violates such subsection, the attorney general of the State may, as parens patriae, bring a civil action on behalf of the residents of the State in an appropriate district court of the United States to obtain appropriate relief.

(2) RIGHTS OF FEDERAL TRADE COMMISSION.—

(A) NOTICE TO FEDERAL TRADE COMMISSION.—

(i) IN GENERAL.—Except as provided in clause (iii), the attorney general of a State shall notify the Commission in writing that the attorney general intends to bring a civil action under paragraph (1) before initiating the civil action against a person subject to subsection (a).

(ii) CONTENTS.—The notification required by clause (i) with respect to a civil action shall include a copy of the complaint to be filed to initiate the civil action.

(iii) EXCEPTION.—If it is not feasible for the attorney general of a State to provide the notification required by clause (i) before initiating a civil action under paragraph (1), the attorney general shall notify the Commission immediately upon instituting the civil action.

(B) INTERVENTION BY FEDERAL TRADE COMMISSION.—The Commission may—

(i) intervene in any civil action brought by the attorney general of a State under paragraph (1) against a person described in subsection (d)(1); and

(ii) upon intervening—

(I) be heard on all matters arising in the civil action; and

(II) file petitions for appeal of a decision in the civil action.

(3) INVESTIGATORY POWERS.—Nothing in this subsection may be construed to prevent the attorney general of a State from exercising the powers conferred on the attorney general by the laws of the State to conduct investigations, to administer oaths or affirmations, or to compel the attendance of witnesses or the production of documentary or other evidence.

(4) STATE COORDINATION WITH FEDERAL TRADE COMMISSION.—If the Commission institutes a civil action or an administrative action with respect to a violation of subsection (a), the attorney general of a State shall coordinate with the Commission before bringing a civil action under paragraph (1) against any defendant named in the complaint of the Commission for the violation with respect to which the Commission instituted such action.

(5) VENUE; SERVICE OF PROCESS.—

(A) VENUE.—Any action brought under paragraph (1) may be brought in—

(i) the district court of the United States that meets applicable requirements relating to venue under section 1391 of title 28, United States Code; or

(ii) another court of competent jurisdiction.

(B) SERVICE OF PROCESS.—In an action brought under paragraph (1), process may be served in any district in which the defendant—

(i) is an inhabitant; or

(ii) may be found.

(6) ACTIONS BY OTHER STATE OFFICIALS.—

(A) IN GENERAL.—In addition to civil actions brought by attorneys general under paragraph (1), any other officer of a State who is authorized by the State to do so may bring a civil action under paragraph (1), subject to the same requirements and limitations that apply under this subsection to civil actions brought by attorneys general.

(B) SAVINGS PROVISION.—Nothing in this subsection may be construed to prohibit an authorized official of a State from initiating or continuing any proceeding in a court of the State for a violation of any civil or criminal law of the State.

By Mr. DAINES (for himself and Mrs. CAPITO):

S. 3405. A bill to transfer certain items from the United States Munitions List to the Commerce Control List; to the Committee on Banking, Housing, and Urban Affairs.

Mr. DAINES. Mr. President, for Montanans, gunsmithing goes hand-in-hand with hunting and sport shooting. Sometimes the difference between a successful hunt and an unfulfilled tag can be a needed modification on a rifle. Throughout Montana and across America, hundreds of thousands of gunsmiths make sure that our firearms are setup to our custom specifications. Many of these gunsmiths do so as a side project or hobby, making a little extra income in the process.

Recently, the Directorate of Defense Trade Controls, DDTC, issued guidance that changed the definition of a manufacturer under the International Traffic m Arms Regulations, ITAR, to be so broad that could include these gunsmiths and require them to register as manufacturers, which includes an annual $2,250 fee. ITAR was intended to control the production and exportation of products essential to our national security, such as those intended only for military use, but not to unnecessarily hinder American business and innovation or undermine the Second Amendment.

That is why I am proud to introduce the Export Control Reform Act of 2016 with my colleague Senator CAPITO. The bill transfers regulatory responsibility for common, domestic firearms and related items from the Department of State to the Commerce Department, to be regulated like any other commercial business—allowing small business to continue to serve hunters and sports shooters.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3405

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Export Control Reform Act of 2016''.

SEC. 2. EXPORT CONTROLS ON CERTAIN ITEMS.

(a) IN GENERAL.—Notwithstanding section 38(f) of the Arms Export Control Act (22 U.S.C. 2778(f)) or any other provision of law, all items described in subsection (b) that are on the United States Munitions List and controlled under section 38 of the Arms Export Control Act (22 U.S.C. 2778) on the date of the enactment of this Act shall be transferred to the Commerce Control List of dual-use items in the Export Administration Regulations (15 C.F.R. part 730 et seq.).

(b) TRANSFERRED ITEMS.—The items referred to in subsection (a) are the following:

(1) Non-automatic and semi-automatic firearms, including all rifles, carbines, pistols, revolvers and shotguns.

(2) Non-automatic and non-semi-automatic rifles, carbines, revolvers, or pistols of a caliber greater than .50 inches (12.7 mm) up to and including .72 inches (18.0 mm).

(3) Ammunition for such firearms excluding caseless ammunition.

(4) Silencers, mufflers, and sound and flash suppressors.

(5) Rifle scopes.

(6) Barrels, cylinders, receivers (frames), or complete breech mechanisms.

(7) Related components, parts, accessories, attachments, tooling, and equipment for any articles listed in paragraphs (1) through (6).

(c) EFFECTIVE DATE.—This section shall take effect 180 days after the date of the enactment of this Act and shall not apply to any export license issued before such effective date or to any export license application made under the United States Munitions List before such effective date.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 580—SUPPORTING THE ESTABLISHMENT OF A PRESIDENT'S YOUTH COUNCIL

Mr. BOOKER (for himself and Mr. HATCH) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 580

Now, therefore, be it

Resolved, That the Senate—

(1) supports the creation of a Federal youth advisory council, to be known as the Presidential Youth Council (referred to in this Act as the ''Council''), to be privately funded, which shall—

(A) advise the President on the creation and implementation of new Federal policies and programs that pertain to and affect American youth;

(B) provide recommendations on ways to make existing policies and programs that pertain to and affect American youth more efficient and effective, through investment from relevant bodies, for delivery of youth services nationwide; and

(C) carry out activities to solicit the unique views and perspectives of young people and bring those views and perspectives to the attention of the head of each department or agency of the Federal Government and Congress, as needed, or on a case-by-case basis; and

(2) recommends that the members of the President's Youth Council be composed of 24 young Americans—

(A) of which—

(i) four members shall be appointed by the President;

(ii) the Speaker of the House of Representatives shall appoint—

(I) if the Speaker belongs to the same political party as the President, 4 members; or

(II) if the Speaker does not belong to the same political party as the President, 6 members;

(iii) the Minority Leader of the House of Representatives shall appoint—

(I) if the Minority Leader belongs to the same political party as the President, 4 members; or

(II) if the Minority Leader does not belong to the same political party as the President, 6 members;

(iv) the Majority Leader of the Senate shall appoint—

(I) if the Majority Leader belongs to the same political party as the President, 4 members; or

(II) if the Majority Leader does not belong to the same political party as the President, 6 members; and

(v) the Minority Leader of the Senate shall appoint—

(I) if the Minority Leader belongs to the same political party as the President, 4 members; or

(II) if the Minority Leader does not belong to the same political party as the President, 6 members;

(B) who are between 16 and 24 years of age;

(C) who have participated in a public policy-related program, outreach initiative, internship, fellowship, or Congressional, State, or local government-sponsored youth advisory council;

(D) who can constructively contribute to policy deliberations;

(E) who can conduct outreach to solicit the views and perspectives of peers; and

(F) who have backgrounds that reflect the racial, socioeconomic, and geographic diversity of the United States.

SENATE RESOLUTION 581—PROHIBITING THE SENATE FROM ADJOURNING, RECESSING, OR CONVENING IN A PRO FORMA SESSION UNLESS THE SENATE HAS PROVIDED A HEARING AND A VOTE ON THE PENDING NOMINATION TO THE POSITION OF JUSTICE OF THE SUPREME COURT OF THE UNITED STATES

Mr. BLUMENTHAL (for himself, Mr. LEAHY, Ms. BALDWIN, Mr. BENNET, Mr. BOOKER, Mrs. BOXER, Mr. BROWN, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. COONS, Mr. DONNELLY, Mr. DURBIN, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. HEINRICH, Ms. HEITKAMP, Ms. HIRONO, Mr. KAINE, Ms. KLOBUCHAR, Mr. MARKEY, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mr. MURPHY, Mrs. MURRAY, Mr. PETERS, Mr. REED, Mr. REID, Mr. SANDERS, Mr. SCHATZ, Mr. SCHUMER, Mrs. SHAHEEN, Ms. STABENOW, Mr. TESTER, Mr. UDALL, Mr. WARNER, Ms. WARREN, Mr. WHITEHOUSE, and Mr. WYDEN) submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 581

Whereas the Constitution of the United States provides that the President shall ''nominate, and by and with the advice and consent of the Senate, shall appoint'' justices of the Supreme Court of the United States (in this preamble referred to as the ''Supreme Court'');

Whereas the constitutional duty of the Senate of providing advice and consent on nominees to be a justice of the Supreme Court is one of the most important and solemn responsibilities of the Senate;

Whereas the Senate has taken action on every pending nominee to fill a vacancy on the Supreme Court in the last 100 years;

Whereas the Senate has confirmed 13 justices of the Supreme Court in the month of September, including Chief Justice John Roberts and Justice Antonin Scalia;

Whereas there has never been a time in history when an elected President has been denied the ability to fill a Supreme Court vacancy, by and with the advice and consent of the Senate, prior to the election of the next President;

Whereas the Senate has confirmed more than a dozen justices of the Supreme Court in presidential election years, including 5 in the last 100 years;

Whereas the Senate has confirmed justices of the Supreme Court in election years in which the executive and legislative branches of the Federal Government were divided between 2 political parties, including confirming Associate Justice Anthony Kennedy in 1988;

Whereas the Committee on the Judiciary of the Senate has never denied a hearing to a nominee to be a justice of the Supreme Court since the committee began holding public confirmation hearings for such nominees in 1916;

Whereas the Committee on the Judiciary of the Senate has a long tradition of reporting nominees to be a justice of the Supreme Court for consideration by the full Senate, even in cases in which the nominee lacked the support of a majority of the committee, including the nominations of Associate Justice Clarence Thomas in 1991 and Robert Bork in 1987;

Whereas the Federal Judiciary is a coequal branch of the Federal Government and the Supreme Court serves an essential function resolving questions of law that affect the economy and people of the United States and the protection of the United States and its communities;

Whereas forcing the Supreme Court to function with only 8 sitting justices has created several instances, and risks creating more instances, in which the justices are evenly divided as to the outcome of a case, preventing the Supreme Court from resolving conflicting interpretations of the law from different regions of the United States and thereby undermining the constitutional function of the Supreme Court as the final arbiter of the law;

Whereas the Supreme Court recusal policy adopted in 1993 and signed by Chief Justice William H. Rehnquist, Associate Justices John Paul Stevens, Antonin Scalia, Sandra Day O'Connor, Anthony Kennedy, Clarence Thomas, and Ruth Bader Ginsburg, and later adopted by Chief Justice John Roberts, stresses that ''even one unnecessary recusal impairs the functioning of the Court'' and that ''needless recusal deprives litigants of the nine Justices to which they are entitled, produces the possibility of an even division on the merits of the case, and has a distorting effect on the certiorari process, requiring the petition to obtain (under our current practice) four votes out of eight instead of four out of nine'';

Whereas since 1975, the average number of days from nomination to confirmation vote for a nominee to be a justice of the Supreme Court has been 70 days;

Whereas the vacancy on the Supreme Court caused by the death of Associate Justice Antonin Scalia arose on February 13, 2016, and the days since the occurrence of that vacancy now number more than 200 days; and

Whereas on March 16, 2016, President Obama nominated Merrick B. Garland, Chief Judge of the United States Court of Appeals for the District of Columbia Circuit, to fill the Supreme Court vacancy caused by the death of Associate Justice Antonin Scalia: Now, therefore, be it

Resolved,

SECTION 1. SHORT TITLE.

This resolution may be cited as the ''No Vote No Recess Resolution''.

SEC. 2. PROHIBITING ADJOURNMENT OR PRO FORMA SESSIONS UNTIL ACTION ON NOMINEE TO SUPREME COURT.

(a) PROHIBITION.—During the period beginning on September 27, 2016 and ending on the last day of the 114th Congress, the Senate shall not adjourn, remain adjourned, or recess for a period of more than 2 days and shall not convene solely in a pro forma session unless, by the date on which the period of adjournment begins or the date of the pro forma session, the Senate has taken action on any nomination made by the President for a position as a justice of the Supreme Court of the United States by—

(1) holding a hearing on the nomination in the Committee on the Judiciary of the Senate;

(2) holding a vote on the nomination in the Committee on the Judiciary of the Senate; and

(3) holding a confirmation vote on the nomination in the full Senate.

(b) ADJOURNING AND RECESSING.—During the period beginning on September 27, 2016 and ending on the date on which the requirements under paragraphs (1), (2), and (3) of subsection (a) are met—

(1) a motion to adjourn or to recess the Senate, or any resolution or order of the Senate including a provision that the Senate adjourn at a time certain, shall be decided by a yea-or-nay vote, and agreed to upon an affirmative vote of two-thirds of the Senators voting, a quorum being present;

(2) if a quorum is present, the Presiding Officer shall not entertain a request to adjourn or recess the Senate by unanimous consent or to vitiate the yeas and nays on such a motion by unanimous consent; and

(3) if the Senate adjourns due to the absence of a quorum, the Senate shall reconvene 2 hours after the time at which it adjourns and ascertain the presence of a quorum.

(c) NO SUSPENSION OF REQUIREMENTS.—The Presiding Officer may not entertain a request to suspend the operation of this resolution by unanimous consent or motion.

(d) CONSISTENCY WITH SENATE EMERGENCY PROCEDURES AND PRACTICES.—Nothing in this resolution shall be construed in a manner that is inconsistent with S. Res. 296 (108th Congress) or any other emergency procedures or practices of the Senate.

SENATE RESOLUTION 582—RECOGNIZING AND HONORING THE LIFE OF JOSE FERNANDEZ

Mr. RUBIO (for himself and Mr. NELSON) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 582

Whereas Jose Fernandez was born in Santa Clara, Cuba, on July 31, 1992;

Whereas Jose Fernandez attempted to escape Cuba on 4 separate occasions and was imprisoned by the Cuban government for doing so;

Whereas during one of his attempts to escape Cuba, Jose Fernandez saved the life of his mother by diving into the water to rescue her after she fell into the Yucatan channel;

Whereas Jose Fernandez came to the United States on April 5, 2008;

Whereas Jose Fernandez was a graduate of Braulio Alonso High School in Tampa, Florida;

Whereas Jose Fernandez was drafted by the Miami Marlins in the first round of the 2011 Major League Baseball Draft as the 14th overall selection;

Whereas Jose Fernandez signed with the Marlins on August 15, 2011;

Whereas Jose Fernandez started his first Major League Baseball game on April 7, 2013;

Whereas Jose Fernandez won the 2013 National League Rookie of the Year award;

Whereas, in 2013, after more than 5 years and with the help of the Marlins, Jose