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No. 65

Senate

The Senate met at 9:04 p.m. and was called to order by the Honorable TINA SMITH, a Senator from the State of Minnesota.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mrs. MURRAY).

The senior assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 15, 2024.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TINA SMITH, a Senator from the State of Minnesota, to perform the duties of the Chair.

PATTY MURRAY,
President pro tempore.

Ms. SMITH thereupon assumed the Chair as Acting President pro tempore.

CONCLUSION OF MORNING BUSINESS

Mr. SCHUMER. Madam President, I ask unanimous consent that the morning hour be deemed expired.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

JOURNAL OF PROCEEDINGS

Mr. SCHUMER. Madam President, I ask unanimous consent that the Journal of proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RESERVATION OF LEADER TIME

Mr. SCHUMER. Madam President, I ask unanimous consent that the time for the two leaders be reserved for their use later in the day.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MORNING BUSINESS

Mr. SCHUMER. Madam President, I ask unanimous consent that the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ARMS SALES NOTIFICATIONS

Mr. CARDIN. Madam 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 still available to the full Senate, I ask unanimous consent to have printed in the RECORD the notifications that have been received. If the cover letter references a classified annex, then such an 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,
Washington, DC.

Hon. BENJAMIN L. CARDIN,
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. 23-61, concerning the Navy's proposed Let-

ter(s) of Offer and Acceptance to the Government of the Kingdom of Saudi Arabia for defense articles and services estimated to cost \$101.1 million. We will issue a news release to notify the public of this proposed sale upon delivery of this letter to your office.

Sincerely,

JAMES A. HURSCH,
Director.

Enclosures.

TRANSMITTAL NO. 23-61

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: Kingdom of Saudi Arabia.

(ii) Total Estimated Value:
Major Defense Equipment * \$95.7 million.
Other \$5.4 million.
Total \$101.1 million.

Funding Source: National Funds.

(iii) Description and Quantity or Quantities of Articles or Services Under Consideration for Purchase: Foreign Military Sales (FMS) case SR-P-LDK was below the congressional notification threshold value at \$12.6 million (\$9.0 million in MDE), and included thirty-five (35) Multifunctional Information Distribution System Joint Tactical Radio Systems (MIDS JTRS) and twenty-four (24) Multifunctional Information Distribution System-Low Volume Terminals (MIDS-LVT) Block Upgrade Two (BU2) retrofit kits. The Kingdom of Saudi Arabia has requested the case be amended to additionally include fifty (50) MIDS-LVT BU2 Terminals and one hundred (100) MIDS-LVT BU2 retrofit kits. This amendment will push the current case value, above the MDE notification threshold and thus notification of the entire case is required.

The Kingdom of Saudi Arabia has also requested a new FMS case that includes one hundred ninety-four (194) MIDS JTRS and thirteen (13) MIDS-LVT BU2 Terminals. This case will also exceed the MDE notification threshold and therefore also requires notification.

The above notification requirements are combined as follows:

Major Defense Equipment (MDE):
Two hundred twenty-nine (229) MIDS JTRS.

Sixty-three (63) MIDS-LVT BU2 Terminals.
One hundred twenty-four (124) MIDS-LVT BU2 Retrofit Kits.

Non-MDE: Also included are TacNet Tactical Radios; Low Volume Terminal Cryptographic Modules; other communications

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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equipment; support equipment; engineering and technical support and assistance; training; and other related elements of logistics and program support.

(iv) Military Department: Navy (SR-P-LDK, SR-P-LHM).

(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: April 10, 2024.

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

POLICY JUSTIFICATION

Kingdom of Saudi Arabia—Multifunctional Information Distribution Systems

The Kingdom of Saudi Arabia has requested to buy fifty (50) Multifunctional Information Distribution System-Low Volume Terminal (MIDS-LVT) Block Upgrade 2 (BU2) Terminals and one hundred (100) additional MIDS-LVT BU2 Retrofit Kits that will be added to a previously implemented case whose value was under the congressional notification threshold. The original Foreign Military Sales (FMS) case, valued at \$12.6 million, included thirty-five (35) Multifunctional Information Distribution System Joint Tactical Radio System (MIDS JTRS) and twenty-four (24) MIDS-LVT BU2 Retrofit Kits. The Kingdom of Saudi Arabia has also requested a new FMS case that includes one hundred ninety-four (194) MIDS JTRS and thirteen (13) MIDS-LVT BU2 Terminals. This notification is for a combined total of two hundred twenty-nine (229) MIDS JTRS; sixty-three (63) MIDS-LVT BU2 Terminals; and one hundred twenty-four (124) MIDS-LVT BU2 Retrofit Kits. Also included are TacNet Tactical Radios; Low Volume Terminal Cryptographic Modules; other communications equipment; support equipment; engineering and technical support and assistance; training; and other related elements of logistics and program support. The estimated total cost is \$101.1 million.

This proposed sale will support the foreign policy goals and national security objectives of the United States by improving the security of a partner country that is a force for political stability and economic progress in the Gulf Region.

The proposed sale will improve the Kingdom of Saudi Arabia's surveillance capability to counter current and future regional threats, strengthen its homeland defense, and improve interoperability with systems operated by U.S. forces and other Gulf Region partners. The Kingdom of Saudi Arabia will have no difficulty absorbing these systems into its armed forces.

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

The principal contractor has not been determined as there will be a competitive contractual award process after case implementation. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this sale will not require the assignment of any U.S. Government or contractor representatives to the Kingdom of Saudi Arabia.

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

TRANSMITTAL NO. 23-61

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 Multifunctional Information Distribution System-Low Volume Terminals (MIDS-LVT) is used by the U.S. Navy, Marine Corps, and Air Force, as well as foreign partners, and allows air defense units to engage incoming missiles or manned and unmanned airborne platforms in day, night, and adverse weather conditions. The MIDS-LVT utilizes Link-16, an encrypted frequency hopping pattern to transmit tactical situational awareness data. Link-16 is the standard Tactical Data Link (TDL) used by both the United States and foreign nations to provide real-time operational awareness for both individual units as well as overall command and control components.

2. The Multifunctional Information Distribution System Joint Tactical Radio System (MIDS JTRS) provides an advanced Link-16 command, control, communications, and intelligence (C3I) system incorporating high-capacity and jam-resistant digital communications links for exchange of near real-time tactical information, including both data and voice, among air, ground, and sea elements. MIDS JTRS is a multi-channel, software-defined variant of the MIDS-LVT.

3. The highest level of classification of defense articles, components, and services included in this potential sale is SECRET.

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

5. A determination has been made that the Kingdom of Saudi Arabia can provide substantially the same degree of protection for the sensitive 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.

6. All defense articles and services listed in this transmittal are authorized for release and export to the Kingdom of Saudi Arabia.

ARMS SALES NOTIFICATIONS

Mr. CARDIN. Madam 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 still available to the full Senate, I ask unanimous consent to have printed in the RECORD the notifications that have been received. If the cover letter references a classified annex, then such an 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,
Washington, DC.

Hon. BENJAMIN L. CARDIN,
Chairman, Committee on Foreign Relations,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: On April 8, 2024, the Secretary of State, pursuant to section 36(b)

of the Arms Export Control Act (AECA), as amended, determined that an emergency exists which requires the immediate sale of the defense articles and defense services identified in the attached transmittal to the Government of Ukraine through the Foreign Military Sales process, including any further amendment specific to costs, quantity, or requirements occurring within the duration of circumstances giving rise to this emergency sale.

Please find attached (Tab 1) the Secretary of State Determination and Justification waiving the congressional review requirements under Section 36(b)(1) of the Arms Export Control Act, as amended. We will issue a news release to notify the public of this proposed sale upon delivery of this letter to your office.

Sincerely,

JAMES A. HURSCH,
Director.

Enclosures.

Sensitive But Unclassified

(To be downgraded to UNCLASSIFIED following approval by the Secretary)

DETERMINATION UNDER SECTION 36(B)(1) OF
THE ARMS EXPORT CONTROL ACT

Pursuant to section 36(b)(1) of the Arms Export Control Act, 22 U.S.C. 2776, I hereby determine that an emergency exists that requires the immediate sale through the following foreign military sales cases, including any further amendments specific to the cost, quantity, or requirements of these cases, in the national security interest of the United States:

For Ukraine: HAWK Phase III Missile System Sustainment.

This determination shall be published in the *Federal Register* and, along with the accompanying Memorandum of Justification, shall be transmitted to Congress with the applicable notifications.

ANTONY J. BLINKEN,
Secretary of State.

Unclassified

(U) MEMORANDUM OF JUSTIFICATION FOR
EMERGENCY ARMS TRANSFERS TO UKRAINE
UNDER SECTION 36(B)(1) OF THE ARMS EXPORT CONTROL ACT

(U) In the early morning of February 24, 2022, Russia launched a full scale, unprovoked, premeditated war against Ukraine, consistent with months of critical U.S. intelligence that had indicated that a major renewed invasion of Ukraine by Russia was imminent. This renewed invasion came after Russia conducted disruptive cyber operations against Ukrainian systems, Russian President Putin's purported recognition on February 21, 2022, of the so called "Luhansk People's Republic" and "Donetsk People's Republic" as independent states, and the Kremlin's subsequent deployment of Russia's military forces further into the Donbas. On February 24, 2022, President Putin announced a "special military operation" in Ukraine, and Russia's forces launched premeditated, unprovoked, and unjustified attacks against locations throughout Ukraine, in a full-scale invasion.

(U) Over the last nine years since Russia's initial incursion into Ukraine, the U.S. government has provided robust levels of defense support to Ukraine to help counter Russia's aggressive and destabilizing activities. Ukraine has also increasingly purchased U.S. military equipment using its national funds.

(U) Since Russia's initial invasion of Ukraine in 2014, the United States has provided over \$47 billion in security assistance to Ukraine, including through the DoD's Ukraine Security Assistance Initiative,