December 2011.

(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: May 24, 2016.

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

#### POLICY JUSTIFICATION

Oman—Continuation of Logistics Support Services and Equipment

The Government of Oman requests follow-on support for its existing F-16 fleet that includes support equipment, communications equipment, personnel training, spare and repair parts, publications, Electronic Combat International Security Assistance Program (ECISAP), Contractor Engineer Technical Services (CETS), Technical Coordination Group (TCG), International Engine Management Program (IEMP), Precision Measurement Equipment Laboratory (PMEL) calibration and technical orders. The estimated value of this possible sale is \$260 million.

The proposed sale of support services will enable the Royal Air Force of Oman to ensure the reliability and performance of its F-16 aircraft. Oman will have no difficulty absorbing this support into its armed forces.

This proposed sale contributes to the foreign policy and national security of the United States by helping to improve the security of a friendly country which has been, and continues to be, an important force for political stability and economic progress in the Middle East.

The proposed sale allows the U.S. military to support the Royal Air Force of Oman, further strengthen the U.S.-Omani military-to-military relationship, and ensure continued interoperability of forces and opportunities for bilateral training and exercises with Oman's military forces.

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

The prime contractors for this sale are: Lockheed Martin Aero, Fort Worth, TX; ITT (EXCELIS-Harris), Fort Wayne, IN; BAE Systems, Austin, TX; Honeywell, Clearwater, FL; Northrop Grumman, Linthicum Heights, MD; Marvin Engineering, Inglewood, CA; Lockheed Martin Missile and Fire Control, Orlando, FL; Goodrich Corp, Westford, MA. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale does not require the assignment of any additional U.S. Government or contractor representatives to Oman.

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

All defense articles and services have been approved for release to the Government of Oman.

TRANSMITTAL NO. 16-24

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

Annex Item No. vii

(vii) Sensitivity of Technology:

1. This case involves the sustainment of sensitive technology previously released to

Oman in the sales of their F-16C/D aircraft. The F-16C/D Block 50/52 weapon system is UNCLASSIFIED, except as noted below. The aircraft uses the F-16 airframe and features advanced avionics and systems including the Pratt and Whitney F-100-PW-229 or the General Electric F-110-GE-129 engine, AN/APG-68V(9) radar, digital flight control system, external electronic warfare equipment, Advanced Identification Friend or Foe (AIFF), Link-16 datalink, and software computer programs.

2. Sensitive or classified (up to SECRET) elements of the proposed F-16C/D include hardware, accessories, components, and associated software: AN/APG-68V(9) Radar, Have Quick III Radios, AN/APX-113 AIFF with Mode IV capability, AN/ALE-47 Countermeasures (Chaff and Flare) set, LINK-16 Advanced Data Link Group A provisions only, Embedded Global Positioning System/Inertial Navigation System, Joint Helmet-Mounted Cueing System (JHMCS), ALQ-211(V)4 Advanced Integrated Defensive Electronic Warfare Suite (AIDEWS) without Digital Radio Frequency Memory, AN/ALQ-211(V)4 Countermeasures Set, Modular Mission Computer, Have Glass III without infrared top coat, and Digital Flight Control System. Additional sensitive areas include operating manuals and maintenance technical orders containing performance information, operating and test procedures, and other information related to support operations and repair. The hardware, software, and data identified are classified to protect vulnerabilities, design, and performance parameters and other similar critical information.

3. Software, hardware, and other data, which is classified or sensitive, is reviewed prior to release to protect system vulnerabilities, design data, and performance parameters. Some end-item hardware, software, and other data identified above are classified at the CONFIDENTIAL and SECRET level. Potential compromise of these systems is controlled through management of the basic software programs of highly sensitive systems and software-controlled weapon system on a case-by-case basis.

4. Oman is both willing and able to protect U.S. classified military information. Oman's physical and document security standards are equivalent to U.S. standards.

5. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification. Moreover, the benefits to be derived from this sale outweigh the potential damage that could result if the sensitive technology were revealed to unauthorized persons.

6. All defense articles and services listed in this transmittal have been authorized for release and export to the Government of Oman.

DEFENSE SECURITY  
COOPERATION AGENCY,  
Arlington, VA.

Hon. BOB CORKER,  
Chairman, Committee on Foreign Relations,  
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 16-20, concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance to Qatar for defense articles and services estimated to cost \$20 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,

J.W. RIXEY,  
Vice Admiral, USN, Director.

Enclosures.

TRANSMITTAL NO. 16-20

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 Qatar.

(ii) Total Estimated Value:  
Major Defense Equipment\* \$15 million.  
Other \$5 million.

Total \$20 million.

(iii) Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:  
Major Defense Equipment (MDE):

Fifty (50) Javelin Guided Missiles (Category I) with Containers.

Ten (10) Command Launch Units (CLUs) with Integrated Day/Thermal Sights (Category III Sensitive) with Containers.

Non-MDE: Ten (10) Javelin Missile Simulation Rounds, one (1) Enhanced Basic Skills Trainer (EPBST), and twelve (12) Batteries, Non-Rechargeable, six (6) Batteries, Storage, Rechargeable, Battery Discharger, Battery Charger for #9, and ten (10) Battery Coolant Units. Also included in this possible sale are U.S. Government Technical Information and Assistance and Life Cycle Contractor support (LCCS) for twenty-four (24) months or until funds are exhausted. This support provides for personnel, services, materials, facilities, equipment, maintenance, supply support, Integrated Support Plan, product assurance, and configuration management. The estimated cost is \$20 million.

(iv) Military Department: U.S. Army.

(v) Prior Related Cases, if any: QA-B-UAR-\$113,894,777-11 SEP 14.

(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: May 24, 2016.

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

#### POLICY JUSTIFICATION

##### Qatar-Javelin Guided Missiles

The Government of Qatar has requested a possible sale of fifty (50) Javelin Guided Missiles (Category I), and ten (10) Command Launch Units (CLUs) with Integrated Day/Thermal Sight (Category III Sensitive) with Container. Also included in this possible sale are: ten (10) Javelin Missile Simulation Rounds, one (1) Enhanced Basic Skills Trainer (EPBST), and twelve (12) Battery, Non-Rechargeable, six (6) Battery, Storage, Rechargeable, Battery Discharger, Battery Charger for #9, and ten (10) Battery Coolant Units. Also included in this possible sale are U.S. Government Technical Information and Assistance and Life Cycle Contractor support (LCCS) for twenty-four (24) months or until funds are exhausted. This support provides for personnel, services, materials, facilities, equipment, maintenance, supply support, Integrated Support Plan, product assurance, and configuration management. The total estimated value of Major Defense Equipment is \$15 million. The overall total estimated value is \$20 million.

This proposed sale contributes to the foreign policy and national security of the United States by helping to improve the security of a regional partner. Qatar is an important force for political stability and economic progress in the Persian Gulf region. This proposed sale strengthens U.S. efforts to promote regional stability by enhancing the defense to a key U.S. ally.

The proposed sale will improve Qatar's capability to meet current and future threats and provide greater security for its critical

oil and natural gas infrastructure. Qatar will use the enhanced capability to strengthen its homeland defense. Qatar will have no difficulty absorbing these missiles into its armed forces.

The proposed sale will not alter the basic military balance in the region.

The principal contractor will be Lockheed Martin, Troy, AL. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will require multiple trips by U.S. Government and contractor representatives to travel to Qatar for up to twenty-four (24) months for equipment de-processing, fielding, system checkout, training, and technical logistics support.

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

TRANSMITTAL NO. 16-20

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

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. 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. Additional special features are the top attack and/or direct fire modes, an advanced tandem warhead and imaging infrared seeker, target lock-on before launch, and soft launch from enclosures or covered fighting positions. The Javelin missile also has a minimum smoke motor thus decreasing its detection on the battlefield.

3. The Javelin Weapon System comprises 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 second generation Forward-Looking Infrared (FLIR) sensor. To facilitate initial loading and subsequent updating of software, all on-board missile software is uploaded via the CLU after mating and prior to launch.

4. The missile is autonomously guided to the target using an imaging infrared seeker and adaptive correlation tracking algorithms. This allows the gunner to take cover or reload and engage another target after firing a missile. The missile has an advanced tandem warhead and can be used in either the top attack or direct fire modes (for targets undercover). An onboard flight computer guides the missile to the selected target.

5. The Javelin Missile System hardware and the documentation are UNCLASSIFIED. The missile software which resides in the CLU is considered SENSITIVE. The sensitivity is primarily in the software programs which instruct the system how to operate in the presence of countermeasures. The overall hardware is also considered SENSITIVE in that the infrared wavelengths could be useful in attempted countermeasure development.

The benefits to be derived from the sale, as outlined in the Policy Justification of the notification, outweigh the potential damage that could result if sensitive technology was revealed to unauthorized persons.

6. If a technologically advanced adversary were to obtain knowledge of the specific hardware or 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.

7. All defense articles and services listed in this transmittal have been authorized for release and export to the Government of Qatar.

DEFENSE SECURITY  
COOPERATION AGENCY,  
Arlington, VA.

Hon. BOB CORKER,  
Chairman, Committee on Foreign Relations,  
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 16-16, concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance to the Government of Kuwait for defense articles and services estimated to cost \$420 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,

J.W. RIXEY,  
Vice Admiral, USN, Director.

Enclosures.

TRANSMITTAL NO. 16-16

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 Kuwait

(ii) Total Estimated Value:  
Major Defense Equipment\* \$0 million.  
Other \$420 million.

Total \$420 million.

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

Non-Major Defense Equipment (MDE): This request includes the following Non-MDE: continuation of contractor engineering technical services, contractor maintenance services, Hush House (an enclosed, noise-suppressed aircraft jet engine testing facility) support services, and Liaison Office Support for the Government of Kuwait F/A-18 C/D program. This will include F/A-18 avionics software upgrades, engine component improvements, ground support equipment, engine and aircraft spares and repair parts, publications and technical documentation, Engineering Change Proposals (ECP), U.S. Government and contractor programmatic, financial, and logistics support. Also included are: maintenance and engineering support, F404 engine and engine test cell support, and Liaison Office support for five (5) Kuwait Liaison Offices. There is no MDE associated with this possible sale. The total overall estimated cost is \$420 million.

(iv) Military Department: U.S. Navy (GHI, GHJ).

(v) Prior Related Cases, if any: FMS Cases: GGZ-\$134,425,825-16 JUN 14 GGW-\$177,181,190-25 DEC 13.

(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: May 24, 2016.

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

## POLICY JUSTIFICATION

The Government of Kuwait—F/A-18 C/D Services and Support

The Government of Kuwait has requested a possible sale of the following Non-Major Defense Equipment (MDE): continuation of contractor engineering technical services, contractor maintenance services, Hugh House support services, and Liaison Office Support for the Government of Kuwait F/A-18 C/D program. This will include F/A-18 avionics software upgrades, engine component improvements, ground support equipment, engine and aircraft spares and repair parts, publications and technical documentation, Engineering Change Proposals (ECP), U.S. Government and contractor programmatic, financial, and logistics support. Also included are: maintenance and engineering support, F404 engine and engine test cell support, and Liaison Office support for five (5) Kuwait Liaison Offices. There is no MDE associated with this possible sale. The total overall estimated value is \$420 million.

The proposed sale of support services will enable the Kuwait Air Force to ensure the reliability and performance of its F/A-18 C/D aircraft. Kuwait will have no difficulty absorbing this support into its armed forces.

This proposed sale will contribute to the foreign policy and national security of the United States by helping to improve the security of a friendly country that has been, and continues to be, an important force for political stability and economic progress in the Middle East. Kuwait plays a large role in U.S. efforts to advance stability in the Middle East, providing basing, access, and transit for U.S. forces in the region.

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

The principal contractors will be Kay and Associates Incorporated in Buffalo Grove, Illinois; The Boeing Company in St. Louis, Missouri; Industrial Acoustics Corporation in Winchester, England; General Electric in Lynn, Massachusetts; and Sigmatech in Huntsville, Alabama. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will require two-hundred and seventy-five (275) contractor representatives to travel to Kuwait for a period of three (3) years to provide support.

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

## EVERY STUDENT SUCCEEDS ACT

Mr. ALEXANDER. Mr. President, I ask unanimous consent to have printed in the RECORD a copy of my opening statement last week to the HELP Committee regarding oversight of the Every Student Succeeds Act.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

## OVERSIGHT OF THE EVERY STUDENT SUCCEEDS ACT

Mr. ALEXANDER. I'm delighted to have the witnesses here. This is an extraordinary group of individuals with broad prospective of children and elementary and secondary education. And we welcome your comments on how to implement the new reauthorization of the Elementary and Secondary Education Act.

This is our third of six hearings to discuss the implementation of the Every Student Succeeds Act, which the President signed in December.

It's the second opportunity for this committee to hear from the states, school districts, teachers, principals, and others that helped us pass this overwhelmingly bipartisan law and are today working together to implement it in a way that is consistent with congressional intent.

I want to focus my remarks on the administration's proposed "Supplement Not Supplant" regulation.

This is the very first opportunity the administration has to write regulations on our new law. And in my view, they earned an 'F.'

The reason for that is that the regulation violates the law as implemented since 1970, and seeks to do it in a way that is specifically prohibited in the new law.

In writing the new law last year, Congress debated and ultimately chose to leave unchanged a provision in the law referred to as "comparability." That's section 1605.

This provision says: school districts have to provide at least comparable services with state and local funding to Title I schools and non-Title I schools.

But—the law plainly states that school districts shall not include teacher pay when they measure spending for purposes of comparability. That's been the law since 1970. We didn't change it last year.

There's an entirely separate provision, known as "Supplement Not Supplant" that's intended to keep local school districts from using federal Title I dollars as a replacement for state and local dollars in low-income schools.

What the department's proposed "Supplement Not Supplant" regulation attempts to do is to change "comparability" by writing a new regulation governing "Supplement Not Supplant."

In other words, their proposal would force school districts to include teacher salaries in how they measure state and local spending, and would require that state and local spending in each Title I school be at least equal to the average spent in non-Title I schools.

The effect of this would be to violate the law as implemented since 1970, section 1605.

So, the administration may get an "A" for cleverness, but an "F" for following the law, in my opinion.

The negotiated rulemaking committee couldn't agree on the proposal. At least one member, Tony Evers, a witness today, said that "Congressional intent isn't necessarily being followed here."

Last week, the nonpartisan Congressional Research Service said the same thing.

CRS issued a report that said quote, "the Department's interpretation appears to go beyond what would be required under a plain language reading of the statute."

CRS found that the proposed [supplement, not supplant] regulations "appear to directly conflict" with statutory language that "seems to place clear limits on [the Department's] authority" and "thus raises significant doubts about [the Department's] legal basis for proposed regulations."

Today, I am looking forward to hearing from witnesses whether what I have been hearing from principals, teachers, and education leaders across the country is true. Here's what I've been hearing:

1. That the department's proposed regulation could turn upside down the funding formulas of almost all the state and local school systems across the country.

Most states and local districts allocate K-12 funding to schools based on staffing ratios.

This often results in different amounts going to different schools in the same district because teacher salaries vary from school-to-school for reasons having nothing to do with a school's participation in Title I.

Instead, salaries vary because of teacher experience, merit pay, or the subject or grade level they teach.

2. I've been hearing that proposed regulation could effectively require wholesale transfers of teachers and the breaking of collective bargaining agreements.

3. I've been hearing that school districts won't receive enough funds to comply with the proposed regulation.

4. That students could be forced to change schools.

5. That the proposed regulation could increase the segregation of low-income and high-income students.

6. That it could require states and local school districts to move back to the burdensome practice of detailing every individual cost on which they spend money to provide a basic education program to all students, which is exactly what we were trying to free states and districts from, when we passed the law.

According to the Council of Great City Schools, the proposed regulation would cost \$3.9 billion a year, just for their 69 urban school systems to eliminate the differences in spending between schools.

What the department has done for the first time is to try to put together two major provisions of the law that have always been separate.

On comparability, (which is the first one):

Members of this committee discussed and debated changing this provision at great length over the past 6 years. We discussed it at great length over the last six years.

Senator Bennet of Colorado has lots of experience with this, had one proposal. I had another.

We ultimately decided not to make any changes in comparability.

Instead, we included more transparency, in the form of public reporting, on the amount districts are spending on each student, including teacher salaries, so that parents and teachers know how much money is being spent and can make their own decisions about what to do, rather than the federal government mandating it be used in comparability calculations.

Then on the second provision in the law, on "Supplement Not Supplant":

We addressed this provision and made changes with an effort to simplify the law, and not make it more complicated.

By no stretch of the imagination did we intend, does any of the language in the law say, that "Supplement Not Supplant" would be used to modify the "comparability" provision.

In fact, we specifically prohibited that. We prohibited expressly:

The Secretary from requiring local school districts to identify individual costs or services as supplemental

We Prohibited the Secretary from prescribing any specific methodology that local school districts use to distribute state and local funds

Most importantly, we prohibited the Secretary from requiring a state, local school district, or school to equalize spending.

The proposed regulation is nothing less than a brazen effort to deliberately ignore a law that passed the Senate 85 to 12, passed the House 359-64, and was signed by the president.

No one has to guess what the law says. As the Congressional Research Service says—we can just read its plain language.

And if the administration can't follow language on this, it raises grave questions about what we might expect from future regulations.