

apply to them, even though they execute derivatives for other end-users within the corporate family, and are considered a best-practice among corporate treasurers.

Our legislation fixes the end-user exemption to clarify that it applies to swaps between a centralized treasury unit and an external counterparty, so long as the swap hedges the risks of a commercial affiliate. The language of our bill is substantially the same as that of H.R. 5471, offered by Representatives MOORE, STIVERS, GIBSON, and FUDGE, that passed the House by voice vote yesterday.

I urge my colleagues to support the common sense clarification proposed in this bipartisan legislation.

#### SUBMITTED RESOLUTIONS

**SENATE RESOLUTION 594—CELEBRATING THE CENTENNIAL YEAR OF THE BIRTH OF JAN KARSKI AND HONORING HIS EXTRAORDINARY AND COURAGEOUS LIFE**

Ms. MIKULSKI (for herself and Mr. KIRK) submitted the following resolution; which was considered and agreed to:

S. RES. 594

Whereas Jan Karski was born on April 24, 1914, as Jan Kozielewski, in Lodz, Poland;

Whereas Jan Karski served in the Polish diplomatic service, enlisted in the military, and was serving in the Polish army when German soldiers invaded Poland in 1939;

Whereas Jan Karski was captured by the Red Army when the Soviet Union invaded Poland;

Whereas in 1940, Jan Karski escaped the horrific Katyn Massacre, in which an estimated 22,000 Poles, including 8,000 Polish military officers, were brutally slain by Soviet soldiers;

Whereas Jan Karski escaped to Warsaw and joined the Polish underground resistance movement, where he served as a courier delivering messages to the Polish government-in-exile detailing the horrific brutality of the Nazis in Warsaw;

Whereas Jan Karski risked his life on several occasions, including when he infiltrated the Warsaw ghetto and the Izbica transit camp, and provided some of the first eyewitness accounts of the Holocaust to the Polish government-in-exile, the British government, and the United States Government;

Whereas in July of 1943, Jan Karski traveled to the United States to meet with President Roosevelt to describe the horrors of the Nazi genocide he had witnessed;

Whereas Jan Karski remained dedicated throughout his life to raising global awareness of the atrocities of the Holocaust;

Whereas after World War II, Jan Karski moved to the United States and enrolled in Georgetown University, earning a Ph.D. in 1952 and teaching at the university's Edmund A. Walsh School of Foreign Service for 35 years until his retirement in 1984;

Whereas Jan Karski became a citizen of the United States in 1954;

Whereas Jan Karski was posthumously awarded the Presidential Medal of Freedom in 2012 for his courageous efforts in uncovering the atrocities of the Holocaust and his commitment to sharing what he witnessed with the world;

Whereas the Parliament of the Republic of Poland has designated 2014 as "The Year of Jan Karski"; and

Whereas on April 1, 2014, to mark Jan Karski's 100<sup>th</sup> birthday, the Senate unanimously passed a resolution honoring his bravery and dedication in telling the world of the atrocities that took place in Poland during the Holocaust: Now, therefore, be it

*Resolved*, That the Senate—

(1) celebrates 2014 as the centennial year of the birth of Jan Karski; and

(2) honors the life and legacy of Jan Karski.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 3973. Mr. REID (for Mr. MENENDEZ) proposed an amendment to the bill S. 1683, to provide for the transfer of naval vessels to certain foreign recipients, and for other purposes.

#### TEXT OF AMENDMENTS

**SA 3973.** Mr. REID (for Mr. MENENDEZ) proposed an amendment to the bill S. 1683, to provide for the transfer of naval vessels to certain foreign recipients, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

#### **SECTION 1. APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**

In this Act, the term "appropriate congressional committees" means—

(1) the committee on Foreign Relations of the Senate; and

(2) the committee on Foreign Affairs of the House of Representatives.

#### **TITLE I—TRANSFER OF EXCESS UNITED STATES NAVAL VESSELS**

##### **SEC. 101. SHORT TITLE.**

This title may be cited as the "Naval Vessel Transfer Act of 2013".

##### **SEC. 102. TRANSFER OF NAVAL VESSELS TO CERTAIN FOREIGN RECIPIENTS.**

(a) **TRANSFERS BY GRANT TO MEXICO.**—The President is authorized to transfer to the Government of Mexico the OLIVER HAZARD PERRY class guided missile frigates USS CURTS (FFG-38) and USS MCCLUSKY (FFG-41) on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j).

(b) **TRANSFER BY SALE TO THE TAIPEI ECONOMIC AND CULTURAL REPRESENTATIVE OFFICE IN THE UNITED STATES.**—The President is authorized to transfer the OLIVER HAZARD PERRY class guided missile frigates USS TAYLOR (FFG-50), USS GARY (FFG-51), USS CARR (FFG-52), and USS ELROD (FFG-55) to the Taipei Economic and Cultural Representative Office in the United States (which is the Taiwan instrumentality designated pursuant to section 10(a) of the Taiwan Relations Act (22 U.S.C. 3309(a))) on a sale basis under section 21 of the Arms Export Control Act (22 U.S.C. 2761).

(c) **ALTERNATIVE TRANSFER AUTHORITY.**—Notwithstanding the authority provided in subsections (a) and (b) and to transfer specific vessels to specific countries, the President is authorized to transfer any vessel named in this title to any country named in this section, subject to the same conditions that would apply for such country under this section, such that the total number of vessels transferred to such country does not exceed the total number of vessels authorized for transfer to such country by this section.

(d) **GRANTS NOT COUNTED IN ANNUAL TOTAL OF TRANSFERRED EXCESS DEFENSE ARTI-**

**CLES.**—The value of a vessel transferred to another country on a grant basis pursuant to authority provided by subsection (a) shall not be counted against the aggregate value of excess defense articles transferred in any fiscal year under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j).

(e) **COSTS OF TRANSFERS.**—Any expense incurred by the United States in connection with a transfer authorized by this section shall be charged to the recipient notwithstanding section 516(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(e)).

(f) **REPAIR AND REFURBISHMENT IN UNITED STATES SHIPYARDS.**—To the maximum extent practicable, the President shall require, as a condition of the transfer of a vessel under this section, that the recipient to which the vessel is transferred have such repair or refurbishment of the vessel as is needed, before the vessel joins the naval forces of that recipient, performed at a shipyard located in the United States.

(g) **EXPIRATION OF AUTHORITY.**—The authority to transfer a vessel under this section shall expire at the end of the 3-year period beginning on the date of the enactment of this Act.

#### **TITLE II—ADDITIONAL PROVISIONS**

##### **SEC. 201. ENHANCED CONGRESSIONAL OVERSIGHT OF ARMS SALES, INCLUDING TO THE MIDDLE EAST.**

Section 36 of the Arms Export Control Act (22 U.S.C. 2776) is amended by adding at the end the following new subsection:

"(i) **PRIOR NOTIFICATION OF SHIPMENT OF ARMS.**—At least 30 days prior to a shipment of defense articles subject to the requirements of subsection (b) at the joint request of the Chairman and Ranking Member of the Committee on Foreign Relations of the Senate or the Committee on Foreign Affairs of the House of Representatives, the President shall provide notification of such pending shipment, in unclassified form, with a classified annex as necessary, to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives."

##### **SEC. 202. INCREASE IN ANNUAL LIMITATION ON TRANSFER OF EXCESS DEFENSE ARTICLES.**

Section 516(g)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(g)(1)) is amended by striking "\$425,000,000" and inserting "\$500,000,000".

##### **SEC. 203. INTEGRATED AIR AND MISSILE DEFENSE PROGRAMS AT TRAINING LOCATIONS IN SOUTHWEST ASIA.**

Section 544(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2347c(c)) is amended by adding at the end the following new paragraph:

"(4) The President shall report to the appropriate congressional committees (as defined in section 656(e)) annually on the activities undertaken in the programs authorized under this subsection."

##### **SEC. 204. LICENSING OF CERTAIN COMMERCE-CONTROLLED ITEMS.**

Section 38 of the Arms Export Control Act (22 U.S.C. 2778) is amended by adding at the end the following new subsection:

"(k) **LICENSING OF CERTAIN COMMERCE-CONTROLLED ITEMS.**—

"(1) **IN GENERAL.**—A license or other approval from the Department of State granted in accordance with this section may also authorize the export of items subject to the Export Administration Regulations if such items are to be used in or with defense articles controlled on the United States Munitions List.

"(2) **OTHER REQUIREMENTS.**—The following requirements shall apply with respect to a license or other approval to authorize the export of items subject to the Export Administration Regulations under paragraph (1):

“(A) Separate approval from the Department of Commerce shall not be required for such items if such items are approved for export under a Department of State license or other approval.

“(B) Such items subject to the Export Administration Regulations that are exported pursuant to a Department of State license or other approval would remain under the jurisdiction of the Department of Commerce with respect to any subsequent transactions.

“(C) The inclusion of the term ‘subject to the EAR’ or any similar term on a Department of State license or approval shall not affect the jurisdiction with respect to such items.

“(3) DEFINITION.—In this subsection, the term ‘Export Administration Regulations’ means—

“(A) the Export Administration Regulations as maintained and amended under the authority of the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.); or

“(B) any successor regulations.”.

#### SEC. 205. AMENDMENTS RELATING TO REMOVAL OF MAJOR DEFENSE EQUIPMENT FROM UNITED STATES MUNITIONS LIST.

(a) REQUIREMENTS FOR REMOVAL OF MAJOR DEFENSE EQUIPMENT FROM UNITED STATES MUNITIONS LIST.—Section 38(f) of the Arms Export Control Act (22 U.S.C. 2778(f)) is amended by adding at the end the following:

“(5)(A) Except as provided in subparagraph (B), the President shall take such actions as may be necessary to require that, at the time of export or reexport of any major defense equipment listed on the 600 series of the Commerce Control List contained in Supplement No. 1 to part 774 of subtitle B of title 15, Code of Federal Regulations, the major defense equipment will not be subsequently modified so as to transform such major defense equipment into a defense article.

“(B) The President may authorize the transformation of any major defense equipment described in subparagraph (A) into a defense article if the President—

“(i) determines that such transformation is appropriate and in the national interests of the United States; and

“(ii) provides notice of such transformation to the chairman of the Committee on Foreign Affairs of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate consistent with the notification requirements of section 36(b)(5)(A) of this Act.

“(C) In this paragraph, the term ‘defense article’ means an item designated by the President pursuant to subsection (a)(1).”.

(b) NOTIFICATION AND REPORTING REQUIREMENTS FOR MAJOR DEFENSE EQUIPMENT REMOVED FROM UNITED STATES MUNITIONS LIST.—Section 38(f) of the Arms Export Control Act (22 U.S.C. 2778(f)), as amended by this section, is further amended by adding at the end the following:

“(6) The President shall ensure that any major defense equipment that is listed on the 600 series of the Commerce Control List contained in Supplement No. 1 to part 774 of subtitle B of title 15, Code of Federal Regulations, shall continue to be subject to the notification and reporting requirements of the following provisions of law:

“(A) Section 516(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(f)).

“(B) Section 655 of the Foreign Assistance Act of 1961 (22 U.S.C. 2415).

“(C) Section 3(d)(3)(A) of this Act.

“(D) Section 25 of this Act.

“(E) Section 36(b), (c), and (d) of this Act.”.

#### SEC. 206. AMENDMENT TO DEFINITION OF “SECURITY ASSISTANCE” UNDER THE FOREIGN ASSISTANCE ACT OF 1961.

Section 502B(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2304(d)) is amended—

(1) in paragraph (1), by striking “and” at the end; and

(2) by amending paragraph (2)(C) to read as follows:

“(C) any license in effect with respect to the export to or for the armed forces, police, intelligence, or other internal security forces of a foreign country of—

“(i) defense articles or defense services under section 38 of the Armed Export Control Act (22 U.S.C. 2778); or

“(ii) items listed under the 600 series of the Commerce Control List contained in Supplement No. 1 to part 774 of subtitle B of title 15, Code of Federal Regulations;”.

#### SEC. 207. AMENDMENTS TO DEFINITIONS OF “DEFENSE ARTICLE” AND “DEFENSE SERVICE” UNDER THE ARMS EXPORT CONTROL ACT.

Section 47 of the Arms Export Control Act (22 U.S.C. 2794) is amended—

(1) in the matter preceding subparagraph (A) of paragraph (3), by striking “includes” and inserting “means, with respect to a sale or transfer by the United States under the authority of this Act or any other foreign assistance or sales program of the United States”; and

(2) in paragraph (4), by striking “includes” and inserting “means, with respect to a sale or transfer by the United States under the authority of this Act or any other foreign assistance or sales program of the United States.”.

#### SEC. 208. TECHNICAL AMENDMENTS.

(a) IN GENERAL.—The Arms Export Control Act (22 U.S.C. 2751 et seq.) is amended—

(1) in sections 3(a), 3(d)(1), 3(d)(3)(A), 3(e), 5(c), 6, 21(g), 36(a), 36(b)(1), 36(b)(5)(C), 36(c)(1), 36(f), 38(f)(1), 40(f)(1), 40(g)(2)(B), 101(b), and 102(a)(2), by striking “the Speaker of the House of Representatives and” each place it appears and inserting “the Speaker of the House of Representatives, the Committee on Foreign Affairs of the House of Representatives, and”;

(2) in section 21(i)(1) by inserting after “the Speaker of the House of Representatives” the following “, the Committees on Foreign Affairs and Armed Services of the House of Representatives.”;

(3) in sections 25(e), 38(f)(2), 38(j)(3), and 38(j)(4)(B), by striking “International Relations” each place it appears and inserting “Foreign Affairs”;

(4) in sections 27(f) and 62(a), by inserting after “the Speaker of the House of Representatives,” each place it appears the following: “the Committee on Foreign Affairs of the House of Representatives.”; and

(5) in section 73(e)(2), by striking “the Committee on National Security and the Committee on International Relations of the House of Representatives” and inserting “the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives”.

(b) OTHER TECHNICAL AMENDMENTS.—

(1) ARMS EXPORT CONTROL ACT.—The Arms Export Control Act (22 U.S.C. 2751 et seq.), as amended by subsection (a), is further amended—

(A) in section 38—

(i) in subsection (b)(1), by redesignating the second subparagraph (B) (as added by section 1255(b) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (Public Law 100-204; 101 Stat. 1431)) as subparagraph (C);

(ii) in subsection (g)(1)(A)—

(I) in clause (xi), by striking “; or” and inserting “, or”; and

(II) in clause (xii)—

(aa) by striking “section” and inserting “sections”; and

(bb) by striking “(18 U.S.C. 175b)” and inserting “(18 U.S.C. 175c)”; and

(iii) in subsection (j)(2), in the matter preceding subparagraph (A), by inserting “in” after “to”; and

(B) in section 47(2), in the matter preceding subparagraph (A), by striking “sec. 21(a),” and inserting “section 21(a),”.

(2) FOREIGN ASSISTANCE ACT OF 1961.—Section 502B of the Foreign Assistance Act of 1961 (22 U.S.C. 2304) is amended—

(A) in subsection (b), by striking “Wherever applicable, a description” and inserting “Wherever applicable, such report shall include a description”; and

(B) in subsection (d)(2)(B), by striking “credits” and inserting “credits”.

#### SEC. 209. APPLICATION OF CERTAIN PROVISIONS OF EXPORT ADMINISTRATION ACT OF 1979.

(a) PROTECTION OF INFORMATION.—Section 12(c) of the Export Administration Act of 1979 (50 U.S.C. App. 2411(c)) has been in effect from August 20, 2001, and continues in effect on and after the date of the enactment of this Act, pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) and notwithstanding section 20 of the Export Administration Act of 1979 (50 U.S.C. App. 2419). Section 12(c)(1) of the Export Administration Act of 1979 is a statute covered by section 552(b)(3) of title 5, United States Code.

(b) TERMINATION DATE.—Subsection (a) terminates at the end of the 4-year period beginning on the date of the enactment of this Act.

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. COONS. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on December 4, 2014, at 10:30 a.m. in room SD-366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON FOREIGN RELATIONS

Mr. COONS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on December 4, 2014, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON THE JUDICIARY

Mr. COONS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on December 4, 2014, at 10:15 a.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled “The FANS Act: Are Sports Blackouts and Antitrust Exemptions Harming Fans, Consumers, and the Games Themselves?” The witness list is not yet available.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON VETERANS AFFAIRS

Mr. COONS. Mr. President, I ask unanimous consent that the Committee on Veterans Affairs be authorized to meet during the session of the