

reflects the practice under current law in California.

Secondly, any injunction that is issued cannot be based “merely on the information the person knows.” This language makes clear that any injunctive relief must be based on real evidence of a threat to the trade secrets, not simply on the employee’s knowledge.

Third, the bill also includes language to ensure that any injunction issued under the bill does not “otherwise conflict with an applicable State law prohibiting restraints on the practice of a lawful profession, trade, or business.”

This language will ensure that States are able to protect against the use of this bill to create unlawful restraints on business practices within their States. In fact, California’s strong public policy in favor of employee mobility stems from such a law, which is located at section 16600 in the State’s business and professions code. This law states: “Except as provided in this chapter, every contract by which anyone is restrained from engaging in a lawful profession, trade, or business of any kind is to that extent void.”

As I said in the markup of this bill in the Judiciary Committee and as is noted in the Judiciary Committee’s report, if a State’s trade secrets law authorizes additional remedies beyond what this bill authorizes, those State law remedies will still be available.

I felt it was important to protect California, which has a vibrant and dynamic economy of almost 40 million people in so many sectors.

I am very grateful that Senators HATCH and COONS were willing to accommodate my concerns, and I am pleased to support this bill and to co-sponsor it.

Thank you very much.

**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. 16-26, concerning the Department of the Navy’s proposed Letter(s) of Offer and Acceptance to the United Kingdom for defense articles and services estimated to cost \$3.2 billion. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

JENNIFER ZAKRISKI,  
(for J. W. Rixey, Vice Admiral, USN,  
Director).

Enclosures.

TRANSMITTAL NO. 16-26

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: United Kingdom.

(ii) Total Estimated Value:  
Major Defense Equipment \* \$1.8 billion.  
Other \$1.4 billion.  
Total \$3.2 billion.

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

Major Defense Equipment (MDE).  
Nine (9) P-8A Patrol Aircraft, which include: Tactical Open Mission Software (TOMS), Electro-Optical (EO) and Infrared (IR) MX-20HD, AN/AAQ-2(V)1 Acoustic System, AN/APY-10 Radar, ALQ-240 Electronic Support Measures (ESM).

Twelve (12) Multifunctional Informational Distribution System (MIDS) Joint Tactical Radio Systems (JTTRS).

Twelve (12) Guardian Laser Transmitter Assemblies (GLTA) for AN/AAQ-24(V)N.

Twelve (12) System Processors for AN/AAQ-24(V)N.

Twelve (12) Missile Warning Sensors for AN/AAR-54 (for AN/AAQ-24(V)N).

Nine (9) LN-251 with Embedded Global Positioning Systems/Inertial Navigation System (EGI).

Non-Major Defense Equipment (Non-MDE): Associated training, training devices, and support.

(iv) Military Department: U.S. Navy (SAN, Basic Aircraft Procurement Case; LVK, Basic Training Devices Case; TGO, Basic Training Case).

(v) Prior Related Cases, if any: UK-P-FBF, total case value \$5.6M, implemented January 27, 2015.

(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: March 24, 2016.

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

POLICY JUSTIFICATION

United Kingdom—P-8A Aircraft and Associated Support

The Government of the United Kingdom (UK) has requested notification for the possible procurement of up to nine (9) P-8A Patrol Aircraft, associated major defense equipment, associated training, and support. The estimated cost is \$3.2 billion.

The UK is a close ally and an important partner on critical foreign policy and defense issues. The proposed sale will enhance U.S. foreign policy and national security objec-

tives by enhancing the UK’s capabilities to provide national defense and contribute to NATO and coalition operations.

The proposed sale will allow the UK to re-establish its Maritime Surveillance Aircraft (MSA) capability that it divested when it cancelled the Nimrod MRA4 Maritime Patrol Aircraft (MPA) program. The United Kingdom has retained core skills in maritime patrol and reconnaissance following the retirement of the Nimrod aircraft through Personnel Exchange Programs (PEPs). The MSA has remained the United Kingdom’s highest priority unfunded requirement. The P-8A aircraft would fulfill this requirement. The UK will have no difficulty absorbing these 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 involved in this sale is The Boeing Company, Seattle, WA. Implementation of the proposed sale will require approximately sixty-four (64) personnel hired by Boeing to support the program in the United Kingdom. Additional contractors include:

- ViaSat, Carlsbad, CA.
- GC Micro, Petaluma, CA.
- Rockwell Collins, Cedar Rapids, IA.
- Spirit Aero, Wichita, KS.
- Raytheon, Waltham, MA.
- Telephonics, Farmingdale, NY.
- Pole Zero, Cincinnati, OH.
- Northrop Grumman Corp, Falls Church, VA.
- Exelis, McLean, VA.
- Terma, Arlington, VA.
- Symmetrics, Canada.
- Arnprior Aerospace, Canada.
- General Electric, UK.
- Martin Baker, UK.

There are no known offset agreements proposed in connection with this potential sale.

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

TRANSMITTAL NO. 16-26

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 P-8A aircraft is a militarized version of the Boeing 737-800 Next Generation (NG) commercial aircraft. The P-8A is replacing the P-3C as the Navy’s long-range anti-submarine warfare (ASW), anti-surface warfare (ASuW), intelligence, surveillance, and reconnaissance (ISR) aircraft capable of broad-area, maritime and littoral operations.

2. P-8A mission systems include:

(a) Tactical Open Mission Software (TOMS). TOMS functions include environment planning tactical aids, weapons planning aids, and data correlation. TOMS includes an algorithm for track fusion which automatically correlates tracks produced by on-board and off-board sensors.

(b) Electro-Optical (EO) and Infrared (IR) MX-20HD. The EO/IR system processes visible EO and IR spectrum to detect and image objects.

(c) AN/AAQ-2(V)1 Acoustic System. The Acoustic sensor system is integrated within the mission system as the primary sensor for the aircraft ASW missions. The system has multi-static active coherent (MAC) 64 sonobuoy processing capability and acoustic sensor prediction tools.

(d) AN/APY-10 Radar. The aircraft radar is a direct derivative of the legacy AN/APS-137(V) installed in the P-3C. The radar capabilities include Global Positioning System (GPS), selective availability anti-spoofing, Synthetic Aperture Radar (SAR), and Inverse Synthetic Aperture Radar (ISAR) imagery resolutions, and periscope detection mode.

(e) ALQ-240 Electronic Support Measures (ESM). This system provides real time capability for the automatic detection, location, measurement, and analysis of Radio-Frequency (RF) signals and modes. Real time results are compared with a library of known emitters to perform emitter classification and specific emitter identification (SEI).

(f) Electronic Warfare Self Protection (EWSP). The aircraft EWSP consists of the ALQ-213 Electronic Warfare Management System (EWMS), ALE-47 Countermeasures Dispensing System (CMDS), and the AN/AAQ-24 Directional Infrared Countermeasures (DIRCM)/AAR-54 Missile Warning Sensors (MWS). The EWSP includes threat information.

3. If a technologically advanced adversary was to obtain access to the P-8A specific hardware and software elements, systems could be reverse engineered to discover U.S. Navy capabilities and tactics. The consequences of the loss of this technology, to a technologically advanced or competent adversary, could result in the development of countermeasures or equivalent systems, which could reduce system effectiveness or be used in the development of a system with similar advance capabilities.

4. A determination has been made that the United Kingdom can provide substantially the same degree of protection for the technology being released as the U.S. Government. Support of the P-8A Patrol Aircraft to the Government of the United Kingdom is necessary in the furtherance of the U.S. foreign policy and national security objectives.

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

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

#### MESSAGES FROM THE HOUSE RECEIVED DURING ADJOURNMENT

Under the order of the Senate of January 6, 2015, the Secretary of the Senate, on March 22, 2016, during the adjournment of the Senate, received a message from the House of Representatives announcing that the House has passed the following bill, with an amendment, in which it requests the concurrence of the Senate:

S. 192. An act to reauthorize the Older Americans Act of 1965, and for other purposes.

The message also announced that the House has passed the following bills, without amendment:

S. 1180. An act to amend the Homeland Security Act of 2002 to direct the Administrator of the Federal Emergency Management Agency to modernize the integrated

public alert and warning system of the United States, and for other purposes.

S. 2393. An act to extend temporarily the extended period of protection for members of uniformed services relating to mortgages, mortgage foreclosures, and eviction, and for other purposes.

The message further announced that the House agreed to the amendment of the Senate to the bill (H.R. 4721) to amend title 49, United States Code, to extend authorizations for the airport improvement program, to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, and for other purposes.

#### ENROLLED BILL SIGNED

Under the order of the Senate of January 6, 2015, the Secretary of the Senate, on March 22, 2016, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker had signed the following enrolled bill:

H.R. 1831. An act to establish the Commission on Evidence-Based Policymaking, and for other purposes.

Under the authority of the order of the Senate of January 6, 2015, the enrolled bill was signed on March 24, 2016, during the adjournment of the Senate, by the Acting President pro tempore (Mr. COTTON).

Under the order of the Senate of January 6, 2015, the Secretary of the Senate, on March 24, 2016, during the adjournment of the Senate, received a message from the House of Representatives announcing that the House agreed to the following concurrent resolution, without amendment:

S. Con. Res. 34. Concurrent resolution providing for an adjournment of the House of Representatives.

#### ENROLLED BILL SIGNED

Under the order of the Senate of January 6, 2015, the Secretary of the Senate, on March 24, 2016, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker had signed the following enrolled bill:

H.R. 4721. An act to amend title 49, United States Code, to extend authorizations for the airport improvement program, to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, and for other purposes.

Under the authority of the order of the Senate of January 6, 2015, the enrolled bill was signed on March 24, 2016, during the adjournment of the Senate, by the Acting President pro tempore (Mr. COTTON).

#### ENROLLED BILLS SIGNED

Under the order of the Senate of January 6, 2015, the Secretary of the Senate, on March 31, 2016, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker pro tempore (Mr. MESSER) had signed the following enrolled bills:

S. 1180. An act to amend the Homeland Security Act of 2002 to direct the Administrator of the Federal Emergency Manage-

ment Agency to modernize the integrated public alert and warning system of the United States, and for other purposes.

S. 2393. An act to extend temporarily the extended period of protection for members of uniformed services relating to mortgages, mortgage foreclosures, and eviction, and for other purposes.

Under the authority of the order of the Senate of January 6, 2015, the enrolled bills were signed on March 31, 2016, during the adjournment of the Senate, by the Acting President pro tempore (Mr. ALEXANDER).

#### MESSAGE FROM THE HOUSE

At 3:02 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 482. An act to redesignate Ocmulgee National Monument in the State of Georgia and revise its boundary, and for other purposes.

H.R. 1670. An act to direct the Architect of the Capitol to place in the United States Capitol a chair honoring American Prisoners of War/Missing in Action.

H.R. 2745. An act to amend the Clayton Act and the Federal Trade Commission Act to provide that the Federal Trade Commission shall exercise authority with respect to mergers only under the Clayton Act and only in the same procedural manner as the Attorney General exercises such authority.

H.R. 2857. An act to facilitate the addition of park administration at the Coltsville National Historical Park, and for other purposes.

H.R. 4119. An act to authorize the exchange of certain land located in Gulf Islands National Seashore, Jackson County, Mississippi, between the National Park Service and the Veterans of Foreign Wars, and for other purposes.

H.R. 4314. An act to require a plan to combat international travel by terrorists and foreign fighters, accelerate the transfer of certain border security systems to foreign partner governments, establish minimum international border security standards, authorize the suspension of foreign assistance to countries not making significant efforts to comply with such minimum standards, and for other purposes.

H.R. 4336. An act to amend title 38, United States Code, to provide for the burial in Arlington National Cemetery of the cremated remains of certain persons whose service has been determined to be active service.

H.R. 4472. An act to amend title IV of the Social Security Act to require States to adopt a centralized electronic system to help expedite the placement of children in foster care or guardianship, or for adoption, across State lines, and to provide grants to aid States in developing such a system, and for other purposes.

H.R. 4742. An act to authorize the National Science Foundation to support entrepreneurial programs for women.

H.R. 4755. An act to inspire women to enter the aerospace field, including science, technology, engineering, and mathematics, through mentorship and outreach.

#### MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated: