

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

POLICY JUSTIFICATION

Romania—AIM-9X Sidewinder Block II Missiles

The Government of Romania has requested to buy up to three hundred (300) AIM-9X Sidewinder Block II Tactical Missiles; forty (40) AIM-9X Sidewinder Block II Tactical Missile Guidance Units; forty (40) AIM-9X Sidewinder Block II Captive Air Training Missiles (CATM); and twenty (20) AIM-9X Sidewinder Block II CATM Guidance Units. Also included are missile containers; personnel training and training equipment; classified and unclassified publications and technical documents; warranties; U.S. Government engineering, technical, and logistics support services; and other related elements of logistics and program support. The estimated total program cost is \$340.8 million.

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

The proposed sale will improve Romania's capability to meet current and future threats by providing air-to-air missiles for its F-16 fleet in support of NATO's defense mission. Romania will have no difficulty absorbing these weapons 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 will be RTX Corporation, located in Tucson, AZ. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will not require the assignment of any additional U.S. Government or contractor representatives to Romania; however, U.S. Government engineering and technical services may be required on an interim basis for training and technical assistance.

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

TRANSMITTAL NO. 24-24

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. AIM-9X Block II Sidewinder Missile represents a substantial increase in missile performance over the AIM-9M and replaces the AIM-9X Block I Missile configuration. The missile includes a high off-boresight seeker, enhanced countermeasure rejection capability, a low drag/high angle of attack airframe, and the ability to integrate the Helmet Mounted Cueing System. The most current AIM-9X Block II Operational Flight Software developed for all international partners, which is authorized by U.S. Government export policy, provides fifth-generation infrared missile capabilities such as Lock-On-After-Launch, Weapons Data Link, Surface Attack, and Surface Launch. No software source code or algorithms will be released.

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

3. 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.

4. A determination has been made that Romania 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.

5. All defense articles and services listed in this transmittal have been authorized for release and export to Romania.

ARMS SALES NOTIFICATION

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 May 9, 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 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,

MIKE MILLER
(For James E. Hursch, Director).

Enclosures.

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 interest of the United States:

For Ukraine:

(3) High Mobility Artillery Rocket Systems (HIMARS)

This determination shall be published in the Federal Register and, along with accom-

panying Memorandum of Justification, shall be transmitted to Congress with the applicable notifications.

Date: May 9, 2024

ANTONY J. BLINKEN,
Secretary of State.

(U) Memorandum of Justification for Emergency Arms Transfers to Ukraine Under Section 36(b)(1) of the Arms Export Control Act

(U) Germany desires to fund procurement of three High Mobility Artillery Rocket Systems (HIMARS) for Ukraine from U.S. Army inventories via a Joint Ukrainian Multinational Program—Services, Training and Articles Rapid Timeline (JUMPSTART) Foreign Military Sales (FMS) case. Under the JUMPSTART program, Germany would transfer the money (\$30 million) to the United States, which will then be deposited in Ukraine's FMS account for the purchase of three HIMARS from U.S. Army inventories.

(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 Department of Defense's Ukraine Security Assistance Initiative and security assistance authority under 10 U.S.C. 333, the Department of State's Foreign Military Financing program, and previous presidential drawdowns. Through these programs, the United States has provided and is providing Ukraine with military equipment such as Stinger air defense missiles, Javelin anti-armor missile systems, armed patrol boats, grenade launchers, counter-artillery and counter mortar radars, military medical equipment, electronic warfare detection systems, tactical gear, and support for ongoing training programs. On 44 previous occasions since September 2021, drawdowns were directed under sections 506(a)(1) and 552(c)(2) of the FAA for a total of \$23.785 billion in assistance for Ukraine (including a total of \$896 million directed in conjunction with section 614 of the FAA during FY 2022 and FY 2023). The principal equipment delivered under these drawdowns for Ukraine included HIMARS, Stinger air-defense missiles, munitions for the National Advanced Surface-to-Air Missile Systems (NASAMS), high-speed anti-radiation missiles (HARMS), Javelin anti-armor missiles, command launch units, M18A1 Claymore anti-personnel munitions (configured to be compliant with the Ottawa

Convention), first aid kits, artillery and ammunition, helicopters, unmanned aerial systems, machine guns, tactical gear, night vision devices, personal protective equipment, spare parts, and various calibers of ammunition.

(U) Although U.S. security assistance has improved Ukraine's overall defense posture and capabilities, Ukraine requires urgent support to enable it to continue resisting and repelling Russia's ongoing invasion. The U.S. multi-year security assistance effort is designed to help Ukraine build a sustainable defense capacity over the long term, while defense articles provided through emergency arms transfers under section 36(b)(1) of the Arms Export Control Act would address its most pressing defense needs in response to Russia's aggression.

(U) In the midst of the ongoing conflict, a critical need has surfaced requiring the immediate transfer of these defense articles in order for Ukraine to maintain its ability to prevent Russian gains. One Ukraine HIMARS system has recently been lost to enemy action, and several more are in various states of functionality due to maintenance concerns. Meanwhile, Russia has shown no sign of easing up on an ongoing ground offensive into sovereign Ukrainian territory, and numbers of Ukrainian long-range artillery systems are reaching critical levels. The United States and its partners are struggling to continue to supply and maintain the long-range artillery systems at the tempo of operations demanded by the ongoing Russian invasion. The HIMARS capability has proven extremely effective against the ground forces Russia is employing, and the systems are in constant use—requiring, at this time, immediate replacement and refurbishment.

(U) It is in the United States' national security interest to swiftly provide Ukraine with the defensive capabilities it requires. In order to effectively do so and ensure continued defense of its territory, Ukraine has an immediate need for these defense articles and services for replacement of HIMARS. This transfer will allow immediate replacement of the destroyed HIMARS, as well as the ability to pull other HIMARS off the front lines to perform maintenance without losing critical firepower in the defense. The urgency of this requirement has been validated by the Department of Defense in consultation with the Department of State. These items and services are readily available in Department of Defense stock and can be quickly transferred to Ukraine. The immediacy of the challenge at hand requires overcoming the statutory 60-day Congressional notification timeline to immediately expedite transfers to Ukraine.

(U) For the reasons provided above, an emergency exists requiring immediate provision of these defense articles to Ukraine in the national security interest of the United States. This transfer, through a Foreign Military Sale, will provide Ukraine as soon as possible with defense articles necessary to allow it to defend itself against Russia's armed aggression. The Secretary of State, therefore, has certified an emergency exists under section 36(b)(1) of the Arms Export Control Act, 22 U.S.C. 2776, thereby waiving the congressional review requirement of that provision.

TRANSMITTAL NO. 24-59

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 Ukraine.

(ii) Total Estimated Value:

Major Defense Equipment* \$30 million.

Other \$0.

Total \$30 million.

Funding Source: National Funds.

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

Major Defense Equipment (MDE):

Three (3) High Mobility Artillery Rocket Systems (HIMARS).

Non-MDE: None.

(iv) Military Department: Army (JU-B-UAD).

(v) Prior Related Cases, if any : NB-B-VSB, NB-B-VCC, NW-B-VIA (USAI Cases).

(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 10, 2024.

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

POLICY JUSTIFICATION

Ukraine—High Mobility Artillery Rocket Systems

The Government of Ukraine has requested to buy three (3) High Mobility Artillery Rocket Systems (HIMARS). The estimated total cost is \$30 million, which will be funded by another partner country on behalf of Ukraine.

The Secretary of State has determined and provided detailed justification that an emergency exists that requires the immediate sale to the Government of Ukraine of the above defense articles and services in the national security interests of the United States, thereby waiving the congressional review requirements under Section 36(b) of the Arms Export Control Act, as amended.

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 Europe.

Ukraine has an urgent need to increase its long-range, precision fires capabilities. Procurement of additional HIMARS will enhance Ukraine's ability to defend itself and respond to continued Russian aggression.

This will be a sale from U.S. Army inventory. There are no known offset agreements proposed in connection with this potential sale.

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

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

TRANSMITTAL NO. 24-59

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 M142 High Mobility Artillery Rocket System (HIMARS) is a C-130 transportable wheeled launcher mounted on a 5-ton Family of Medium Tactical Vehicles truck chassis. HIMARS is the modern Army-fielded version of the Multiple Launch Rocket System (MLRS) M270 launcher and can fire all of the MLRS Family of Munitions (FOM), including Guided Multiple Launch Rocket System variants and the Army Tactical Missile System. The HIMARS can engage targets between 15 and 300 kilometers with GPS-aided precision accuracy using the MLRS FOM.

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

3. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the infor-

mation 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.

4. A determination has been made that Ukraine can provide 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.

5. All defense articles and services listed in this transmittal are authorized for release and export to Ukraine.

TRIBUTE TO ADRIAN KLADAKIS

Mr. BARRASSO. Madam President, I would like to take the opportunity to express my appreciation to Adrian for his hard work as an intern in the Energy and Natural Resources Committee. I recognize his efforts and contributions to my office, as well as to the State of Wyoming.

Adrian is a native of Virginia. He is currently a senior at Flint High School in Oakton, VA. He has demonstrated a strong work ethic, which has made him an invaluable asset to our office. The quality of his work is reflected in his great efforts over the last several months.

I want to thank Adrian for the dedication he has shown while working for me and my staff. It is a pleasure to have him as part of our team. I know he will have continued success with all of his future endeavors. I wish him all my best on his journey.

ADDITIONAL STATEMENTS

TRIBUTE TO CATHERINE IVY

• Mr. KELLY. Mr. President, today, during Brain Tumor Awareness Month, I rise to recognize Catherine Ivy, the president and founder of the Ben & Catherine Ivy Foundation in Scottsdale, AZ. Mrs. Ivy started the foundation in 2005 with her late husband Ben after he was diagnosed with glioblastoma. Since then, the Ben & Catherine Ivy Foundation has been committed to finding a cure for brain cancer through funding for patient-focused research.

Mrs. Ivy is a resident of Paradise Valley, AZ, and has been a dedicated member of her community. She has served on the Mayo Clinic Arizona Leadership Council, the board of directors of the Translational Genomics Research Institute—TGen—and the Advisory Board of the Barrow Neurological Institute—all among the most acclaimed research institutions in our State. The Ben & Catherine Ivy Foundation has donated over \$150 million to support brain tumor research and facilitate the creation of the Ivy Brain Tumor Center in Phoenix, AZ. Because of Mrs. Ivy, cancer patients across our State and the country are gaining a real chance to beat this terrible disease.