

## 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.

## ADDITIONAL STATEMENTS

REMEMBERING JOE PRESTON  
JOSLIN, JR.

• Mr. BOOZMAN. Mr. President, today I wish to remember the life of Joe Preston Joslin, Jr., who passed away on May 14, 2016, after living an extraordinary life of service.

Joe Joslin was born in Dallas, TX, on September 26, 1947. He served in the 11th Armored Cavalry Regiment as a track mechanic and forward observer in Vietnam. After the war, he lived in Dallas and Austin until 1995, when he and his his wife of 30 years, Sharon, moved to Mountain View, AR. For the last 13 years, they lived in Leslie, AR, where Joe left a lasting mark on the community.

This January, after nearly 50 years, Joe was finally given the recognition he deserved. He received the Bronze Star with Valor for putting the lives of his fellow soldiers before his own and dismounting his armored vehicle to help those in need. This, along with the Army Medal of Commendation, accompany his many distinguished medals while serving in the U.S. Army.

Like many veterans, his selfless acts have gone far past the battlefield. Joe dedicated his life to helping his fellow veterans. He served as a past commander of American Legion Post 131 and American Legion District 2. He also served as commander of Veterans of Foreign Wars Post 12127, and in October of 2015, he retired after serving as the Searcy County veteran service officer for 3 years.

Joe enjoyed sharing his passion for the community with others. He had a soft spot for animals and shared his love of dogs with other members of the Searcy County Humane Society.

A true family man and dear friend, Joe leaves behind many loved ones, including his wife, Sharon; his mother, Helen Loftin; five children; nine grandchildren; and five great-grandchildren. I want to offer my prayers and sincere condolences to his loved ones on their loss. Joe was a true American hero. I would like to take this opportunity to recognize him and join with his family and friends in showing gratitude for his life and legacy.●

TRIBUTE TO COLONEL ROBERT  
ERICKSON

• Mr. DAINES. Mr. President:

Whereas, Colonel Erickson served in the United States Air Force for twenty-five years and is retiring from his current position as the Air National Guard Advisor to the Commander, Headquarters Air Education and Training Command, Joint Base San Antonio—Randolph, Texas; and,

Whereas, he is husband to Colonel Megan Erickson and father to Margaret Jean and John William; and,

Whereas, he ascended Montana mountain peaks in his youth with his cousin Steve Daines, current United States Senator for Montana; and,

Whereas, Colonel Erickson graduated from the United States Air Force Academy in 1991

as a Cadet Wing Commander and with a Bachelor of Science degree in Political Science with a minor in Russian Language; and,

Whereas, Colonel Erickson has logged more than 3,100 flight hours since he first earned his wings in April 1993 and has subsequently served in various flying assignments, including instructor pilot and flight commander; and,

Whereas, his call sign was Leif, in honor of his Norwegian grandfather Harold Erickson;

Whereas, from July 1999 to July 2002 he served as Assistant Director of Operations and Flight Commander, Instructor Pilot and Evaluation Pilot in the 12th and 44th Fighter Squadrons out of Kadena Air Base, Japan; and,

Whereas, upon Colonel Erickson's return from Japan in 2002, he joined the Oregon Air National Guard at Kingsley Field, Klamath Falls, Oregon. During his time there, he served as an Instructor Pilot, Evaluation Pilot, Assistant Weapons Officer, Chief of Academics, Chief of Scheduling, Chief of Standardization and Evaluation, Director of Operations, and Squadron Commander of the 114th Fighter Squadron; and,

Whereas, Colonel Erickson summited Mount Rainier with three combat injured veterans in 2009—Ryan Job, former Navy SEAL; Chad Jukes, Army reservist; and Jose Martinez, former Marine; and,

Whereas, in March 2011 Colonel Erickson was selected as the Director of Operations (A3) for the Oregon Air National Guard and served in that position for six months. In September 2011, he then served for the next three years as the Air National Guard Advisor to the Director of Intelligence, Operations and Nuclear Integration at Air Education and Training Command in Joint Base San Antonio—Randolph, Texas; and,

Whereas, his incredible hard work, leadership and dedication to the Air Force has earned him sixteen major awards and decorations, some of which are the Air Force Commendation Medal with oak leaf cluster, Air Force Outstanding Unit Award with four oak leaf clusters, Armed Forces Expeditionary Medal, Global War on Terrorism Service Medal and Air Force Longevity Service with four oak leaf clusters.

Now, Therefore, be it Resolved, this twenty-sixth day of May, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and fortieth, we honor Colonel Robert Erickson.●

RECOGNIZING THE NATIONAL  
ROOFING CONTRACTORS ASSO-  
CIATION

• Mr. KIRK. Mr. President, I would like to honor the National Roofing Contractors Association, NRCA, headquartered in Rosemont, IL, and support recognizing the week of June 5-11, 2016, as National Roofing Week.

NRCA's 3,800 members, located across all 50 States, play a key role in the installation and maintenance of roofing systems. In rain, snow, or wind, the roof is the first line of defense against natural elements for any home or business. However, until a roof falls into disrepair, its importance is often overlooked.

National Roofing Week is a valuable reminder of the significance that quality roofing has on our communities and honors the thousands of contractors in the roofing industry across the United

States. The NRCA's vast network of roofing contractors and industry-related members handle a majority of new construction and replacement roof systems on commercial and residential structures across the United States. However, the organization's activities extend beyond its construction duties.

National Roofing Week offers an opportunity to distinguish the thousands of NRCA members and their commitment to supporting their local communities. I commend the NRCA for their efforts and ask all my colleagues to join me in acknowledging their contributions to our communities during National Roofing Week.●

100TH ANNIVERSARY OF THE  
MICHIGAN MILK PRODUCERS AS-  
SOCIATION

• Mr. PETERS. Mr. President, today I wish to recognize the Michigan Milk Producers Association on the occasion of its 100th anniversary. Over a century ago, on May 23, 1916, some 400 dairy farmers from across southern Michigan met in East Lansing at the Michigan Agricultural College, spurred into action by their peers from Livingston County, who had just a month before raised a critical issue: the establishment of a fair price for their product. The result of their meeting was Michigan Milk Producers Association, MMPA.

In the early 1900s, Michigan dairy farmers faced a variety of pressures, including the increasing costs of land, labor, and feed, which threatened the livelihood of many producers. Without a unified voice, farmers were confronted with growing difficulties in negotiating prices for their products which would cover their production costs. For many, the severity of these challenges was leading to the real possibility of the collapse of Michigan's dairy farm industry.

Engaging in a cooperative endeavor, dairy farmers from Michigan sought to speak with one voice in their mission to secure a fair price for their products. As an organization for dairy farmers, open only to dairy farmers, MMPA immediately embarked on finding a resolution to this existential crisis. Within its first 5 months, MMPA membership swelled from just under 200 to nearly 1,000 milk producers from almost every county in southern Michigan. Within a year, MMPA successfully ensured a cost for milk that would support the livelihood of its members. With this vital goal met, MMPA stretched its efforts to include increasing the quality of its members' products, an effort that was vital to counter prevailing public opinion. By joining together, Michigan dairy farmers were also well positioned to work with the Federal Food and Drug Administration in its efforts to accommodate producers' price demands.

As with all Americans, MMPA faced considerable hardship during the Great Depression. An overproduction of milk