

TRANSMITTAL NO. 19-75

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 the Netherlands.

(ii) Total Estimated Value:

Major Defense Equipment\* \$75 million.

Other \$10 million.

Total \$85 million.

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

Major Defense Equipment (MDE): Sixteen (16) MK-48 Mod 7 Advanced Technology (AT) Torpedo Conversion Kits.

Non-MDE: Also included are spare parts, containers, associated hardware, torpedo handling equipment, and cables; U.S. Government and contractor engineering, technical, and logistics support services; and other related elements of logistics and program support.

(iv) Military Department: Navy (NE-P-LHC A5).

(v) Prior Related Cases, if any: NE-P-LHC.

(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 Annex Attached.

(viii) Date Report Delivered to Congress: February 25, 2020.

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

## POLICY JUSTIFICATION

Netherlands—MK-48 Torpedo Conversion Kits

The Government of the Netherlands has requested to buy sixteen (16) MK-48 Mod 7 Advanced Technology (AT) torpedo conversion kits. Also included are spare parts, containers, associated hardware, torpedo handling equipment, and cables; U.S. Government and contractor engineering, technical, and logistics support services; and other related elements of logistics and program support. The total estimated program cost is \$85 million.

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

The Netherlands desires to upgrade additional MK 48 Mod 4 torpedoes to the MK 48 Mod 7 AT model. They intend to use the MK 48 Mod 7 AT torpedo on their Walrus Class submarines. The Netherlands will have no difficulty absorbing this equipment into its armed forces.

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

The prime contractor will be Raytheon Company, Portsmouth, RI. The Netherlands may require offset agreements in connection with this potential sale. Any offset agreement will be defined in negotiations between the Purchaser and the prime contractor.

Implementation of this proposed sale will not require the assignment of any additional U.S. Government or contractor representatives to the Netherlands. Travel of U.S. Government or contractor representatives to the Netherlands on a temporary basis for program technical support and management oversight will be required.

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

TRANSMITTAL NO. 19-75

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 Mod 7 configuration is the United States Navy's most capable submarine launched torpedo. It has a new sonar receiver that has a broader bandwidth capability than previous versions, and also employs a new tactical processor that has increased memory and throughput. The Mod 7AT configuration has the same guidance and control system and the same software as the Mod 7. However, it employs the Mod 4M afterbody which results in higher radiated noise.

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.

3. A determination has been made that the Netherlands can provide substantially the same degree of protection for the technology being released as the U.S. Government. This proposed sustainment program is necessary to the furtherance of the U.S. foreign policy and national security objectives as outlined in the Policy Justification.

4. All defense articles and services listed in this transmittal have been authorized for release and export to the Netherlands.

## ARM SALES NOTIFICATION

Mr. RISCH, 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 to 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. JAMES E. RISCH,  
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. 19-71 concerning the Air Force's proposed Letter(s) of Offer and Acceptance to the Government of Tunisia for defense articles and services estimated to cost \$325.8 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,

CHARLES W. HOOPER,  
Lieutenant General, USA, Director.

Enclosures.

TRANSMITTAL NO. 19-71

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 Tunisia.

(ii) Total Estimated Value:

Major Defense Equipment\* \$123.2 million.

Other \$202.6 million.

Total \$325.8 million.

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

Major Defense Equipment (MDE):

Three hundred twelve (312) MAU-169 Computer Control Groups (CCG).

Three hundred twelve (312) MXU-1006/B Air Foil Groups (AFG).

Four hundred sixty-eight (468) MK81 250 LB GP Bombs.

Eighteen (18) BDU-50s (MK-82 Filled Inert).

Sixty-six (66) MXU-650 C/B Air Foil Groups (AFG), GBU-12.

Sixty (60) Guidance Section, Guided Bombs, MAU-209, GBU-10,12,16.

Forty-eight (48) MK-82 500lb Bombs.

Five hundred sixteen (516) FMU-152 A/B Fuzes.

Eighteen (18) MAU-169H(D-2)/B Computer Control Groups.

Three thousand two hundred ninety (3290) Advanced Precision Kill Weapon Systems (APKWS).

Non-Major Defense Equipment (MDE): Also included are four (4) AT-6C Wolverine Light Attack Aircraft; two (2) Pratt & Whitney PT6A-68D 1600 SHP engines (spares); six (6) L-3 WESCAM MX-15D Multi-Spectral Targeting System; six (6) Machine Gun Caliber .50; Cartridge Actuated Device/Propellant Actuated Device (CAD/PAD); High Explosive Warhead; bomb components, repair and return of weapons, weapons training equipment, practice bombs, TTU-595 Test Set and spares, fin assemblies, rocket motors, training aids/devices/spare parts, aircraft spare parts, support equipment, clothing and textiles, publications and technical documentation, travel expenses, medical services, construction, aircraft ferry support, technical and logistical support services, major modifications/class IV support, personnel training and training equipment, U.S. Government and contractor program support, and other related elements of logistics and program support.

(iv) Military Department: Air Force (TU-D-SAC).

(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: February 25, 2020.

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

## POLICY JUSTIFICATION

Tunisia—AT-6 Light Attack Aircraft

The Government of Tunisia has requested to buy four (4) AT-6C Wolverine Light Attack Aircraft with supporting equipment, to include: three hundred twelve (312) MAU-169 Computer Control Groups (CCG); three hundred twelve (312) MXU-1006/B Air Foil Groups (AFG); four hundred sixty-eight (468) MK81 250 LB GP bombs; eighteen (18) BDU-50s (MK-82 Filled Inert); sixty-six (66) MXU-650 C/B Air Foil Groups (AFG), GBU-12; sixty (60) Guidance Section, guided bombs, MAU-209, GBU-10,12,16; forty-eight (48) MK-82 500lb bombs; five hundred sixteen (516) FMU-152 A/B fuzes; eighteen (18) MAU-169H(D-2)/B Computer Control Groups; and three thousand two hundred ninety (3,290) Advanced Precision Kill Weapon Systems (APKWS); two (2) Pratt & Whitney PT6A-68D 1600 SHP engines (spares); six (6) L-3 WESCAM MX-15D Multi-Spectral Targeting System; six (6) Machine Gun Caliber .50; Cartridge Actuated Device/Propellant Actuated Device (CAD/PAD); High Explosive Warhead;

bomb components, repair and return of weapons, weapons training equipment, practice bombs, TTU-595 Test Set and spares, fin assemblies, rocket motors, training aids/devices/spare parts, aircraft spare parts, support equipment, clothing and textiles, publications and technical documentation, travel expenses, medical services, construction, aircraft ferry support, technical and logistical support services, major modifications/class IV support, personnel training and training equipment, U.S. Government and contractor program support, and other related elements of logistics and program support. The estimated value is \$325.8 million.

This proposed sale will support the foreign policy and national security of the United States by helping to improve the defense capabilities and capacity of a major non-NATO ally, which is an important force for political stability and economic progress in North Africa. This potential sale will provide additional opportunities for bilateral engagements and further strengthen the bilateral relationship between the United States and Tunisia.

The proposed sale will improve Tunisia's ability to meet current and future threats by increasing their capability and capacity to counter-terrorism and other violent extremist organization threats. The AT-6 platform will bolster their capability to respond to and engage threats in multiple areas across the country. Additionally, the procurement of the AT-6 aircraft strengthens interoperability between Tunisia, regional allies, and the United States. Tunisia will have no difficulty absorbing this aircraft into its armed forces.

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

The prime contractor will be Textron Aviation Defense LLC, Wichita, Kansas. There are no known offset agreements proposed with this potential sale. However, the purchaser typically requests offsets. Any offset agreement will be defined in negotiations between the purchaser and the contractor.

Implementation of this proposed sale will require the assignment of two (2) U.S. contractor logistics representatives to Tunisia.

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

#### TRANSMITTAL NO. 19-71

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 AT-6 Wolverine is a Beechcraft light attack, armed reconnaissance and irregular warfare and counterinsurgency mission aircraft. With a single engine PT6A-68D Pratt & Whitney engine and Lockheed Martin A-10C mission computer and plug-and-play weapons management system with Seek Eagle certification, the AT-6 Wolverine can fire laser-guided rockets and deliver general purpose and inertially-aided munitions.

2. GBU-12 is a 500lb Mk-82 General Purpose (GP) bomb body fitted with the MXU-650 AFG, and MAU-209C/B or MAU-168L/B Computer Control Group (CCG) to guide to its laser designated target. The GBU-12 is a maneuverable, free-fall Laser Guided Bomb (LGB) that guides to a spot of laser energy reflected off of the target. Laser designation for the LGB can be provided by a variety of laser target markers or designators.

3. GBU-58 is a 250lb Mk-81 GP bomb body fitted with the MXU-1006 AFG, and MAU-209C/B or MAU-168L/B CCG to guide to its laser designated target. The GBU-58 is a maneuverable, free-fall LGB that guides to a spot of laser energy reflected from the tar-

get. Laser designation for the LGB can be provided by a variety of laser target markers or designators.

4. Mk-82 General Purpose (GP) bomb is a 500 pound, free-fall, unguided, low-drag weapon usually equipped with the mechanical M904 (nose) and M905 (tail) fuzes or the radar-proximity FMU-113 air-burst fuze. The Mk-82 is designed for soft, fragment sensitive targets and is not intended for hard targets or penetrations. The explosive filling is usually tritonal, though other compositions have sometimes been used.

5. BDU-50 (Mk-82 Inert) GP bomb is a 500 pound, free-fall, unguided, low-drag training weapon. There are no explosive elements with this bomb; it does not have a fuze and will not detonate when it hits the ground. It is used from flight training to give the pilot the insight into aircraft handling characteristics with the additional weight on the wing.

6. The Joint Programmable Fuze (JPF) FMU-152 is a multi-delay, multi-arm and proximity sensor compatible with general purpose blast, frag and hardened-target penetrator weapons. The JPF settings are cockpit selectable in flight when used with JDAM weapons.

7. Advanced Precision Kill Weapon System (APKWS) II All-Up-Round (AUR) is an air-to-ground weapon that consists of an APKWS II Guidance Section (GS), legacy 2.75 inch MK66 Mod 4 rocket motor, and legacy MK152 and MK435/436 warhead/fuze. APKWS II uses a semi-active laser seeker. The GS is installed between the rocket motor and warhead to create a guided rocket. The APKWS II may be procured as an independent component to be mated to appropriate 2.75-inch warheads/fuzes and rocket motors purchased separately, or may be purchased as an AUR.

8. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures, which might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

9. A determination has been made that the recipient country can provide substantially the same degree of protection for the technology being released as the U.S. Government. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

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

## IMPEACHMENT

Mr. REED. Mr. President, I ask unanimous consent to have my opinion memorandum in the impeachment trial of President Donald John Trump printed in the RECORD.

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

OPINION MEMORANDUM OF UNITED STATES SENATOR JOHN F. REED IN THE IMPEACHMENT TRIAL OF PRESIDENT DONALD JOHN TRUMP

### I. FINDINGS

Based on the evidence in the record, the arguments of the House Impeachment Managers, and the arguments of the President's Counsel, I conclude as follows: The President has violated his constitutional oath to "take care that the laws be faithfully executed" and placed his personal and political inter-

ests above the interests of the United States. The House Impeachment Managers have proven that the President's abuse of power and congressional obstruction amount to the constitutional standard of "high Crimes and Misdemeanors" for which the sole remedy is conviction and removal from office.

### II. STATEMENT OF THE FACTS

On December 18, 2019, the United States House of Representatives passed H. Res. 755,<sup>1</sup> "Impeaching Donald John Trump, President of the United States, for high crimes and misdemeanors." H. Res. 755 contains two Articles of Impeachment. The first Article declares that the President abused his power by soliciting foreign interference to help his bid for reelection in the 2020 United States presidential election and conditioning United States government acts of significant value on the foreign power's cooperation. The second Article declares that the President obstructed Congress by directing the categorical, indiscriminate defiance of subpoenas for witness testimony and documents deemed vital to the House Impeachment inquiry.

Pursuant to Article I, Section 3 of the United States Constitution, the United States Senate convened as a Court of Impeachment on January 16, 2020, and each Senator took an oath to "do impartial justice according to the Constitution and laws."<sup>2</sup> Alexander Hamilton spoke about the Senate's role in an Impeachment trial in Federalist Paper No. 65, when he wrote, "What other body would be likely to feel *confidence enough in its own situation*, to preserve unawed and uninfluenced the necessary impartiality between an *individual* accused and the *representatives of the people*, his accusers?"<sup>3</sup>

The obligation of the Senate is to accord the President, as the accused, the right to conduct his defense fairly, while respecting the House's exclusive constitutional prerogative to bring Articles of Impeachment. At the core of the Senate's task is the fundamental understanding that our system of laws recognizes the rights of defendants and the responsibilities of the prosecution to prove its case. Such a basic tenet of our law and our experience as a free people does not evaporate in the rarified atmosphere of a Court of Impeachment, simply because the accused is the President and the accuser is the House of Representatives.

### III. THE CONSTITUTIONAL GROUNDS FOR IMPEACHMENT

"The Senate shall have the sole Power to try all Impeachments."<sup>4</sup> With these few words, the Framers of the Constitution entrusted the Senate with the most awesome power within a democratic society: whether to remove an impeached President from office.

#### A. High Crimes and Misdemeanors

The Constitution states, "The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors."<sup>5</sup>

"Treason" and "Bribery" are foundational impeachable offenses. No more heinous example of an offense against the constitutional order exists than betrayal of the nation to an enemy or betrayal of duty for personal enrichment. A President commits treason when he levies war against the United States or gives comfort or aid to its enemies.<sup>6</sup> As the House Judiciary Committee explains, a President engages in impeachable bribery when he "offers, solicits, or accepts something of personal value to influence his own official actions."<sup>7</sup>

In interpreting "high Crimes and Misdemeanors," we must not only look to the