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No. 181

## Senate

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. GRASSLEY).

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, hear us when we cry to You. You have been our help in ages past and our hope for the years to come.

You don't keep a record of our transgressions but shower us daily with mercy and forgiveness. Great is Your faithfulness.

As our Senators wait for the unfolding of Your powerful providence, give them Your peace. Lord, may they cling to Your promises knowing that You will lead them to a desired destination. Give them the wisdom to trust Your unconditional love and Your willingness to save those who call on Your Name.

We pray in Your mighty Name. Amen.

### PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

The PRESIDING OFFICER (Mr. CRAMER). The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I ask unanimous consent to speak for 1 minute as in morning business.

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

### NATIONAL ADOPTION MONTH

Mr. GRASSLEY. Mr. President, November is National Adoption Month. This year, we have very good news.

In 2018, over 63,000 young people were adopted from foster care. That is an in-

crease of 4,000 from the previous year. However, the number of children waiting for adoption also increased. That number rose to 125,000. Unfortunately, teenagers, sibling groups, and those with medical challenges often wait much longer to be adopted. Every child deserves a safe, permanent, loving home, so I want to commend all those who have chosen to adopt children in foster care.

If you wonder where I get the opinion that it is unfortunate that people want a permanent, safe, and loving home, all you have to do is listen to the kids in the foster care system, and you always get this response: What I would like to have is a mom and dad, and I would like to have a home. In other words, they get tired of being shuffled around from one foster home to another foster home, to another foster home. That is where I come from in recognizing November as National Adoption Month.

I yield the floor.

### RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER. The majority leader is recognized.

### NOMINATION OF STEVEN J. MENASHI

Mr. McCONNELL. Mr. President, after we confirm Chad Wolf to serve in a senior position at the Department of Homeland Security, the Senate will turn to President Trump's nominee to serve on the Second Circuit Court of Appeals.

Steven Menashi's nomination continues an already distinguished career studying, teaching, and practicing law. After earning degrees from Dartmouth and Stanford, he clerked for Judge Douglas Ginsburg on the DC Court of Appeals and Justice Alito on the Supreme Court. Mr. Menashi has held a research fellowship at the New York University School of Law and taught

at George Mason University's Antonin Scalia Law School.

Even the American Bar Association's Standing Committee on the Federal Judiciary, which has lately—lately made headlines for treating President Trump's nominees in a less-than-evenhanded way, has rated this nominee “well-qualified.”

Obviously, a majority of our colleagues on the Judiciary Committee concurred, and now the entire Senate will have the opportunity to confirm yet another outstanding jurist to the Federal bench.

I urge each of my colleagues to join me in supporting Steven Menashi's nomination this week.

### TURKEY AND SYRIA

Mr. McCONNELL. Mr. President, now on another matter, today President Trump will host the leader of Turkey at the White House. Although I have expressed concerns about granting President Erdogan such an honor in light of his recent actions, I hope the meeting produces better behavior from this important NATO ally.

We recognize Turkey's legitimate national security concerns about the destabilizing conflict in Syria. Indeed, no NATO ally has suffered more terrorist attacks or hosts more refugees than Turkey. Nevertheless, we have legitimate national security concerns of our own, and I know the vast majority of my colleagues share my concerns about Turkey's recent behavior.

It is important for the region and the fight against ISIS that Turkey's incursion into Syria not further jeopardize the anti-terrorism campaign of the Syrian Democratic Forces. It is important for Turkey's 80 million people that Turkey's Government moves to restore its democratic traditions—freedom of the press, religious freedom, respect for secularism and ethnic minorities, and a robust space for civil society. Despite the optimism from the

• This “bullet” symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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Obama administration and others that Turkey, under President Erdogan, would be a model democracy, in practice, these important values have suffered under his tenure.

As the Turkish people's concern continues growing, it is troubling that the political space for them to express those concerns has seemed to shrink further. At the same time, the United States must recognize that the path to addressing our concerns involves working with this important NATO ally and aligning its interests with ours.

Turning a cold shoulder altogether would be a major strategic misstep and would jeopardize our national security and our interests. We do not need Turkey to fall further into Moscow's orbit. I know my colleagues are looking to see whether a deal can be reached on the S-400 air defense system.

I share my colleagues' uneasiness at seeing President Erdogan honored down at the White House, but I urge this body to remain clear-eyed about our Nation's vital interests in the Middle East and the fact that advancing them will mean strengthening our relationship with this NATO ally, not weakening it further.

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#### IMPEACHMENT

Mr. MCCONNELL. Mr. President, on one final matter, today, almost 3 years in the House Democrats' quest to impeach the President and 7 weeks into the inquiry that Speaker PELOSI proclaimed in a press conference, House Democrats will hold their first public hearing on impeachment.

This hearing was mandated by the strange resolution House Democrats passed a couple of weeks ago. That resolution did not provide President Trump with important rights, which the House afforded to Presidents of both parties during past impeachment inquiries. It didn't even afford their own House Republican colleagues the same rights that House Republicans gave Democrats during the Clinton inquiry. No; House Democrats' resolution just codified their unfair approach: no due process now, maybe some later, but only if we feel like it. That is what it establishes.

The American people know that many Washington Democrats have had their minds made up on impeachment for years. It was clear on election day 2016, and it became undeniable by Inauguration Day. That is when the Washington Post, before he was sworn in, ran this headline: "The Campaign to Impeach President Trump has Begun."

The whole country saw a prominent House Democrat state publicly in April of 2017: "I'm going to fight every day until he's impeached." That is the chairwoman of one of the committees the Speaker has given responsibility for this inquiry, promising impeachment 3 months into his Presidency.

It is hardly surprising that this partisan journey is not yielding a neutral process. Unfortunately, it is also

crowding out important legislation for the American people. In the House, Speaker PELOSI is more interested in taking away President Trump's job than in creating 176,000 new jobs for American workers by passing the USMCA. She is blocking this landmark trade agreement.

In the Senate, our Democratic colleagues have filibustered the funding of our Armed Forces. Despite promising to forgo the poison pills a few months back, Democratic leadership has run the appropriations process aground so they can fight over immigration policy with the White House.

Speaking of our Armed Forces, House Democrats are also slow-walking the National Defense Authorization Act. That is an essential bill that Congress has passed every year—every year since 1961 like clockwork—every year, on a bipartisan basis, for almost six decades, but this year House Democrats broke with precedent and passed their own partisan version and are now stalling the conference committee. These are the priorities that are languishing as impeachment marches on.

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#### MEASURE PLACED ON THE CALENDAR—S. 2840

Mr. MCCONNELL. Mr. President, I understand there is a bill at the desk that is due for a second reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the second time.

The senior assistant legislative clerk read as follows:

A bill (S. 2840) to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, and for other purposes.

Mr. MCCONNELL. Mr. President, in order to place the bill on the calendar under the provisions of rule XIV, I object to further proceedings.

The PRESIDING OFFICER. Objection having been heard, the bill will be placed on the calendar.

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#### RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

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#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

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#### EXECUTIVE SESSION

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#### EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session and resume consideration of the following nomination, which the clerk will report.

The senior assistant legislative clerk read the nomination of Chad F. Wolf, of Virginia, to be Under Secretary for Strategy, Policy, and Plans, Department of Homeland Security. (New Position)

The PRESIDING OFFICER. The Democratic whip.

#### IMMIGRATION

Mr. DURBIN. Mr. President, if members of the American public came to the Senate Chamber this week to witness legislative activity, such as a piece of legislation on the floor, amendments, debate, votes, deliberation, or compromise, they are out of luck. We don't do that in the Senate anymore. We are not going to do it this week; we didn't do it last week; and we didn't do it the week before.

Now, the Republican leader just said the problem is impeachment. The problem is not impeachment. The problem is the Senate is not a Senate anymore. All we do in the Senate—all we do in the Senate is this serial list of judicial nominations, one after the other, after the other, after the other. That is it. We don't take up legislation.

Yesterday there was a—right across the street from this Capitol Building, in front of the Supreme Court, hundreds of people were there because of a hearing in the Supreme Court on the issue of DACA, which was created by President Obama, where 780,000 undocumented young people had a chance to stay in this country and was abolished by President Trump. Hundreds came out yesterday. They wanted to hear—at least try to hear the Supreme Court deliberations on their future and what would happen to them.

It is quite possible that the Court will rule in the President's favor. I hope not, but it is possible, and the future of these young people will be deportation. You can imagine how they feel about this issue. They look back over here at the Capitol and they wonder: What are they doing in the U.S. Capitol building to deal with an issue of such grave importance for such a large group of people in the United States? Here's what we are doing: Nothing—nothing.

The House of Representatives passed the American Dream and Promise Act in the month of June, and the U.S. Senate and Senator MCCONNELL will not let us bring it to the floor. Is he going to blame the impeachment proceedings for the fact that we have waited 5 months now with this critical bill, having passed the House, not even being considered in the U.S. Senate? Is that the reason we haven't been able to take up serious legislation for weeks in the U.S. Senate? Of course not. It is not about impeachment; it is about a strategy designed by the Senate Republican leader not to entertain substantive legislation—just to take up the issues of nominations.

The nominations, of course, are an issue themselves. I mentioned the judicial nominations. Well, last week in the Senate Judiciary Committee, we had the ninth Trump nominee for the

Federal bench who had been found unqualified by the American Bar Association. That is nine so far. You say to yourself, well, that must happen from time to time. It never happened one time under President Obama; not one nominee was judged unqualified. There are nine of them under President Trump. Why? Because this administration, with the cooperation of Senator MCCONNELL, is hell-bent to fill these vacancies, regardless of the competency of the individual who is being nominated.

On the calendar today is another nomination. Today the Senate is going to vote on the nomination of Chad Wolf. This is technically a vote for Mr. Wolf to be the Department of Homeland Security's Under Secretary for policy.

Let's be clear. This is actually a vote on whether Mr. Wolf would run the entire Department of Homeland Security. He would be the sixth Secretary in charge of this critical agency, the Department of Homeland Security—the sixth one since President Trump was elected. Talk about a fast-moving, revolving exit door. You can hardly get your desk put together with a few pens and computers on top of it; then, with President Trump, you are out the door if you are the Secretary of the Department of Homeland Security.

Next up is Chad Wolf. The President has indicated he is going to appoint him, not as the Secretary of Homeland Security—no, the Acting Secretary of Homeland Security. But he first has to be confirmed as an Under Secretary.

The Trump administration has shown in their immigration policy an approach to this issue that we haven't seen for decades in Washington or the United States. The President has been especially harsh when it comes to families and children. President Trump's ineffective policies have made our southern border much less secure than when he took office. The situation has even been worsened by this gaping leadership vacuum in the Department of Homeland Security. In less than 3 years, there have been four heads of the Department. Wolf would be the fifth person—I said six earlier, sorry—to run it and the third Acting Secretary. Every position at the Department of Homeland Security with responsibility for immigration is now held by a temporary appointee ready to be fired at a moment's notice, and the White House is not even submitting nominations for those positions. This is a conscious choice by the Trump White House to increase their power and to undermine the role of the U.S. Senate, and the Republican majority thinks it is just fine.

The President has boasted about all of his Acting Secretaries. He even has an Acting Chief of Staff. Donald Trump said: I like acting. It gives you great, great flexibility.

It sure does. You can just fire a person and call the next up in a moment, in a matter of days.

Stephen Vladeck, a leading expert on the Senate's confirmation process, notes that the President's approach is "depriving the Senate of its constitutional role—and in the process, of opportunities to vet his nominees, to reject those who are unqualified, and to conduct meaningful oversight of the executive branch."

So what does the Senate institutionalists and the Senator from Kentucky think about diminishing the roles of the Senate? Just fine, Mr. President, whatever you want.

Today, the Senate will actually have a chance to vote on this individual, Chad Wolf, to become an Under Secretary on his quick path to become an Acting Secretary on his even quicker path to be in some way retired or fired.

So is Chad Wolf the right person to run the Department of Homeland Security, one of the most important law enforcement agencies? His main qualification appears to be that he was Chief of Staff and top adviser to former Secretary Kirstjen Nielsen.

I would say that arguably she may have been one of the worst performing Homeland Security Secretaries ever in our history. It was Kirstjen Nielsen who falsely claimed, "We do not have a policy of separating families at the border." Then came along the Federal judge in Southern California and demanded an accounting of what actually was going on at the border. Do you know what the judge found after he demanded that the Department of Homeland Security under Kirstjen Nielsen account for family separations? They found that more than 2,800 infants, toddlers, and children had been separated from their parents at the border. Even worse, there was no effort made to trace where the parents were headed and where the child was headed. At the end, some of these children never ever were reunited with their parents, separated by Kirstjen Nielsen's Department of Homeland Security.

I have seen the results of these disastrous separations. At the immigration court in downtown Chicago, in a Loop high-rise building that you would never pick out as a court, you take an elevator to one of the top floors and get out on a crowded floor. There are people standing four- and five-deep waiting for the docket call for immigration court.

I went into the court just last year to see what family separation was all about. I found a good judge who had been at it for almost 20 years, and she said to me: Senator, please stay for the docket call, at least the first group of clients.

The first group of clients were called. Marta was one of the clients. The judge said: Would the clients please take their seats. The problem—the problem was, Marta was 2 years old. Marta had to be lifted into her chair and handed a stuffed animal that she was hanging onto throughout this hearing, which I am sure she never understood.

Hamilton was a little boy who was also a client in the immigration court

that day. He was 4 years old—4 years old in a U.S. immigration court because of the separation of children from their parents. He did jump up on the chair because he saw a Matchbox car on the table that he could play with while this hearing was deciding his fate.

Do you know what happened? They continued their cases for another 6 months. Fortunately, Marta was reunited with her father in less than 6 months. Do you know what happened when separated children were united? Some of these children would not even let their own mothers hold them. That is what happens when you separate a 2-year old from her mother for months at a time. That is what happened over and over again on the watch of Kirstjen Nielsen, the Secretary of Homeland Security. Mr. Chad Wolf, who is on our calendar today, was her chief of staff during this zero-tolerance policy.

These disastrous separations have done permanent damage to countless children. I saw two of them. Publicly released emails show that Mr. Chad Wolf, who will be voted on today in the Senate, was deeply involved in the discussions that led to this policy. As far back as December of 2017, Wolf was Acting Chief of Staff to Secretary Nielsen. He sent the Justice Department a list of 16 options for deterring undocumented immigrants. No. 2 on the list was "separate family units." His fingerprints are all over zero tolerance.

Mr. Wolf was also intimately involved in the Trump administration's efforts to use Dreamers as bargaining chips to advance the President's anti-immigrant agenda. After he repealed DACA, President Trump rejected numerous bipartisan deals to protect Dreamers. I will not go through the awful details of our bipartisan efforts to come up with a bill, which the President time and again rejected. Instead, he said: Here is my approach to the Senate. Take it or leave it.

The Senate left. It received fewer than 40 votes in a Senate dominated by a Republican majority.

The administration said that it would support the authorization of Dreamers if the Congress passed his plan, which included the largest cut in legal immigration in almost a century. The Senate rejected it. How do I know that Mr. Wolf was involved in this effort? I sat in on a half dozen meetings with Secretary Nielsen and Mr. Wolf, just down the hall from here in the office of Republican Congressman KEVIN MCCARTHY. He was there. Wolf was part of the program.

In another administration, involvement in family separation and DACA repeal would be grounds for dismissal. In the Trump administration, it is grounds for promotion—promotion to become the Acting Secretary and to see if this flavor of the month as the head of one of these key agencies can actually gut it out for 6 months. It might be a record if he did.

I urge my colleagues to oppose the nomination of Mr. Wolf.

NOMINATION OF STEVEN J. MENASHI

Mr. President, on the subject of nominations, last week every Republican member of the Senate Judiciary Committee voted to report out the nomination of Steven Menashi for a lifetime judgeship on the Second Circuit. Every Democratic Member voted the other way, and for good reason.

Steven Menashi lacks even the most basic courtroom experience. He has never argued in court, conducted a deposition, or tried a case. He has written dozens of incendiary editorials and articles in which he showed a lack of judgment and judicial temperament.

Let me give you a couple of examples. He said that “charges of racism are typically overblown.” He went on to say that gun control legislation is “pointless and self-defeating because guns reduce crime.” Then he said, “The animal rights crowd is, by and large, a contemptible bunch.”

Mr. Menashi currently works in the White House. He works with Stephen Miller. There is a name that may be familiar. He is pushing Stephen Miller’s anti-immigrant agenda.

He spent several years advising the Secretary of Education, Betsy DeVos, on some of the most anti-student measures that Department has ever undertaken.

Mr. Menashi’s hearing before the Senate Judiciary Committee was an embarrassment. He refused to answer basic questions from either Democrats or Republicans, basically saying to the Judiciary Committee: My experience—what I have done, what I believe—is none of your business.

It was a deeply troubling nomination, to the point where even Republican colleagues on the committee were chiding him to answer a question if he wanted a lifetime appointment to the second highest court in the land. He continued to refuse, but he still won all of their votes when his nomination came up last week.

Apparently, Mr. Menashi is hoping that in this busy week, we are going to hold this floor vote, and nobody will notice. Well, a lot of Americans will notice, especially the tens of thousands of Americans who have been the victims of the for-profit college scams. Do you remember those schools? You have heard a lot about them, haven’t you? All these schools that said they were colleges and universities—they were in it for a buck. Many of them turned out to be frauds. They weren’t really colleges and universities.

Nine percent of high school students in the United States go to for-profit colleges and universities—9 percent—and one-third, 33 percent of all the student loan defaults are students at for-profit colleges and universities. Why? They overcharge the students; they undereducate them; and they leave them with a mountain of debt. When these schools go out of business, we have an opportunity to say to the stu-

dents: We are sorry you were defrauded, but it shouldn’t ruin your life. We are going to make sure your student loan at this bogus institution is forgiven.

Months ago, we learned that the DeVos Department of Education misused private Social Security Administration data to deny student loan relief to thousands of students cheated by the failed for-profit school, Corinthian Colleges. Last week, we learned that Mr. Menashi, the nominee we will consider this week, was the architect of this plan to deny these students full and fair relief. He gave legal advice to Secretary DeVos on how to carry it out.

It was certainly bad advice. A Federal court ruled that the Menashi plan illegally violated student privacy and ordered the Department to stop putting Corinthian borrowers into collection while they waited for relief. This man, who wants a lifetime appointment to opine and rule and judge on laws and statutes and the Constitution, gave advice to the Secretary of Education that turned out to be found in violation of the law. In the months that followed, the Department failed to comply with the order of the court, resulting in the judge’s holding Secretary DeVos in contempt of court and forcing her to pay a fine because of Menashi’s advice. What a debacle. Yet my Republican colleagues believe that the appropriate response to this debacle by Mr. Menashi is to promote him to a lifetime appointment to a court that is one step below the U.S. Supreme Court.

While Mr. Menashi is looking forward to his lifetime job, the victims of Corinthian Colleges’ fraud and Menashi’s illegal scheme continue to suffer without the relief they deserve—victims like a man named Sheldon, one of my constituents from Bloomington, IL. He took out student loans to enroll in an online criminal justice course from one of the Corinthian schools, called Everest College.

Corinthian may have gone bankrupt in 2016 after it was revealed that it had defrauded students into signing up, but former students like Sheldon have had no relief from the Department of Education for their student loan debt from this bankrupt school that defrauded them. The collection agencies still keep calling Sheldon’s home. He wrote to my office and told me how he had his wages garnished because he owes \$13,000 in student loans for enrolling in this bogus Corinthian College program. He said: “My checks have been taken away from me for the past 3 years.”

Mr. Menashi should be embarrassed by the advice he gave to Secretary DeVos to deny full and fair relief to students like Sheldon and thousands of others who were tricked and cheated by for-profit colleges. He is not. Mr. Menashi told me in writing after his hearing: “I am proud of my work at the Department of Education and of the legal advice that I provided.”

The Second Circuit is one of our most important appellate courts. It hears appeals coming out of the Southern District of New York, where there are multiple investigations underway of national note.

The Senate should have grave reservations about advancing a nominee to the Second Circuit who currently works in the White House but would not disclose under oath what he does, who has minimal courtroom experience, who has a record of giving troubling legal advice, and who has a history of expressing views which were entirely out of the mainstream.

I want to commend one Republican colleague, Senator SUSAN COLLINS of Maine, who said she is personally going to oppose the Menashi nomination because in her words—I couldn’t say it more clearly—“I do not believe he is well-suited to serve on the federal bench.” Wouldn’t it be great if a few more Senate Republicans felt the same way?

I urge a “no” vote on the Menashi nomination.

I yield the floor.

Mrs. FEINSTEIN. Mr. President, I rise today in opposition to the nomination of Steven Menashi to the United States Court of Appeals for the Second Circuit.

From 2017 to 2018, Mr. Menashi served as the Acting General Counsel of the Department of Education under Secretary Betsy DeVos. Mr. Menashi has stated that, in this role, he was “responsible for providing legal advice related to all aspects of the Department’s operations, including litigation, rule-making, regulation, and enforcement.”

Before Mr. Menashi joined the Department of Education, the Department had found that thousands of students had been defrauded by for-profit colleges. The for-profit schools had lied to students about job prospects, graduation rates, and steered them into mountains of debt. The Department had concluded that these students were entitled to relief from their student loan debt.

But when Mr. Menashi arrived at the Department, he took a different view. He wrote a memo, which has since been obtained by the New York Times, arguing against full debt relief for the students.

Many of these students found themselves unable to work in the fields that they had pursued at the for-profit colleges because the colleges had either suddenly closed or the degrees had proven to be worthless. Nonetheless, Mr. Menashi’s idea, which the Department adopted, was to use the private Social Security earnings data of the defrauded students as a basis for limiting their relief. Even if you put aside the unfairness of Mr. Menashi’s plan, there was another problem: It was illegal.

Six months after Mr. Menashi’s plan was implemented, and while Mr. Menashi was still at the Department, a

Federal court ruled that using students' private Social Security data violated the Federal Privacy Act. The court ordered the Department to stop using the students' private information and to stop collecting on their student loans.

Even after this Federal court ruling, the Department failed to comply. The Department continued to illegally collect on the student loans of at least 16,000 defrauded students. The Department garnished wages, seized tax refunds, and wiped out some students' credit ratings.

Less than 3 weeks ago, a Federal court held Secretary Betsy DeVos in contempt of court and fined the Department \$100,000. The Federal magistrate judge who issued the contempt order said, "[T]here have to be some consequences for the violation of my order 16,000 times."

Mr. Menashi should not be rewarded for providing such bad legal advice with a lifetime appointment to the Federal bench.

While at the Department, Mr. Menashi also helped push new rules on campus sexual assault that the administration's own analysis concluded would dramatically reduce the number of sexual assault investigations. Under these new rules, a student who is the survivor of sexual assault would be subject to cross-examination by their attacker's representative at a live hearing.

In 2018, Mr. Menashi joined the White House Counsel's Office, where he has been a member of Stephen Miller's White House Immigration Strategic Working Group. This working group has helped push a number of extreme anti-immigrant policies, including the White House's policy of separating children from their families, a problem that still has not been fully remedied, despite a court order to do so.

At his hearing, Mr. Menashi refused to answer numerous basic questions about his work, including about his role in the administration's family separation policy. He also refused to answer written questions about whether he has worked or advised on matters relating to the whistleblower complaint and President Trump's call with Ukraine's President. Importantly, none of these questions asked Mr. Menashi about the substance of his advice. These questions simply sought to understand what matters he has worked on. His refusal to answer makes it difficult for us to fulfill our constitutional duty to advise and consent.

Mr. Menashi's earlier career is equally troubling. He criticized "Take Back the Night marches," which aim to stop campus sexual assault. He also wrote that the Supreme Court's decision in *Roe v. Wade* had codified the "radical abortion rights advocated by campus feminists." He wrote that gun control legislation is "pointless [and] self-defeating, because guns reduce crime," and he claimed that a major LGBT-rights organization had "incessantly

exploited the slaying of Matthew Shepard for both financial and political benefit." Mr. Menashi wrote that "charges of racism are typically overblown," and he compared affirmative action in college admissions to Nazi Germany's Nuremberg laws.

I want to close with a quote from a letter of opposition submitted by the Congressional Black Caucus. The CBC rarely takes a position on judicial nominees, but in this instance, felt compelled to do so. The CBC writes: "Menashi's writings show a willingness to discriminate against minorities, women and the LGBTQ community. Menashi, who has consistently spoken against diversity and inclusiveness, does not deserve a lifetime position on one of the most important appellate courts in this country."

In light of Mr. Menashi's record, it is hardly surprising that there is bipartisan opposition to his nomination.

I will vote no on Mr. Menashi's nomination, and I urge my colleagues on both sides of the aisle to do the same.

NOMINATION OF CHAD F. WOLF

Mr. VAN HOLLEN. Mr. President, I rise to object to the nomination of Chad Wolf to serve as DHS Undersecretary of the Office of Strategy, Policy, and Plans.

This nomination is yet another example of the Trump administration's chaotic and inhumane approach to immigration issues. DHS is the third largest Federal agency, and under the Trump administration, it has had four directors in less than 3 years. It has been widely reported that Republicans are rushing to confirm Mr. Wolf so that President Trump can then appoint him Acting DHS Secretary. He will be the fifth DHS Secretary and the third Acting. Rather than go through the normal channels of selecting a nominee and allowing Senators to properly vet and question the nominee, Republicans are going along with Trump's plan to circumvent Federal law.

When asked directly by my colleague, Senator ROSEN, about his role in formulating the family separation policy, Mr. Wolf denied any direct knowledge of that policy. Leaked emails later revealed that, as Secretary Nielsen's chief of staff, he presented her with a memo with options to deter migrants coming to the border. Separating parents from their children was the second option on that list. The family separation policy is repugnant to our country's values.

The timing of this nomination is especially concerning in light of the Supreme Court oral arguments this week on DACA. The Trump administration ended DACA and then rejected compromise legislation, written by a bipartisan group of Senators, that would have given over 700,000 Dreamers who have grown up here stability and, ultimately, a path to citizenship. When those Senators were negotiating an immigration deal, in an unprecedented

action, DHS Secretary Nielsen sent a letter lambasting the negotiations and accused them of undermining U.S. security.

The Trump administration has weaponized and poorly managed DHS, and I cannot support this nominee.

Mr. DURBIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. CRAMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SASSE). Without objection, it is so ordered.

The PRESIDING OFFICER. Under the previous order, all postcloture time is expired.

The question is, Will the Senate advise and consent to the Wolf nomination?

Mr. CRAMER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. THUNE. The following Senator is necessarily absent: the Senator from South Dakota (Mr. ROUNDS).

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. BOOKER), the Senator from California (Ms. HARRIS), the Senator from Vermont (Mr. SANDERS), and the Senator from Massachusetts (Ms. WARREN) are necessarily absent.

The result was announced—yeas 54, nays 41, as follows:

[Rollcall Vote No. 354 Ex.]

YEAS—54

Alexander	Fischer	Paul
Barrasso	Gardner	Perdue
Blackburn	Graham	Portman
Blunt	Grassley	Risch
Boozman	Hawley	Roberts
Braun	Hoehn	Romney
Burr	Hyde-Smith	Rubio
Capito	Inhofe	Sasse
Cassidy	Isakson	Scott (FL)
Collins	Johnson	Scott (SC)
Cornyn	Kennedy	Shelby
Cotton	Lankford	Sinema
Cramer	Lee	Sullivan
Crapo	Manchin	Thune
Cruz	McConnell	Tillis
Daines	McSally	Toomey
Enzi	Moran	Wicker
Ernst	Murkowski	Young

NAYS—41

Baldwin	Hassan	Reed
Bennet	Heinrich	Rosen
Blumenthal	Hirono	Schatz
Brown	Jones	Schumer
Cantwell	Kaine	Shaheen
Cardin	King	Smith
Carper	Klobuchar	Stabenow
Casey	Leahy	Tester
Coons	Markey	Udall
Cortez Masto	Menendez	Van Hollen
Duckworth	Merkley	Warner
Durbin	Murphy	Whitehouse
Feinstein	Murray	Wyden
Gillibrand	Peters	

NOT VOTING—5

Booker	Rounds	Warren
Harris	Sanders	

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table, and the President will be immediately notified of the Senate's action.

#### CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Steven J. Menashi, of New York, to be United States Circuit Judge for the Second Circuit.

Mitch McConnell, John Hoeven, Steve Daines, James E. Risch, Roger F. Wicker, Pat Roberts, John Thune, Mike Rounds, Roy Blunt, Mike Crapo, John Boozman, John Cornyn, Lindsey Graham, Thom Tillis, David Perdue, Chuck Grassley, Rick Scott.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Steven J. Menashi, of New York, to be United States Circuit Judge for the Second Circuit, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. THUNE. The following Senator is necessarily absent: the Senator from South Dakota (Mr. ROUNDS).

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. BOOKER), the Senator from California (Ms. HARRIS), the Senator from Vermont (Mr. SANDERS), and the Senator from Massachusetts (Ms. WARREN) are necessarily absent.

The PRESIDING OFFICER (Mr. LANKFORD). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 51, nays 44, as follows:

[Rollcall Vote No. 355 Ex.]

#### YEAS—51

Alexander	Fischer	Paul
Barrasso	Gardner	Perdue
Blackburn	Graham	Portman
Blunt	Grassley	Risch
Boozman	Hawley	Roberts
Braun	Hoeven	Romney
Burr	Hyde-Smith	Rubio
Capito	Inhofe	Sasse
Cassidy	Isakson	Scott (FL)
Cornyn	Johnson	Scott (SC)
Cotton	Kennedy	Shelby
Cramer	Lankford	Sullivan
Crapo	Lee	Thune
Cruz	McConnell	Tillis
Daines	McSally	Toomey
Enzi	Moran	Wicker
Ernst	Murkowski	Young

#### NAYS—44

Baldwin	Cardin	Cortez Masto
Bennet	Carper	Duckworth
Blumenthal	Casey	Durbin
Brown	Collins	Feinstein
Cantwell	Coons	Gillibrand

Hassan	Menendez	Sinema
Heinrich	Merkley	Smith
Hirono	Murphy	Stabenow
Jones	Murray	Tester
Kaine	Peters	Udall
King	Reed	Van Hollen
Klobuchar	Rosen	Warner
Leahy	Schatz	Whitehouse
Manchin	Schumer	Wyden
Markkey	Shaheen	

#### NOT VOTING—5

Booker	Rounds	Warren
Harris	Sanders	

The PRESIDING OFFICER. On this vote, the yeas are 51, and the nays are 44.

The motion is agreed to.

#### EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The bill clerk read the nomination of Steven J. Menashi, of New York, to be United States Circuit Judge for the Second Circuit.

The PRESIDING OFFICER. The Senator from Connecticut.

#### UNANIMOUS CONSENT REQUEST—S. 1416

Mr. BLUMENTHAL. Mr. President, I am proud to be here to advocate on behalf of a bill that has enjoyed, rightly, bipartisan support: the Affordable Prescriptions for Patients Act.

We all know that the astronomically rising costs of prescription drugs are a burden—in fact a bane for Americans regardless of where they live, regardless of their party, race, religion, or age, but particularly for our seniors. The choice between paying the mortgage, putting food on the table, and buying prescription drugs has become a daily challenge for people across the country.

This bill offers a positive, solid step toward ending abuses in the use of patents—abuses that are called patent thickening and product hopping—that all too commonly raise the cost of prescription drugs and preclude access for the people who need those drugs the most.

This effort has been a bipartisan one involving many of us in this Chamber. It passed from the Judiciary Committee unanimously. It is a testament to the still-possible bipartisan cooperation on an issue of paramount concern to the people of America that we have reached this point of bringing it to the floor of the Senate.

I am proud to have worked on this measure with my colleague from Texas who has really helped to lead this effort, Senator CORNYN, who is here on the floor with me, and I am happy to yield to him now.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I thank the Senator from Connecticut for his leadership.

At a time when people see bipartisanism in short supply in Washington, DC, this is one area where we can actually make some real progress for the people we represent.

We all know that climbing healthcare costs are keeping people up

at night. Many people reached out to me in my office about the impossible decisions they are required to make in order to keep pace with rising prescription drug costs—particularly the out-of-pocket costs—whether they pay some bills and have to defer or not pay others; whether they cut their pills in half or self-ration the medications, which is dangerous to their health, or don't fill prescriptions altogether because they simply can't afford the out-of-pocket costs. No family should be required to make those sorts of decisions.

Sadly, I know my constituents in Texas are not alone. The Kaiser Family Foundation poll in September found that the No. 1 healthcare concern of the American people is prescription drug prices. This is something the President has said he wants to address, the House has said they want to address, and the Senate has said we want to address, and this legislation we are talking about will help move the ball in the right direction.

A whopping 70 percent of people think growing prescription drug costs should be the top priority for Congress, which should make it our No. 1 item on our to-do list. The good news is, we are making some progress. Here in the Senate, we have taken a bipartisan approach, which is the only way to actually get things done in Congress. We talked to every major player in the supply chain, and we asked questions about whether confusing practices that are not transparent to outsiders are all combining to drive up costs.

What I find seriously concerning are the anti-competitive behaviors of some of the drug manufacturers, the gamesmanship, particularly when it comes to our patent system. We know companies pour a lot of time and money into the research and development of new medications, and we don't want to do anything to stop that. We want to incentivize that so that they are able to recover their costs and perhaps make a profit when the drug turns out to be successful. But we don't want them playing games with the patent system in a way that prevents others at some point, after that period of exclusivity, from being able to compete with a generic alternative.

Ninety percent of the drugs we take are generic, and that is why they are so affordable and so inexpensive, but for the top 10 percent of branded drugs that people take, many of them simply are unaffordable. These patents I refer to do protect the intellectual property for these key drugs and are an important part of the incredible innovation that occurs here in the United States, but increasingly we are seeing companies using the patent system as a shield for competition beyond the life of the patent.

It is time to put a stop to that. We can do that today. We can begin that process today. That is exactly why I introduced the Affordable Prescriptions for Patients Act with the Senator from

Connecticut. It targets two specific practices used by drug companies to keep prices high. First is product hopping, which occurs when a company develops a reformulation of a product that is about to lose its exclusivity period and then pulls that original product off the market. This is done not because the new formula is necessarily more effective but because it prevents generic competitors for that product that has now been pulled off the market. The second phenomenon we are trying to combat is something called patent thickening, which occurs when an innovator uses multiple, overlapping patents with identical claims to make it nearly impossible for competitors to enter the field.

This is not how patents were supposed to be used, and we shouldn't allow these anti-competitive practices to continue. In one case involving the drug HUMIRA, the most popular drug being prescribed today, there are more than 120 separate patents for essentially the same molecule. Meanwhile, patients can't get access to competitive drugs that probably would be cheaper here in America, while there are four approved alternatives in Europe.

The American people simply should not have to put up with this. We need to stop companies from manipulating the system and keeping competitors tied up in courtrooms so that patients can start to feel some relief.

Patients aren't the only ones who would benefit from this bill. The Congressional Budget Office released a cost estimate and found that it would lower Federal spending by more than half a billion dollars over 10 years. That is not a whole lot of money in the grand scheme of things, but when you consider what the impact would be in the private insurance market, too, that begins to add up, and it adds up where it counts the most when it comes to seniors and other patients paying out of pocket for their copays and deductibles in order to get the drugs they need.

This bill really checks every box. It protects innovation, increases competition, lowers prices for patients, and saves money for taxpayers. Not surprisingly, as the Senator from Connecticut pointed out, it has strong support on both sides of the aisle. The Judiciary Committee, which ordinarily is a pretty contentious place, unanimously voted this bill out of committee. Our friend from Illinois, Senator DURBIN, and Senator MURRAY from Washington—two Members of the Democratic leadership—are both cosponsors of the bill, which shows just how noncontroversial this is.

I think it is time that we pass this legislation and let our constituents know we have heard their concerns and we are committed on a bipartisan basis to bringing down drug prices.

Mr. President, as if in legislative session, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 132, S. 1416.

I ask unanimous consent that the committee-reported substitute be withdrawn and the Cornyn amendment at the desk be agreed to; that the bill, as amended, be considered read a third time and passed; and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, let me start by saying I support this bill, the bill offered by Senators CORNYN and BLUMENTHAL. It is bipartisan in nature and passed the Judiciary Committee. I not only voted for it, I cosponsored it, and I think it should become the law of the land. It will be helpful in reducing the cost of pharmaceuticals.

I am offering a modification to the bill. I believe this modification is one that should be passed by the Senate as well. In fact, it did pass the Senate last year by a voice vote. Not a single Senator objected when it passed the Senate last year. We know—I have been told by my colleagues—that they support the concept, but they are not alone. The bill I am offering is also supported by the American Medical Association; the American Hospital Association; 88 percent of the American people, Republicans and Democrats; President Trump; his health Secretary, Dr. Azar; the AARP—a long list.

What could I possibly propose that would have all of these people supporting it? Simple. When the drug companies decide to run an ad on television—and you see a lot of them, don't you? The average American sees nine every day. All we ask is that included in the ad, they disclose the cost of the drug.

How did I pick this as the cost for the drug? I didn't pick it; it was chosen by the pharmaceutical company. That is the list price of the drug. They can go on to say "You will not have to pay that amount," but I believe the American people should know what the drugs cost.

The most heavily advertised drug in America today is HUMIRA. HUMIRA is used for forms of arthritis and psoriasis. But few Americans know, as they watch people sitting by the swimming pool with clear skin, that HUMIRA costs \$5,500 per month. The reason I want to disclose this is because I think consumers have the right to know.

Someone is going to pay that amount—your insurance company. Somebody is going to pay that amount. When Blue Cross and Blue Shield of Illinois says that the No. 1 driver in health insurance premiums is high prescription drug prices, I think people ought to know. It is not just a matter of being in a bathing suit without a red patch on your elbow; it is \$5,500 per month.

President Trump believes that disclosure should be made, the Secretary of

Health and Human Services believes it, the American Medical Association, the Hospital Association, all the people I mentioned, as well as almost 90 percent of Democrats and Republicans. Who opposes this? Who would oppose disclosing the price of the drug? I will bet you are guessing the pharmaceutical industry, and you are right. They are looking for one Senator who will object to what I am offering. That is what they need. They need just one Senator to say no, and frankly I am afraid we are going to face that this afternoon.

The bottom line is this: If you believe consumers in America have a right to know the cost of a drug, if you believe the pharmaceutical companies have a responsibility to disclose it, if you believe high prescription drug prices are unfair and costing a lot more in our healthcare system than they should, then support this basic measure that passed the Senate last year without one negative voice. None. None whatsoever.

So having reserved the right to object, I ask that the Senator modify his request so that in addition to the pending request, the Finance Committee be discharged from further consideration of S. 1437 and the Senate proceed to its immediate consideration; that the Durbin-Grassley amendment at the desk be agreed to; that the bill, as amended, be considered read a third time and passed; that the Durbin-Grassley amendment to the title be agreed to; and that the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Would the Senator modify his request?

Mr. TOOMEY. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. TOOMEY. Mr. President, first let me say that I think Senator CORNYN's legislation is very constructive. I fully support it. I think it would result in lower costs for consumers. It is very commendable. I think we should pass it. I am sympathetic with the idea of requiring greater transparency on healthcare costs generally, but I have significant policy concerns and process concerns with the proposal from the Senator from Illinois.

The policy concern, broadly, is that what his legislation would do is it would single out one industry and require a mandate that in their direct-to-consumer advertising, they provide systematically misleading information to consumers. It doesn't strike me, obviously, as a good idea to mislead people, including in this context.

Why do I say it is misleading? It is because the legislation requires the list price or the wholesale acquisition price of a drug to be the price that is put in the ad, despite the fact that almost no one ever pays either of those prices. There are huge rebates that are built into the system.

We can have a good debate about whether it is a good model by which

the government has created all of these perversities in our healthcare delivery system, but that is what it is. The truth and the reality is almost no one pays either the list or the wholesale acquisition price. Think about it. If you are on Medicaid, you pay zero. If you are on Medicare, you often pay zero—usually, nearly zero. If you have private insurance, it varies enormously from zero to something significantly different, but almost no one pays the price that the Senator from Illinois would require to be posted in all direct-to-consumer advertising.

Think about some of the unintended consequences. The number that would have to be in the ad is way higher than what almost anyone actually pays. Think of what could happen. I can imagine senior citizens sitting there watching an ad. Maybe they see a medicine they actually would benefit from, and then at the end there is some huge number that does not reflect—it doesn't come close to reflecting what the actual cost would be, but it is a big number so that a senior citizen would understandably say: Gosh, I can't afford that. I guess I can't pursue that therapy, even though they might need that. I am sure that is not the intended consequence of this legislation, but I am pretty sure it would happen.

It is also peculiar to me that the authors of this legislation choose to single out a small fraction of the healthcare industry to impose this mandate. Prescription drug spending is about 10 percent of healthcare. Hospitals are about 32 percent, but I haven't seen that we are going to impose this. If you look at the rate of price increases in various sectors of healthcare, you see that actually prescription drugs, over the last 20 years—their increase in prices is considerably less than hospital services and considerably less than medical care services. Then, of course, we have other sectors in the economy altogether. Are we going to put mandates on colleges, for instance? The rate of tuition increase in colleges is much greater than the rate of increase of prescription drugs in recent years. I haven't heard a proposal yet, but maybe one is coming that would require this of other industries as well.

If I didn't know better, I would think it seems part of a theme to vilify the industry that has developed the therapies that allow us to live longer, healthier, and save lives. Most importantly, maybe it will not lower costs. It is not going to lower costs for consumers. The only way we are going to do that is if we better align the incentives of the consumer and the person paying.

In contrast, by the way, the Finance Committee and HELP Committee reported out legislation that actually would lower out-of-pocket costs for prescription drugs. We have Senator CORNYN's legislation that I think absolutely would lower the cost of consumer prescription drugs. Yet that is

not what is on the floor today from the Senator from Illinois.

Now, despite my policy concerns—and they are serious—I actually think we ought to debate these things. We ought to put this kind of legislation on the floor. We ought to have a debate. We ought to have a vote, but this is complicated, and it is fraud. We should not be trying to just pass this by unanimous consent. This legislation has not gone through committee, and contrary to my colleague from Illinois—this actual piece of legislation has never had a vote as a freestanding matter. A version of it that is different from what is being offered today was buried in a larger legislation which passed. That is not the same as scrutinizing this policy, subjecting it to amendments, and deciding on it. That is what I think we ought to do.

Unlike my colleagues on the other side who have been consistently preventing us from taking up legislation, such as the approps bills they have not allowed us to get on to or the SECURE Act, on which I offered a unanimous consent process for us to take up and process, I think we ought to consider this legislation, even though I don't think I would support the final product.

What I suggest we do is let's move on to the Defense appropriations bill. Arguably, the most fundamental responsibility of Congress is to fund our national defense. Let's make in order as the first amendment after the managers' amendment the amendment of the Senator from Illinois that he has just described. I don't support it, but I support his right to have a debate and have a vote. Let's go on to an appropriations bill and let's make his amendment in order as the first amendment. We can debate it; we can vote it; and we will all live with the consequences. I think that is what we are here for. I think the purpose of the Senate is to take on these issues, put them on the floor, have a debate, and have a vote. I am willing to live with the outcome of that.

Mr. President, I ask that the Senator from Illinois modify his request and that the Senate proceed to the immediate consideration of Calendar No. 132, S. 1416. I further ask unanimous consent that the committee-reported substitute amendment be withdrawn and that the Cornyn amendment at the desk be agreed to; that the bill, as amended, be considered read a third time and passed; and that the motion to reconsider be considered made and laid upon the table; and finally, that following disposition of S. 1416, the Senate proceed to the immediate consideration of H.R. 2740, and following the offering of a substitute amendment by Senator SHELBY or his designee, the first amendment in order be an amendment offered by Senator DURBIN or Senator GRASSLEY, the text of which is identical to S. 1437, as amended, which is at the desk.

The PRESIDING OFFICER. Does the Senator modify his request?

Mr. DURBIN. Reserving the right to object.

I am not a zoologist, so I don't know if crocodiles can cry, but I am very concerned about the argument the Senator from Pennsylvania made. He is actually standing here, in defense of senior citizens, by objecting to disclosing the list price that the pharmaceutical companies charge for these drugs. I didn't choose that price; they chose that price.

Mr. TOOMEY. Will the Senator yield?

Mr. DURBIN. I will not yield until I am finished.

I said they could put a disclaimer on that saying maybe you will not pay the full list price depending on your insurance or coverage, but to argue that you are standing here in defense of senior citizens and denying this information to them and that the only way we can consider this measure is call up the Department of Defense appropriations bill—from where I am standing, this measure, which passed the Senate without your objection last year, should pass now with the underlying legislation. Let's get this done in a comprehensive way to help seniors, and let's not stand in defense of pharmaceutical companies. They have plenty of people to defend them.

The PRESIDING OFFICER. Does the Senator object to the modification?

Mr. DURBIN. I object.

The PRESIDING OFFICER. Objection is heard.

Is there objection to the original request from the Senator from Illinois to modify his request?

Mr. TOOMEY. I object.

The PRESIDING OFFICER. Objection is heard.

Is there objection to the Senator from Texas?

Mr. SCHUMER. Reserving the right to object.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

Mr. SCHUMER. Mr. President, I am so glad to be out here today to deal with the issue of reducing prices on drugs for seniors and others. There are so many things we must do. Some are small. Some are large. We want to do all of them.

We Democrats know how bad drug prices are for seniors. We know how bad the sabotage of our healthcare system is for seniors. If you don't have insurance, you probably can't pay for the drugs no matter what happens.

I would say to my good friend the Senator from Texas that we have a whole lot of legislative ideas, not just his. He demands his. It is good, but it is hardly large. There are millions and millions who need help who are not affected. The Senators from Illinois and Iowa have a bill to lower prescription drug costs. The HELP Committee has a bill that would help community health centers. The Senate Finance Committee has a good bipartisan bill to lower costs for seniors who are very



strong supporters of allowing Medicare to negotiate prices. That would do more than anything else.

I ask my friend from Texas, Will he get his leader and himself to allow us to bring an amendment to a bill on the floor that protects seniors who have preexisting conditions from their insurance companies withdrawing from them? Will he let us do that? That is far more consequential than his well-intended good but not largely effective bill. The No. 1 thing—ask AARP—the No. 1 thing that will protect senior citizens and others from high drug prices is to allow Medicare to negotiate with them, something the Senator has blocked repeatedly. Will he change his position?

Let's not have this charade, this manipulative charade, where my dear friend from Texas comes to the floor with a bill he proposes but blocks everything and his party blocks everything that would have a far larger consequence.

No. 1, allow Medicare to negotiate. Every Member of our caucus is for that. It will lower drug prices dramatically. No. 2, stop the administration—the administration the Senator from Texas supports 95 percent of the time—even my microphone is excited about these remarks. I, once again, thank our capable staff who always come to the rescue.

We need Senator CORNYN to come to the rescue of senior citizens and not play a little game like this. Again, preexisting conditions are probably the No. 1 bane of people. We want to bring an amendment to the floor to protect those people—a mom whose daughter has cancer, and the drug company says, "You're off," and the insurance company says, "You're gone." Isn't that important? Let's not make a comparison, but wouldn't it do far more for the health of the American middle class and working people than this bill? Let's do them both, but we are not going to cherry-pick one unless the Senator from Texas walks across the aisle and joins us in saying: I want to help you get a vote on eliminating preexisting condition prohibitions. I want to join you in seeing that Medicare can negotiate with the drug companies and greatly lower prices.

So, of course, I object. We Democrats believe we should bring a bill to the floor that has a debate and allows amendments because there is so much to be done here—not one small, decently put together and decently intended proposal but many more. We know, if we allow our Republican friends to just pass their little bills, we will never get the big picture done. That is how this place works. So let's come together and do it all.

I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Texas.

Mr. CORNYN. Mr. President, like the minority leader, I hope we are able to pass a larger bipartisan package this

year. I serve on the Finance Committee—

Mr. SCHUMER. Would the gentleman yield for a question?

Mr. CORNYN. After I am through.

Mr. SCHUMER. Thank you.

Mr. CORNYN. I serve on the Finance Committee and on the Judiciary Committee, where this bill came from, and I know Senator MURRAY and Senator ALEXANDER have a package out of the Health, Education, Labor, and Pensions Committee. I welcome the opportunity to have those bills come to the floor and to offer amendments and debate them and pass them because I agree that the country would benefit by bringing down healthcare costs, by bringing down prescription drug costs, and I believe that work is long overdue, but my bill is not going to sink the prospects of that larger package of legislation.

What we have in front of us is an uncontested, bipartisan bill that we can pass today. Let's pass it. Let's not let the perfect be the enemy of the good. What I hear the minority leader saying is that it is either everything or nothing.

Mr. SCHUMER. Will the Senator yield for a correction?

Mr. CORNYN. Mr. President, I will yield for a question after I am through talking.

When there is a statement, in effect, of "I want everything to be done now or there will be nothing done at all," do you know what happens? Every single time that argument is made and that position is taken, nothing happens. Nothing happens. That is what people hate about Washington, DC, and when they look at C-SPAN, if they do look at C-SPAN, and see these debates. It is everything or nothing.

The Democratic leader, who has now objected to the unanimous consent request to take up and pass a bill that he has called good and well-intentioned and has said is not large, has objected to it. I think the only people who would be rejoicing at this very moment would be the very same people who are gaming the patent system and who are keeping the out-of-pocket prices of prescription drugs high for seniors. Those are the people who are popping champagne corks right now because this is nothing more than a big, wet kiss for the people who are gaming the patent system right now to the detriment of the American people.

Mr. SCHUMER. Will the Senator yield for a question?

Mr. CORNYN. I yield to the Democratic leader.

Mr. SCHUMER. Would the Senator support a unanimous consent request so that we could protect people with preexisting conditions, and would he support bringing that to the floor in the same way?

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I would say to my friend the Democratic leader that I support coverage for preexisting

conditions, and I am not aware of anyone in the Senate who opposes it. If such a bill is scheduled for a vote on the floor, I will be more than happy to participate in that process.

The PRESIDING OFFICER. The Democratic leader.

Mr. SCHUMER. Will the Senator support a proposal that is coming out of the House to allow Medicare to negotiate with the drug companies to greatly lower prices?

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, in speaking through the Presiding Officer, I say to my friend that nothing gets done around here unless it is bipartisan. Right now, the bill that the House has sent us is one that divides people along party lines, which means it is unlikely we would build the bipartisan consensus we would need to get it done in the Senate. I am more than happy to engage in that debate and to vote on amendments on such a bill, but I am not going to agree to price-fixing by the U.S. Government, which will make more scarce and less available the lifesaving prescription drugs that many people need. Yet I am happy to engage in that debate, to vote, and to let the Senate and Congress work their will.

The PRESIDING OFFICER. The Democratic leader.

Mr. SCHUMER. Mr. President, I thank my colleague for his answers.

I would say this: Let him use his power and position as leader to go to the majority leader, who has prevented any debate on anything on drugs to come to the floor, including these two most significant issues that I have talked about. Let us put a package together of all three and have a debate on each, a "yes" or "no" vote on each, and really make progress for those who are paying too much in drug prices. I await his working with me on that. Then we could bring all three bills to the floor.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, as always, I am happy to work with the Senator from New York on things on which we find our interests aligned. Obviously, there are going to be things on which we disagree. Frequently, there are. Yet he and I have worked together on legislation on which we have been able to find enough common interest to be able to build a consensus and get things done. They call that "legislating" around here.

There are other things that we should be doing here on a bipartisan basis. For example, taking up and passing the appropriations bills, including the Defense appropriations bill, so our U.S. military can remain the most powerful, the best equipped, the best trained, and the best led military in the world. That is of overwhelming importance. Yet our colleagues on the other side have objected to and have blocked, on at least two occasions, that

Defense appropriations bill. Now we have a short-term continuing resolution that expires this November 21. I am told or have read that there is likely to be a follow-on continuing resolution that takes us up to December 20, but that is important work, too, because none of us wants to see another government shutdown. No one wins with government shutdowns.

This sort of gamesmanship that occurs by blocking bills that should have support by overwhelming bipartisan numbers in the Senate is important, too—things like paying the military, making sure that it maintains its readiness to fight and win the Nation's wars, and even more importantly, making sure it keeps the peace.

I know the majority leader has a challenge in trying to figure out how to schedule legislation on the Senate floor, but it certainly doesn't help when our Democratic colleagues repeatedly object to things like appropriations bills and put us into this dysfunction when it comes to paying the Federal Government's bills.

I would say to my friend from New York that I am always happy to work with him and with any other Member in the Senate, no matter what one's political party is and no matter what one's ideological persuasion is, because I actually believe we were sent here to solve problems and to get things done.

What I dislike and what I am disappointed about is the dysfunction that we see in the U.S. Senate, whereby, even though it is less than a year before the election, politics have overwhelmed our ability to get things done. I came to the floor to say that maybe we can't do all of this right now, today, but we can do this, and let's build on it once we have gotten the bill passed.

I am disappointed that the Democratic leader has seen fit to object to passing this bill that he himself called good and well-intended and that is supported by organizations like the American Association of Retired Persons. I do not understand it, but maybe somebody else does. Their saying that we can't do something because it doesn't include everything we want to do here, right now, is disappointing to me, and I don't think it is what the American people sent us here to do.

I yield the floor.

The PRESIDING OFFICER. The Democratic leader.

Mr. SCHUMER. Mr. President, I ask unanimous consent to speak as in morning business.

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

Mr. SCHUMER. Mr. President, I thank my colleague for the interchange, and it will continue. We Democrats will not rest until we get votes, simple votes—not bring the house down—on issues of great consequence with regard to drug prices and the American people while the other side blocks them.

#### IMPEACHMENT

Mr. President, as we speak, the House Intelligence Committee is con-

ducting the first day of public hearings in its impeachment inquiry into President Trump.

The list of witnesses this week includes several key figures with knowledge of the events in question. While most of the witness requests from House Republicans were non sequiturs, or individuals who would have no knowledge of the President's actions nor of the allegations against him, three of the individuals requested by the Republicans were agreed to and are slated to testify next week. The idea that the Republicans and the President have no due process and can't call witnesses or influence the process is simply inaccurate.

As the impeachment inquiry in the House begins a new phase today in its pursuit of the facts, we have a serious responsibility here in the Senate not to prejudge the case but to examine the evidence impartially. We have a responsibility to let all of the facts come out and, as they do, to keep an open mind and let ourselves be ruled by reason rather than by passion or partisanship. As public hearings in the House begin, we would do well to remember our constitutional duty to act as judges and jurors in a potential trial when and if it comes to one. That is not to say we won't even read the transcript, and that is not to say the vote would come out this way. Yet, as jurors, we will be as dispassioned as each of us can be.

#### TURKEY AND SYRIA

Mr. President, on another matter, President Trump will roll out the red carpet today for President Erdogan, of Turkey, as he visits the White House after everything that has transpired over the last few months. This is after President Trump green-lit Turkey's reckless and destabilizing invasion of northern Syria, after Turkish troops and their proxies committed atrocities against civilians and the Syrian Kurds, who are our former partners in the fight against ISIS, and after Erdogan cut a deal with our adversary President Putin and threatened our allies in Europe with the release of ISIS's detainees.

The fact that President Trump will reward President Erdogan with an Oval Office meeting today is mind-boggling. The meeting will serve as a very public example of how President Trump has mismanaged the situation in Syria and, most importantly, how he has complicated and slowed the effort to secure the enduring defeat of ISIS. It is ISIS that creates the greatest danger to our American homeland. As al-Qaida did before it, it will try to create huge damage. We in New York know that this can sometimes, unfortunately, occur. God forbid it happens again.

Yet, holy mackerel, the President has no plan for ISIS; detainees are escaping; and the Turks are far more upset with the Kurds, who have been on our side with ISIS, than they are with ISIS. Erdogan suppresses free speech, arrests opponents, and does so many

other terrible things to his country, which was once a much more shining example of democracy—and the President invites him here? Does the President have no sense of value? Does the President have no sense of morals? Does the President have no sense of what affects American security? It is appalling.

#### AGRICULTURE

Mr. President, on agriculture, a report issued yesterday by the Democratic minority on the Committee on Agriculture, Nutrition, and Forestry shed new light on troubling disparities as to how the Trump administration has treated farmers through the Department of Agriculture's Market Facilitation Program.

Farmers in need of Federal aid have leaned on this program to offset losses that have been caused by retaliatory foreign tariffs. In an industry in which margins are sometimes very thin, this support makes a real difference for struggling farmers across the country. Yet, rather than helping those farmers who are the most in need, the Trump administration, through this program, is picking winners and losers by using a flawed methodology to favor certain regions over others and wealthy agricultural conglomerates over small farmers.

The whole idea of the program is to help small farmers throughout the Middle West, particularly those farmers with soybeans and corn and hogs. The bulk of the program went to five Southern States. Ninety-five percent of the top payments defined as \$100 or more per acre all went to counties in Southern States. Where did the lowest payments go? They went to the counties in the Midwest even though the Midwest has suffered greater losses overall.

Instead of coming up with a strategy to help smaller and less established farms, which are often more vulnerable during tough economic times, the Trump administration has doubled the payment caps for row crops while having left other caps in place. This will disproportionately funnel money to the largest farms in America while it will limit aid to smaller farms.

Most concerning, however, is that our study shows the Trump administration has awarded tens of millions in purchase contracts to foreign-owned companies, including a large beef factory in Brazil. Instead of ensuring that aid goes to American farmers, the Trump administration has been handing millions of taxpayer dollars to foreign agribusinesses.

This program was put together on the spur because the President was worried about political effects with, particularly, soybean farmers but with others, too, in the Middle West. Yet it was put together so poorly—in such a slipshod and unthought-out manner—that cotton farmers do the best of all even though their prices are not hurting the way soybean or corn or hog prices are.

To my friends on the other side of the aisle, the fiscal conservatives, we need your voices.

If this program were going to the urban areas or maybe to the poorer people, we would hear an outcry from certain Members on the other side, but our farmers need the help too. When you waste money on an ag program, the people who are hurt the most are our smaller and family farmers, particularly, in this case, in the Middle West.

For years, my Republican friends in this Chamber accused the Obama administration—unfairly, in my mind—of picking winners and losers in the market. It was one of their favorite talking points. Here, we have the Trump administration literally picking winners and losers among American farmers. Sometimes the winners are not even American. Oftentimes, the losers are the small family farmers who need assistance the most.

I am so glad that my Democrat colleagues on the Agriculture, Nutrition, and Forestry Committee, especially Ranking Member STABENOW, have worked to inject some transparency into the agriculture relief program.

The Trump administration should be using the Market Facilitation Program to help those farmers most in need—period. The Trump administration needs to stop picking winners and losers and make sure all American farmers get the help they deserve.

#### VETERANS

Mr. President, finally, on veterans—this is another one—when I look at what this administration is doing, and if every American knew all these things, Donald Trump wouldn't stand a chance. This one, I hope, will get out.

I talked a little bit about this yesterday. We all know that so many of our young men and women—my generation—went to Vietnam and risked their lives. Many of them gave their lives for our country. One of the worst aspects of things is that they were not treated as heroes when they came home.

I think America has made up for that now, but here is a way that we are not treating them well at all. Many of them were exposed to Agent Orange, and it became clear that many got sick from exposure to Agent Orange while fighting in Vietnam.

Well, what the VA has found is that certain illnesses are caused by exposure to Agent Orange, and they found that there are four more illnesses that have an Agent Orange link. But quietly and secretly, the Trump administration denied payments to over 60,000 veterans who had these illnesses and who received emergency care at non-VA facilities in 2017.

It has missed deadlines to expand the VA caregivers program to Vietnam and Korean war veterans, and there are some reports that the Trump VA hired doctors on probation, but what is galling at the moment is this Agent Orange situation and hiding the report.

Mulvaney, evidently, the Chief of Staff, just said quietly: We are not

funding it. It took a Freedom of Information Act action to reveal that they were cutting the money off for these folks.

They went to Vietnam. Some of them volunteered. Some of them were drafted. They got sick because of exposure to Agent Orange, and the Trump administration, which loves to have rallies with veterans, cuts the money off from them, saying that Mulvaney said we couldn't afford it.

These veterans could afford to risk their lives for us. We can afford to help them in their hour of need. I hope the administration will reverse its decision.

I yield the floor.

#### RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2 p.m.

Thereupon, the Senate, at 12:48 p.m., recessed until 2 p.m. and reassembled when called to order by the Presiding Officer (Mr. PERDUE).

#### EXECUTIVE CALENDAR—Continued

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that I have the right to yield to Senator COLLINS at the end of my remarks.

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

#### PRESCRIPTION DRUG PRICING REDUCTION ACT

Mr. GRASSLEY. Mr. President, polls show a surprising interest of Americans in the high cost of prescription drugs. It seems to be an issue that unites Americans. I often point out that Washington is an island surrounded by reality. Here inside the Beltway, people are obsessed with partisan impeachment proceedings. It seems like morning, noon, and night, the relentless effort to unseat the President of the United States is a toxic strain of Potomac fever infecting Capitol Hill.

Now, if only Congress would channel every waking minute to fix problems in the real world, wouldn't that be wonderful? So let me provide a reality check. For people living in the real world, impeachment inquiry is not what keeps Americans up at night. It is not what wakes up moms and dads worried sick about paying for their child's insulin. It is not what drains the pocketbooks of seniors and takes a big bite out of people's paychecks. The issue that unites Americans from Maine, to Iowa, to Oregon is the sky-high prices that Americans and the taxpaying public are paying for prescription medicine.

As chairman of the Senate Finance Committee, I am working in a bipartisan way to fix what is broken in our drug supply chain. In February, we called the heads of Big Pharma to testify before the Finance Committee.

Next, we heard from the largest pharmacy benefit managers to examine rebates and unravel the pricing supply chain. There was an awful lot of finger-pointing between the various interests about the soaring drug prices that Americans pay for pharmaceuticals. That finger-pointing, we heard in our committee. Finger-pointing doesn't decrease drug prices because the real problem is there is too much secrecy and not enough accountability in the industry of pricing drugs.

When drug prices grow by leaps and bounds, year after year, it is time to look under the hood. It is time to kick the tires along the drug supply chain and check the gauge on the competition. Why in the world is insulin, just as an example—a drug that has been on the market for nearly 100 years—doubling or tripling in price for patients in the United States? It is surely not that way in Europe.

We have gotten lots of feedback from patient advocates, healthcare providers, and free market proponents. The pushback from Big Pharma reveals that we are really on to something. Congress needs to take its foot off the brake. It is time to deliver real savings, and our bill will deliver real savings to consumers and to the taxpayers. It is time to pass reforms that will cut prescription drug costs for the American people.

Now, some of my colleagues may require a more blunt call to action so I want to use the two-by-four illustration. Join us and score a win for the American people. Otherwise, do nothing and risk being on the losing side of the ballot box next November.

At my annual 99 county meetings where I always hold a Q&A with whatever groups of constituents gather, I hear the same message from people all across the State of Iowa. They have family members and they have neighbors who struggle to pay for prescription management, to manage chronic health conditions, and to treat diseases. Thanks to breakthrough treatments and cures, Americans are living longer and healthier lives.

Many are beating the odds of a diagnosis that would have been a death sentence a generation ago. However, if a loved one is diagnosed with MS or diabetes or cystic fibrosis, no miracle cure will help if Americans can't afford to pay for their medicine. It will not help seniors if sky-high prices drain taxpayer-financed health programs like Medicare and Medicaid. Soaring drug prices are forcing too many Americans to skimp on other necessities or even ration their doses of prescriptions that they take.

Now, I just mentioned, as an example, cystic fibrosis. Last month, the FDA approved a promising new treatment for this progressive genetic disorder. Cystic fibrosis impacts about 30,000 Americans. There is nothing parents will not do to advocate for their child living with this condition. That is how I met one family from Iowa a few

years ago. That is when I launched the bipartisan Senate caucus on cystic fibrosis, to add our voices for awareness and advocacy. Now, I am told the price tag for the new drug is more than \$300,000 per patient, per year.

Without a doubt, this drug raises the roof of hope for tens of thousands of families, but it also raises a red flag about drug prices. If prices keep going through the roof year after year, how will Americans who depend on prescription medicines afford them? America's drug pricing regime is broken. It requires reform to sustain fiscal sustainability and also to steer incubation and innovation forward. It needs more transparency. It needs better incentives. It needs real competition to drive down prices. So all 100 of us have our work cut out for us.

Big Pharma doesn't want the pipeline to the Federal Treasury tightened at all, and they will spend big money to scare people away from reasonable solutions that will deliver real savings and get the best deal for the taxpayers. I referred to our working in a bipartisan way. So, in July, Ranking Member WYDEN and I secured broad, bipartisan support in our Finance Committee—19 denying vote.

Our bill would save taxpayers more than \$100 billion. That is not this Senate saying that. That is the Congressional Budget Office. The bill caps out-of-pocket costs for seniors. The bill saves their households more than \$30 billion. We fine-tuned and improved our bill to gain more momentum and more support. Part of that support and one of the outstanding advocates for what we are trying to do doesn't happen to be a member of the Finance Committee, but it is my good friend from Maine, Senator COLLINS, right here on the floor. I will yield to her in short time.

She is helping lead the fight to reduce drug prices. We have been working together on many issues. I am a former chairman of the Special Committee on Aging, and she is the current chair of the Special Committee on Aging. We are committed to help older Americans lead productive lives. We also share a top priority not to miss a vote. While I might have a stronger voting streak, SUSAN hasn't missed a single vote. I hope Maine appreciates a person who has been in the Senate since 1997 and hasn't missed a single vote.

Senator COLLINS is one of those rare lawmakers who doesn't care who gets the credit, as long as we are doing the right thing. The name of this bill that I am talking about—and I imagine she will refer to—is the Prescription Drug Pricing Reduction Act. That will be the right thing to do, and it will do the right thing. So it is time for Congress to do the right thing.

Just in case I said anything different about Senator COLLINS that is not accurate, she can feel free to correct me, but I now yield to Senator COLLINS, a strong voice for this piece of legislation.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, let me first thank and recognize Senator GRASSLEY for his farsighted, courageous leadership on this issue of vital importance to the American people, the escalating costs of prescription drugs.

Under Senator GRASSLEY's chairmanship, the Finance Committee has held numerous hearings on drug pricing. His diligence, his persistence on this issue has produced the bipartisan Prescription Drug Price Reduction Act, a bold and effective set of proposals that I strongly endorse and look forward to seeing signed into law.

This past century could well be called the age of miracle drugs, from insulin and penicillin to pharmaceuticals that treat cancer, HIV, heart disease, and so many other serious conditions, modern drugs have been proven to improve, extend, and even save lives. In our time, however, we might define a miracle drug as one that has not doubled in price since the last refill. With prescription drugs among the key factors driving up the cost of healthcare, it is essential that we approve policies that both encourage innovation and protect consumers, particularly our seniors.

Demonstrating the importance of this challenge, three Senate committees—the Senate Finance Committee, ably chaired by Senator GRASSLEY, which I mentioned earlier; the Senate HELP Committee, which is led by our friend and colleague Senator LAMAR ALEXANDER; and the Judiciary Committee, which is led by Senator GRAHAM—have advanced bills aimed at reforming our broken drug pricing system.

In addition, the Senate Aging Committee, which I chair, has held eight hearings on drug pricing since 2015 and issued a major report in 2016 on Sudden Price Spikes in Off-Patent Prescription Drugs. Our report highlighted the manipulative schemes employed by Martin Shkreli, who increased the price of a drug that was more than 63 years old—a lifesaving medication—by 5,000 percent in just 1 day.

To paraphrase his words, he could drive up the price of drugs like this one on which he had not spent a dime in the research and development because he could. His price gouging caused real hardships for patients.

Some of the most alarming testimony we have heard on the Aging Committee has come from patients. They describe the financial impact of their prescription drug prices, the depths they have gone to to access medications they need, and how this struggle has affected their health and their overall quality of life. They are truly choosing between paying their electric bill, buying the food they need, and filling their prescription drugs.

An example is a young father from New Gloucester, ME, who discovered that the cost of a 90-day supply of insu-

lin for his 13-year-old son who has type 1 diabetes had more than tripled to more than \$900.

A woman from Falmouth, ME, saw her out-of-pocket costs for the arthritis medication Enbrel that she needs soar from \$10 to \$3,800 per month when she transitioned from her employer-sponsored insurance to Medicare when she retired. She had no choice but to switch medications, which did not work nearly as well for her, but she simply could not afford that out-of-pocket cost.

I will never forget standing in line at the pharmacy counter in Bangor, ME, where I live. The couple ahead of me received their prescription drug and the unwelcome news that their prescription copay was going to be \$111. The husband turned to his wife and said "Honey, we simply cannot afford that," and they walked away, leaving that needed prescription on the pharmacy counter.

I asked the pharmacist: How often does this happen?

His answer: Every day.

The results of exorbitant increases in the price of drugs are that needed prescriptions aren't filled, doses are skipped, and pills are cut in half—all harmful to the patient's health. And why? Because the patient simply cannot afford the exorbitant costs, the skyrocketing costs of these drugs.

This should not happen. We must join together to combat the exorbitant prescription costs that confront more and more Americans every day. More than half of all Americans and 90 percent of our seniors take at least one prescription drug each month. For many, access to these medicines is not only critical to their well-being, but it can literally be a matter of life and death.

For children and adults with type 1 diabetes, insulin is not a luxury or something that is nice to have; insulin is essential to their ability to survive. Insulin was first isolated nearly a century ago in Canada. Yet its cost has soared in recent years.

Another chairman in the Senate who has worked very hard on this issue, along with Senator GRASSLEY, is Senator LAMAR ALEXANDER. He has made it a strong priority of the HELP Committee, on which I serve, to increase transparency and competition in the prescription drug market.

I don't think there is any product that we buy in this country where there is less transparency in the price than the price of prescription drugs and where the supply chain is more rife with conflicts of interest.

Last year, in response to my experience listening to this couple in Bangor, ME, I authored a bill to block pharmacy gag clauses. Under these contractual gag clauses, pharmacists were actually prohibited from volunteering to a consumer that it might well be less expensive to pay out-of-pocket rather than use their insurance. A recent study published by the Journal of the American Medicine Association found

that this new law could help Americans save money in nearly one out of four prescription transactions in a pharmacy.

Another bill I authored in 2017 to promote more competition from lower price but equally effective generic drugs is also showing results. To date, the FDA has granted nearly 200 application requests under the new expedited pathway established by this law, with 12 approvals. That is a much faster pace than in the past.

In June, the HELP Committee reported out the Lower Healthcare Costs Act, which incorporates more than 14 measures to increase drug price competition. I am pleased to say that it includes major portions of the Biologic Patent Transparency Act that I authored with Senator KAINE, and that is cosponsored by Senators BRAUN, HAWLEY, PORTMAN, SHAHEEN, STABENOW, PAUL, and MURKOWSKI. It is intended to prevent drug manufacturers from gaming the patent system. It requires earlier and greater disclosure of the web of patents held by biologic manufacturers, thus making it easier for biosimilar competitors to develop more affordable alternatives without being stymied by the filing of last-minute patents.

According to former FDA Commissioner Scott Gottlieb, if all of the biosimilars that have been approved by the FDA were successfully marketed in the United States in a timely fashion, Americans would have saved more than \$4.5 billion in 2017.

The fact that a biosimilar version of HUMIRA—the best selling drug in the world—has been on the market in Europe for more than a year while American patients must wait until 2023 is a clear example that the biosimilar market is not working as it should.

The Lower Healthcare Costs Act also includes the CREATES Act—a bill that I know Senator GRASSLEY has been very involved in. It addresses the anti-competitive practices of companies that delay or even block access to a sufficient quantity of the brand-name drug needed to conduct the bioequivalency test required by the FDA as part of the generic drug approval process. This addresses one of the major problems identified by the Aging Committee when we looked at this issue starting in 2016, examining the explosion in prices of prescription drugs for which there is no generic equivalent. I am pleased that we are on the verge of taking action to combat and stop this unfair practice.

The HELP Committee bill also requires significantly more disclosure on the costs, fees, and rebate information associated with PBM contracts; that is, prescription benefit managers. I know the Finance Committee bill does as well.

As I mentioned previously, the Finance Committee passed the Prescription Drug Pricing Reduction Act—landmark legislation that would save taxpayers more than \$100 billion and

save seniors more than \$30 billion in out-of-pocket costs for their prescriptions. I strongly support this bill because it strikes the right balance between reducing out-of-pocket costs for consumers without hindering innovation and investment in the next life-saving medications.

The Finance Committee bill also makes crucial improvements to Medicare Part D, such as protecting seniors with an out-of-pocket spending cap—another long overdue change that would ensure that patients with high-cost conditions, such as cancer, multiple sclerosis, and rheumatoid arthritis, can get the medications they need. Furthermore, the bill would protect taxpayers from higher than inflation increases in drug prices, while reducing government spending, premiums, and overall out-of-pocket costs.

The Judiciary Committee has also advanced proposals that would empower the Federal Trade Commission to take more aggressive action on anti-competitive behaviors.

These are three worthwhile pieces of legislation that should be brought to the Senate floor. The work of the Finance Committee, the HELP Committee, and the Judiciary Committee is a tremendous breakthrough that would make such a difference to the American people.

As we continue to find further consensus and a path forward on each of these bipartisan bills, I hope we can also look for additional improvements. For example, as cochairs of the Senate Diabetes Caucus, Senator SHAHEEN and I, along with Senators CRAMER and CARPER, have introduced legislation to address flaws in the system that have allowed pharmacy benefit managers and manufacturers to implement what are truly unscrupulous price increases on lifesaving insulin. I also support a measure introduced by Senators KLOBUCHAR and GRASSLEY to prohibit brand-name drug companies from compensating generic drug companies to delay the entry of a less costly but equally effective generic into the market. That is referred to as “pay for delay.” I am amazed that it is not already illegal under our anti-trust laws. This bill would make it clear that this tactic is no longer permitted.

Congress has a tremendous opportunity to deliver a decisive victory in both lowering healthcare costs and improving healthcare for the people in my State of Maine and throughout America. If we want new medicines to reach consumers who need them, the companies that invest in research and take the risks necessary must see a fair return on their investment, but at the same time, we can no longer allow the price manipulation and the market distortions to continue at the expense of the most vulnerable Americans and their families and ultimately at the expense of every American taxpayer.

We can act to make a real difference in the lives of Americans whose health depends on affordable prescription

drugs. The required policy solutions will not come in the form of a miracle but through hard work and continued bipartisan cooperation.

Let us come together. I urge all of my colleagues to join in supporting the measures we have worked so hard on and that the HELP Committee, the Finance Committee, and the Judiciary Committee have all reported, on a bipartisan basis, recognizing the hardships imposed on the American people. Let us bring these bills to the Senate floor expeditiously.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

#### NATIONAL DEFENSE AUTHORIZATION ACT

Mr. CRAMER. Mr. President, I come down to the Chamber today to talk a little bit and highlight the vast differences in the priorities between the two Chambers in the U.S. Congress today.

Several of my colleagues will be down here a little later today to talk about and to encourage the passage of the National Defense Authorization Act—a bill, by the way, that passed the Senate in a very strong bipartisan way, reflective of strong bipartisan input, in a vote of 86 to 8. The House also passed their version of the National Defense Authorization Act on more of a party-line vote.

The point being, both Chambers have passed it; the reconciliation of the two bills has begun; the negotiations have begun, but they have been stalled. I think it is a strong reflection of the differences between the two Chambers.

First, I will talk a little bit about why it is important that we do this job. First of all, there have been 58 years in a row that the NDAA has passed the House and the Senate and signed into law. Why? Well, because it is the highest priority of the government—of all the bills we do every year, apart from and very close to appropriations, would be authorization of our national defense programs. That is why it has happened 58 years in a row.

It is important for a number of reasons. One of the things that both the House version and the Senate version of the NDAA does is highlight the importance of space with the creation of a Space Force, as we call it in the Senate, and Space Corps, as they call it in the House. Nonetheless, it is similar, and it represents and recognizes the importance of space domain as a warfighting domain going forward, a priority that our near-peer allies have already recognized in their policies.

Without NDAA passing, that goes by the wayside for at least another year. It also fully funds several national priorities, not the least of which is, of course, the largest pay increase in 10 years for our men and women who wear the uniform.

On a more local level for me, it authorizes the modernization of our nuclear fleet, including the ground-based missiles known as the ICBMs that we have 150 of in North Dakota at Minot.

It modernizes this system, which is several decades old. If we need anything, we need to modernize our weapons systems again to keep pace with our near-peer adversaries.

It also authorizes millions of dollars in funds to the national Global Hawk mission, which is headquartered in Grand Forks, another very important Air Force base in my State. It authorizes funds for the MQ-9 program. MQ-9s are flown by North Dakota Air National Guardsmen in Fargo's Happy Hooligans. It also advances the mission of the Cavalier Air Force Station in Cavalier, ND, one of the very few space radar stations, and it ensures that the needs of all our Guard operations are met.

The House bill, by the way, also does something that is very important to me. It is a bill I have introduced, along with my colleagues from New York, that honors the 74 sailors who lost their lives in the *Frank E. Evans* 50 years ago during the Vietnam war. These sailors' names have been left off the Vietnam Memorial Wall over a minor technicality, a technicality that probably shouldn't be in the rules to begin with, but certainly it has been waived in many other circumstances and needs to be waived in this NDAA. I would love to get that House language into the final bill.

None of these priorities are going to be met if House Democrats—and I focus on House Democrats—if they don't come to the table and act in good faith and negotiate in good faith. Senate Democrats have had a major part in this, and I welcome every bit of involvement they provide.

One of the joys of being on the Armed Services Committee for me has been being able to see a functioning committee that works well across party lines. Obviously, Senate Republicans are all on board. House Republicans are all on board. For some reason, the House leadership on the Democratic side is focused on other priorities, and the contrast could not be more clear.

While we have been working hard in the Senate on appropriations, as well as the Defense authorization, our chairman has used his voice—Chairman INHOFE—and used his incredible work ethic and his wisdom in working with Senator REED, the ranking Democrat, on getting these priorities to the forefront. I can't think of a better tandem than those two gentlemen.

Chairman INHOFE is truly one of the hardest working, most decent, and honorable people I have ever worked with. Chairman SMITH, the chairman in the House committee, could learn a few things from him.

Again, while we passed the bill with overwhelming bipartisan support, the House bill was a much more partisan exercise. We want to prevent a government shutdown. We want to prevent a continuing resolution. So along with the NDAA, of course, is the Defense appropriations bill, and we have to get both of them done. We want to give our

military a win-win situation, where they get the pay raises, where they get the modernization they need, where new programs can be launched, and where we can provide long-term certainty.

While we are trying to provide at least a win for our military, Democrats in the House are focused on trying to win the 2016 Presidential election, not even thinking so much about the next one. They are involved in a kangaroo court over there. I watched a half hour of it today, and I could hardly believe what I was seeing. Today's political theater in the House is unnecessary, and 3 years into it, it is an outward demonstration of the inward motivation of a party that is trying to undo the Presidency of Donald Trump.

Instead of prioritizing our constitutional responsibilities, they are engaged in political theater in a kangaroo court. I am pleading, once again, with my colleagues across the aisle and especially across the Capitol, in these last couple of days, while the negotiators are together trying to figure out a path forward, please come to the table, please act in good conscience. Please, please, please look for opportunities where we can compromise, and, for Pete's sake, let's at least pass the things we all agree on.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. HEINRICH. Mr. President, I ask unanimous consent to speak as in morning business.

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

#### NOMINATIONS

Mr. HEINRICH. Mr. President, earlier today, we were asked to vote on the confirmation of Chad Wolf to serve as the Under Secretary for Strategy, Policy, and Plans at the Department of Homeland Security. Mr. Wolf has been serving in that role on an acting basis since February.

Because of the way the Trump administration functions, or fails to function, what we were really being asked to do today was to confirm Mr. Wolf to a position so the President can then promote him to Acting DHS Secretary. This comes on top of most appointed positions at the agency going unfilled or only filled with similarly temporary acting roles.

Before we all throw our hands up in the air and simply add this vote to the growing list of broken norms and incompetent actions on the part of the Trump White House, I would like us to consider what is at stake in this particular case. I beg us to take seriously the human toll that has been incurred because of this administration's willful chaos at the Department of Homeland Security.

The Department of Homeland Security is the Nation's third largest Federal agency, behind only the Pentagon and the VA. The agency oversees disaster relief, transportation safety, counterterrorism, and immigration and

border security. According to a report in the Washington Post, Mr. Wolf is the favored pick of senior Trump adviser Stephen Miller to take over as Acting Homeland Security Secretary. That should tell us about everything we need to know.

Stephen Miller has been the lead architect of the White House's immoral and anti-immigration policies over the last 3 years. The Senate should have taken this vote as a reason to examine how this administration has spent the last 3 years flouting our Nation's laws and our Nation's values through its intentional chaos at the Department of Homeland Security.

We should do our jobs and give an honest accounting of this administration's inhumane and, frankly, ineffective policies—policies, it should be said, that Mr. Wolf has been right in the middle of each step of the way. Instead, the Senate voted to confirm Mr. Wolf in this sham process to a position we weren't even sure he will serve in. This is shameful.

Now that the Senate has confirmed Mr. Wolf to the Under Secretary position and as we anticipate Mr. Trump moving him into the Acting Secretary role, I ask my colleagues to please consider his record. We know Mr. Wolf played a central role in authoring and implementing the family separation policy. We don't fully understand how much he did to implement President Trump's other harmful immigration policies because the Department of Homeland Security has stonewalled and refused to provide key documents to the Senate on his tenure before we took the vote this morning.

However, given his major role with Secretary Nielsen, it seems safe to assume that Mr. Wolf was involved in many of the administration's policy failures. Under these policies, thousands of children, as young as infants and toddlers, arriving at our Nation's southern border have been separated from their families. We have seen migrant families and children held in appalling, overcrowded, some say prisonlike—I would say prison facilities—immigration detention facilities like those in Clint, TX, that we saw in the media.

The Trump administration has also throttled major ports of entry where refugees present themselves for asylum as is actually dictated by current U.S. law. This has resulted in huge groups going instead to remote and dangerous stretches of the southern border. We have tragically seen that result in the deaths of several children in New Mexico near some of our remote ports of entry that lack even the most basic medical infrastructure.

We have seen President Trump play politics with the lives of thousands of refugees and asylum seekers, mothers, fathers, and children who are desperately seeking refuge and the prospect of a better life in this country.

We have seen the President even go so far as shutting down the government and stealing billions of dollars of

congressionally appropriated funds from the military to pay for his wasteful and candidly ineffective border wall.

Finally, President Trump's decision to terminate the Deferred Action for Childhood Arrivals Program, or DACA, has thrown Dreamers across this country deep into fear and uncertainty. The stakes of that decision have been shown in oral arguments before the Supreme Court this very week.

Dreamers are among our best and brightest—our best and brightest students, teachers, and even veterans. They only know this Nation as their home in many cases, and today I am meeting with a Dreamer named Samuel, who lives in Las Cruces, NM.

Samuel came to the United States from Mexico with his family when he was 11 years old. He has called Las Cruces his hometown for the last 13 years. As a DACA recipient, Samuel was able to study accounting at New Mexico State University and help provide for his family.

Dreamers like Samuel want to give back to their communities and the only Nation they know as home. They are American in every way except on paper, and because of President Trump, Dreamers like Samuel face a deeply fearful future.

Whenever we debate immigration, frankly, it becomes a little personal for me, and that is because, like most—all of us in this Nation of immigrants—my family's story in America began with a search for a better life. My father came to the United States with his family from Germany as a young boy. They were fleeing the government of a racist, populist dictator who was first elected democratically and then used race and scapegoating to cement his grip on power. I always wonder how different my own life would be if America had turned my father away or separated him from his family.

This is not some abstract question for the mothers, fathers, and children who are desperately seeking refuge and the prospect of a better life in America today. I know that so many Americans watching this administration's immigration policies know in their hearts what America truly stands for as a nation built by many generations of immigrants like my father. That includes local officials, first responders, and volunteers in communities like Deming, Las Cruces, and Albuquerque, NM, who over the last year provided shelter, food, and help to asylum seekers who had nowhere else to turn. It includes the thousands of Americans who marched in the streets and demanded an end to family separation, and it includes millions of Americans who want our leaders in Washington to finally affirm the incredible value that immigrants provide for our country.

I want all of you to know that I stand with you. You are on the right and just side of history.

I will keep calling on us to hold this administration accountable to our

American values, and I will keep calling on Congress to uphold our end of the bargain and finally act to reform our broken immigration system. That should start by passing the Dream Act.

We also need to address the root causes of migration from Central America, including extreme poverty, criminal gangs, and violence. We must make smart investments in real border security and economic development in our border communities. We need to provide the necessary medical and humanitarian resources to our border region, particularly for the rugged, back-country terrain we have in my State.

I will never stop fighting for policies that respect the dignity of immigrants, recognize the real needs of our vibrant border communities, and live up to our true American values.

Unfortunately, I don't think we will ever have a productive path forward on any of these urgent matters with this President and his administration. That is true no matter who President Trump ultimately shuffles into the role of Acting Homeland Security Secretary, but it is especially true if the President chooses Chad Wolf.

When Senator ROSEN questioned Mr. Wolf in the Homeland Security and Governmental Affairs Committee about the role he played in family separation and other cruel immigration policies, Mr. Wolf said: "My job wasn't to determine if it was the right or wrong policy." In other words, folks, he was just following orders.

I think it is clear that the Trump administration has shown an appalling disregard for basic human dignity. Now the Senate has confirmed someone who will simply rubberstamp the continued failures of this administration.

I should also note that the current pending vote on the floor is for a judicial nominee, Steven Menashi, who has also played a role in the administration's shameful immigration policies. As a counsel in the Trump administration, Mr. Menashi has acknowledged that he advised Stephen Miller on immigration policy, and he has a long record of opposing the basic human and civil rights of people of color, women, LGBTQ Americans, and immigrants.

As the general counsel at the Department of Education under Betsy DeVos, he played a leading role in trying to deny debt relief to students defrauded by for-profit colleges.

I can't believe that we as the Senate can allow these types of appointments to keep going forward. We should not let this go on. This is not who we are as a country, and this is not the America that I know and love.

I suggest the absence of a quorum.  
The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. SULLIVAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

## DEFENSE APPROPRIATIONS

Mr. SULLIVAN. Mr. President, we just celebrated Veterans Day here in the Senate, back home, and across our great country in the States that all of us represent. Everybody was celebrating our troops, our military, and supporting their families.

You hear that word "support" a lot when it comes to Veterans Day and our military and their families, but I am going to talk a little bit about that rhetoric. That is great. Senators talk a lot. But that is very disconnected from what actually is going on in the Senate right now and what is happening in terms of the action of supporting our troops.

I came to the floor a couple of weeks ago to talk about this. I was pretty fired up. I am someone who is very collegial with my colleagues on both sides of the aisle, but the one thing I have noticed is that there is talk on supporting troops and then there is action. The rhetoric, particularly with my colleagues on the other side of the aisle, doesn't always match what is actually happening.

I would like to explain to my constituents at home, the American people, and anyone watching what is happening right now with regard to supporting our troops—the action, not rhetoric—the action. Two weeks ago, my colleagues on the other side of the aisle filibustered the Defense appropriations bill. That is the bill that funds our troops. We had a big budget deal. We all agreed to it.

It is hard to vote for it. I voted for it because it actually supports rebuilding our military pretty significantly after the Obama-era cuts. I voted for that.

We are starting to bring up these minibus appropriations. We had one a couple of weeks ago. We debated and voted on it. The plan was to bring up the Defense appropriations bill. What did my colleagues on the other side of the aisle do? They filibustered it. It was the ninth time since I have been in the Senate that my colleagues decided to filibuster the spending for our troops. There is no other bill in the body of the Senate that the Democrats filibuster more than the bill that funds our troops. They don't want you to know that. They don't go home and brag about it because they should be ashamed about it, but that is what they did.

Despite this budget deal and despite all of this great support for our troops, right now, my colleagues, for the ninth time since I have been a Senator, which is 5 years—nine times they filibustered the spending for the men and women who serve in the military. I ask the leaders to come out and explain that to the American people. Explain that to the press. Explain that to the people watching on TV. They don't. I think most of my colleagues don't want to do it, but they are told to do it because their leadership wants another priority. That is what is happening.

They talk about supporting our troops, but then the action is that we

are actually not supporting our troops at all. We are keeping funding away from them because we are trying to leverage the desire to support our military and a Defense appropriations bill for other political goals. This has happened nine times.

There is no other bill since I have been elected to the Senate that my colleagues on the other side of the aisle filibuster more. When they want leverage on a nonmilitary issue, they filibuster spending for the troops. I would welcome some of my colleagues to come and explain why they do that. That is one issue.

Another issue is not my colleagues in the Senate, but it is certainly the Democrats on the other side of Capitol Hill. We are now debating the National Defense Authorization Act—the NDAA, as we call it. This is the heartbeat of the Congress. Why? It has passed this body 58 years in a row. That is the closest thing we have to a guarantee in this body. Members—Democrats and Republicans—come together, and we set forward—coming out of the Armed Services Committee, on which I sit—the NDAA, which oversees, reforms, and authorizes important programs for our national defense and sets spending authorization for the entire military. Again, this process is normally very bipartisan, and it has been and continues to be in the Senate.

I give Chairman INHOFE, the chairman of the Armed Services Committee, my good friend from Oklahoma, and Senator REED from Rhode Island, the ranking member, enormous credit for getting a bill that came out of committee 25 to 2. That is very bipartisan. Then, when it came to the Senate floor, it was 86 to 8. OK. That is the Senate saying: Hey, this is really important. We are going to take care of our military. We are going to lay out the policies and the topline numbers for rebuilding our military after the massive cuts from 2010 to 2015. So that is positive.

Why am I complaining about it? Well, that bill right now on the House side, as we have gone into conference, is stuck. It is stuck. Many of the more extreme Members on the House side, who really aren't big supporters of the military—let's call a spade a spade—are now not allowing us to move forward on any kind of compromise in the broader NDAA as we move into conference.

There are provisions that are very important to the military that this body strongly supported in a bipartisan way, but right now, because of what is going on in the House—the leadership in the House, which seems to be a lot more focused on other issues and not the national security of our Nation, is not moving forward on any compromise. Who does this benefit? Well, it certainly doesn't help our troops. It certainly doesn't help our military. It certainly doesn't help their families. I can guarantee you, whether it is our adversaries or potential adversaries—

Russia, China, North Korea, or Iran—as they are watching the stalemate on the NDAA, they are very pleased.

This is something we need to come together and address. I am asking the chairman of the Armed Services Committee over on the House side, Chairman ADAM SMITH, and others to work with the Senate, work with Chairman INHOFE, work with Senator REED on getting to the compromises we all know we need to move this bill for the fifth year in a row to support our military. We think that should be based on the Senate bill.

When you have 86 Senators vote for something—a superbipartisan majority—that should be the basis for compromise. But it is stalled. The chairman of the Armed Services Committee, Chairman INHOFE, has done a great job. He is a very patient man. He and Senator REED, the ranking member on the Armed Services Committee, are frustrated. We are frustrated. The troops are frustrated. We don't have much time to waste.

Again, I would like to conclude by saying that there is a lot of rhetoric here. There is a lot of rhetoric about supporting our troops. But what we need is action. By the way, I think a lot of times my colleagues are like, well, you know the men and women in the military are not really watching this. They don't really know that my colleagues on the other side of the aisle have filibustered the funding for what they need nine times in the last 4½ years—nine times. It is disgraceful, in my view. People think, well, they are not really watching what is going on with the NDAA, how the extreme elements of the Democratic Party and the House side are making sure there is no compromise so that we can't move this bill. Guess what. They are watching. They know this.

When they don't get support from the Congress of the United States, it is a problem for our military, not just in terms of the resources they need but in terms of morale. I am going to ask my colleagues on both sides of the aisle: The next time you go home and give speeches about supporting our troops, supporting our families, do me a favor. Don't come back to this body and filibuster their spending or, for the Members of the House, don't stake out such obstinate positions that you know there is going to be no compromise on an NDAA bill that is really important to our military and has strong bipartisan support in this body.

I know some of my other colleagues are going to be on the floor talking about this NDAA issue, talking about the Defense appropriations issue. Again, let's match the rhetoric we all talked about with regard to Veterans Day—about supporting our troops—with action on the floor, not just hot air and words.

The PRESIDING OFFICER (Mr. COTTON). The Senator from Connecticut.

Mr. MURPHY. Mr. President, I am here to speak about the topic of

healthcare, but while my friend from Alaska is on the floor, I hope we can bridge the policy disagreements we have right now over the Defense appropriations bill, the appropriations process and the authorization bill.

I have been in Congress long enough to have heard this argument be trotted out over and over again that if you vote against a defense bill, then you aren't supporting the troops, even if you have a legitimate policy disagreement you are trying to work out. I have heard that enough to know that it just doesn't match up with reality.

I was told that because I opposed the Iraq war, I didn't support the troops. People in the 1970s were told that if they didn't support the Vietnam war, they were opposing the troops. The fact is, we have a legitimate policy disagreement that we are trying to figure out. Democrats don't think we should be taking money from defense construction projects that are housing and protecting our troops to be used to build a border wall with Mexico that doesn't do anything, in our opinion, to protect the United States compared to the benefit of the spending on military construction projects. We think that, ultimately, we are serving our troops by making sure those military construction projects get funded instead of this wall that doesn't make sense if not for the President's campaign speeches.

So we have some policy disagreements over the budget. I would hope that my colleagues wouldn't try to use this tired argument that if anyone here ever votes against a defense budget, then they somehow are opposing the troops. That is just irresponsible and disingenuous rhetoric.

#### HEALTHCARE

Mr. President, I am here to talk about a few patients from Connecticut. We on the Democratic side are trying to put a face to this campaign that the President is engaged in to try to weaken and ultimately eliminate the Affordable Care Act. Right now there is a court case proceeding through the appellate courts that, if successful, would immediately end the Affordable Care Act, which provides insurance to 20 million Americans and makes sure that everybody in this country with a pre-existing condition doesn't get charged more. The President has weighed in on behalf of that lawsuit. He hopes it will succeed.

If it does succeed, we are going to have a humanitarian catastrophe in this country if 20 million people lose their insurance and, once again, insurance companies are allowed to charge you more if you have a sickness or a sick child. We want to make sure we put a face on who is going to be affected if President Trump's sabotage campaign against the Affordable Care Act succeeds.

I know my colleagues have remarks and are lined up to speak, so let me be as brief as I can. I want to tell you the story of just a couple of patients from Connecticut. I am going to cheat and



make this “Patients of the Day.” These are folks who reached out to my office to tell me their story.

Jason is from South Windsor, CT. He says:

I am 54 years old and I have been purchasing insurance since I entered the workforce at 22 years old. I have arthritis that is manageable with medication. Without that medication and care from my physician, I would not be able to function. I would have difficulty with simple tasks like walking and shaking hands.

There is no question that I rely on my insurance. If I were denied coverage because of my preexisting condition, it would be devastating.

Jason is one of the tens of millions of Americans who, without the protections from the Affordable Care Act, would likely not be able to get insurance. He is perhaps months away from that reality.

Lisa, from New Britain, writes on behalf of her grandkids. Because some young kids can't speak for themselves, their parents and grandparents speak for them. Lisa is the proud grandmother of two little girls who were born with cystic fibrosis. She worried that if her son ever had to switch jobs and change insurance plans or if the preexisting condition clause was struck down by the courts, he would be denied coverage because of their preexisting condition. She says:

The girls are doing so well and thriving with the current treatment and medicine they are on. People with cystic fibrosis are now living longer than ever because of medicine available to them. We've worked so hard in keeping them healthy. If this policy of allowing insurance companies to deny people with preexisting conditions or capping lifetime maximums is allowed, you would be taking the lives of our family members.

Finally, Giuseppina, who is a concerned sister in Bridgeport writes:

My youngest brother was born 2.5 months premature in 1977. He spent two months in the hospital and reached his lifetime limit from my father's employer-provided insurance before he left the hospital! In January of 1978, he was diagnosed with hydrocephalus due to underdevelopment or birth trauma.

Due to the massive medical debt accrued from his multiple surgeries and hospital stays, my family had to receive public assistance. . . . My father used to cry when he went food shopping.

I want you to remember that reality. Remember the reality of millions of families who went bankrupt, who lost all their savings, who went on public assistance because they had massive medical debt due to the fact that they lost coverage because of a preexisting condition or lifetime or annual caps.

All of that can come back if the Affordable Care Act is struck down. It is important for us to come down to the floor and remind folks about the human face of healthcare repeal and the consequences if we don't stand together and at least try to make a plan for what will happen if the lawsuit is successful and the Affordable Care Act is struck down by the court system.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BLUNT. Mr. President, on that topic, of course, all Members of the Senate have said they are preserving the coverage of preexisting conditions. It is sort of like the same speech our friend from Connecticut said he was tired of hearing about supporting the troops when you don't do everything you can to pass the Defense bill. It is at least as old as that—maybe older—and often as tiring.

#### NATIONAL DEFENSE AUTHORIZATION ACT

Mr. President, in the shadow of Veterans Day, we are here on our side of the aisle to talk about why we are not doing what we need to be doing to fund the military. In my following Senator SULLIVAN, there are multiple DAN SULLIVANS who are in politics in Alaska. The first time Senator DAN SULLIVAN was on my radar, how could I tell them apart? This one is Afghan Dan. There is Afghan Dan because he was willing to serve just like the Presiding Officer was willing to leave law school and not go to the JAG Corps but to go to the Active, fighting forces of the country. We are grateful for that. Both of them speak with authority on these issues, but the whole Senate and the whole Congress would have a chance to speak with authority on these issues if we would just decide to do our jobs.

The way communities decide they are going to honor Veterans Day, I think, is unique among them. I had a couple of events scheduled on Monday. One was in Hartville, MO. Those in Hartville were creating a wall of people over the history of the country who died in service. If you are in elementary school in Hartville today and you look at that wall, I am confident you will see some of the same last names of the kids in your school.

I was at a high school event in Camdenton at which we had about 20 World War II veterans on the stage. I represent 500,000 veterans. My guess is the chances of finding 20 in 1 county in 1 State is fairly hard to do these days, but they were all there. We were also talking about the beginning of a new Junior ROTC Program at that high school that will start in January. There are 82 high school students who are signed up to be part of that Junior ROTC Program, which they have spent 10 years trying to put in place.

For those who have served and for those who are willing to serve, the one thing we can do in Congress is to pass the two pieces of legislation that are necessary to support that service. Unlike in World War II and unlike in many past conflicts, fewer than one-half of 1 percent of the population today serves in the military. The other 99.5 percent needs to stand up and do what it can to be sure our military is the best supported military in the world. We never want an American soldier, sailor, airman, marine, or a person in the Coast Guard, in the National Guard, or in the Reserves to be in a fair fight. We always want them to be in an unfair fight, wherein they have advantages in that fight.

The only way you can be sure they will have those advantages is to have the training dollars, to have the equipment dollars, and to have the command structure that allows that to happen. For 59 straight years, the Senate has passed the National Defense Authorization Act. This is the act that defines what Congress believes should be the guiding principles for the military for that year—the places in which money should be invested, the equipment that should be bought, and the other changes that need to be made.

The other bill we passed is the appropriations bill that takes that authorization bill and really puts the money by it that allows it to happen. For 59 straight years, it is the only authorization act we have passed every year. I think we could have a really good debate as to why it is the most important of what we do and is the most important thing the Federal Government does. We have done it, but we can't seem to get it done this year. The bill that will have the biggest pay raise in a decade for the people in the military has somehow been negotiated since, roughly, June 27 of this year. It should have been a 1-week effort, not a weeks' and months' effort. When somebody is assigned to a new base, this bill will have the money in it to encourage spouses to go to work and do what they do as quickly as they can possibly do it by the bill's facilitating and expediting State certification.

In January, we had our first military spouse sworn in as a member of the Missouri bar. Her husband had come to take a command position at Fort Leonard Wood. During the first week she was in Missouri, she was able to be sworn in to the Missouri bar and go to work. Whether as a therapist, a teacher, a truckdriver, an electrician, an engineer, or a welder, if you have those skills and if you have followed your spouse to a new assignment, we should make that a top priority.

That is what happens in this bill. It supports the readiness center in Springfield, MO. It supports the vehicle maintenance facility at Whiteman Air Force Base and the C-130 flight simulator facility at the Rosecrans Air National Guard Base. As a Senate, we decided all of those things needed to happen. Now we need to decide as a Senate and a Congress how to make them happen. Whether they be 24 F/A-18 Super Hornets that the Navy wants that will be built in St. Louis, MO, or 15 F-15s for the Air Force, these things will not happen unless they are authorized. Let's get them authorized. Let's appropriate the money. We are already weeks late. We don't need to be months late. It is better to have the money the day you are supposed to have it if you are going to spend it as wisely as we would hope you would be able to spend it.

I join my colleagues and, I know, the Presiding Officer in saying we need to get this work done. It is critical. It is

a priority. I am glad to join my colleagues on the floor in fighting for those who fight for us.

The PRESIDING OFFICER (Mr. PERDUE). The Senator from Arkansas.

Mr. COTTON. Mr. President, I join the Senator from Missouri, the Senator from Alaska, and the other Senators in calling for the passage of the National Defense Authorization Act.

This bill is the last of a breed. It is a bill we have passed with a large bipartisan majority in Congress every single year for 58 straight years. It hasn't been derailed by petty, partisan politics or grievances between the parties. It has gotten large bipartisan majorities because Congress has understood that for those 58 years, the national defense must come before politics. It is the definition of a must-pass act, but time is short to get it right, unfortunately, because of those very kinds of petty, partisan politics.

This bill is an opportunity for us to continue rebuilding our military after 8 years of stagnation and cuts by the last administration. The bill would increase funding to our troops by \$22 billion—money that would be spent on cutting-edge technologies, like new vertical-lift jet engines, to give our troops an edge in future conflicts.

This kind of investment is essential, especially as storm clouds brew in the Western Pacific from a rising China. The Communist Party of China is not derailed by petty, partisan politics; therefore, it is investing huge sums to transform its military into a world-class force that will be capable of rivaling and, it hopes, ultimately, of defeating our own military. At the same time, China is pursuing an aggressive technology strategy to dominate the next generation of military hardware. Beijing's ultimate goal, of course, is to replace us not just as the most powerful country in the Western Pacific but in the entire world. So we must invest in our military right now or else we will reap that whirlwind in the future.

There are many other important measures that have been included in this year's Defense bill that will not pass—that will not even see the light of day—on the Senate floor if we fail to pass the bill.

There is the Fentanyl Sanctions Act, which is my bipartisan legislation, that would crack down on foreign criminals—mostly Chinese—who smuggle deadly poisons across our border. Synthetic opioids kill tens of thousands of Americans every year, and that toll will continue to rise if we don't start to bust up the criminal networks that originate in China and then come through Mexico to poison our communities. Let's pass the Defense bill to give law enforcement the tools of the Fentanyl Sanctions Act.

There is also the PCS Act, which is my legislation that would help military spouses transfer their occupational licenses across State lines. When your husband or your wife is in the military, you follow his or her career,

and if you are a lawyer or a nurse or a teacher or any of the other hundreds of jobs that require an occupational license in this country, you face barriers to working and putting food on the table for your family. This bill would allow military spouses to continue to pursue their careers uninterrupted, which would therefore allow their military servicemembers to focus on their own missions and not worry about their spouses' jobs.

There is also our legislation to honor the 241 American victims of the Beirut marine barracks bombing that was perpetrated by an Iranian suicide bomber 36 years ago last month. The Defense bill would designate the anniversary of that bombing as a national day of remembrance and strengthen our resolve to fight the terrorist forces that carried it out and that threaten our security to this day.

There is also the opportunity to strengthen trade restrictions on Huawei by including in the Defense bill the Defending America's 5G Future Act. Huawei is the eyes and ears overseas of the Communist Party of China, so we must deny it access to our sensitive networks and the networks of our allies. There are 91 Senators who voted to instruct the conference committee to include that legislation in the Defense bill. They still hope it will be included, but, first, we will have to pass the Defense bill. If we don't, then China's spy company stands to gain.

This is far from an exhaustive list of the reforms that are or could be included in this year's Defense bill. It is just a sample of the many valuable and bipartisan measures that are under consideration. They also underscore the importance of passing the Defense bill in the first place.

Consider the alternative to passing the National Defense Authorization Act—that being a terrible stopgap spending measure that would include zero reforms and that would degrade, even as we face rising threats from China and Russia every day, the fighting capability of our military. A stopgap spending measure would freeze defense spending at last year's levels. That is not to say that business would go on as usual. No. Inflation would continue to erode the purchasing power of last year's funding levels, and the military would have to tear up and renegotiate many of its multiyear contracts with defense companies. Renegotiating those contracts would cost billions in administrative expenses that would otherwise go to the pay and benefits of our fighting men and women, to a new aircraft, to new ships, to new guns, or to new munitions. This so-called spending freeze would, in fact, cost taxpayers an arm and a leg.

This is all the more reason for Congress to act, once again, to pass the National Defense Authorization Act, as we have for 58 years, without being divided by petty, partisan politics.

I urge my colleagues to put aside their partisan objections on issues that

are really not even related to our military. I urge them to make the hard compromises necessary in order to pass this bill and give our troops what they need.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PERDUE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. COTTON). Without objection, it is so ordered.

Mr. PERDUE. Mr. President, the world is more dangerous today than at any time in my lifetime. We face five threats across five domains: China, Russia, Iran, North Korea, and terrorism. The domains have gotten very complicated—air, land, sea. Now we have to deal with cyber and space.

But in that background, three times over the last 50 years, this government, under the leadership of three different Presidents, has disinvested its military significantly—under President Carter, under President Clinton, and indeed under President Obama. They cut the military by 25 percent at least in each one of those administrations.

The last one was extremely draconian. We saw the impact of that on our readiness, the fact that our modernization program had been killed, and we found ourselves falling behind what we ought to now call near-peer competitors. I would say they are peer competitors now. When you look at the money China is spending on their military, when adjusted for purchasing power parity, it is exactly the same as we are spending. And they don't have the regulatory overhang and they don't have the legacy costs we have here in the United States, so they can get things done quicker and cheaper. In the meantime, the world continues to become very dangerous.

Yet here we are in the second month of our fiscal year under a continuing resolution. As we now are becoming educated about, this is devastating our military and has been. This is the 187th time since the 1974 Budget Act was put into place that we have executed a continuing resolution. It sounds really easy. Well, we can't get agreement on how much to spend for the next year, so we will just keep spending at the same level. Some businesses do that, but in this case with the U.S. military, it is devastating because it locks them into existing programs.

For example, we did an audit last year. It was the first audit in the history of the United States of the Department of Defense—the third largest line item on our expense sheet. We did an audit. In that audit was found and identified by the Department of Defense \$4 billion of obsolete programs that nobody really wanted to keep and continue spending on—\$4 billion a year. So right now, under this continuing

resolution, not only are we not able to give a 3.5-percent pay raise—the largest in 10 years—to our military, not only are we not able to improve their housing, but right now we are obliged to keep spending \$4 billion a year on obsolete programs that the Defense Department doesn't even want. This is ludicrous.

Right now, I would say we are in gridlock. We had 88 votes here in this Senate where we voted to approve the National Defense Authorization Act several weeks ago—very bipartisan, negotiating in committee. I was on the Armed Services Committee, and we took this very seriously. We debated, and it was a definite fight, but we reached compromise. We reached bipartisan agreement to support and defend our military and to make sure they are able to do the things they want to do to make us competitive and defend our country. Yet here we are, 6 weeks into this fiscal year, and we still don't have this year funded. We are under a continuing resolution that devastates the military. For six decades—58 years—each year we have been able to do that. Yet, this year, we can't seem to come to an agreement because the House and the Senate can't get together in conference and agree on exactly what it is they want to do.

That is all window dressing. It is no more complicated than this: The Democratic brethren in this body and in the House simply do not want to allow this President to spend another dime on building a wall around our southern border.

Let's put this in perspective. First of all, we have seen on this floor just in the last 2 hours two different comments: Well, we all know that building a border wall doesn't really work. It doesn't change anything.

Well, that is absolute propaganda. Barack Obama built 135 miles of wall. This body approved that. And wherever that wall was built, illegal crossings at the southern border went down 95 percent. That is not propaganda; that is fact. It is another example of the obstructionism we have been witnessing here since the day this President was sworn in.

On Inauguration Day, January 20, 2017, the headline of the Washington Post was "The campaign to impeach President Trump has begun." Since day one, they have been obstructing this President. We saw that in the confirmation process here. For the first time in 230 years, we saw the minority party not waive the 30-hour debate rule and allow this President to get his nominees confirmed. It has been the slowest ever.

So we sit here today not being able to build the space force that both sides have agreed on. Eighty-eight people in this body agreed that we need to go ahead and start spending money and doing that. We can't do that. We can't put in the building blocks for the Advanced Battle Management System, which is so important to deal with the

modern fight. We can't rebuild our nuclear triad, which is in absolutely critical shape. We can't seem to get at our readiness right now because of the lock we have, under this continuing resolution, on the existing contracts out there. As was just mentioned a few minutes ago, we have to go in and renegotiate all these contracts.

Last year was the first time we did not have a continuing resolution, and there was such a sigh of relief inside our military because it was the first time in a long time—over a decade—that they didn't have that for the first quarter of the year.

This is devastating. It has become habit, and we have to stop it. It is absolutely insidious. It is killing our military and keeping us from doing the things that both sides want to do because of petty politics.

We need to modernize our force, and we need to do it right now. This NDAA allows us to do that. We need to rationalize our expenditures to make sure that every time we are spending on our military, it is exactly what we should be spending it on.

We have a Volunteer Force, and we can never take that for granted. We have to take care of our people in uniform wherever they are in the world. That means working on their mental health, their physical health, and their housing.

I come from a State that has nine military installations. We take national defense very seriously in Georgia and always have.

People are concerned that this gridlock is endangering our country. It is time that we get together, pass this NDAA, move on the appropriations bill, and get this done. People back home are watching, the people in our military are watching, and more importantly, our potential adversaries are watching.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Nebraska.

Mrs. FISCHER. Mr. President, I want to join my colleagues today and speak on the importance of passing the fiscal year 2020 Defense authorization bill.

As others have mentioned, the process of negotiating the national defense bill is one that has a long history on Capitol Hill. For the past 58 years, the Congress has found a way to come together and unite behind a bipartisan bill that supports our servicemembers and enables the defense of this Nation. We must continue this tradition, and that means recommitting to the principles of bipartisanship and compromise upon which it is built.

Thanks in large part to the hard work and the leadership of Chairman JIM INHOFE and Ranking Member JACK REED and the members of the Senate Armed Services Committee, the Senate passed an overwhelmingly bipartisan version of this year's National Defense Authorization Act. The House of Representatives, however, passed a very different bill. The conference process is

ultimately about finding the best solution that supports our men and women in uniform, but we have to be willing to compromise and find consensus. We cannot resort to political brinksmanship.

As the chairman said last week and as some of my colleagues have mentioned here today, we are running out of time. It is essential that our colleagues in the House come to the table to pass the fiscal year 2020 NDAA.

We live in a rapidly changing world and unfortunately one that contains a growing number of threats and challenges that our military must face head-on. These threats demand that we be ready, and our military can effectively confront those threats only if we provide our servicemembers with the support they need to execute the missions, defeat the enemies of freedom, and safeguard the Nation.

Providing for the common defense is the highest responsibility this body has, and that is why it is so essential that we pass this legislation in a timely manner.

As I said before, for 58 years the NDAA has been the subject of a bipartisan consensus in Congress despite all of our other disagreements. No matter what other issues arise, the one area in which we must forge agreement is in authorizing the resources our men and women in uniform need.

Time and again, we have heard from our senior military leaders that their greatest obstacle is budget uncertainty and unpredictable funding. If we do not come together and pass this year's NDAA soon, we are at risk of damaging our military capabilities and jeopardizing our ability to confront threats from China, Russia, and other malign actors.

It is essential that we work swiftly to secure an agreement so that we do not fail to provide the Department of Defense with the predictable funding they need. We must do our part and honor the service of all our men and women in uniform by moving this process forward and passing the fiscal year 2020 National Defense Authorization Act.

I yield the floor.

THE PRESIDING OFFICER. The Senator from North Carolina.

Mr. TILLIS. Mr. President, first, I want to thank Senator FISCHER for all of her work on the Senate Armed Services Committee and in so many other areas. I am here to talk about the same subject, the National Defense Authorization Act.

It may be difficult to understand the difference between appropriating and authorizing. We have two different sorts of committees here. One focuses on the resources funding their use, but they can't be used unless they are authorized. So every year for 58 years, we have come into the committee, we have heard differing opinions on priorities, but at the end of the day, the amazing thing about the Senate Armed Services Committee when it comes to

the National Defense Authorization Act is that we always reach a bipartisan agreement. It passed out of the Senate Armed Services Committee with I believe unanimous support, and then it got passed out of the Senate.

Normally, this happens in the June timeframe, maybe the July timeframe. Now here we are in November. Not only have we not passed the National Defense Authorization Act, but we are at risk of not passing anything. Now what we are hearing about is a so-called skinny bill that would just be the basic authorities while we are leaving everything else on the table.

I am going to talk a little bit about the Personnel Subcommittee, which I chair, but what do authorities mean? It means research on new weapons systems. It means research for men and women in a dangerous situation to make sure the best possible technology and training is available to make it as safe as it can be in an unsafe environment. There are hundreds of authorizations in the National Defense Authorization Act that are at risk of sliding another year for the first time in 58 years.

Now what I want to talk about is what is at stake if we can't reach an agreement with Speaker PELOSI specifically in the Personnel Subcommittee.

I actually requested the Personnel Subcommittee because I wanted to focus on the business of the Department of Defense, and I wanted to focus on military families and on the soldiers' health and safety.

If we do not pass provisions that passed out of my subcommittee and that are in the National Defense Authorization Act that passed out of the Senate, here is what is at stake:

There is a pay raise for every soldier, sailor, and marine—a 3.1-percent pay raise that they could lose this year as a result of not gaining agreement.

We have a lot of provisions in there for military housing. I am from North Carolina, and we have two very large installations in North Carolina—Fort Bragg, the home of the Global Response Force, and Camp Lejeune, home to a bigger population of marines than any military installation in the world.

They are in housing today that needs to be outfitted. They are in housing that, quite honestly, is unsafe. This National Defense Authorization Act makes progress to make sure that the families that are housed on bases are in safe, clean settings, and quite honestly, in some cases, they are not today, which is why we have bipartisan support for the provisions we put into our subcommittee mark.

Another thing that we are working on—it is very difficult for one who doesn't come from a military background to understand how challenging it is for a spouse to get a job for the brief period of time that they may be in one military installation or another. This mark has provisions in it to make sure that military spouses get employ-

ment opportunities as quickly as possible and to cut through a lot of the red tape that they are dealing with today. That provision is at risk.

We have also taken major steps and tried to prevent or reduce military sexual assault. Provisions in this bill, I am convinced, because they were voted out on a bipartisan basis, are at risk because we can't seem to get agreement with Speaker PELOSI's House.

Another very important area is in places like North Carolina. In North Carolina, Camp Lejeune alone experienced over \$3.5 billion in damages as the result of the most recent hurricane, and Fort Bragg is still trying to recover from a hurricane that happened about 2 and a half years ago. There are authorities in there to make sure that we can rebuild these facilities. Military housing, as well as offices and other training facilities at Camp Lejeune, could slip another year if we allow what I think right now is the impasse between the House and the Senate to move forward.

These are all very, very important provisions in the National Defense Authorization Act. These are all provisions that got bipartisan support from this body. If you all have been watching Congress, you know that we can have our disagreements. There are certain things that we just simply aren't going to see eye to eye on, but we see eye to eye on the National Defense Authorization Act. That is why I do not understand how the House would not come to the table and pass something that we have successfully passed for every year of my life.

I am 59 years old. This could be the first time in 58 years that we run the risk of not showing the respect that I think the men and women in the military, in uniform, deserve, to give them the authority to be trained properly, to not run the risk of working with old authorities that could diminish training and readiness and capabilities. This is about these folks that have sworn to defend the Constitution and our freedom, and we can't take the time to bridge the gap and eliminate the other reasons that divide us and at least come together on something for 58 years we have seen our way clear to passing and making progress, for men and women in uniform, for soldiers, sailors, and marines and for their families.

So I am for the Speaker of the House and the Members of the House to come to terms and pass what we have done successfully for decades. We owe it to the men and women in uniform, and we owe it to every American to understand what is at stake if we all of a sudden slide for a year while our adversaries continue to gain ground.

I hope that my colleagues will continue to come together and pass this bipartisan legislation. It is within reach and absolutely an expectation, I think, of every Member of Congress to show our men and women in uniform respect by doing our job.

Thank you, Mr. President.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the quorum call be rescinded.

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

NOMINATION OF STEVEN J. MENASHI

Mr. WHITEHOUSE. Mr. President, I am here to speak on the confirmation of Steven Menashi to be a judge on the United States Court of Appeals for the Second Circuit. We have grown accustomed to the violations of norms around here, kind of a dumbing down of the institution. So by all of those standards, I would ordinarily be opposing Mr. Menashi.

We have disposed of the blue slip convention for Circuit Court nominees. I just warn my colleagues, again, that there is a price to be paid for that. The blue slip for Circuit Court nominees is the thing that connects a Circuit Court nominee to a particular State so that an Arkansas judge on the Circuit Court of Appeals or the Rhode Island judge on our Circuit Court of Appeals or the Montana judge on their Circuit Court of Appeals only is the Arkansas judge or the Rhode Island judge or the Montana judge because we honor that blue slip.

In another Presidency, when the shoe is on the other foot, I don't want to hear any of my colleagues who have thrown this Circuit Court blue slip out complain when somebody who is not even from their State gets appointed to the so-called State seat on the Circuit Court.

In addition, we have dealt with a lot of unqualified candidates. I think this administration has set the record for ABA-designated unqualified candidates. This guy has never tried a case, never taken a deposition. He effectively has not practiced law. When he has tried to practice law, it has been a disaster. He has been the counsel for the Department of Education and managed to have various programs that he advised on all thrown out in court and his Secretary held in contempt—so not a guy who, when you get a mere legal decision, comes up with a real winning record.

Moreover, he refused, extremely arrogantly, to answer really basic questions, even to the point of frustrating Republican members of the committee when he was a witness before us, and has refused to answer related questions for the record as well.

So, for all of those reasons, this is a pretty undesirable candidate for the Federal bench, but it gets way, way worse. If you look at what Mr. Menashi has said over the years, it is quite an astonishing window into his mind. With respect to affirmative action, he has compared universities—I am quoting him here—he has compared universities cataloging students according to race on college applications

and official documents, which you obviously do as part of any affirmative action program, he has compared that to the Nuremberg laws.

If you look at the issue of sexual violence, he has made fun of Take Back the Night marches and described women who are active and concerned about sexual violence as—his words here—“campus gynocentrics”—maybe he pronounced it gynocentrics, I do not know—campus gynocentrics. When you are talking about sexual violence, that is not just a normal word to use. When you are talking about affirmative action, reference to Nazi Nuremberg laws is just not normal.

He has argued that gun regulations are “pointless”—I am quoting him here—“pointless and self-defeating because guns reduce crime.” Really? Ask the victims of the firearms massacres happening at such a horrifying rate in this country how guns reduce crime.

With respect to the rights that have been enshrined in our Constitution and recognized in *Roe v. Wade*, giving women the right, to some degree, of self-determination about when to have children, he described the rights codified in *Roe v. Wade*—I quote him here—as “radical abortion rights advocated by campus feminists.” Good luck, on an issue related to a woman’s right to choose, getting a fair hearing from this character once he is enrobed.

He mocked the gay rights group Human Rights Campaign, which he said incessantly exploited the slaying of Matthew Shepard for both financial and political benefit. We engage in some pretty acid rhetoric around here, but about a young man who was murdered about being gay, that is just appalling. If you are in his court on an issue in which the rights of LGBT folks are involved, there is almost no way that you could believe that a judge that has thought or said anything as vile as that could ever give you a fair hearing.

With respect to the question of diversity, which many of us consider to be one of America’s greatest traits, social scientists, he said, have found that greater ethnic heterogeneity, i.e., social diversity, is associated with lower social trust. Ethnically heterogenous societies exhibit less political and civic engagement, less effective government institutions, and fewer public goods.

First of all, I don’t think that is true. I don’t think that stands to scrutiny. But, second of all, it is just kind of a creepy thing to be saying, that we would be a better country if we marshaled ourselves together into our ethnic enclaves, which “provide the groundwork for social trust and political solidarity”—not in my world, not in Rhode Island. That is not the way we work. I don’t think that is the way America works.

So whether you are looking at diversity, whether you are looking at gay rights, whether you are looking at a woman’s right to choose, whether you are looking at safe regulation of guns,

whether you are looking at sexual violence against women, whether you are looking at affirmative action in colleges, you can find something truly creepy that this individual has said. That, on top of all the other disqualifying factors, makes him perhaps the worst candidate that Donald Trump has tried to put on the Federal bench—by the way, that is in a crop of doozies.

The problem here is that people are going to come into these courts and they are going to have a feeling that no American litigant should have and that is that I have got a judge who is predisposed against me, that it doesn’t matter what my cause is. It matters who I am.

And, sadly, I don’t think this is the bug in these Trump judicial appointments; I think this is the feature. I think it is the intention of the dark money fueled apparatus that has got this assembly line of unusual and peculiar judges cranked on to our courts to actually make sure that our courts are more likely to rule for certain people than others, that they are more likely to rule for polluters, that they are more likely to rule for gun companies, that they are more likely to rule for dark money political operators.

There are essentially, at this point, with this nominee to a Circuit Court of Appeals, no standards left—no standards left. I can’t imagine anybody much worse.

It is a sad day.

With that, I yield the floor.

The PRESIDING OFFICER (Mrs. BLACKBURN). The Senator from Kansas.

S. 2330

Mr. MORAN. Madam President, today in the Commerce Committee, following an in-depth 18-month investigation to examine cultural and systemic issues regarding abuse in the Olympic movement, Senator BLUMENTHAL and I introduced bipartisan legislation, the Empowering Olympic and Amateur Athletes Act of 2019. It was accompanied by an investigative report, findings, and recommendations. I am pleased that the Commerce Committee approved that legislation today. This marks a significant step forward to improving the protections and representations provided to our amateur athletes.

The subcommittee that I chair exercises jurisdiction over the U.S. Olympic Committee and amateur sports at large, and I remain fully committed to ensuring the health and safety of all American athletes. Our Empowering Olympic and Amateur Athletes Act would enact reforms to the U.S. Olympic system by strengthening legal liability and accountability mechanisms, restoring a culture of putting athletes first, and fortifying the independence and capacity of the U.S. Center for Safe Sports.

Our investigation, which led to the foundation of the provisions in this bill, included four subcommittee hearings, interviews with Olympic athletes and survivors, and the retrieval of

70,000 pages of documents. This was also made possible by the supportive leadership of the committee—the chairman and ranking member, Senator WICKER and Senator CANTWELL—and the contributions of the committee staff, including the contributions of my staff and those of former Chairman THUNE and Ranking Member NELSON.

Also, I want to take this moment to thank Mr. GRASSLEY, the Senator from Iowa and the chairman now of the Finance Committee. For a portion of the time we were dealing with this issue, he was the chairman of the Judiciary Committee. He, too, made contributions to our legislation, and his continued leadership on this issue in general has helped to move this bill forward and out of the committee today.

During our investigation, Senator GRASSLEY indicated an interest in working together to protect amateur athletes. After we introduced the legislation, I am pleased we were able to include provisions from his legislation that was just introduced yesterday here in the Senate. Specifically, the substitute amendment included funding accountability language for safe sports, clarification on mandatory reporting parties related to child abuse, and new reporting requirements to improve transparency. Senator GRASSLEY was also successful in working with Senator PETERS to include whistleblower protection language in the bill during today’s markup.

Again, I thank Senator GRASSLEY for his leadership and commitment to the health and safety of our amateur athletes.

Additionally, there were thoughtful contributions to our legislation—most recently, in the form of our substitute amendment—from other members of the Commerce Committee, including Senator GARDNER of Colorado.

I also thank my colleague Senator BLUMENTHAL, the ranking member of the subcommittee, for his steadfast and ongoing support and leadership that he has shown throughout this long process.

This investigation and legislative process started out as a bipartisan effort to provide substantive policy protections to amateur athletes and has remained as such. That bipartisanship has continued and will continue to be prioritized as we push for timely consideration of this legislation on the Senate floor.

Finally, I would be remiss not to express my sincere and humble thanks to the survivors for their bravery in guiding our policymaking with their testimonies and ongoing input throughout the process. Their willingness to recount and relive their traumatic experiences played a vital role in informing Congress as it seeks to address key reporting, governance, and resource issues within the Olympic system. This critical legislation would not have happened without their active involvement.

I will never forget the question that was asked of me by one of the survivors

as we were gathered together in the Russell Senate Office Building. The question was this: Why was there more than one? It is a question we would always hope to answer. There should never be a victim or survivor of sexual abuse. And if there is one, there should never be a second.

The sad thing about this circumstance in which we found ourselves and in which the athletes found themselves was that not only was there one, but there were many more. We should be able to take that call—why was there ever more than one?—and make certain that we do everything to keep it from ever happening again.

I thank my colleagues in the Commerce Committee for their support on this critical legislation. I look forward to working with the leader and my Senate colleagues as we push to enact these necessary reforms.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. TESTER. Madam President, before I get into my comments on Agent Orange, I just want to thank Senator MORAN and Senator BLUMENTHAL for leading the charge on making sure that our Olympic athletes are protected. There are some who say that government has no business in this realm; I couldn't disagree with them more. The fact is, this is a wrong that I think Senator MORAN and Senator BLUMENTHAL have tried to right. I just want to thank them for their leadership.

Mr. MORAN. I thank the Senator.

AGENT ORANGE

Mr. TESTER. Madam President, I stand here today because the Trump administration continues to turn its back on our Nation's veterans, many who are suffering from illnesses relating to Agent Orange.

Agent Orange is a very toxic defoliant that was used in Vietnam. Everybody who was there was exposed to it because it was used in such great volume.

By denying eligibility to the folks who have suffered from that exposure the benefits and care they need, they are not doing right by our veterans. The fact is, there is no logical reason behind it except for the fact that they don't want to pay for it. They don't think the exposure to these toxic chemicals in Vietnam are a cost of war. Well, they are.

Today, we are telling Acting Chief of Staff and Acting Office of Management and Budget Director Mick Mulvaney and other White House officials to do their jobs and make sure these veterans are taken care of.

It is time for this White House to do right by the 83,000 veterans—that is 83,000—who are currently suffering and dying from significant health conditions associated with Agent Orange exposure. This administration—the Trump administration—needs to stop ignoring the overwhelming scientific evidence put forth by medical experts, scientists, and veterans.

Internal documents obtained by a veteran through the Freedom of Information Act revealed that in 2017 President Trump's first VA Secretary, Dr. David Shulkin, tried to do right by these veterans. At that time, the VA proposed to expand the list of presumptive health conditions associated with this toxic herbicide to include bladder cancer, Parkinson's-like symptoms, and hypothyroidism so that these veterans could become eligible for the benefits they earned if they had these conditions, but Mick Mulvaney and the White House objected. They didn't want to spend the money. They said they wanted more studies—studies that would have effectively run out the clock as more and more of these veterans suffered and died.

Since then, the National Academy of Medicine found evidence that hypertension has even greater evidence of association to Agent Orange exposure than the conditions Dr. Shulkin attempted to address. Yet the White House still refuses to take care of these veterans. They refuse to expand the list to include these four conditions: parkinsonism, bladder cancer, hypertension, and hypothyroidism.

More have suffered and more have died. These are Vietnam veterans who are in their sixties, seventies, and eighties. But this administration—the same folks who are quick to beg for nearly \$20 billion for an ineffective border wall that Mexico was supposed to pay for and who are happy to put a \$1.5 trillion tax bill on the government's credit card—refuses to recognize that this is a cost of war and that they need to do right by the Vietnam veterans—veterans who have already waited decades for the benefits and the care they desperately need.

It is pretty simple. Do the right thing. If you claim to be an advocate for the veterans, no more excuses and end the wait for these veterans and their families. These veterans and their families have already sacrificed greatly, and they should not be forced to wait 1 minute longer. This issue needs to be dealt with, and it needs to be dealt with today.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANCHIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

NATIONAL HOMELESS CHILDREN AND YOUTH  
AWARENESS MONTH

Mr. MANCHIN. Madam President, I rise today to talk about a resolution that I have introduced with my fellow Senator from Maine, SUSAN COLLINS, and 11 other fellow Senators from both sides of the aisle—truly bipartisan—to designate November 2019 as National Homeless Children and Youth Awareness Month.

Specifically, this resolution highlights the issue of children and youth homelessness and supports the efforts of businesses, organizations, educators, and volunteers who are dedicated to meeting the needs of homeless children and youth.

In the 2016-to-2017 school year, there were 1.3 million children and youth—I repeat, 1.3 million children and youth—who experienced homelessness in the United States.

In West Virginia alone, our schools have identified more than 10,500 students experiencing homelessness. This is simply unacceptable, and we must do more to support our future generations. That is why I am a firm believer that there are five promises—five promises—we, as adults, should make to every child.

No. 1 is every child must have an unconditionally loving and caring adult in their life. That is the first. Every child must know that someone loves them unconditionally. No matter what you do and no matter what mistakes you make, at the end of the day, that person loves you. It could be your mom or dad; it could be a grandma or grandpa; it could be an aunt or uncle; or it could be a neighbor, someone who knows they have your back no matter what.

No. 2 is every child must have a safe place to call home where harm cannot enter. I would hope it is the home they live in. Sometimes it is not always the case. Sometimes it might be a school. It might be an after-school program. It could be a church. It could be a neighbor's home. Every child growing up has to have somewhere safe in their life where harm cannot enter and they are protected.

No. 3 is every child must have a healthy start and access to a nutritious diet. I think that is why you have seen in our school systems that we have expanded our nutrition programs from breakfasts to lunches. When I went to school way back when in rural areas, we had no cafeterias and no lunches, but for some reason, I could always tell when my mom or other parents had put an extra sandwich in the lunch pail knowing that we couldn't eat it but somebody could. There were always those who kind of stepped in and helped others.

Now we have that. Every child has to have a healthy start and access to a nutritious diet if they are going to grow and be engaged and, basically, be productive.

No. 4 is every child should be taught a livable skill so that they can make their own way through life. Primary and secondary education is free in America. It makes us different from every other country in the world. We commit to every child that they can get an education to be literate—every child. That is why education should be held to a higher standard to make sure that they have a skill set.

There should be no child graduating from high school who is not ready to

work or ready to learn more. We should be able to identify in 7th, 8th, or 9th grade what their interests are going to be, whether they are going to be skill-set driven or whether they are going to be academically driven. Both are needed, and we should not make them feel like failures if they don't go to college because a lot of people aren't desiring to go to college. A lot of them want to work with their hands. They want the skill sets; they have that ability, and we should identify that very early.

No. 5 is the hardest promise because you cannot teach it. You can't teach this promise that you should keep to every child—that that child should grow to be a loving, caring adult and give something back. They can learn that fifth one only by how you conduct your life, how that special adult in their life—mom, dad, aunt, uncle, cousin, neighbor, after-hours group, school—someone in their life has given them hope: Hey, I can be that person; I can give something back; and I can help somebody like me.

Those are the five promises. If we can't keep those, then God help us all. We owe that to every generation. To have one child homeless in this country is wrong. Homelessness means you have no stability; you have no functional family; and you have no biological mom or dad to go home to. You are either couch surfing or basically living with another relative—whatever it may be—and this is something we have to intervene in and make sure we can correct.

We must keep these promises to our children so that our future generations will grow up to be the best they possibly can and meet all their expectations. We expect our children and youth to care about their education, but if they don't have a roof over their head or a place to sleep, if they don't have adequate nutrition and meals, they can't focus on learning as they should be able to.

I heard one child say: I am just trying to survive. I am just trying to make it through the day and survive. I would love to get the education you want me to get, but when it becomes basically survival tactics or educational tactics, survival will kick in first.

That is what they are dealing with. This crisis is affecting not just these students in their homes, but it affects their school life, too, and we must do better to ensure that they can learn and give back to their communities.

Speaking of doing more, there is a lot of great work being done in my State of West Virginia and nationally and, I am sure, in all the States. One wonderful example is the Children's Home Society in West Virginia. I know they are watching and are gathered for their annual conference today. I want to thank them for the incredible work they have been doing. They have been strong leaders in helping children and families who experience homelessness in West Virginia. We truly appreciate their

leadership on this issue in our State and hope that their work can be used as a standard for the other States to combat this issue.

Recently, I visited South Charleston Middle School to see the work they are doing to address the child and youth homelessness crisis facing our State from the perspective of a student's life, much of which is spent at school. They use Federal funding to help correctly identify students who are homeless so that they can provide services to those who need them.

I hope my resolution will help raise awareness on this issue so that more schools can use the funds available to support the students who are experiencing homelessness. In West Virginia, the child and youth homelessness crisis is intensified by the opioid crisis that has ravaged our State. The lasting effects of the epidemic on our children and future generations are terrible, from the increase in children and youth homelessness to a rise in youth substance use disorder.

This crisis will continue to affect communities like those all across West Virginia for decades to come, which is why we must begin to combat and address issues like child and youth homelessness now.

In the middle of this crisis, there are success stories, too, like Hannah's. Hannah's parents could not care for her because of substance use issues, so she went to live with a family friend, who subsequently removed all support. A high school counselor referred Hannah to the Youth Services System Transitional Living Program, which helped her finish high school and go on to college. She is a recipient of the YSS Ronald Mulholland Futures Scholarship and attends West Virginia University, where she is now a junior studying chemistry. Last summer, she completed an internship in Tennessee.

The Youth Services System is a wonderful national organization that works to provide shelter for children and youth across America. Organizations like the Youth Services System and the Children's Home Society deserve recognition for their incredible work because, without them, success stories like Hannah's and so many others wouldn't even exist. This is why we must raise awareness of this issue so that we can support the wonderful work being done across the United States every day.

I am so proud to be here today to advocate for those 1.3 million children and youth across our Nation who need our help and deserve our help. We must do better for them, and I believe strongly that this resolution is the beginning to work toward solving this major crisis our Nation has with broad bipartisan support. If there is one thing that brings us together, it is the children. It is not a Democrat or Republican problem. It is a problem for all of us. It is an American problem, and we have to face it.

With the support of 23 national organizations, I hope this resolution will

pass quickly. I look forward to working with my colleagues who have signed on to this resolution and those on both sides of the aisle to bring us back together to combat child and youth homelessness.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

5G TECHNOLOGY

Mr. KENNEDY. Madam President, I will talk for a few minutes today about 5G technology and taxpayer money. We have all heard the term "5G." 5G stands for fifth generation—fifth generation technology. In short, what 5G means is incredibly fast data transmission—data going from my cell phone to the President's cell phone, my internet to your internet, and the ability to connect a lot of different devices at the same time.

Through 5G technology, which is wireless technology, we will be able not only to transmit data very quickly, but we will also be able to transmit huge amounts of data—almost breathtaking amounts—and it is going to have a huge impact on American society. It is going to have a huge impact on the world.

In some respects, it is going to change the world. If technology has changed the world thus far—and indeed it has; among other things, it has made the world smaller—5G is going to change it even more. For example, you will be able to use your smartphone to open your garage door. You will be able to use your smartphone and be a mile away but turn on your coffee maker. We will be able to do surgery by internet. Surgeons will be able to be in one place 1,000 miles away from a patient, and that surgeon, through robotics and other means, will be able to transmit the data to operate on that patient.

Driverless cars are going to change the world dramatically—not only the way we get around. It is going to change our need for roads; it is going to change our tax base; and it is going to change the insurance market.

5G is going to allow farmers to be prewarned about encroaching diseases. Farmers will not have to wait to see their crops attacked by certain diseases; through 5G technology, they will be able to know and predict that those diseases are coming. It is going to help us feed the world.

5G technology is going to allow our young people to have virtual apprenticeships. If you are a young woman or a young man and you are right out of school and you are offered an apprenticeship or an internship, let's say in San Francisco, and you are living in Duluth—say you are a student and you say "I don't have the money to move to San Francisco, and I don't have the money to live in San Francisco," you will be able to do an internship through technology.

It is going to be 100 times faster. In terms of the amount of data, I don't know how to quantify that, but it is going to have an extraordinary impact on wireless technology.

What are we talking about here? When my phone calls the President's phone, what are we talking about? Really, we are just talking about radio waves. We are talking about radio waves. A radio wave is nothing more than electromagnetic radiation. I don't want to get off the subject here. When my phone talks to the President's phone, we are just sending radio waves through the air. Sometimes you might have heard that referred to as a spectrum. That is basically how a cell phone and the internet works, except with 5G, the speed with which that data is transmitted and the amount of data will be substantially larger.

Who owns those radio waves and the air through which those radio waves travel? According to Federal law—the Federal Communications Act of 1934—we do. We all do. The American people do.

The Federal Government, through the Federal Communications Commission and other agencies, including but not limited to Congress, regulates those radio waves going through the air, which we call spectrum, but those radio waves and the air through which they pass are owned by the American people. Just like a national park, just like the oil and gas offshore in Federal waters, just like the Rocky Mountains, they are owned by us, the American people.

Now there are certain types of radio waves that are owned by the American people that are perfect for 5G technology. These radio waves and this spectrum, if you will—I will use the term "spectrum," but remember, I am just referring to radio waves moving through the air. This particular spectrum that is perfect for 5G technology is called the C-band. I don't know why they call it that, but that is what they call it. It is between 3.7 gigahertz and 4.2 gigahertz. Don't worry about what that means; just know that this part of the overall spectrum is perfect for 5G. It is perfect because it strikes a balance between coverage and capacity. And this C-band, if you will, is not too hot, not too cold. It is just right for 5G. It is critical to our development of 5G technology.

Since the American people own this C-band and since many of our wireless companies want to develop and offer 5G technology to the American people, given those facts, the FCC is going to play an integral part. The FCC licenses spectrum to companies that want to use it. In other words, if you are a wireless company and you want to use a portion of the spectrum—the radio waves going through the air that are owned by the American people—you go to the FCC and say: I want to license that spectrum, and I want to pay for it.

By law—not by custom; by law—the FCC says: OK. To be fair, we are going to hold an auction, and everybody who wants to bid on this portion of the spectrum can submit a bid.

In the last 25 years, the FCC has done an extraordinary job, by the way, of

getting spectrum out to the private sector and getting the American taxpayer paid for its property interest. In the last 25 years, the FCC has conducted over 100 of these auctions. The FCC has brought in \$123 billion for the American people—billion. That is nine zeros. I have met with folks at the FCC who handle the public auctions. They are incredibly experienced. They know what they are doing.

Let me get back to the C-band. When we left off, we were talking about the C-band being perfect for 5G. We have a lot of wireless companies that want to lease it, if you will—want to license it—and the FCC is there in the middle. You would expect that what we would do in this instance is what we always do—we hold a public auction.

It has been estimated that if we hold a public auction, if the FCC holds a public auction and tells all the wireless companies that want to bid to come on down and bid, it will bring in \$60 billion for the American people—\$60 billion. Do you know what we could do with \$60 billion? With \$60 billion, we could put 1 million kids through college for all 4 years. With \$60 billion, we could hire 1 million new cops for a year. With \$60 billion, we could build 7,000 miles of interstate. With \$60 billion, we could make sure that broadband reaches every crevice and corner of America because right now it doesn't.

If you are in a rural area right now—I don't want to overstate my case, but in many instances, if you are in a rural area, you don't have the same broadband both in terms of reach and coverage and speed that people have in a large city, and that is true even before we get to 5G.

We could even give the money back to people. We have 140 million taxpayers in America. If we gave \$60 billion back to 140 million taxpayers, that is about \$430 for every taxpayer in America. I am not suggesting we do that. That is above my pay grade, making that decision. For a lot of people, \$430 isn't that much money, but I have a lot of friends who would say \$430 is a lot of money.

But in the middle of what I just described, we have a hair on the biscuit. We have three companies—and I am not disparaging them. Two of them are headquartered in Luxembourg, and one is out of Canada. They are foreign satellite companies. They have gone to the FCC and they have said: Look, we are going to make you a deal. We know we need to get this 5G, this C-band spectrum, into the market as quickly as possible. We will do the auction for you.

It doesn't matter that the FCC has already done 100 auctions and brought in \$123 billion. These three foreign companies have gone to the FCC and said: Let us do the auction for you because we can do it better and quicker even though we have never done a public auction.

Then they told the FCC: By the way, we want to keep the money. We can do

it faster than you, FCC. Even though you have done 100-plus auctions and we have never done one, just trust us. We can do it faster than you, and we want you to give us the spectrum and let us keep the \$60 billion.

The FCC is considering doing it.

My State has a lot of oil and gas. The Federal Government—the American taxpayer—owns the seabed of much of the Gulf of Mexico. Periodically, on behalf of the American people, the Federal Government leases that seabed to oil and gas companies to explore for oil and gas. When the Federal Government leases the land, the Federal Government takes an upfront cash payment and a portion of any oil and gas that is found.

Can you imagine what would happen if I went to the Federal Government and said: Even though I have never done an oil and gas auction, I can do it faster than the Federal Government even though the Federal Government has done thousands of them. So I want you to give me all the minerals in the gulf and let me do the auction and keep the money.

Can you imagine the reaction if I approached the Federal Government? The people in charge of those oil and gas leases would do one of two things. I would end up in either handcuffs or a straitjacket. But that is what is being proposed here, and for the life of me, I do not understand why the FCC is taking this seriously.

An article just came out a couple of days ago. I will read the first sentence of it. It came out of a periodical called Market Watch on November 11, just a few days ago.

It starts: "A big step in the U.S. deployment of 5G wireless could take place by year's end as the Federal Communications Commission is expected to back a plan from the satellite industry for auctioning off radio spectrum."

They called a couple of investment bankers. One investment bank group is called Height Capital Markets, and another one is called Beacon Policy Advisors. I don't know where they are getting their information, but they are saying that the FCC has already agreed not to do a public auction but to let these foreign companies have the spectrum and get the \$60 billion.

The article goes on to explain that these three companies—these three foreign companies, the two Luxembourg companies and the Canadian company—spent \$515,000 lobbying regulators and lawmakers on its auction plan.

Then I go back and I look at another article that came out not too long ago, and it talks about one FCC Commissioner. It sounds like he is already sold. He was asked about the idea of just giving the spectrum to these foreign companies and letting them keep the money.

Here is what he said: "Most of the criticism of what is known as the CBA proposal"—that is the proposal by the private companies—"shows a lack of



understanding of how the Internal Commission works. . . . [D]on't let anyone try to lecture me on the commission's . . . efficiency and timeliness.

This Commissioner goes on to say:

If someone or some entities make a profit for being at the right place at the right time, I will live with that outcome. In the grand scheme of things, if it is a contest between speed and government trying to extract a significant piece of the transaction through a lengthy process, I'll take the speedy resolution."

Are you kidding me? What planet did he just parachute in from? This is a current member of the FCC. Somebody needs to tell him about the President's Executive order, right here: "Buy American and Hire American." It doesn't say "hire Luxembourg companies." I have nothing against Luxembourg companies; I just prefer American companies. It doesn't say "buy Canadian companies and hire Canadian."

I can tell you what is going to happen if the FCC does this. First of all, the American people are going to lose \$60 billion. No. 2, they are going to get sued. They say they can do it faster—I don't believe them—but I know this much: I know a little something about litigation. I used to do it for a living. They are going to be tied up in court for about 10 years—I can tell you that—because the Federal Communications Act requires a public auction.

I can tell you what else is going to happen. The people who live in rural communities are going to get the little end of nothing because we won't be able to control who gets this C-band. I will bet you that the companies that end up with it start—and I hope I am wrong—and remain in the cities. So if you live in the country, where I was raised, you won't get the benefit of 5G.

Also, if we give it to these three foreign companies and they get to decide who gets the C-band, how do we control who ends up with our spectrum? What if they give it to Huawei? What if they give it to a company that violates our national security and our national intelligence?

This is a really bad idea, folks. There is a bill that has been offered. It is a bipartisan bill in the House. I am going to sponsor it in the Senate. It is offered by two Republicans and two Democrats. The bill is very simple. It says: Do the right thing. This spectrum belongs to the American people. This C-band belongs to the American people. That \$60 billion belongs to the American people. I am asking my friends at the FCC to do the right thing. Do what you have done 100 times already, and let everybody bid. Let everybody bid. Take the \$60 billion that you get from the American people, and let's spend it on something the American people need.

I thank you for your time and attention.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. BROWN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

UNANIMOUS CONSENT REQUEST—S.R. 420

Mr. BROWN. Madam President, earlier this week, we celebrated Veterans Day, a day we honor the sacrifice and the service of those who fought in Normandy and Pearl Harbor and Inchon, at Khe Sanh, Somalia, Bosnia-Herzegovina, Kandahar, Mosul, and everywhere else where veterans work to protect our country. We owe them and their families a debt that we often fall short in repaying. That is what this is about today.

For years, the VA has been presented with scientific information from the National Academy of Sciences making it clear that the list of the conditions stemming from Agent Orange exposure is extensive. It includes hyperthyroidism, bladder cancer, Parkinson's-like symptoms, and hypertension. In the late iteration of the Veterans and Agent Orange Exposure Update 11, published a year ago, the National Academies recognized that those illnesses—hyperthyroidism, bladder cancer, Parkinson's-like symptoms, and hypertension—all have suggestive or sufficient evidence associated with Agent Orange.

Historically, the VA added illnesses in those two categories to the list of presumptive medical conditions associated with Agent Orange exposure. On a bipartisan basis, this Congress has done the right thing time after time. We are all on the same side when it comes to helping veterans who were exposed to Agent Orange in Vietnam.

We recently found out that former VA Secretary Shulkin decided to add three of these conditions to the list of presumptive medical conditions associated with that exposure only to have OMB—the Trump administration—block his decision. In an email to Director Mulvaney, Secretary Shulkin said adding these conditions was "imperative." Yet no action took place. There are 83,000 veterans living with at least 1 of the presumptive medical conditions—83,000. They are in Tennessee. They are in Georgia. They are in South Dakota. They are in Ohio. In a discussion with blue water Navy veterans last week, I learned that since the Department put a stay on adjudicating their Agent Orange claims earlier this year, 12 veterans have died. Time is running out. Some might accuse this body of waiting until they all die. As hard as it is to say that and hear that, we are waiting until they all die before we move.

For whatever political reason the administration seems to place on this, we need to ensure that veterans receive the healthcare and the compensation they earned. They shouldn't have to fight these one at a time when there are sick men and women veterans of

Vietnam. We did this to them. The American Government decided to spray Agent Orange. We knew it was harmful. We know it is harmful. We knew it then, and we know it now. The chemical companies knew and the government knew. Why does the administration now think it is OK to abandon our commitment to these veterans? If you are exposed to poison while serving our country, there should be no question that you deserve the benefits you earned. Period. No exception.

Madam President, as in legislative session, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 420, encouraging the President to expand the list of the Department of Veterans Affairs of presumptive medical conditions associated with exposure to Agent Orange to include parkinsonism, bladder cancer, hypertension, hypothyroidism, which was submitted earlier today; I further ask that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. ISAKSON. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Georgia.

Mr. ISAKSON. Reserving the right to object, I want to say to my committee member how much I appreciate his dedicated work. In the committee, we work on a lot of things, including the diseases in here, getting presumptive conclusions done so we can cover as much as possible, but medicine is not exact. Diseases are not exact. Circumstances are not exact. When you make a decision to include a benefit for our veterans, you are making a commitment to spend that money from the taxpayers of the United States of America.

In the committee—and the Senator is part of it, and he knows this because I helped him a lot—we just approved blue water Navy funds, which is going to be one of the largest increases in the history of benefits going to our veterans. We are circumventing into that some of the due diligence—which you really ought to do before you make a presumption of the diseases caused in all cases.

I am an alumni of the Georgia Air National Guard and a veteran. I am chairman of the committee. I think the world of the Senator from Ohio. What he is trying to do is great and right, just as he wanted to lead us to help get us where we got to on the blue water Navy funds, but I object to this motion as one who would benefit because I have Parkinson's. I went into service during the 1960s, during a year that would be considered the Vietnam era. I didn't serve in Vietnam, but I served in that era, so I would have consideration if I got Parkinson's disease—which I have Parkinson's. Then they can use that as a conclusion to find out if it

was presumptively caused or not by the exposure I had.

I am just telling you as one who, if I wanted to, could take a benefit from this end run. I am not going to do it because I think it is time, as chairman of the committee—that it is time we make sure that every benefit we promise veterans, that we have the money to do it so we don't spend too much money on other benefits and leave ourselves short for theirs.

I object to the motion.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. Senator ISAKSON knows this is no sort of false kind of flattery. He knows how much I think of him. He runs the most bipartisan committee in the Senate. I have been honored to be on it my entire 13 years in this body. No Ohioan ever served on this committee as long as I have. I consider that a privilege, No. 1, and an opportunity to pay people back.

I didn't serve in the military. I know Senator ISAKSON did. President Trump had deferments from Vietnam. He didn't serve in the military. I think that maybe perhaps, because I didn't serve in the military, I should work a little bit harder to make sure those people, most of whom are older than I by a little bit, during the Vietnam war—that they be treated better than they were by the country and by the public upon their return from Vietnam; that they, in this case, get the benefit of the doubt and the history of what happened with Agent Orange.

You may remember years and years ago, veterans—people who had fought in Vietnam and had been exposed to Agent Orange—had to prove, initially, case by case, why they got sick, which was darn near impossible, especially when you are sick, trying to do that and go through that pain.

Congress, on a bipartisan basis, did the right thing back then. They put a list of these illnesses together that exposure to Agent Orange was likely responsible for. If you had one of these illnesses and you were boots on the ground in Vietnam, you automatically qualified. You didn't have to fight in court. You didn't have to get lawyers or do any of that. That was then.

Now, even though Secretary Shulkin—and I don't know how many Secretaries have come and gone. The President can't seem to keep Secretaries of the VA or staff of the VA because of the erratic policy he follows with veterans. The President of the United States goes to New York and makes a great speech about veterans, and we all applaud that, but then he is not willing to give them the benefit of the doubt. These are four illnesses Secretary Shulkin thought—you heard the term I used earlier, which is the term he used—he used the term about these conditions that it was “imperative” that we do something.

I understand as well as anybody how important it is to protect taxpayers. I also remember less than 2 years ago

that Congress gave a tax cut—hundreds of billions of dollars, and 70 percent of it went to the richest 1 percent of people in this country—and we can't come up with a few billion dollars to help veterans who are dying from these four illnesses? We can't expand this list and give them healthcare as we try to comfort them at the VA in Cleveland and Dayton and Cincinnati and Columbus and in Atlanta—all over? This is no end run around process. These aren't four illnesses I heard somebody talk about in Steubenville or Cleveland that ought to be covered. These are four illnesses the VA has looked at, the scientific community has looked at, the medical community has looked at, and Secretary Shulkin—who served as Secretary of the VA, appointed by President Trump, initially was acting under President Obama—we can't give them the benefit of the doubt? This is no end run. We can't give them the benefit of the doubt and say, yes, we should cover this. I hope the chairman of the Veterans' Committee—that at some point we can sit down and talk and he can reconsider.

Why do we think we need to protect President Trump, who, like me, didn't serve in the military? For me, it—I will not get into that. But why can't we help these veterans and give them the benefit of the doubt, cover these illnesses, and move forward with the VA taking care of people the way we should?

The PRESIDING OFFICER. The Senator from South Dakota.

#### UNITED STATES-MEXICO-CANADA AGREEMENT

Mr. THUNE. Madam President, it has now been 13 months since the administration concluded negotiations on the United States-Mexico-Canada Free Trade Agreement. It has been 13 months of uncertainty for U.S. farmers and ranchers, manufacturers, small businesses, digital firms, financial institutions, and many others. It has been 13 months of wondering what the rules of the road on trade are going to look like going forward.

We should have passed the United States-Mexico-Canada Agreement months ago. The Republicans in the Senate have been ready to take up this agreement for a long time, but trade agreements have to be considered by the House of Representatives first, and the House of Representatives is controlled by the Democratic Party, which is far more interested in partisan pursuits than in actually doing any meaningful legislating.

While the House Democrats are happy to consider far-left messaging bills that have no chance of going anywhere, they have no interest in working with the Republicans to actually get something signed into law. Why? The Democrats have convinced themselves that partisan posturing is more important than securing a bipartisan legislative victory, like a strong, new trade deal that will benefit the American economy. So they are currently opposing a trade agreement that would benefit millions of American workers.

Let's be very clear. The Democrats' decision to prioritize partisan politics is having real consequences for the American people. Right now, the members of our military are unable to fund new priorities because the Senate Democrats are blocking the consideration of Defense appropriations. Farmers and ranchers in my home State of South Dakota and around the country are struggling, but the House Democrats refuse to move forward on a trade deal—the United States-Mexico-Canada Agreement—that would bring them relief.

Thanks to low commodity and livestock prices, natural disasters, and protracted trade disputes, farmers and ranchers have had a tough few years, and one of the biggest things we can do to help them is to take action on trade. Our Nation's farmers and ranchers depend on trade.

When I talk to farmers and ranchers at home in South Dakota, they emphasize that the most important thing Washington can do to boost our agricultural economy is to take action on trade agreements. Farmers and ranchers need access to new and expanded markets for their products, and, just as importantly, they need certainty about what international markets are going to look like going forward.

The United States-Mexico-Canada Agreement would help to meet those needs. It would preserve and expand farmers' access to two critical export markets, and it would give farmers certainty about what these markets will look like long term.

I am particularly pleased with the improvements the agreement makes for dairy producers. South Dakota has experienced a major dairy expansion over the past few years, and this agreement will benefit U.S. dairy producers by substantially expanding market access in Canada, where U.S. dairy sales have been restricted. In fact, the U.S. International Trade Commission estimates the agreement will boost U.S. dairy exports by more than \$277 million.

The agreement will expand market access for U.S. poultry and egg producers, and it will make it easier for U.S. producers to export wheat to Canada.

Of course, the benefits for the agricultural industry are just one part of this agreement. From manufacturing to digital services, to the automotive industry, virtually every sector of our economy will benefit from the United States-Mexico-Canada Agreement. The USMCA breaks new ground by including a chapter specifically focused on small and medium-sized businesses. It is the first time that a U.S. trade agreement has ever included a dedicated chapter on this topic. Roughly, 120,000 small and medium-sized businesses around our country export goods and services to Mexico and to Canada. The USMCA will make it easier for these businesses to successfully export their products.

It would be nice if the House Democrats woke up tomorrow and decided that 13 months was long enough to make America's farmers and ranchers and manufacturers and small business men wait for the United States-Mexico-Canada Agreement, but my hopes of seeing action from the House grow dimmer each day.

The Democrats in the House should be addressing the American people's priorities. American workers shouldn't be sacrificed for the Democrats' partisan political goals. I hope that enough of my Democratic colleagues in the House of Representatives will urge their House leadership to bring up the United States-Mexico-Canada Agreement in the very near future. Americans have waited long enough.

The PRESIDING OFFICER (Mr. CRAMER). The Senator from Ohio.

Mr. BROWN. Mr. President, I appreciate Senator THUNE's comments about the USMCA. Some might call it NAFTA 1.6. It just doesn't do very much. I was not in this body when NAFTA passed. I was down the hall in the House of Representatives. I voted against it.

I saw what NAFTA did to my State and what it did to our country in the number of lost manufacturing jobs. States in the industrial Midwest still have not recovered from that legislation, from that trade agreement—the North American Free Trade Agreement. During the Clinton administration, I opposed the President of my own party on this. In the Bush administration, the other party pushed the one for Central America. There was one after another after another of these trade agreements, and we see the lost jobs. President Trump made a huge campaign promise that he was going to do something about it, and this agreement simply doesn't do it.

We have talked to the U.S. Trade Representative repeatedly about enforcing labor standards. The whole point of fixing this agreement is so that companies will not shut down in Mansfield, in Zanesville, and in Lima, OH, and move to Mexico to build plants there and sell the products back to the United States. Yet do you know what is happening? Even the USMCA has no language in it that is going to stop the outsourcing of jobs. So, if this Congress moves on the USMCA, you can bet that month after month after month, we are going to lose manufacturing jobs, that the business plan of shutting down production in Ohio, in Rhode Island, in North or South Dakota, or in Montana will continue, and that the USMCA will not do anything about it.

This is the same President who went to Youngstown, OH, as Lordstown was about to shut down, and said: Don't sell your homes. We are going to bring those jobs back.

No, we aren't. GM moved more and more jobs to Mexico at the same time it shut down the GM plant in Lordstown, OH. There were 4,500 jobs lost. This USMCA is simply a

wallpapering over of an agreement. It doesn't do what you have to do to stop the outsourcing of jobs.

I look at trade agreements in one way. Does it mean more jobs in our country or does it mean fewer jobs? The USMCA will do nothing to stem the tide of jobs that are moving to Mexico. That is why we should go back to the table and include the Brown-Wyden amendment on labor enforcement—language that will, in fact, mean there will be more prosperity in both countries.

I thank Senator WHITEHOUSE for yielding the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I am not going to be that long. I ask unanimous consent to speak for up to half an hour as in morning business.

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

#### TRIBUTE TO ADENA LEIBMAN

Mr. WHITEHOUSE. Mr. President, today is my 258th "Time to Wake Up" speech, and I want to use this occasion to take us back to our oceans.

Before I get into the substance of my remarks, I note that this will be the last "Time to Wake Up" speech during which Adena Leibman will be with me. She has been closely involved in all of my office's oceans work. She has, indeed, led it. She came to my office as a Knauss fellow.

We loved Dean Knauss in Rhode Island. He was the dean of the Graduate School of Oceanography at the University of Rhode Island. In working with Senator Pell, he helped to launch NOAA, helped to start the Sea Grant Program, and was extremely significant in the ocean work of our government. So one being a Knauss fellow—one of the Knauss legacies—is a really big deal and is a particularly big deal in Rhode Island.

Adena has been coordinating the oceans work now for 4 years and has also been coordinating our appropriations work. In the time that Adena has been working on this, the bipartisan Oceans Caucus, which Senator MURKOWSKI and I established, has grown to 40 Members. It is very bipartisan. It is very effective. We set it up as a working caucus, and it is working.

Adena helped us get the Coastal Resilience Fund passed into law. It is now producing tens of millions of dollars in grants for coastal communities that need the support as sea levels rise.

She helped to get the Save Our Seas Act passed. That was a unanimous effort. DAN SULLIVAN, of Alaska, was a remarkable partner in all of that. The participants in that included leaders from landlocked States. Senator INHOFE was a real leader on that bill. We had such a good time with it that we are now working on Save Our Seas 2.0, which today came through the Commerce, Science, and Transportation Committee after having passed the Foreign Relations Committee unanimously and the Environment and

Public Works Committee unanimously. We are hoping that soon we will be able to organize the floor consideration of it and, perhaps, pass it by unanimous consent in the way we did with the Save Our Seas Act. The work of all of that progress in those committees and the negotiating of Save Our Seas 2.0 was led by Adena.

Lastly, this week, I started going around to collect cosponsors for Senator MURKOWSKI's and my BLUE GLOBE Act, which is the ocean data monitoring bill that we have worked on and are now ready to launch. An enormous amount of preparatory work goes into getting that ready—getting supporters lined up and doing all of the work of cross-referencing the different points of view—and getting a bill that we also hope stands a good chance of passing this body by unanimous consent. So I give the speech with gratitude to Adena for her work.

#### CLIMATE CHANGE

Mr. President, the oceans send a clear and consistent signal about climate change, and it is a signal that has been untainted by fossil fuel industry propaganda attacks that have been problematic in other areas. The signals are untainted for good reason, because it is hard to dispute sea level rise measured with tide gauges all around the country. It is hard to dispute acidification that is measured with the kind of pH test kit that a middle school science classroom has, and it is hard to dispute rising ocean temperatures that are measured with that complex, analytical device—the thermometer. Even the fossil fuel industry has trouble fouling the climate signals from our oceans.

The recent "Special Report on the Ocean and Cryosphere in a Changing Climate" confirms through grim data that the health of our oceans is in rapid decline, and it confirms that these changes are caused not by nature but by man. Headlines extracted from the report are pretty alarming.

These are quotes: "The global ocean . . . has taken up more than 90 percent of the excess heat in the climate system."

" . . . the rate of ocean warming has more than doubled."

"Marine heatwaves . . . are increasing in intensity."

" . . . the ocean has undergone increasing ocean acidification."

" . . . mean sea level is rising. . . ."

"Increases in tropical cyclone winds and rainfall . . . increases in extreme waves . . . extreme sea level events and coastal hazards."

" . . . multiple climate-related hazards. . . ."

As if that is not enough, "the ocean is projected to transition to unprecedented conditions."

It is a grim warning.

Look at acidification. Ocean acidification is a chemical phenomenon. It is not deniable. You can replicate it in a middle school science lab. You can demonstrate it with your breath and a

glass of water and an aquarium bubbler and a pH strip, as I have done from this desk.

The oceans absorb around 30 percent of our excess CO<sub>2</sub> emissions in a chemical interaction that takes up the CO<sub>2</sub> but acidifies the seawater. Off our west coast, the humble pteropod is a building block in the oceanic food chain. Studies show the pteropod suffering “severe shell damage,” worsened by acidification. It is hard to make and maintain a shell in acidifying seas. Coral reefs are dying from acidification. The great ocean die-offs in geologic eras before humans existed were signaled by ocean acidification. So that is serious.

Look at heat. The oceans absorb over 90 percent of the excess atmospheric heat—not 30 percent like the CO<sub>2</sub>—that we have trapped in our atmosphere with greenhouse gas emissions.

So think about it. All the terrestrial effects that we are already seeing from climate change come from less than one-tenth of the excess heat that we have trapped. The heat going into the oceans is sparing us humans a real catastrophe, but all that heat is changing the oceans. It is four Hiroshima-size bombs’ worth of heat energy added to our oceans every second—four Hiroshima explosions worth of heat energy per second is the rate of ocean heating. The rate of this ocean heating has already doubled, and the ocean is projected to absorb from five to seven times more heat by 2100. So it is heating at the rate at which its heating is accelerating.

What does that mean? Well, warming seas expand—that is a basic law of physics—and along with melting glaciers and ice sheets, that means seas rise: so far, about 6 inches globally; on Rhode Island shores, already nearly a foot. On our current trajectory, that is more than 3 feet globally by 2100 and more than 6 feet along our shores in Rhode Island.

This is northern Rhode Island. This is Narragansett Bay, and all of these areas that you see that are blue are land now. They are peoples’ homes. They are peoples’ businesses. There are roads and infrastructure—all projected to disappear, all projected to be swallowed by rising seas by the end of the century if we keep fiddling around here and not paying attention.

The First Street Foundation calculates that coastal communities like these along our east coast and in the Gulf of Mexico States have already lost more than \$15 billion in relative property values as the insurance and mortgage markets start to look at sea level rise and flooding, and it affects housing prices.

In Rhode Island alone, they estimate about \$45 million in relative property value lost. Predicted ahead is a coastal property values crash. That is not coming from an environmental organization. That is coming from Freddie Mac, the great American mortgage corporation.

And it is global. The New York Times recently reported new research “that some 150 million people are now living on land that will be below the high-tide line by mid-century”—150 million people.

A UK study warns global sea level rise could cost \$14 trillion annually by 2100.

This is what Freddie Mac has to say about this coastal property values crash: “The economic losses and social disruption of the coastal property values crash may happen gradually, but they are likely to be greater in total than those experienced in the housing crisis and Great Recession.” For those of us who lived through the 2008 meltdown, we don’t want to go there again. Freddie Mac is forecasting that it is going to happen because of coastal property values.

Look here to the Pacific. A new Climate Central study shows that “chronic coastal flooding or permanent inundation threatens areas occupied by more than 10 percent of the current population of nations including Bangladesh, Vietnam, and many small island developing states.”

Here is the southern part of Vietnam, swallowed up by high tide in 2050. That was the projection just a few years ago with the flooding that was going to come into the Vietnam delta area, up here, in Ho Chi Minh City, or Saigon. This is the new projection for 2050—all of it under water, including a good part of Saigon City.

As one of the authors of the report said, “most sea level rise here between now and 2050 is already baked in.” Decades more of sea level rise means the fate of many coastal communities here and around the world is already sealed, which may explain the 2013 warning by the commander of our U.S. forces in the Pacific that upheaval related to climate change “is probably the most likely thing that is going to happen . . . that will cripple the security environment.” He said:

You have the real potential here in the not-too-distant future of nations displaced by rising sea level. . . . If it goes bad, you could have hundreds of thousands or millions of people displaced and then security will start to crumble pretty quickly.

Well, here it is, as predicted by our Navy in 2013.

Thankfully, countries around the globe are awakening to the problems in our oceans. In 2015, I fought to protect a mention—a mention—of oceans in the Paris climate agreement. This year’s original host, Chile, christened the entire upcoming climate meeting a “Blue COP” with a blue vision of repairing ocean health.

I attended, as a U.S. congressional delegation of one, this year’s international Our Ocean conference in Oslo, where advocates, corporations, and governments from around the world, even the helpless Trump administration, made national and corporate and regional ocean commitments.

Norway leads a panel of 14 nations—14 heads of state and the United Na-

tions Special Envoy for the Ocean, advised by people like our own former NOAA Administrator, Jane Lubchenko. A recent panel report outlined five major ocean initiatives that could reduce 20 percent of global emissions by 2050.

The United Nations also declared the 2020s the “Decade of Ocean Science for Sustainable Development.” The world has turned toward action on oceans.

Now, usually, in confronting threats of this magnitude, the United States sets an example of leadership. We are abandoning that tradition. In conversations about climate change and ocean challenges, the United States is, at best, absent. At worst, we are the obstruction. That is a mistake. The United States should not lose its place as an international leader, not if we care about our vaunted role as the indispensable Nation and not if we care about the security and prosperity of our democracy.

It doesn’t have to be this way. Other ocean threats have prompted Congress to do what is right. We passed international fisheries treaties and the Port States Measures enforcement law. We did it unanimously here in the Senate, and now satellites are seeking out and tracking pirate fishing ships to bring them to justice.

We passed our first marine plastics legislation unanimously, and a bigger, better marine plastics bill is moving in the Senate right.

Now Senator MURKOWSKI and I are moving the biggest ocean data bill since NOAA was founded through our bipartisan Oceans Caucus.

So, yes, we can do better, and we must.

Henry Kissinger once told me that the great revolutions of the world have come about from what he called a confluence of resentments. Well, the poorest—those who depend most closely on the oceans, those who lead subsistence lives—will suffer most the brunt of the coming crisis, and they will resent it.

Look at fisheries. The poorest starve when their fisheries collapse. Others are distressed when fisheries collapse but have the resources to migrate or find alternative food sources. For wealthy nations, like ours, the fish in our air-conditioned supermarkets may cost a bit more, but our lives aren’t seriously affected. But when the poor and distressed are hurt like that, they will resent it. That is human nature, and if you turn the pain up high enough, well, good luck defending to them the systems of parliamentary democracy and market capitalism that countenanced their suffering.

Years ago, Daniel Webster described the work of our Founders as having set the world an example. He went on to say that “the last hopes of mankind, therefore, rest with us.” From Jonathan Winthrop to Ronald Reagan, we have called America “a city on a hill,” set high for the world to witness. President Clinton argued that “people . . . have always been more impressed by

the power of our example than the example of our power.’

We still tout our system of democracy and capitalism as a beacon of success and progress, but we have aided and abetted the failure of our system to address the climate and oceans crisis. Worst of all is the reason for it—the fossil fuel industry’s menacing climate denial apparatus. That apparatus may have won the day influencing Congress for now, but it will surely fail the test of time. History will judge harshly an American generation that let its democracy be corrupted by this industry.

The voice of the oceans is more lasting than the greed and folly of man, and it warns of consequences driven by laws of chemistry, physics, and biology. These stern natural laws cannot be repealed or vetoed. Propaganda can manipulate people, passions, and politics, but propaganda cannot change the immutable laws of nature. The data are the voice of the oceans, and if data could scream, the oceans would now be screaming.

So to paraphrase a poem, let us be the “voice the sea would have if it had not a better one: as it lifts . . . its rumbling, deep-structured roar.” Let us wake up and get to our duty.

“Slap Nature,” Pope Francis said, “and she will slap you back.” We have a hell of a slap coming if we don’t get ahead of this, and we better wake up to it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

NOMINATION OF STEVEN J. MENASHI

Mrs. MURRAY. Mr. President, I have come here before to call out Senate Republicans and their unwavering support for President Trump’s efforts to pack our courts with partisan and ideologically driven picks, but the nominee I am speaking against today is truly uniquely unfit to serve a lifetime appointment—a lifetime appointment—on a Federal court: Steven Menashi.

Mr. Menashi has a deeply disturbing history of disparaging comments against women, communities of color, immigrants, and the LGBTQI community.

He unabashedly helped to roll back protections for vulnerable communities. He defiantly refused to answer basic questions from U.S. Senators, both Democrats and Republicans, about the policies he worked on while advising the President. He has time and again put extremism and ideology ahead of the rule of law, and he has proven himself incapable of serving as a fair and impartial judge.

As if his record of extremism and partisanship wasn’t bad enough, we now know that Steven Menashi not only helped but was the key architect in Secretary DeVos’s efforts to illegally deny relief to student borrowers who were cheated by predatory for-profit colleges. These policies that Mr. Menashi provided “legal advice” for were subsequently ruled to be in violation of Federal law.

Secretary DeVos’s policy on borrower defense led to her being held in contempt of court. Whether Mr. Menashi did not understand Federal law or whether he advised the Secretary of Education to blatantly ignore it at the expense of students, the fact is that this latest revelation undoubtedly and unequivocally disqualifies him from serving a lifetime appointment on a Federal court—or, at least, it should.

Tomorrow, the Senate will take a critical vote. This is a vote on whether the Senate once again rubberstamps President Trump’s unprecedented effort to remake the Federal judiciary on a partisan ideological basis. It is a vote that shows whether Republicans are willing to support a judicial nominee whose actions—his own actions—have been found to violate the law as recently as just a few weeks ago.

I implore my Republican colleagues to consider not just Mr. Menashi’s record of bigotry and the harm he helped cause to cheated and defrauded students, but also his blatant disregard of the rule of law.

When casting their vote, I ask my colleagues not to worry about what the President might say on Twitter, but to worry about the rule of law and to worry about the idea yet another partisan nominee getting a lifetime on the Federal bench who doesn’t. It is that simple.

Thank you, Mr. President.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

SURVIVORS’ BILL OF RIGHTS IN THE STATES ACT  
OF 2019

Mrs. SHAHEEN. Mr. President, I am pleased to join Mr. GRASSLEY from Iowa on the floor today to talk about important legislation that we are cosponsoring that built upon previous efforts that both of us were engaged in to protect survivors of sexual assault in the criminal justice system. The efforts to extend rights to sexual assault survivors across the country is critically important, and I am hopeful that, once our legislation is known to our colleagues, that they will join us in passing this important bipartisan bill.

Amanda Nguyen of the Rise organization initially contacted our office in 2015. I know she also worked with Senator GRASSLEY. When she came to us and detailed her harrowing story of sexual assault, she was raped, and then she felt like she was raped again by a criminal justice system that was not responsive to the challenges of survivors of sexual assault. Amanda described the system that further traumatized survivors and provided scarce protections for their rights.

Evidence of assault was being destroyed without survivors’ consent, and survivors were forced to periodically follow up with law enforcement to preserve that evidence. The broken process that survivors were forced to endure resulted in a system where they were often re-victimized. Instead of a process that helped them move forward

with their lives as they pursued justice, survivors were confronted with the trauma of reliving their attack each time they sought to preserve evidence or gather information about their case.

Well, because of Amanda’s efforts, the Sexual Assault Survivors’ Rights Act was created. It was legislation that provided for the first legally recognized set of rights for survivors that could be enforced in a court of law. Senator GRASSLEY took that legislation, he included it in the Adam Walsh Reauthorization Act, and it was signed into law. It has provided survivors with greater protections in Federal cases because of focus on notice, on access to evidence, and on the preservation of sexual assault evidence collection kits.

By creating this set of court enforceable rights at the Federal level, Congress established a model for the States to adopt similar legislation to protect the rights of survivors. So far, 21 States, including my home State of New Hampshire, have adopted that legislation to guarantee survivors certain basic rights in the criminal justice system.

Now, unfortunately, we are trying to figure out how to encourage other States to follow the lead of Congress, States that have not yet adopted legislation protecting survivors. That is why the bill that Senator GRASSLEY and I are here to discuss today is so critically important. The Survivors’ Bill of Rights in the States Act, the legislation we are cosponsoring, would establish a grant program accessible to States that have in place a law which guarantees the rights contained in the Sexual Assault Survivors’ Rights Act.

The grand amount would be a percentage of the funding that the State receives under the Stop Violence Against Women Formula Grant Program. States could then use the funds to implement survivor rights, preserve sexual assault evidence collection kits, reduce the backlog of kits, and provide support for victim services.

Congress has previously passed legislation using the Stop Formula Grants to incentivize States to adopt legislation, and this is the perfect example of why that kind of an approach would be successful. No survivor should be compelled to bear the indignity of petitioning law enforcement merely to ensure that they are given a fair shake in the criminal justice process. It is my hope that this legislation will lead to an increase in States passing bills to protect survivors’ rights.

I think it is important that Congress again show survivors that we are behind them, that we will stand up with them for their rights. The Survivors’ Bill of Rights in the States Act would do just that.

I am so pleased to be joining Senator GRASSLEY in this effort. I think, with this bipartisan support, we can get support from all of our colleagues to enact this follow-on legislation into law and provide the additional support that survivors need.

Thank you, Mr. President.

I yield to my colleague, Senator GRASSLEY.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, first of all, it is a pleasure to work with Senator SHAHEEN on this bill. I am very happy to work together. We have the same goals in mind. For the cynical people outside of Washington, DC, that say there is never any Republican or Democratic cooperation, there is kind of a rule around here that Senator SHAHEEN and I are examples of, but it applies to all 100 Senators.

If you really want to get something done, you have to seek bipartisanship in this body. I can quantify that in this way. There are 53 Republicans. There are 47 Democrats. But if there were 53 Democrats and 47 Republicans, the same rule would apply.

About 99 percent of the legislation that gets done around here has to have 60 votes to stop debate before you can even vote on the bill. So obviously, even if all 53 Republicans were voting together—and that doesn't happen very often—you still wouldn't get the 60 votes to pass a piece of legislation. So that is why almost every major piece of legislation that gets through here—and this example of Shaheen-Grassley is just another example—it is because you seek bipartisanship, and it is just nice that it has to be that way.

So addressing this issue, I can say I associate myself with the remarks of Senator SHAHEEN and sit down, but there is kind of a rule around the Senate. Everything that has been said on this bill has been said, but I haven't said it yet, and I am going to say it.

I recently introduced S. 2770, known as the Survivors' Bill of Rights in the States Act of 2019, with Senator SHAHEEN and Senator TILLIS. This measure is a companion to what Congresswoman SPEIER developed and introduced in the other Chamber. It builds on legislation entitled the Survivors' Bill of Rights Act that we adopted in 2016.

As chairman of the Senate Judiciary Committee in the last Congress, I worked closely with a young woman, Amanda Nguyen, on the development of that 2016 measure prior to its introduction. Amanda, a survivor of sexual assault, found and leads the nonprofit organization known as Rise, R-I-S-E.

She also worked with Senator SHAHEEN on the same legislation, introducing the final version in this Chamber. We incorporated that 2016 package of rights into an amendment that I offered to another measure before the Senate Judiciary Committee. In May 2016, that legislation passed this Chamber 89 to 0. In October 2016, the House version, which was introduced later, was signed by the President.

The bills that we introduced this month on the 2016 Survivors' Bill of Rights, it makes each State eligible to receive a Federal grant to implement a similar package of rights for victims of

sex crimes at the State level. Such rights include, for example, the right to know the results of your forensic exam, the right to have evidence preserved for a certain period, and the right to notice before your forensic kit is destroyed.

A State also may use its Justice Department grants to preserve sexual assault evidence kits, reduce the number of kits awaiting testing, and extend additional assistance to crime victims under our legislation. Finally, the measure we introduced authorizes 20 million annually for each of the fiscal years 2021 through 2024 to support the implementation of the new grant program established by this bill. I urge my colleagues to join us in cosponsoring the Survivors' Bill of Rights in the States Act of 2019.

I thank Senator SHAHEEN for joining in this effort and leading this bill and, most importantly, to compliment her over a long period of time in the Senate—and probably even before she came to the Senate—her commitment to working with me and with people generally on the issue of increased protection for victims of sexual assault.

Again, I thank Congresswoman SPEIER and her staff for initiating this measure in the House and for working so hard to develop a bicameral, bipartisan measure, and I thank Senator SHAHEEN once again.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

## LEGISLATIVE SESSION

### MORNING BUSINESS

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to legislative session and be in a period of morning business, with Senators permitted to speak for up to 10 minutes each.

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

### SAFESPORT ACT OF 2019

Mr. GRASSLEY. Mr. President, this week I introduced S. 2838 with Senators ERNST, BLACKBURN, SULLIVAN, MURKOWSKI, and PERDUE. This legislation, which we have titled the SAFESPORT Act of 2019, includes funding accountability, antiretaliation protection, child abuse reporting, and other reform measures.

I want to take this opportunity to thank the Commerce Committee members who lead the Senate subcommittee with jurisdiction over the Ted Stevens Act, along with Commerce Committee Chairman WICKER, for including so much of my SAFESPORT Act as an amendment to a larger package that they developed. That measure is S. 2330, the Empowering Olympic and Amateur Athletes Act of 2019, sponsored by Senators MORAN and BLUMENTHAL.

Senators MORAN and BLUMENTHAL worked closely with me to secure the inclusion of multiple provisions of my SAFESPORT Act in their bill, which cleared the Commerce Committee this morning with unanimous bipartisan support. Every one of these provisions is designed to ensure that the U.S. Center for SafeSport, which is tasked by Congress with investigating abuse of athletes in amateur sports, continues on its current track of excellence. I extend my sincere appreciation to both subcommittee leaders for their hard work on S. 2330 and for collaborating with me to improve their bipartisan bill.

First, the SAFESPORT Act would enhance child abuse reporting, by ensuring that the Center for SafeSport is subject to the same mandatory reporting requirements as other professionals who work with children, under the Federal Victims of Child Abuse Act. By law, this center is tasked with receiving and investigating complaints of sexual abuse in amateur sports, which is why its personnel should have to report suspected crimes against children to the authorities.

Second, this bill ensures that the Center for SafeSport, a private organization that already receives millions annually in revenue from the Olympic community—and which would receive \$20 million annually, at the direction of Congress, if the Moran-Bhimenthal bill is enacted—is subject to an annual audit by an independent auditor. Such an audit is highly recommended by charity watchdog groups for the highest functioning nonprofit organizations. It is also a standard requirement for almost any nonprofit charitable organization receiving Federal grant awards of more than \$750,000 annually. My legislation also calls for the Center for SafeSport to implement any corrective actions recommended by the auditor each year or explain why it disagrees with the recommendations.

Third, this legislation subjects the Center for SafeSport to certain transparency requirements, ensuring, for example, that this organization reports to Congress annually with a detailed account of its activities, any changes in its financial standing, and a corrective action plan to implement auditor recommendations, if any. We are entitled to know how many complaints the organization investigates and resolves using the millions of dollars it receives from the U.S. Olympic community each year. Such information would be made available to the public, under the SAFESPORT Act.

The Commerce Committee included all of these accountability, transparency, and child abuse reporting provisions, as well as the antiretaliation language of my SAFESPORT Act in the package it approved today. That antiretaliation language, on which I collaborated with Senator PETERS, protects whistleblowers who come forward and report abuses in amateur sports. I thank Senator PETERS for his collaboration on that language. I am delighted

we made this progress and look forward to working with the committee to ensure it is enacted.

The only language that the committee did not accept, due to jurisdictional concerns raised by Senators BLUMENTHAL and MORAN, was the grant accountability language in the SAFESPORT Act. One section of my bill, which bars nonprofits receiving Justice Department grants from stashing funds in offshore accounts for tax avoidance purposes, among other requirements, has cleared the Judiciary Committee with bipartisan support on multiple occasions. Chairman GRAHAM approved its inclusion in the Commerce package, and Ranking Member FEINSTEIN has cosponsored similar language on multiple occasions. So I am disappointed that these reforms were omitted from S. 2330 today. Senators BLACKBURN and SULLIVAN, who joined with me in seeking the inclusion of that grant accountability language in that Commerce Committee package today, have called for adding it to S. 2330 before its floor consideration.

I look forward to working with the leaders of the Commerce Committee to achieve that goal. The only other key provision of my SAFESPORT Act that was not included in S. 2330 would enable the Attorney General to seek the removal of officers and directors of the Center for SafeSport, in the event these individuals engage in serious misconduct or material violations of the Ted Stevens Act.

I urge my colleagues to join me in cosponsoring S. 2838, the SAFESPORT Act, which is so important to ensure that the organization tasked by Congress with protecting amateur athletes retains its current, high standard of excellence. I, again, thank Senator PETERS as well as my cosponsors, particularly Senators BLACKBURN and SULLIVAN, for helping me negotiate for the inclusion of so many provisions of the SAFESPORT Act in the bipartisan measure that cleared the Commerce Committee. I also want to thank my committee staff, including Kolan Davis, Evelyn Fortier, Rachael Soloway, and Dario Camacho for their hard work on this measure. Finally, I thank the organizations, such as Fairness, Dignity & Respect for Crime Victims & Survivors Project, which endorsed this legislation, as well as the Athletes Advisory Council, which worked with us on the antiretaliation provisions.

#### REMEMBERING THOMAS M. OWENS

Mr. DURBIN. Mr. President, on September 29, Thomas Owens of Chicago passed away, leaving a legacy of faith, philanthropy, and friendship. He was an innovator and an advocate for helping people. Tom was dedicated to the biblical proverb, "To whom much is given, much is expected."

Tom used to joke that he entered philanthropic ventures because he spent too much time hovering around

the kitchen with his wife, Mary. In truth, he just believed in helping those less fortunate. Tom and Mary founded the Owens Foundation in 1985, inspired by the work of Saint Mother Teresa of Calcutta. Tom and Mary enjoyed a friendship with Mother Teresa and were instrumental in supporting Missionary of Charity projects in Chicago, Arizona, and Tijuana, Mexico, to alleviate poverty and provide hope to those in need.

In the early 1990s, Tom retired from a successful business and having spent 20 years as an IBM executive. Many people would have considered slowing down after that, but not Tom. That same year he retired, he founded Cara Chicago.

Tom started Cara out of the back of his car. He drove shelter to shelter, connecting women with business colleagues and contacts he had accumulated over the years. Nearly 30 years later, Cara is a world-class job training and placement program, helping more than 6,000 people into more than 10,000 jobs.

Cara is the Gaelic word for friend, and this program helps give people a professional friend when they need it most.

Tom earned numerous awards like being one of the Streetwise Foundation's 20 Most Inspirational Chicagoans. He also was Leo High School's Lifetime Achievement Award winner in 2018. Leo High School's motto is *Facta non Verba*, meaning Deeds not Words. Tom's work as one of the most caring people I have known speaks for itself.

Tom liked to say, "Don't just make it a good day . . . make it a great day!" Many people have great days because of his work.

Tom is survived by his wife, five children, 22 grandchildren, and the thousands of people who have better days because of Tom.

#### NOMINATION OF STEVEN J. MENASHI

Ms. KLOBUCHAR. Mr. President, I rise today to join many of my colleagues who have come to the floor to express my opposition to the nomination of Steven Menashi to U.S. circuit judge for the Second Circuit.

I am disappointed that Mr. Menashi's nomination has moved forward even though he lacks the support of his home State senators. In the rush to confirm judges like Mr. Menashi, the Senate has chipped away at the traditions that allow us to properly advise and consent on nominations, which is our responsibility under the Constitution.

Today, we are considering a nominee whose record has raised several concerning issues. While working as Principal Deputy General Counsel and as Acting General Counsel at the Department of Education, Menashi advised Secretary DeVos on the Department's efforts to withhold debt relief for stu-

dents who were defrauded by their colleges, reverse the Obama administration's regulations on campus sexual assault, and delay the enforcement of rules designed to ensure that students of color with disabilities are treated fairly. And while at the White House Counsel's Office, Mr. Menashi has advised on the administration's efforts to end the deferred enforced departure program for Liberians and to restrict access to asylum.

I am also concerned that, despite a request from all of the Democratic Senators on the Judiciary Committee, Mr. Menashi has refused to provide information about his knowledge or involvement in the events related to the telephone call between President Trump and Ukrainian President Zelensky on July 25, 2019.

It is for these reasons that I am unable to support Mr. Menashi's confirmation.

(At the request of Mr. SCHUMER, the following statement was ordered to be printed in the RECORD.)

#### VOTE EXPLANATION

• Ms. HARRIS. Mr. President, I was absent, but had I been present, I would have voted no on rollcall vote No. 352, the confirmation of Executive Calendar No. 464, William Joseph Nardini, of Connecticut, to be U.S. circuit judge for the Second Circuit.

Mr. President, I was absent, but had I been present, I would have voted no on rollcall vote No. 351, the confirmation of Executive Calendar No. 365, Jennifer Philpott Wilson, of Pennsylvania, to be U.S. district judge for the Middle District of Pennsylvania.

Mr. President, I was absent, but had I been present, I would have voted no on rollcall vote No. 355, the motion to invoke cloture on Executive Calendar No. 486, Steven J. Menashi, of New York, to be U.S. circuit judge for the Second Circuit. •

(At the request of Mr. INHOFE, the following statement was ordered to be printed in the RECORD.)

#### NATIONAL DEFENSE AUTHORIZATION ACT

• Mr. ROUNDS. Mr. President, today I join my fellow Senate Armed Services Committee subcommittee chairs in expressing my serious concerns with the possibility that congress might not pass a National Defense Authorization Act, NDAA, for fiscal year 2020.

For more than five decades, the NDAA has been signed into law with bipartisan support. We had our differences, but if we fail to pass the NDAA this year, what kind of message does that send to the men and women who, in many cases, are risking their lives for our national security? Further, they will receive this message at a time of heightened strategic competition with China and Russia and a continued need to support our allies and partners. Meanwhile, we must continue

to rebuild the readiness of our Armed Forces and take care of our troops and their families.

With regard to rebuilding our readiness, I remember the recent and significant dip in the readiness of our B-1B bomber fleet at Ellsworth Air Force Base in South Dakota. While the Air Force has reversed that trend, it remains an example of the wear and tear on our forces after 18 years of war. Now is not the time to go backward by failing, for the first time in 58 years, to pass a National Defense Authorization Act.

NDAA is must-pass legislation, as it has been every year for over half a century. That is why Chairman INHOFE introduced his “skinny” NDAA. The NDAA is typically bipartisan, and it should stay that way. I am hopeful we will find a final agreement.

This is about more than the NDAA. It is also about Defense appropriations. In that regard, I will not vote for another continuing resolution with its distinctive impact on our national security.

As chairman of the Cybersecurity Subcommittee of the Senate Armed Services Committee, I am particularly concerned about what failure to enact NDAA 2020 would mean for our cybersecurity. Some vital cybersecurity measures in the NDAA passed by the Senate include the following: critical funding for United States Cyber Command, CYBERCOM, infrastructure development. In a sense, CYBERCOM is at war every day, operating in our enemies’ backyards to negate or at least reduce their ability to attack the United States. It is not a coincidence that there was no successful interference in our 2018 mid-term elections. We can thank the men and women of CYBERCOM for that. Now is not the time to deny them what they need to boost their capabilities. Our adversaries and enemies will surely boost theirs; development of a consistent, comprehensive framework to enhance the cybersecurity of the U.S. defense industrial base after disastrous theft of critical defense information relating to development of an important new weapon system. I am concerned there may be other ongoing such instances of which we are not even aware; a consortium of universities, to include Dakota State University in Madison, SD, to advise and assist the Secretary of Defense on cybersecurity matters; authorization for the armed services to use operation and maintenance funds for the rapid creation testing, fielding, and operation of new cyber capabilities; and completion of the work of the Cyber-space Solarium Commission charged with evaluating divergent approaches to defending the United States in cyberspace and driving consensus toward a comprehensive strategy.

These are just some of the cybersecurity related measures that will have to wait another year, unless Congress passes NDAA 2020. When added to the concerns noted by my fellow chairs, it should be clear to all that now is the time to put aside partisan obstruc-

tionism and enact this must-pass legislation.●

#### ARMS EXPORT CONTROL ACT NOTIFICATION

Mr. RISCH. Mr. President, 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 at this point the notifications which have been received.

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

UNITED STATES DEPARTMENT OF STATE,  
Washington, DC.  
Hon. JAMES E. RISCH, Chairman,  
Committee on Foreign Relations,  
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to Section 38(f)(1) of the Arms Export Control Act (22 U.S.C. 2778(f)(1)), the Department is transmitting herewith notification of the intention to transfer jurisdictional control of certain classes of item currently on the United States Munitions List (USML) to the Commerce Control List (CCL).

Attached for your reference are the following documents: a summary of the revisions to the USML; the final regulatory text of Categories I, II and III; line-in/line-out comparison of the current and revised USML Categories I, II and III; the Department of Commerce’s revised companion regulatory text; and a summary of the controls for major defense equipment.

Sincerely,  
MARY ELIZABETH TAYLOR,  
Assistant Secretary, Bureau of Legislative  
Affairs.

Enclosures.

**Billing Code 4710-25**  
**DEPARTMENT OF STATE**  
**22 CFR Parts 121, 123, 124, 126, and 129**  
**[Public Notice 10603]**  
**RIN 1400-AE30**

**International Traffic in Arms Regulations:**  
**U.S. Munitions List**  
**Categories I, II, and III**

**AGENCY:** Department of State.

**ACTION:** Final rule.

**§ 121.1 The United States Munitions List.**

\* \* \* \* \*

#### Category I—Firearms and Related Articles

\* (a) Firearms using caseless ammunition.  
\* (b) Fully automatic firearms to .50 caliber (12.7 mm) inclusive.

\* (c) Firearms specially designed to integrate fire control, automatic tracking, or automatic firing (e.g., Precision Guided Firearms).

*Note to paragraph (c):* Integration does not include only attaching to the firearm or rail.  
\* (d) Fully automatic shotguns regardless of gauge.

\* (e) Silencers, mufflers, and sound suppressors.

(f) [Reserved]

(g) Barrels, receivers (frames), bolts, bolt carriers, slides, or sears specially designed for the articles in paragraphs (a), (b), and (d) of this category.

(h) Parts, components, accessories, and attachments, as follows:

(1) Drum and other magazines for firearms to .50 caliber (12.7 mm) inclusive with a capacity greater than 50 rounds, regardless of jurisdiction of the firearm, and specially designed parts and components therefor;

(2) Parts and components specially designed for conversion of a semiautomatic firearm to a fully automatic firearm;

(3) Parts and components specially designed for defense articles described in paragraphs (c) and (e); or

(4) Accessories or attachments specially designed to automatically stabilize aim

(other than gun rests) or for automatic targeting, and specially designed parts and components therefor.

(i) Technical data (see §120.10 of this subchapter) and defense services (see §120.9 of this subchapter) directly related to the defense articles described in this category and classified technical data directly related to items controlled in ECCNs 0A501, 0B501, 0D501, and 0E501 and defense services using the classified technical data. (See §125.4 of this subchapter for exemptions.)

(j)–(w) [Reserved]

(x) Commodities, software, and technology subject to the EAR (see §120.42 of this subchapter) used in or with defense articles.

*Note to paragraph (x):* Use of this paragraph is limited to license applications for defense articles where the purchase documentation includes commodities, software, or technology subject to the EAR (see §123.1(b) of this subchapter).

*Note to Category I:* The following interpretations explain and amplify the terms used in this category:

(1) A firearm is a weapon not over .50 caliber (12.7 mm) which is designed to expel a projectile by the deflagration of propellant;

(2) A fully automatic firearm or shotgun is any firearm or shotgun that shoots, is designed to shoot, or can readily be restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger; and

(3) Caseless ammunition is firearm ammunition without a cartridge case that holds the primer, propellant, and projectile together as a unit.

#### Category II—Guns and Armament

(a) Guns and armament greater than .50 caliber (12.7 mm), as follows:

\* (1) Guns, howitzers, artillery, and cannons;

\* (2) Mortars;

\* (3) Recoilless rifles;

\* (4) Grenade launchers; or

(5) Developmental guns and armament greater than .50 caliber (12.7 mm) funded by the Department of Defense and specially designed parts and components therefor.

*Note 1 to paragraph (a)(5):* This paragraph does not control guns and armament greater than .50 caliber (12.7 mm); (a) in production; (b) determined to be subject to the EAR via a commodity jurisdiction determination (see §120.4 of this subchapter); or (c) identified in the relevant Department of Defense contract or other funding authorization as being developed for both civil and military applications.

*Note 2 to paragraph (a)(5):* Note 1 does not apply to defense articles enumerated on the U.S. Munitions List, whether in production or development.

*Note 3 to paragraph (a)(5):* This provision is applicable to those contracts or other funding authorizations that are dated [INSERT DATE ONE YEAR AFTER PUBLICATION IN THE FEDERAL REGISTER], or later.

*Note 1 to paragraph (a):* This paragraph does not include: Non-automatic and non-semi-automatic rifles, carbines, and pistols between .50 (12.7 mm) and .72 caliber (18.288 mm) that are controlled on the CCL under ECCN 0A501; shotguns controlled on the CCL under ECCN 0A502; black powder guns and armaments manufactured between 1890 and 1919 controlled on the CCL under ECCN 0A602; or black powder guns and armaments manufactured earlier than 1890.

*Note 2 to paragraph (a):* Guns and armament when integrated into their carrier (e.g., surface vessels, ground vehicles, or aircraft) are controlled in the category associated with the carrier. Self-propelled guns and armament are controlled in USML Category VII.



Towed guns and armament and stand-alone guns and armament are controlled under this category.

(b) Flamethrowers with an effective range greater than or equal to 20 meters.

(c) [Reserved]

\* (d) Kinetic energy weapon systems specially designed for destruction or rendering mission-abort of a target.

*Note to paragraph (d):* Kinetic energy weapon systems include but are not limited to launch systems and subsystems capable of accelerating masses larger than 0.1g to velocities in excess of 1.6 km/s, in single or rapid fire modes, using methods such as: Electromagnetic, electrothermal, plasma, light gas, or chemical. This does not include launch systems and subsystems used for research and testing facilities subject to the EAR, which are controlled on the CCL under ECCN 2B232.

(e) Signature reduction devices specially designed for the guns and armament controlled in paragraphs (a), (b), and (d) of this category (e.g., muzzle flash suppression devices).

(f)–(i) [Reserved]

(j) Parts, components, accessories, and attachments, as follows:

(1) Gun barrels, rails, tubes, and receivers specially designed for the weapons controlled in paragraphs (a) and (d) of this category;

(2) Sights specially designed to orient indirect fire weapons;

(3) Breech blocks for the weapons controlled in paragraphs (a) and (d) of this category;

(4) Firing mechanisms for the weapons controlled in paragraphs (a) and (d) of this category and specially designed parts and components therefor;

(5) Systems for firing superposed or stacked ammunition and specially designed parts and components therefor;

(6) Servo-electronic and hydraulic elevation adjustment mechanisms;

(7) Muzzle brakes;

(8) Bore evacuators;

(9) Independent ammunition handling systems for the guns and armament controlled in paragraphs (a), (b), and (d) of this category;

(10) Components for independently powered ammunition handling systems and platform interface, as follows:

(i) Mounts;

(ii) Carriages;

(iii) Gun pallets;

(iv) Hydro-pneumatic equilibration cylinders; or

(v) Hydro-pneumatic systems capable of scavenging recoil energy to power howitzer functions;

*Note to paragraph j(10):* For weapons mounts specially designed for surface vessels and special naval equipment, see Category VI. For weapons mounts specially designed for ground vehicles, see Category VII.

(11) Ammunition containers/drums, ammunition chutes, ammunition conveyor elements, ammunition feeder systems, and ammunition container/drum entrance and exit units, specially designed for the guns and armament controlled in paragraphs (a), (b), and (d) of this category;

(12) Systems and equipment for the guns and armament controlled in paragraphs (a) and (d) of this category for use in programming ammunition, and specially designed parts and components therefor;

(13) Aircraft/gun interface units to support gun systems with a designed rate of fire greater than 100 rounds per minute and specially designed parts and components therefor;

(14) Recoil systems specially designed to mitigate the shock associated with the firing process of guns integrated into air platforms

and specially designed parts and components therefor;

(15) Prime power generation, energy storage, thermal management, conditioning, switching, and fuel-handling equipment, and the electrical interfaces between the gun power supply and other turret electric drive components specially designed for kinetic weapons controlled in paragraph (d) of this category;

(16) Kinetic energy weapon target acquisition, tracking fire control, and damage assessment systems and specially designed parts and components therefor; or

\* (17) Any part, component, accessory, attachment, equipment, or system that:

(i) Is classified;

(ii) Contains classified software; or

(iii) Is being developed using classified information.

“Classified” means classified pursuant to Executive Order 13526, or predecessor order, and a security classification guide developed pursuant thereto or equivalent, or to the corresponding classification rules of another government or intergovernmental organization.

(k) Technical data (see §120.10 of this subchapter) and defense services (see §120.9 of this subchapter) directly related to the defense articles described in paragraphs (a), (b), (d), (e), and (j) of this category and classified technical data directly related to items controlled in ECCNs 0A602, 0B602, 0D602, and 0E602 and defense services using the classified technical data. (See §125.4 of this subchapter for exemptions.)

(l)–(w) [Reserved]

(x) Commodities, software, and technology subject to the EAR (see §120.42 of this subchapter) used in or with defense articles.

*Note to paragraph (x):* Use of this paragraph is limited to license applications for defense articles where the purchase documentation includes commodities, software, or technology subject to the EAR (see §123.1(b) of this subchapter).

### Category III—Ammunition and Ordnance

(a) Ammunition, as follows:

\* (1) Ammunition that incorporates a projectile controlled in paragraph (d)(1) or (3) of this category;

\* (2) Ammunition preassembled into links or belts;

\* (3) Shotgun ammunition that incorporates a projectile controlled in paragraph (d)(2) of this category;

\* (4) Caseless ammunition manufactured with smokeless powder;

*Note to paragraph (a)(4):* Caseless ammunition is ammunition without a cartridge case that holds the primer, propellant, and projectile together as a unit.

\* (5) Ammunition, except shotgun ammunition, based on non-metallic cases, or non-metallic cases that have only a metallic base, which result in a total cartridge mass 80% or less than the mass of a brass- or steel-cased cartridge that provides comparable ballistic performance;

\* (6) Ammunition employing pyrotechnic material in the projectile base or any ammunition employing a projectile that incorporates tracer materials of any type having peak radiance above 710 nm and designed to be observed primarily with night vision optical systems;

\* (7) Ammunition for fully automatic firearms that fire superposed or stacked projectiles or for guns that fire superposed or stacked projectiles;

\* (8) Electromagnetic armament projectiles or billets for weapons with a design muzzle energy exceeding 5 MJ;

\* (9) Ammunition, not specified above, for the guns and armaments controlled in Category II; or

(10) Developmental ammunition funded by the Department of Defense and specially designed parts and components therefor.

*Note 1 to paragraph (a)(10):* This paragraph does not control ammunition: (a) in production; (b) determined to be subject to the EAR via a commodity jurisdiction determination (see §120.4 of this subchapter); or (c) identified in the relevant Department of Defense contract or other funding authorization as being developed for both civil and military applications.

*Note 2 to paragraph (a)(10):* Note 1 does not apply to defense articles enumerated on the U.S. Munitions List, whether in production or development.

*Note 3 to paragraph (a)(10):* This provision is applicable to those contracts or other funding authorizations that are dated [INSERT DATE ONE YEAR AFTER PUBLICATION IN THE FEDERAL REGISTER], or later.

(b) Ammunition/ordnance handling equipment specially designed for the articles controlled in this category, as follows:

(1) Belting, linking, and de-linking equipment; or

(2) Fuze setting devices.

(c) [Reserved]

(d) Parts and components for the articles in this category, as follows:

(1) Projectiles that use pyrotechnic tracer materials that incorporate any material having peak radiance above 710 nm or are incendiary or explosive;

(2) Shotgun projectiles that are flechettes, incendiary, tracer, or explosive;

*Note to paragraph (d)(2):* This paragraph does not include explosive projectiles specially designed to produce noise for scaring birds or other pests (e.g., bird bombs, whistlers, crackers).

(3) Projectiles of any caliber produced from depleted uranium;

(4) Projectiles not specified above, guided or unguided, for the items controlled in USML Category II, and specially designed parts and components therefor (e.g., fuzes, rotating bands, cases, liners, fins, boosters);

(5) Canisters or sub-munitions (e.g., bomblets or minelets), and specially designed parts and components therefor, for the guns or armament controlled in USML Category II;

(6) Projectiles that employ tips (e.g., M855A1 Enhanced Performance Round (EPR)) or cores regardless of caliber, produced from one or a combination of the following: tungsten, steel, or beryllium copper alloy;

(7) Cartridge cases, powder bags, or combustible cases specially designed for the items controlled in USML Category II;

(8) Non-metallic cases, including cases that have only a metallic base, for the ammunition controlled in paragraph (a)(5) of this category;

(9) Cartridge links and belts for fully automatic firearms and guns controlled in USML Categories I or II;

(10) Primers other than Boxer, Berdan, or shotshell types;

*Note to paragraph (d)(10):* This paragraph does not control caps or primers of any type in use prior to 1890.

(11) Safing, arming, and fuzing components (to include target detection and proximity sensing devices) for the ammunition in this category and specially designed parts therefor;

(12) Guidance and control components for the ammunition in this category and specially designed parts therefor;

(13) Terminal seeker assemblies for the ammunition in this category and specially designed parts and components therefor;

(14) Illuminating flares or target practice projectiles for the ammunition controlled in paragraph (a)(9) of this category; or

\* (15) Any part, component, accessory, attachment, equipment, or system that:

- (i) Is classified;
- (ii) Contains classified software; or
- (iii) Is being developed using classified information.

“Classified” means classified pursuant to Executive Order 13526, or predecessor order, and a security classification guide developed pursuant thereto or equivalent, or to the corresponding classification rules of another government or intergovernmental organization.

(e) Technical data (see § 120.10 of this subchapter) and defense services (see § 120.9 of this subchapter) directly related to the defense articles enumerated in paragraphs (a), (b), and (d) of this category and classified technical data directly related to items controlled in ECCNs 0A505, 0B505, 0D505, and 0E505 and defense services using the classified technical data. (See § 125.4 of this subchapter for exemptions.)

(f)–(w) [Reserved]

(x) Commodities, software, and technology subject to the EAR (see § 120.42 of this subchapter) used in or with defense articles.

*Note to paragraph (x):* Use of this paragraph is limited to license applications for defense articles where the purchase documentation includes commodities, software, or technology subject to the EAR (see § 123.1(b) of this subchapter).

*Note 1 to Category III:* This category does not control ammunition crimped without a projectile (blank star) and dummy ammunition with a pierced powder chamber.

*Note 2 to Category III:* This category does not control cartridge and shell casings that, prior to export, have been rendered useless beyond the possibility of restoration for use as a cartridge or shell casing by means of heating, flame treatment, mangling, crushing, cutting, or popping.

*Note 3 to Category III:* Grenades containing non-lethal or less lethal projectiles are under the jurisdiction of the Department of Commerce.

**Billings Code 4710–25**  
**DEPARTMENT OF STATE**  
**22 CFR Parts 121, 123, 124, 126, and 129**  
**[Public Notice 10603]**  
**RIN 1400–AE30**

**International Traffic in Arms Regulations:**  
**U.S. Munitions List**

**Categories I, II, and III**  
**AGENCY:** Department of State.

**ACTION:** Final rule.

**§ 121.1 The United States Munitions List.**

\* \* \* \* \*

**Category I—Firearms and Related Articles],**  
**Close Assault Weapons and Combat Shot-**  
**guns]**

\* (a) *Firearms using caseless ammunition* [Nonautomatic and semi-automatic firearms to caliber .50 inclusive (12.7 mm).]

\* (b) Fully automatic firearms to .50 caliber [inclusive] (12.7 mm) inclusive.

\* (c) *Firearms specially designed to integrate fire control, automatic tracking, or automatic firing (e.g., Precision Guided Firearms)* [or other weapons (e.g. insurgency counterinsurgency, close assault weapons systems) having a special military application regardless of caliber].

*Note to paragraph (c):* Integration does not include only attaching to the firearm or rail.

\* (d) *Fully automatic shotguns regardless of gauge.*

[Combat shotguns. This includes any shotgun with a barrel length less than 18 inches.]

\* (e) Silencers, mufflers, and sound [and flash] suppressors [for the articles in (a) through (d) of this category and their specifically designed, modified or adapted components and parts.]

(f) [Reserved]

[Riflescopes manufactured to military specifications (See category XII(c) for controls on night sighting devices.)]

\* (g) Barrels, [cylinders,] receivers (frames), bolts, bolt carriers, slides, or sears [or complete breech mechanisms] specially designed for the articles in paragraphs (a), (b), and [through] (d) of this category.

(h) [Components, p] Parts, components, accessories, and attachments [], as follows:

[For the articles in paragraphs (a) through (g) of this category.]

(1) *Drum and other magazines for firearms to .50 caliber (12.7 mm) inclusive with a capacity greater than 50 rounds, regardless of jurisdiction of the firearm, and specially designed parts and components therefor;*

(2) *Parts and components specially designed for conversion of a semiautomatic firearm to a fully automatic firearm;*

(3) *Parts and components specially designed for defense articles described in paragraphs (c) and (e); or*

(4) *Accessories or attachments specially designed to automatically stabilize aim (other than gun rests) or for automatic targeting, and specially designed parts and components therefor.*

(i) Technical data [as defined in] see § 120.10 of this subchapter) and defense services [as defined in] (see § 120.9 of this subchapter) directly related to the defense articles described in [paragraphs (a) through (h) of] this category and classified technical data directly related to items controlled in ECCNs 0A501, 0B501, 0D501, and 0E501 and defense services using the classified technical data. (See § 125.4 of this subchapter for exemptions.)

[Technical data directly related to the manufacture or production of any defense articles described elsewhere in this category that are designated as Significant Military Equipment (SME) shall itself be designated SME.]

(j)–(w) [Reserved] [The following interpretations explain and amplify the terms used in this category and throughout this subchapter:

[(1) A firearm is a weapon not over .50 caliber (12.7 mm) which is designed to expel a projectile by the action of an explosive or which may be readily converted to do so.

[(2) A rifle is a shoulder firearm which can discharge a bullet through a rifled barrel 16 inches or longer.

[(3) A carbine is a lightweight shoulder firearm with a barrel under 16 inches in length.

[(4) A pistol is a hand operated firearm having a chamber integral with or permanently aligned with the bore.

[(5) A revolver is a hand operated firearm with a revolving cylinder containing chambers for individual cartridges.

[(6) A submachine gun, “machine pistol” or “machine gun” is a firearm originally designed to fire, or capable of being fired, fully automatically by a single pull of the trigger.]

(x) *Commodities, software, and technology subject to the EAR (see § 120.42 of this subchapter) used in or with defense articles.*

*Note to paragraph (x):* Use of this paragraph is limited to license applications for defense articles where the purchase documentation includes commodities, software, or technology subject to the EAR (see § 123.1(b) of this subchapter).

*Note to Category I:* The following interpretations explain and amplify the terms used in this category:

(1) A firearm is a weapon not over .50 caliber (12.7 mm) which is designed to expel a projectile by the deflagration of propellant;

(2) A fully automatic firearm or shotgun is any firearm or shotgun that shoots, is designed to shoot, or can readily be restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger; and

(3) Caseless ammunition is firearm ammunition without a cartridge case that holds

the primer, propellant, and projectile together as a unit.

[This coverage by the U.S. Munitions List in paragraphs (a) through (i) of this category excludes any non-combat shotgun with a barrel length of 18 inches or longer, BB, pellet, and muzzle loading (black powder) firearms. This category does not cover riflescopes and sighting devices that are not manufactured to military specifications. It also excludes accessories and attachments (e.g., belts, slings, after market rubber grips, cleaning kits) for firearms that do not enhance the usefulness, effectiveness, or capabilities of the firearm, components and parts. The Department of Commerce regulates the export of such items. See the Export Administration Regulations (15 CFR parts 730–799). In addition, license exemptions for the items in this category are available in various parts of this subchapter (e.g., §§ 123.17, 123.18 and 125.4.)]

#### **Category II—Guns and Armament**

\* (a) Guns and armament greater than [over] caliber .50 [i.e.,] (12.7 mm), as follows:

\* (1) Guns, howitzers, artillery, and cannons;

\* (2) Mortars;

\* (3) Recoilless rifles;

\* (4) Grenade launchers; or [whether towed, airborne, self-propelled, or fixed, including but not limited to, howitzers, mortars, cannons, recoilless rifles, and grenade launchers]

(5) Developmental guns and armament greater than .50 caliber (12.7 mm) funded by the Department of Defense and specially designed parts and components therefor.

*Note 1 to paragraph (a)(5):* This paragraph does not control guns and armament greater than .50 caliber (12.7 mm); (a) in production; (b) determined to be subject to the EAR via a commodity jurisdiction determination (see § 120.4 of this subchapter); or (c) identified in the relevant Department of Defense contract or other funding authorization as being developed for both civil and military applications.

*Note 2 to paragraph (a)(5):* Note 1 does not apply to defense articles enumerated on the U.S. Munitions List, whether in production or development.

*Note 3 to paragraph (a)(5):* This provision is applicable to those contracts or other funding authorizations that are dated [INSERT DATE ONE YEAR AFTER PUBLICATION IN THE FEDERAL REGISTER], or later.

*Note 1 to paragraph (a):* This paragraph does not include: Non-automatic and non-semi-automatic rifles, carbines, and pistols between .50 (12.7 mm) and .72 caliber (18.288 mm) that are controlled on the CCL under ECCN 0A501; shotguns controlled on the CCL under ECCN 0A502; black powder guns and armaments manufactured between 1890 and 1919 controlled on the CCL under ECCN 0A602; or black powder guns and armaments manufactured earlier than 1890.

*Note 2 to paragraph (a):* Guns and armament when integrated into their carrier (e.g., surface vessels, ground vehicles, or aircraft) are controlled in the category associated with the carrier. Self-propelled guns and armament are controlled in USML Category VII. Towed guns and armament and stand-alone guns and armament are controlled under this category.

(b) Flame [ ] throwers with an effective range greater than or equal to 20 meters. [Specifically designed or modified for military application.]

(c) [Reserved] [Apparatus and devices for launching or delivering ordnance, other than those articles controlled in Category IV.]

\* (d) Kinetic energy weapon systems specially [specifically] designed [or modified]

rendering mission-abort of a target.

Note to paragraph (d): Kinetic energy weapons systems include but are not limited to launch systems and subsystems capable of accelerating masses larger than 0.1g to velocities in excess of 1.6 km/s, in single or rapid fire modes, using methods such as: Electromagnetic, electrothermal, plasma, light gas, or chemical. This does not include launch systems and subsystems used for research and testing facilities subject to the EAR, which are controlled on the CCL under ECCN 2B232.

(e) Signature reduction devices [control materials (e.g., parasitic, structural, coatings, screening) techniques, and equipment] specially [specifically] designed [developed, configured, adapted or modified to alter or reduce the signature (e.g., muzzle flash suppression, radar, infrared, visual, laser/electro optical, acoustic) of] for the guns and armament controlled in paragraphs (a), (b), and (d) of this category (e.g., muzzle flash suppression devices) [defense articles controlled by this category.]

\* (f)—(i) [Reserved] [Engines specifically designed or modified for the self-propelled guns and howitzers in paragraph (a) of this category.]

(g) Tooling and equipment specifically designed or modified for the production of defense articles controlled by this category.

(h) Test and evaluation equipment and test models specifically designed or modified for the articles controlled by this category. This includes but is not limited to diagnostic instrumentation and physical test models.

(i) Autoloading systems for electronic programming of projectile function for the defense articles controlled in this Category.]

(j) [All other components, p] [Parts, components, accessories, and attachments, as follows: [and associated equipment specifically designed or modified for the articles in paragraphs (a) through (i) of this category. This includes but is not limited to mounts and carriages for the articles controlled in this category.]

(1) Gun barrels, rails, tubes, and receivers specially designed for the weapons controlled in paragraphs (a) and (d) of this category;

(2) Sights specially designed to orient indirect fire weapons;

(3) Breech blocks for the weapons controlled in paragraphs (a) and (d) of this category;

(4) Firing mechanisms for the weapons controlled in paragraphs (a) and (d) of this category and specially designed parts and components therefor;

(5) Systems for firing superposed or stacked ammunition and specially designed parts and components therefor;

(6) Servo-electronic and hydraulic elevation adjustment mechanisms;

(7) Muzzle brakes;

(8) Bore evacuators;

(9) Independent ammunition handling systems for the guns and armament controlled in paragraphs (a), (b), and (d) of this category;

(10) Components for independently powered ammunition handling systems and platform interface, as follows:

(i) Mounts;

(ii) Carriages;

(iii) Gun pallets;

(iv) Hydro-pneumatic equilibration cylinders;

or

(v) Hydro-pneumatic systems capable of scavenging recoil energy to power howitzer functions;

Note to paragraph (j)(10): For weapons mounts specially designed for surface vessels and special naval equipment, see Category VI. For weapons mounts specially designed for ground vehicles, see Category VII.

(11) Ammunition containers/drums, ammunition chutes, ammunition conveyor elements, am-

munition feeder systems, and ammunition container/drum entrance and exit units, specially designed for the guns and armament controlled in paragraphs (a), (b), and (d) of this category;

(12) Systems and equipment for the guns and armament controlled in paragraphs (a) and (d) of this category for use in programming ammunition, and specially designed parts and components therefor;

(13) Aircraft/gun interface units to support gun systems with a designed rate of fire greater than 100 rounds per minute and specially designed parts and components therefor;

(14) Recoil systems specially designed to mitigate the shock associated with the firing process of guns integrated into air platforms and specially designed parts and components therefor;

(15) Prime power generation, energy storage, thermal management, conditioning, switching, and fuel-handling equipment, and the electrical interfaces between the gun power supply and other turret electric drive components specially designed for kinetic weapons controlled in paragraph (d) of this category;

(16) Kinetic energy weapon target acquisition, tracking fire control, and damage assessment systems and specially designed parts and components therefor; or

\* (17) Any part, component, accessory, attachment, equipment, or system that:

(i) Is classified;

(ii) Contains classified software; or

(iii) Is being developed using classified information.

“Classified” means classified pursuant to Executive Order 13526, or predecessor order, and a security classification guide developed pursuant thereto or equivalent, or to the corresponding classification rules of another government or intergovernmental organization.

(k) Technical data (see [as defined in] §120.10 of this subchapter) and defense services (see [as defined in] §120.9 of this subchapter) directly related to the defense articles described in paragraphs (a), (b), (d), (e), and [through]

(j) of this category and classified technical data directly related to items controlled in ECCNs 0A602, 0B602, 0D602, and 0E602 and defense services using the classified technical data. (See §125.4 of this subchapter for exemptions.) [Technical data directly related to the manufacture or production of any defense articles described elsewhere in this category that are designated as Significant Military Equipment (SME) shall itself be designed SME.]

(1)—(w) [Reserved] [The following interpretations explain and amplify the terms used in this category and elsewhere in this subchapter:

[(1) The kinetic energy weapons systems in paragraph (d) of this category include but are not limited to:

[(i) Launch systems and subsystems capable of accelerating masses larger than 0.1g to velocities in excess of 1.6km/s, in single or rapid fire modes, using methods such as: electromagnetic, electrothermal, plasma, light gas, or chemical;

[(ii) Prime power generation, electric armor, energy storage, thermal management; conditioning, switching or fuel handling equipment; and the electrical interfaces between power supply gun and other turret electric drive functions;

[(iii) Target acquisition, tracking fire control or damage assessment systems; and

[(iv) Homing seeker, guidance or divert propulsion (lateral acceleration) systems for projectiles.

[(2) The articles in this category include any end item, component, accessory, attachment part, firmware, software or system that has been designed or manufactured using technical data and defense services controlled by this category.

[(3) The articles specifically designed or modified for military application controlled

in this category include any article specifically developed, configured, or adapted for military applications.]

(x) Commodities, software, and technology subject to the EAR (see §120.42 of this subchapter) used in or with defense articles.

Note to paragraph (x): Use of this paragraph is limited to license applications for defense articles where the purchase documentation includes commodities, software, or technology subject to the EAR (see §123.1(b) of this subchapter).

### Category III—Ammunition and Ordnance

\* (a) Ammunition, as follows: [Ordnance for the articles in Categories I and II of this section.]

\* (1) Ammunition that incorporates a projectile controlled in paragraph (d)(1) or (3) of this category;

\* (2) Ammunition preassembled into links or belts;

\* (3) Shotgun ammunition that incorporates a projectile controlled in paragraph (d)(2) of this category;

\* (4) Caseless ammunition manufactured with smokeless powder;

Note to paragraph (a)(4): Caseless ammunition is ammunition without a cartridge case that holds the primer, propellant, and projectile together as a unit.

\* (5) Ammunition, except shotgun ammunition, based on non-metallic cases, or non-metallic cases that have only a metallic base, which result in a total cartridge mass 80% or less than the mass of a brass- or steel-cased cartridge that provides comparable ballistic performance;

\* (6) Ammunition employing pyrotechnic material in the projectile base or any ammunition employing a projectile that incorporates tracer materials of any type having peak radiance above 710 nm and designed to be observed primarily with night vision optical systems;

\* (7) Ammunition for fully automatic firearms that fire superposed or stacked projectiles or for guns that fire superposed or stacked projectiles;

\* (8) Electromagnetic armament projectiles or billets for weapons with a design muzzle energy exceeding 5 MJ;

\* (9) Ammunition, not specified above, for the guns and armaments controlled in Category II; or

(10) Developmental ammunition funded by the Department of Defense and specially designed parts and components therefor.

Note 1 to paragraph (a)(10): This paragraph does not control ammunition: (a) in production; (b) determined to be subject to the EAR via a commodity jurisdiction determination (see §120.4 of this subchapter); or (c) identified in the relevant Department of Defense contract or other funding authorization as being developed for both civil and military applications.

Note 2 to paragraph (a)(10): Note 1 does not apply to defense articles enumerated on the U.S. Munitions List, whether in production or development.

Note 3 to paragraph (a)(10): This provision is applicable to those contracts or other funding authorizations that are dated [INSERT DATE ONE YEAR AFTER PUBLICATION IN THE FEDERAL REGISTER], or later.

(b) Ammunition/ordnance handling equipment specially [specifically] designed [or modified] for the articles controlled in this category, as follows: [such as, belting, linking, and de-linking equipment.]

(1) Belting, linking, and de-linking equipment; or

(2) Fuze setting devices.

(c) [Reserved] [Equipment and tooling specifically designed or modified for the production of defense articles controlled by this category.]

(d) [Components, p] [Parts and components, [accessories, attachments and associated equipment specifically designed or modified] for the articles in this category, as follows:

\* (1) Projectiles that use pyrotechnic tracer materials that incorporate any material having

peak radiance above 710 nm or are incendiary or explosive [Guidance and control components for the articles in paragraph (a) of this category];

(2) *Shotgun projectiles that are flechettes, incendiary, tracer, or explosive; [Safing, arming and fuzing components (including target detection and localization devices) for the articles in paragraph (a) of this category; and]*

*Note to paragraph (d)(2): This paragraph does not include explosive projectiles specially designed to produce noise for scaring birds or other pests (e.g., bird bombs, whistlers, crackers).*

(3) *Projectiles of any caliber produced from depleted uranium; All other components, parts, accessories, attachments and associated equipment for the articles in paragraphs (a) through (c) of this category.*

(4) *Projectiles not specified above, guided or unguided, for the items controlled in USML Category II, and specially designed parts and components therefor (e.g., fuzes, rotating bands, cases, liners, fins, boosters);*

(5) *Canisters or sub-munitions (e.g., bomblets or minelets), and specially designed parts and components therefor, for the guns or armament controlled in USML Category II;*

(6) *Projectiles that employ tips (e.g., M855A1 Enhanced Performance Round (EPR)) or cores regardless of caliber, produced from one or a combination of the following: tungsten, steel, or beryllium copper alloy;*

(7) *Cartridge cases, powder bags, or combustible cases specially designed for the items controlled in USML Category II;*

(8) *Non-metallic cases, including cases that have only a metallic base, for the ammunition controlled in paragraph (a)(5) of this category;*

(9) *Cartridge links and belts for fully automatic firearms and guns controlled in USML Categories I or II;*

(10) *Primers other than Boxer, Berdan, or shotshell types;*

*Note to paragraph (d)(10): This paragraph does not control caps or primers of any type in use prior to 1890.*

(11) *Safing, arming, and fuzing components (to include target detection and proximity sensing devices) for the ammunition in this category and specially designed parts therefor;*

(12) *Guidance and control components for the ammunition in this category and specially designed parts therefor;*

(13) *Terminal seeker assemblies for the ammunition in this category and specially designed parts and components therefor;*

(14) *Illuminating flares or target practice projectiles for the ammunition controlled in paragraph (a)(9) of this category; or*

(15) *Any part, component, accessory, attachment, equipment, or system that:*

- (i) Is classified;
- (ii) Contains classified software; or
- (iii) Is being developed using classified information.

“Classified” means classified pursuant to Executive Order 13526, or predecessor order, and a security classification guide developed pursuant thereto or equivalent, or to the corresponding classification rules of another government or intergovernmental organization.

(e) *Technical data (see [as defined in] §120.10 of this subchapter) and defense services (see [as defined in] §120.9 of this subchapter) directly related to the defense articles enumerated in paragraphs (a), (b), and [through] (d) of this category and classified technical data directly related to items controlled in ECCNs 0A505, 0B505, 0D505, and 0E505 and defense services using the classified technical data. (See §125.4 of this subchapter for exemptions.) [Technical data directly related to the manufacture or production of any defense articles described elsewhere in this category that are designated as*

Significant Military Equipment (SME) shall itself be designated SME.]

(f)–(w) [Reserved]

(x) *Commodities, software, and technology subject to the EAR (see §120.42 of this subchapter) used in or with defense articles. [The following explains and amplifies the terms used in this category and elsewhere in this subchapter.*

[(1) *The components, parts, accessories and attachments controlled in this category include, but are not limited to cartridge cases, powder bags (or other propellant charges), bullets, jackets, cores, shells (excluding shotgun shells), projectiles (including canister rounds and submunitions therefor), boosters, firing components, therefor, primers, and other detonating devices for the defense articles controlled in this category.]*

*Note to paragraph (x): Use of this paragraph is limited to license applications for defense articles where the purchase documentation includes commodities, software, or technology subject to the EAR (see §123.1(b) of this subchapter).*

*Note 1 to Category III: This category does not control ammunition crimped without a projectile (blank star) and dummy ammunition with a pierced powder chamber.*

*Note 2 to Category III: [(2)] This category does not control cartridge and shell casings that, prior to export, have been rendered useless beyond the possibility of restoration for use as a cartridge or shell casing by means of heating, flame treatment, mangling, crushing, cutting, or popping. [(3) Equipment and tooling in paragraph (c) of this category does not include equipment for hand loading ammunition.*

[(4) *The articles in this category include any end item, component, accessory, attachment, part, firmware, software, or system that has been designed or manufactured using technical data and defense services controlled by this category.*

[(5) *The articles specifically designed or modified for military application controlled in this category include any article specifically developed, configured, or adapted for military application]*

*Note 3 to Category III: Grenades containing non-lethal or less lethal projectiles are under the jurisdiction of the Department of Commerce.*

\* \* \* \* \*

**Billing Code: 3510-33-P**

**DEPARTMENT OF COMMERCE**

**Bureau of Industry and Security**

**15 CFR Parts 732, 734, 736, 740, 742, 743, 744, 746, 748, 758, 762, 772, and 774**

**[Docket No. 191107-0079]**

**RIN 0694-AF47**

**Control of Firearms, Guns, Ammunition and Related Articles the President Determines No Longer Warrant Control under the United States Munitions List (USML)**

**AGENCY:** Bureau of Industry and Security, Department of Commerce.

**ACTION:** Final rule.

1. The authority citation for 15 CFR part 732 is revised to read as follows:

Authority: 50 U.S.C. 4801–4852; 50 U.S.C. 4601 *et seq.*; 50 U.S.C. 1701 *et seq.*; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Notice of August 8, 2018, 83 FR 39871 (August 13, 2018).

2. Section 732.2 is amended by adding one sentence to the end of the paragraph (b) introductory text to read as follows:

**§ 732.2 Steps regarding scope of the EAR.**

\* \* \* \* \*

(b) \* \* \* The following also remains subject to the EAR: “software” or “technology” for the production of a firearm, or firearm frame or receiver, controlled under ECCN 0A501, as referenced in 734.7(c)).

\* \* \* \* \*

**PART 734—SCOPE OF THE EXPORT ADMINISTRATION REGULATIONS**

3. The authority citation for 15 CFR part 734 is revised to read as follows:

Authority: 50 U.S.C. 4801–4852; 50 U.S.C. 4601 *et seq.*; 50 U.S.C. 1701 *et seq.*; E.O. 12938, 59 FR 59099, 3 CFR, 1994 Comp., p. 950; E.O. 13020, 61 FR 54079, 3 CFR, 1996 Comp., p. 219; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; E.O. 13637, 78 FR 16129, 3 CFR, 2014 Comp., p. 223; Notice of August 8, 2018, 83 FR 39871 (August 13, 2018); Notice of November 8, 2018, 83 FR 56253 (November 9, 2018).

4. Section 734.7 is amended by:

a. Revising paragraph (a) introductory text; and

b. Adding paragraph (c) to read as follows:

**§ 734.7 Published.**

(a) Except as set forth in paragraph (b) and (c) of this section, unclassified “technology” or “software” is “published,” and is thus not “technology” or “software” subject to the EAR, when it has been made available to the public without restrictions upon its further dissemination such as through any of the following:

\* \* \* \* \*

(c) The following remains subject to the EAR: “software” or “technology” for the production of a firearm, or firearm frame or receiver, controlled under ECCN 0A501, that is made available by posting on the internet in an electronic format, such as AMF or G-code, and is ready for insertion into a computer numerically controlled machine tool, additive manufacturing equipment, or any other equipment that makes use of the “software” or “technology” to produce the firearm frame or receiver or complete firearm.

\* \* \* \* \*

**PART 736—GENERAL PROHIBITIONS**

5. The authority citation for 15 CFR part 736 is revised to read as follows:

Authority: 50 U.S.C. 4801–4852; 50 U.S.C. 4601 *et seq.*; 50 U.S.C. 1701 *et seq.*; 22 U.S.C. 2151 note; E.O. 12938, 59 FR 59099, 3 CFR, 1994 Comp., p. 950; E.O. 13020, 61 FR 54079, 3 CFR, 1996 Comp., p. 219; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; E.O. 13338, 69 FR 26751, 3 CFR, 2004 Comp., p. 168; Notice of August 8, 2018, 83 FR 39871 (August 13, 2018); Notice of November 8, 2018, 83 FR 56253 (November 9, 2018); Notice of May 8, 2019, 84 FR 20537 (May 10, 2019).

6. Supplement No. 1 to part 736 is amended by revising paragraph (e)(3) to read as follows:

**SUPPLEMENT NO. 1 TO PART 736—GENERAL ORDERS**

\* \* \* \* \*

(e) \* \* \*

(3) *Prior commodity jurisdiction determinations.* If the U.S. State Department has previously determined that an item is not subject to the jurisdiction of the ITAR and the item was not listed in a then existing “018” series ECCN (for purposes of the “600 series” ECCNs, or the 0x5zz ECCNs) or in a then existing ECCN 9A004.b or related software or technology ECCN (for purposes of the 9x515 ECCNs), then the item is per se not within the scope of a “600 series” ECCN, a 0x5zz ECCN, or a 9x515 ECCN. If the item was not listed elsewhere on the CCL at the time of such determination (*i.e.*, the item was designated EAR99), the item shall remain designated as EAR99 unless specifically enumerated by BIS or DDTC in an amendment to the CCL or to the USML, respectively.

\* \* \* \* \*

**PART 740—LICENSE EXCEPTIONS**

7. The authority citation for 15 CFR part 740 is revised to read as follows:

Authority: 50 U.S.C. 4801-4852; 50 U.S.C. 4601 et seq.; 50 U.S.C. 1701 et seq.; 22 U.S.C. 7201 et seq.; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Notice of August 8, 2018, 83 FR 39871 (August 13, 2018).

8. Section 740.2 is amended by adding paragraphs (a)(21) and (22) to read as follows:

§ 740.2 Restrictions on all license exceptions.

(a) \* \* \* (21) The reexport or transfer (in-country) of firearms classified under ECCNs 0A501 or 0A502 if a part or component that is not "subject to the ITAR," but would otherwise meet the criteria in USML Category I(h)(2) (i.e., parts and components specially designed for conversion of a semiautomatic firearm to a fully automatic firearm) is incorporated into the firearm or is to be reexported or transferred (in-country) with the firearm with "knowledge" the part or component will be subsequently incorporated into the firearm. (See USML Category I(h)(2)). In such instances, no license exceptions are available except for License Exception GOV (740.11(b)(2)(ii)).

(22) The export, reexport, or transfer (in-country) of any item classified under a 0x5zz ECCN when a party to the transaction is designated on the Department of the Treasury, Office of Foreign Assets Control (OFAC), Specially Designated Nationals and Blocked Persons (SDN) list under the designation [SDNT], pursuant to the Narcotics Trafficking Sanctions Regulations, 31 CFR part 536, or under the designation [SDNTK], pursuant to the Foreign Narcotics Kingpin Sanctions Regulations, 31 CFR part 598.

9. Section 740.9 is amended by: a. Adding five sentences at the end of paragraph (a) introductory text; b. Adding one sentence at the end of paragraph (b)(1) introductory text; c. Adding paragraph (b)(5); and d. Redesignating notes 1 through 3 to paragraph (b) as notes 2 through 4 to paragraph (b);

The additions read as follows:

§ 740.9 Temporary imports, exports, reexports, and transfers (in-country) (TMP).

\* \* \* \* \*

(a) \* \* \* This paragraph (a) does not authorize any export of a commodity controlled under ECCNs 0A501.a or .b, or shotguns with a barrel length less than 18 inches controlled under ECCN 0A502 to, or any export of such an item that was imported into the United States from, a country in Country Group D:5 (Supplement No. 1 of this part), or from Russia, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Turkmenistan, Ukraine, or Uzbekistan. The only provisions of this paragraph (a) that are eligible for use to export such items are paragraph (a)(5) of this section ("Exhibition and demonstration") and paragraph (a)(6) of this section ("Inspection, test, calibration, and repair"). In addition, this paragraph (a) may not be used to export more than 75 firearms per shipment. In accordance with the requirements in § 758.1(b)(9) and (g)(4) of the EAR, the exporter or its agent must provide documentation that includes the serial number, make, model, and caliber of each firearm being exported by filing these data elements in an EEI filing in AES. In accordance with the exclusions in License Exception TMP under paragraph (b)(5) of this section, the entry clearance requirements in § 758.1(b)(9) do not permit the temporary import of: firearms controlled in ECCN 0A501.a or .b that are shipped from or manufactured in a Country Group D:5 country, or that are shipped from or manufactured in Russia, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Turkmenistan, Ukraine, or Uzbekistan (ex-

cept for any firearm model designation (if assigned) controlled by 0A501 that is specified under Annex A in Supplement No. 4 to part 740); or shotguns with a barrel length less than 18 inches controlled in ECCN 0A502 that are shipped from or manufactured in a Country Group D:5 country, or from Russia, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Turkmenistan, Ukraine, or Uzbekistan, because of the exclusions in License Exception TMP under paragraph (b)(5) of this section.

\* \* \* \* \*

(b) \* \* \* (1) \* \* \* No provision of paragraph (b) of this section, other than paragraph (b)(3), (4), or (5), may be used to export firearms controlled by ECCN 0A501.a, .b, or shotguns with a barrel length less than 18 inches controlled in ECCN 0A502.

\* \* \* \* \*

(5) Exports of firearms and certain shotguns temporarily in the United States. This paragraph (b)(5) authorizes the export of no more than 75 end item firearms per shipment controlled by ECCN 0A501.a or .b, or shotguns with a barrel length less than 18 inches controlled in ECCN 0A502 that are temporarily in the United States for a period not exceeding one year, provided that:

(i) The firearms were not shipped from or manufactured in a U.S. arms embargoed country, i.e., destination listed in Country Group D:5 in Supplement No. 1 to part 740 of the EAR;

(ii) The firearms were not shipped from or manufactured in Russia, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Turkmenistan, Ukraine, or Uzbekistan, except for any firearm model controlled by 0A501 that is specified under Annex A in Supplement No. 4 to part 740; and

(iii) The firearms are not ultimately destined to a U.S. arms embargoed country, i.e., destination listed in Country Group D:5 in Supplement No. 1 to part 740 of the EAR, or to Russia;

(iv) When the firearms entered the U.S. as a temporary import, the temporary importer or its agent:

(A) Provided the following statement to U.S. Customs and Border Protection: "This shipment will be exported in accordance with and under the authority of License Exception TMP (15 CFR 740.9(b)(5))";

(B) Provided to U.S. Customs and Border Protection an invoice or other appropriate import-related documentation (or electronic equivalents) that includes a complete list and description of the firearms being temporarily imported, including their model, make, caliber, serial numbers, quantity, and U.S. dollar value; and

(C) Provided (if temporarily imported for a trade show, exhibition, demonstration, or testing) to U.S. Customs and Border Protection the relevant invitation or registration documentation for the event and an accompanying letter that details the arrangements to maintain effective control of the firearms while they are in the United States.

(v) In addition to the export clearance requirements of part 758 of the EAR, the exporter or its agent must provide the import documentation related to paragraph (b)(5)(iv)(B) of this section to U.S. Customs and Border Protection at the time of export.

Note 1 to paragraph (b)(5): In addition to complying with all applicable EAR requirements for the export of commodities described in paragraph (b)(5), exporters and temporary importers should contact U.S. Customs and Border Protection (CBP) at the port of temporary import or export, or at the CBP website, for the proper procedures for temporarily importing or exporting firearms controlled in ECCN 0A501.a or .b or shotguns with a barrel length less than 18 inches con-

trolled in ECCN 0A502, including regarding how to provide any data or documentation required by BIS.

\* \* \* \* \*

10. Section 740.10 is amended by:

a. Adding one sentence at the end of paragraph (b)(1); and

b. Adding paragraph (b)(4).

The additions read as follows:

§ 740.10 Servicing and replacement of parts and equipment (RPL)

\* \* \* \* \*

(b) \* \* \* (1) \* \* \* The export of firearms controlled by ECCN 0A501.a or .b, or shotguns with a barrel length less than 18 inches controlled in ECCN 0A502 temporarily in the United States for servicing and replacement may be exported under paragraphs (b)(2) or (3) of this section only if the additional requirements in paragraph (b)(4) of this section are also met.

\* \* \* \* \*

(4) Exports of firearms and certain shotguns temporarily in the United States for servicing and replacement. This paragraph (b)(4) authorizes the export of firearms controlled by ECCN 0A501.a or .b, or shotguns with a barrel length less than 18 inches controlled in ECCN 0A502 that are temporarily in the United States for servicing or replacement for a period not exceeding one year or the time it takes to service or replace the commodity, whichever is shorter, provided that the requirements of paragraphs (b)(2) or (3) of this section are met and:

(i) The firearms were not shipped from or manufactured in Russia, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Turkmenistan, Ukraine, or Uzbekistan, except for any firearm model controlled by 0A501 that is specified under Annex A in Supplement No. 4 to part 740;

(ii) When the firearms entered the U.S. as a temporary import, the temporary importer or its agent:

(A) Provided the following statement to U.S. Customs and Border Protection: "This shipment will be exported in accordance with and under the authority of License Exception RPL (15 CFR 740.10(b))";

(B) Provided to U.S. Customs and Border Protection an invoice or other appropriate import-related documentation (or electronic equivalents) that includes a complete list and description of the firearms being temporarily imported, including their model, make, caliber, serial numbers, quantity, and U.S. dollar value; and

(C) Provided (if temporarily imported for servicing or replacement) to U.S. Customs and Border Protection the name, address and contact information (telephone number and/or email) of the organization or individual in the U.S. that will be receiving the item for servicing or replacement.

(iii) In addition to the export clearance requirements of part 758 of the EAR, the exporter or its agent must provide the import documentation related to paragraph (b)(4)(iii)(B) of this section to U.S. Customs and Border Protection at the time of export.

Note 1 to paragraph (b)(4): In addition to complying with all applicable EAR requirements for the export of commodities described in paragraph (b)(4), exporters and temporary importers should contact U.S. Customs and Border Protection (CBP) at the port of temporary import or export, or at the CBP website, for the proper procedures for temporarily importing or exporting firearms controlled in ECCN 0A501.a or .b or shotguns with a barrel length less than 18 inches controlled in ECCN 0A502, including regarding how to provide any data or documentation required by BIS.

\* \* \* \* \*

11. Section 740.11 is amended by:
a. Adding two sentences at the end of the introductory text;
b. Adding Note 2 to paragraph (b)(2); and
c. Redesignating note 1 to paragraph (c)(1) as note 3 to paragraph (c)(1) and notes 1 and 2 to paragraph (e) as notes 4 and 5 to paragraph (e).

The additions read as follows:
§ 740.11 Governments, international organizations, international inspections, under the Chemical Weapons Convention, and the International Space Station (GOV).

\* \* \* Commodities listed in ECCN 0A501 are eligible only for transactions described in paragraphs (b)(2)(i) and (ii) of this section. Any item listed in a 0x5zz ECCN for export, reexport, or transfer (in-country) to an E:1 country is eligible only for transactions described in paragraphs (b)(2)(i) and (ii) solely for U.S. Government official use of this section.

Note 2 to paragraph (b)(2): Items controlled for NS, MT, CB, NP, FC, or AT reasons may not be exported, reexported, or transferred (in-country) to, or for the use of military, police, intelligence entities, or other sensitive end users (e.g., contractors or other governmental parties performing functions on behalf of military, police, or intelligence entities) of a government in a Country Group E:1 or E:2 country.

\* \* \* \* \*

12. Section 740.14 is amended by revising paragraph (b)(4) introductory text, revising the heading to paragraph (e), and by adding paragraphs (e)(3) and (4) to read as follows:

§ 740.14 Baggage (BAG).

\* \* \* \* \*

(b) \* \* \*
(4) Tools of trade. Usual and reasonable kinds and quantities of tools, instruments, or equipment and their containers and also technology for use in the trade, occupation, employment, vocation, or hobby of the traveler or members of the household who are traveling or moving. For special provisions regarding firearms and ammunition, see paragraph (e) of this section. For special provisions regarding encryption commodities and software subject to EI controls, see paragraph (f) of this section. For a special provision that specifies restrictions regarding the export or reexport of technology under this paragraph (b)(4), see paragraph (g) of this section. For special provisions regarding personal protective equipment under ECCN 1A613.c or .d, see paragraph (h) of this section.

(e) Special provisions for firearms and ammunition. \* \* \*

(3) A United States citizen or a permanent resident alien leaving the United States may export under this License Exception firearms, "parts," "components," "accessories," or "attachments" controlled under ECCN 0A501 and ammunition controlled under ECCN 0A505.a, subject to the following limitations:

- (i) Not more than three firearms and 1,000 rounds of ammunition may be taken on any one trip.
(ii) "Parts," "components," "accessories," and "attachments" exported pursuant to this paragraph must be of a kind and limited to quantities that are reasonable for the activities described in paragraph (e)(3)(iv) of this section or that are necessary for routine maintenance of the firearms being exported.
(iii) The commodities must be with the person's baggage.
(iv) The commodities must be for the person's exclusive use and not for resale or

other transfer of ownership or control. Accordingly, except as provided in paragraph (e)(4) of this section, firearms, "parts," "components," "accessories," "attachments," and ammunition, may not be exported permanently under this License Exception. All firearms, "parts," "components," "accessories," or "attachments" controlled under ECCN 0A501 and all unused ammunition controlled under ECCN 0A505.a exported under this License Exception must be returned to the United States.

(v) Travelers leaving the United States temporarily are required to declare the firearms, "parts," "components," "accessories," "attachments," and ammunition being exported under this license exception to a Customs and Border Protection (CBP) officer prior to departure from the United States and present such items to the CBP officer for inspection, confirming that the authority for the export is License Exception BAG and that the exporter is compliant with its terms.

(4) A nonimmigrant alien leaving the United States may export or reexport under this License Exception only such firearms controlled under ECCN 0A501 and ammunition controlled under ECCN 0A505 as he or she brought into the United States under the relevant provisions of Department of Justice regulations at 27 CFR part 478.

\* \* \* \* \*

§ 740.16 [AMENDED]

13. Section 740.16 is amended by:
a. Revising paragraph (a)(2);
b. Revising paragraphs (b)(2)(iv) and (v); and
c. Adding paragraph (b)(2)(vi);

The revisions and addition read as follows:

§ 740.16 Additional permissive reexports (APR).

\* \* \* \* \*

(a) \* \* \*
(2) The commodities being reexported are not controlled for NP, CB, MT, SI, or CC reasons or described in ECCNs 0A919, 3A001.b.2 or b.3 (except those that are being reexported for use in civil telecommunications applications), 6A002, 6A003; or commodities classified under a 0x5zz ECCN; and

\* \* \* \* \*

(b) \* \* \*
(2) \* \* \*
(iv) Commodities described in ECCN 0A504 that incorporate an image intensifier tube;
(v) Commodities described in ECCN 6A002; or
(vi) Commodities classified under a 0x5zz ECCN.

\* \* \* \* \*

14. Section 740.20 is amended by revising paragraph (b)(2)(ii) to read as follows:

§ 740.20 License Exception Strategic Trade Authorization (STA).

\* \* \* \* \*

(b) \* \* \*
(2) \* \* \*
(ii) License Exception STA may not be used for:

- (A) Any item controlled in ECCNs 0A501.a, .b, .c, .d, or .e; 0A981; 0A982; 0A983; 0A503; 0E504; 0E982; or
(B) Shotguns with barrel length less than 18 inches controlled in 0A502.

\* \* \* \* \*

15. Add Supplement No. 4 to part 740 to read as follows:

SUPPLEMENT NO. 4 TO PART 740—ANNEX A FIREARM MODELS

- (a) Pistols/revolvers.
(1) German Model P08 Pistol = SMCR.
(2) IZH 34M, .22 Target pistol.
(3) IZH 35M, .22 caliber Target pistol.

- (4) Mauser Model 1896 pistol = SMCR.
(5) MC-57-1 pistol.
(6) MC-1-5 pistol.
(7) Polish Vis Model 35 pistol = SMCR.
(8) Soviet Nagant revolver = SMCR.
(9) TOZ 35, .22 caliber Target pistol.
(10) MTs 440.
(11) MTs 57-1.
(12) MTs 59-1.
(13) MTs 1-5.
(14) TOZ-35M (starter pistol).
(15) Biathlon-7K.
(b) Rifles.
(1) BARS-4 Bolt Action carbine.
(2) Biathlon target rifle, .22.
(3) British Enfield rifle = SMCR.
(4) CM2, .22 target rifle (also known as SM2, .22).
(5) German model 98K = SMCR.
(6) German model G41 = SMCR.
(7) German model G43 = SMCR.
(8) IZH-94.
(9) LOS-7, bolt action.
(10) MC-7-07.
(11) MC-18-3.
(12) MC-19-07.
(13) MC-105-01.
(14) MC-112-02.
(15) MC-113-02.
(16) MC-115-1.
(17) MC-125/127.
(18) MC-126.
(19) MC-128.
(20) Saiga.
(21) Soviet Model 38 carbine = SMCR.
(22) Soviet Model 44 carbine-SMCR.
(23) Soviet Model 91/30 rifle = SMCR.
(24) TOZ 18, .22 bolt action.
(25) TOZ 55.
(26) TOZ 78.
(27) Ural Target, .22lr.
(28) VEPR rifle.
(29) Winchester Model 1895, Russian Model rifle = SMCR.
(30) Sever—double barrel.
(31) IZH18MH single barrel break action.
(32) MP-251 over/under rifle.
(33) MP-221 double barrel rifle.
(34) MP-141K.
(35) MP-161K.
(36) MTs 116-1.
(37) MTs 116M.
(38) MTs 112-02.
(39) MTs 115-1.
(40) MTs 113-02.
(41) MTs 105-01.
(42) MTs 105-05.
(43) MTs 7-17 combination gun.
(44) MTs 7-12-07 rifle/shotgun.
(45) MTs 7-07.
(46) MTs 109-12-07 rifle.
(47) MTs 109-07 rifle.
(48) MTs 106-07 combination.
(49) MTs 19-97.
(50) MTs 19-09.
(51) MTs 18-3M.
(52) MTs 125.
(53) MTs 126.
(54) MTs 127.
(55) Berkut-2.
(56) Berkut-2M1.
(57) Berkut-3.
(58) Berkut-2-1.
(59) Berkut-2M2.
(60) Berkut-3-1.
(61) Ots-25.
(62) MTs 20-07.
(63) LOS-7-1.
(64) LOS-7-2.
(65) LOS-9-1.
(66) Sobol (Sable).
(67) Rekord.
(68) Bars-4-1.
(69) Saiga.
(70) Saiga-M.
(71) Saiga 308.
(72) Saiga-308-1.
(73) Saiga 308-2.

- (74) Saiga-9.
- (75) Korshun.
- (76) Ural-5-1.
- (77) Ural 6-1.
- (78) Ural-6-2.
- (79) SM-2.
- (80) Biatlon-7-3.
- (81) Biatlon-7-4.
- (82) Rekord-1.
- (83) Rekord-2.
- (84) Rekord-CISM.
- (85) Rekord-1-308.
- (86) Rekord-2-308.
- (87) Rekord-1-308-CISM.
- (88) VEPR.
- (89) VEPR Super.
- (90) VEPR Pioneer.
- (91) VEPR Safari.
- (92) TOZ 109.
- (93) KO 44-1.
- (94) TOZ 78-01.
- (95) KO 44.
- (96) TOZ 99.
- (97) TOZ 99-01.
- (98) TOZ 55-01 Zubr.
- (99) TOZ 55-2 Zubr.
- (100) TOZ 120 Zubr.
- (101) MTs 111.
- (102) MTs 109.
- (103) TOZ 122.
- (104) TOZ 125.
- (105) TOZ 28.
- (106) TOZ 300.

**PART 742—CONTROL POLICY—CCL BASED CONTROLS**

16. The authority citation for part 742 is revised to read as follows:

Authority: 50 U.S.C. 4801-4852; 50 U.S.C. 4601 et seq.; 50 U.S.C. 1701 et seq.; 22 U.S.C. 3201 et seq.; 42 U.S.C. 2139a; 22 U.S.C. 7201 et seq.; 22 U.S.C. 7210; Sec. 1503, Pub. L. 108-11, 117 Stat. 559; E.O. 12058, 43 FR 20947, 3 CFR, 1978 Comp., p. 179; E.O. 12851, 58 FR 33181, 3 CFR, 1993 Comp., p. 608; E.O. 12938, 59 FR 59099, 3 CFR, 1994 Comp., p. 950; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Presidential Determination 2003-23, 68 FR 26459, 3 CFR, 2004 Comp., p. 320; Notice of August 8, 2018, 83 FR 39871 (August 13, 2018); Notice of November 8, 2018, 83 FR 56253 (November 9, 2018).

17. Section 742.6 is amended by revising the first and sixth sentences of paragraph (b)(1)(i) and adding a seventh sentence at the end of paragraph (b)(1)(i) to read as follows:

**742.6 Regional stability.**

\*\*\*\*\*

- (b) \* \* \*
- (1) \* \* \*

(i) Applications for exports and reexports of ECCN 0A501, 0A504, 0A505, 0B501, 0B505, 0D501, 0D505, 0E501, 0E504, and 0E505 items; 9x515 items and "600 series" items and will be reviewed on a case-by-case basis to determine whether the transaction is contrary to the national security or foreign policy interests of the United States, including the foreign policy interest of promoting the observance of human rights throughout the world. \* \* \* When destined to the People's Republic of China or a country listed in Country Group E:1 in Supplement No. 1 to part 740 of the EAR, items classified under ECCN 0A501, 0A505, 0B501, 0B505, 0D501, 0D505, 0E501, 0E504, and 0E505 or any 9x515 ECCN will be subject to a policy of denial. In addition, applications for exports and reexports of ECCN 0A501, 0A505, 0B501, 0B505, 0D501, 0D505, 0E501, 0E504, and 0E505 items when there is reason to believe the transaction involves criminal organizations, rebel groups, street gangs, or other similar groups or individuals, that may be disruptive to regional stability, including within individual countries, will be subject to a policy of denial.

\* \* \* \* \*

18. Section 742.7 is amended by revising paragraphs (a)(1) through (4) and (c) to read as follows:

**§ 742.7 Crime control and detection.**

(a) \* \* \*

(1) Crime control and detection instruments and equipment and related "technology" and "software" identified in the appropriate ECCNs on the CCL under CC Column 1 in the Country Chart column of the "License Requirements" section. A license is required to countries listed in CC Column 1 (Supplement No. 1 to part 738 of the EAR). Items affected by this requirement are identified on the CCL under the following ECCNs: 0A502, 0A504, 0A505.b, 0A978, 0A979 0E502, 0E505 ("technology" for "development" or for "production" of buckshot shotgun shells controlled under ECCN 0A505.b), 1A984, 1A985, 3A980, 3A981, 3D980, 3E980, 4A003 (for fingerprint computers only), 4A980, 4D001 (for fingerprint computers only), 4D980, 4E001 (for fingerprint computers only), 4E980, 6A002 (for police-model infrared viewers only), 6E001 (for police-model infrared viewers only), 6E002 (for police-model infrared viewers only), and 9A980.

(2) Shotguns with a barrel length greater than or equal to 24 inches, identified in ECCN 0A502 on the CCL under CC Column 2 in the Country Chart column of the "License Requirements" section regardless of end user to countries listed in CC Column 2 (Supplement No. 1 to part 738 of the EAR).

(3) Shotguns with barrel length greater than or equal to 24 inches, identified in ECCN 0A502 on the CCL under CC Column 3 in the Country Chart column of the "License Requirements" section only if for sale or resale to police or law enforcement entities in countries listed in CC Column 3 (Supplement No. 1 to part 738 of the EAR).

(4) Certain crime control items require a license to all destinations, except Canada. These items are identified under ECCNs 0A982, 0A503, and 0E982. Controls for these items appear in each ECCN; a column specific to these controls does not appear in the Country Chart (Supplement No. 1 to part 738 of the EAR).

\* \* \* \* \*

(c) *Contract sanctity.* Contract sanctity date: August 22, 2000. Contract sanctity applies only to items controlled under ECCNs 0A982, 0A503, and 0E982 destined for countries not listed in CC Column 1 of the Country Chart (Supplement No. 1 to part 738 of the EAR).

\* \* \* \* \*

19. Section 742.17 is amended by:

- a. Revising the first sentence of paragraph (a); and
- b. Revising paragraph (f) to read as follows:

**§ 742.17 Exports of firearms to OAS member countries.**

(a) *License requirements.* BIS maintains a licensing system for the export of firearms and related items to all OAS member countries. \* \* \*

\* \* \* \* \*

(f) *Items/Commodities.* Items requiring a license under this section are ECCNs 0A501 (except 0A501.y), 0A502, 0A504 (except 0A504.f), and 0A505 (except 0A505.d). (See Supplement No. 1 to part 774 of the EAR).

\* \* \* \* \*

**§ 742.19 [AMENDED]**

20. Section 742.19(a)(1) is amended by:

- a. Removing "0A986" and adding in its place "0A505.c"; and
- b. Removing "0B986" and adding in its place "0B505.c".

**PART 743—SPECIAL REPORTING AND NOTIFICATION**

21. The authority citation for 15 CFR part 743 is revised to read as follows:

Authority: 50 U.S.C. 4801-4852; 50 U.S.C. 4601 et seq.; 50 U.S.C. 1701 et seq.; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; E.O. 13637, 78 FR 16129, 3 CFR, 2014 Comp., p. 223; 78 FR 16129; Notice of August 8, 2018, 83 FR 39871 (August 13, 2018).

22. Section 743.4 is amended by:

- a. Adding four sentences to the end of paragraph (a);
- b. By redesignating Note to paragraph (a) as Note 1 to paragraph (a);
- c. Revising paragraph (b);
- d. Adding paragraphs (c)(1)(i) and (c)(2)(i);
- e. By redesignating Note to paragraph (e)(1)(ii) as Note 2 to paragraph (e)(1)(ii);
- f. Revising paragraph (h); and
- f. Adding paragraph (i) to read as follows:

**§ 743.4 Conventional arms reporting.**

(a) \* \* \* This section does not require reports when the exporter uses the alternative submission method described under paragraph (h) of this section. The alternative submission method under paragraph (h) requires the exporter to submit the information required for conventional arms reporting in this section as part of the required EEI submission in AES, pursuant to § 758.1(b)(9). Because of the requirements in § 758.1(g)(4)(ii) for the firearms that require conventional arms reporting of all conventional arms, the Department of Commerce believes all conventional arms reporting requirements for firearms will be met by using the alternative submission method. The Department of Commerce leaves standard method for submitting reports in place in case any additional items are moved from the USML to the CCL, that may require conventional arms reporting.

Note 1 to paragraph (a): \* \* \*

(b) *Requirements.* You must submit one electronic copy of each report required under the provisions of this section, or submit this information using the alternative submission method specified in paragraph (h) of this section, and maintain accurate supporting records (see § 762.2(b) of the EAR) for all exports of items specified in paragraph (c) of this section for the following:

(c) \* \* \*

(1) \* \* \*

- (i) ECCN 0A501.a and .b.

\* \* \* \* \*

(2) \* \* \*

- (i) ECCN 0A501.a and .b.

\* \* \* \* \*

(h) *Alternative submission method.* This paragraph (h) describes an alternative submission method for meeting the conventional arms reporting requirements of this section. The alternative submission method requires the exporter, when filing the required EEI submission in AES, pursuant to § 758.1(b)(9), to include the six character ECCN classification (i.e., 0A501.a or 0A501.b) as the first text to appear in the Commodity description block. If the exporter properly includes this information in the EEI filing in AES, the Department of Commerce will be able to obtain that export information directly from AES to meet the U.S. Government's commitments to the Wassenaar Arrangement and United Nations for conventional arms reporting. An exporter that complies with the requirements in § 758.1(g)(4)(ii) does not have to submit separate annual and semi-annual reports to the Department of Commerce pursuant to this section.

(i) *Contacts.* General information concerning the Wassenaar Arrangement and reporting obligations thereof is available from the Office of National Security and Technology Transfer Controls, Tel.: (202) 482-0092, Fax: (202) 482-4094. Information concerning the reporting requirements for items identified in paragraphs (c)(1) and (2) of this section is available from the Office of Non-proliferation and Treaty Compliance

(NPTC), Tel.: (202) 482-4188, Fax: (202) 482-4145.

**PART 744—CONTROL POLICY: END-USER AND END-USE BASED**

23. The authority citation for 15 CFR part 744 is revised to read as follows:

**Authority:** 50 U.S.C. 4801-4582; 50 U.S.C. 4601 et seq.; 50 U.S.C. 1701 et seq.; 22 U.S.C. 3201 et seq.; 42 U.S.C. 2139a; 22 U.S.C. 7201 et seq.; 22 U.S.C. 7210; E.O. 12058, 43 FR 20947, 3 CFR, 1978 Comp., p. 179; E.O. 12851, 58 FR 33181, 3 CFR, 1993 Comp., p. 608; E.O. 12938, 59 FR 59099, 3 CFR, 1994 Comp., p. 950; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13099, 63 FR 45167, 3 CFR, 1998 Comp., p. 208; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; E.O. 13224, 66 FR 49079, 3 CFR, 2001 Comp., p. 786; Notice of August 8, 2018, 83 FR 39871 (August 13, 2018); Notice of September 19, 2018, 83 FR 47799 (September 20, 2018); Notice of November 8, 2018, 83 FR 56253 (November 9, 2018); Notice of January 16, 2019, 84 FR 127 (January 18, 2019).

**§ 744.9 [AMENDED]**

24. Section 744.9 is amended by removing “0A987” from paragraphs (a)(1) and (b) and adding in its place “0A501”.

**PART 746—EMBARGOES AND OTHER SPECIAL CONTROLS**

25. The authority citation for 15 CFR part 746 is revised to read as follows:

**Authority:** 50 U.S.C. 4801-4852; 50 U.S.C. 4601 et seq.; 50 U.S.C. 1701 et seq.; 22 U.S.C. 287c; Sec 1503, Pub. L. 108-11, 117 Stat. 559; 22 U.S.C. 6004; 22 U.S.C. 7201 et seq.; 22 U.S.C. 7210; E.O. 12854, 58 FR 36587, 3 CFR, 1993 Comp., p. 614; E.O. 12918, 59 FR 28205, 3 CFR, 1994 Comp., p. 899; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; E.O. 13338, 69 FR 26751, 3 CFR, 2004 Comp., p. 168; Presidential Determination 2003-23, 68 FR 26459, 3 CFR, 2004 Comp., p. 320; Presidential Determination 2007-7, 72 FR 1899, 3 CFR, 2006 Comp., p. 325; Notice of August 8, 2018, 83 FR 39871 (August 13, 2018); Notice of May 8, 2019, 84 FR 20537 (May 10, 2019).

**§ 746.3 [AMENDED]**

26. Section 746.3 is amended by removing “0A986” from paragraph (b)(2) and adding in its place “0A505.c”.

**§ 746.7 [AMENDED]**

27. Section 746.7 is amended in paragraph (a)(1) by:

- a. Adding “0A503,” immediately before “0A980”; and
- b. Removing “0A985.”

**PART 748—APPLICATIONS (CLASSIFICATION, ADVISORY, AND LICENSE) AND DOCUMENTATION**

28. The authority citation for 15 CFR part 748 is revised to read as follows:

**Authority:** 50 U.S.C. 4801-4852; 50 U.S.C. 4601 et seq.; 50 U.S.C. 1701 et seq.; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Notice of August 8, 2018, 83 FR 39871 (August 13, 2018).

29. Section 748.12 is amended by:

- a. Revising the heading;
- b. Adding introductory text;
- c. Revising paragraphs (a) introductory text and (a)(1);
- d. Redesignating the note to paragraph (c)(8) as note 1 to paragraph (c)(8); and
- e. Adding paragraph (e).

The revisions and additions read as follows.

**§ 748.12 Firearms import certificate or import permit.**

License applications for certain firearms and related commodities require support documents in accordance with this section. For destinations that are members of the Organization of American States (OAS), an FC Import Certificate or equivalent official doc-

ument is required in accordance with paragraphs (a) through (d) of this section. For other destinations that require a firearms import or permit, the firearms import certificate or permit is required in accordance with paragraph (e) of this section.

(a) *Requirement to obtain document for OAS member states.* Unless an exception in § 748.9(c) applies, an FC Import Certificate is required for license applications for firearms and related commodities, regardless of value, that are destined for member countries of the OAS. This requirement is consistent with the OAS Model Regulations described in § 742.17 of the EAR.

(1) *Items subject to requirement.* Firearms and related commodities are those commodities controlled for “FC Column 1” reasons under ECCNs 0A501 (except 0A501.y), 0A502, 0A504 (except 0A504.f), or 0A505 (except 0A505.d).

\* \* \* \* \*

(e) *Requirement to obtain an import certificate or permit for other than OAS member states.* If the country to which firearms, parts, components, accessories, and attachments controlled under ECCN 0A501, or ammunition controlled under ECCN 0A505, are being exported or reexported requires that a government-issued certificate or permit be obtained prior to importing the commodity, the exporter or reexporter must obtain and retain on file the original or a copy of that certificate or permit before applying for an export or reexport license unless:

- (1) A license is not required for the export or reexport; or
  - (2) The exporter is required to obtain an import or end-user certificate or other equivalent official document pursuant to paragraphs (a) thorough (d) of this section and has, in fact, complied with that requirement.
- (3)(i) The number or other identifying information of the import certificate or permit must be stated on the license application.

(ii) If the country to which the commodities are being exported does not require an import certificate or permit for firearms imports, that fact must be noted on any license application for ECCN 0A501 or 0A505 commodities.

*Note 2 to paragraph (e). Obtaining a BIS Statement by Ultimate Consignee and Purchaser pursuant to § 748.11 of the EAR does not exempt the exporter or reexporter from the requirement to obtain a certification pursuant to paragraph (a) of this section because that statement is not issued by a government.*

30. Supplement No. 2 to part 748 (Unique Application and Submission Requirements) is amended by adding paragraph (z) to read as follows:

**SUPPLEMENT NO. 2 TO PART 748—UNIQUE APPLICATION AND SUBMISSION REQUIREMENTS**

\* \* \* \* \*

(z) *Exports of firearms and certain shotguns temporarily in the United States.*

(1) *Certification.* If you are submitting a license application for the export of firearms controlled by ECCN 0A501.a or .b, or shotguns with a barrel length less than 18 inches controlled in ECCN 0A502 that will be temporarily in the United States, e.g., for servicing and repair or for intransit shipments, you must include the following certification in Block 24:

The firearms in this license application will not be shipped from or manufactured in Russia, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Turkmenistan, Ukraine, or Uzbekistan, except for any firearm model controlled by 0A501 that is specified under Annex A in Supplement No. 4 to part 740. I and the parties to this transaction will comply with the requirements specified in paragraph (z)(2)(i) and (ii) of Supplement No. 2 to part 748.

(2) *Requirements.* Each approved license for commodities described under paragraph (z) must comply with the requirements specified in paragraphs (z)(2)(i) and (ii) of this supplement.

(i) When the firearms enter the U.S. as a temporary import, the temporary importer or its agent must:

(A) Provide the following statement to U.S. Customs and Border Protection: “This shipment is being temporarily imported in accordance with the EAR. This shipment will be exported in accordance with and under the authority of BIS license number (provide the license number) (15 CFR 750.7(a) and 758.4);”

(B) Provide to U.S. Customs and Border Protection an invoice or other appropriate import-related documentation (or electronic equivalents) that includes a complete list and description of the firearms being temporarily imported, including their model, make, caliber, serial numbers, quantity, and U.S. dollar value; and

(C) Provide (if temporarily imported for servicing or replacement) to U.S. Customs and Border Protection the name, address, and contact information (telephone number and/or email) of the organization or individual in the U.S. that will be receiving the item for servicing or replacement).

(ii) In addition to the export clearance requirements of part 758 of the EAR, the exporter or its agent must provide the import documentation related to paragraph (z)(2)(i)(B) of this supplement to U.S. Customs and Border Protection at the time of export.

*Note 1 to paragraph (z): In addition to complying with all applicable EAR requirements for the export of commodities described in paragraph (z), exporters and temporary importers should contact U.S. Customs and Border Protection (CBP) at the port of temporary import or export, or at the CBP website, for the proper procedures for temporarily importing or exporting firearms controlled in ECCN 0A501.a or .b or shotguns with a barrel length less than 18 inches controlled in ECCN 0A502, including regarding how to provide any data or documentation required by BIS.*

**PART 758—EXPORT CLEARANCE REQUIREMENTS**

31. The authority citation for part 758 is revised to read as follows:

**Authority:** 50 U.S.C. 4801-4852; 50 U.S.C. 4601 et seq.; 50 U.S.C. 1701 et seq.; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Notice of August 8, 2018, 83 FR 39871 (August 13, 2018).

32. Section 758.1 is amended by:

- a. Revising paragraphs (b)(7) (8), and adding paragraph (b)(9);
- b. Revising paragraph (c)(1);
- c. Adding Note 1 to paragraph (c)(1);
- c. Adding paragraph (g)(4); and
- d. Redesignating Note to paragraph (h)(1) as Note 3 to paragraph (h)(1); to read as follows:

**§ 758.1 The Electronic Export Enforcement (EEI) filing to the Automated Export System (AES).**

\* \* \* \* \*

(b) \* \* \*

(7) For all items exported under authorization Validated End-User (VEU);

(8) For all exports of tangible items subject to the EAR where parties to the transaction, as described in 748.5(d) through (f) of the EAR, are listed on the Unverified List (Supplement No. 6 to part 744 of the EAR), regardless of value or destination; or

(9) For all exports, except for exports authorized under License Exception BAG, as set forth in § 740.14 of the EAR, of items controlled under ECCNs 0A501.a or .b, shotguns with a barrel length less than 18 inches controlled under ECCN 0A502, or ammunition



controlled under ECCN 0A505 except for .c, regardless of value or destination, including exports to Canada.

(c) \* \* \*

(1) License Exception Baggage (BAG), as set forth in §740.14 of the EAR. See 15 CFR 30.37(x) of the FTR;

Note 1 to paragraph (c) (1): See the export clearance requirements for exports of firearms controlled under ECCNs 0A501.a or .b, shotguns with a barrel length less than 18 inches controlled under ECCN 0A502, or ammunition controlled under ECCN 0A505, authorized under License Exception BAG, as set forth in §740.14 of the EAR.

\* \* \* \* \*

(g) \* \* \*

(4) Exports of Firearms and Related Items. This paragraph (g)(4) includes two separate requirements under paragraph (g)(4)(i) and (ii) of this section that are used to better identify exports of certain end item firearms under the EAR. Paragraph (g)(4)(i) is limited to certain EAR authorizations. Paragraph (g)(4)(ii) applies to all EAR authorizations that require EEI filing in AES.

(i) Identifying end item firearms by manufacturer, model, caliber, and serial number in the EEI filing in AES. For any export authorized under License Exception TMP or a BIS license authorizing a temporary export of items controlled under ECCNs 0A501.a or .b, or shotguns with a barrel length less than 18 inches controlled under ECCN 0A502, in addition to any other required data for the associated EEI filing, you must report the manufacturer, model, caliber, and serial number of the exported items. The requirements of this paragraph also apply to any other export authorized under a BIS license that includes a condition or proviso on the license requiring the submission of this information specified in paragraph (g) of this section when the EEI is filed in AES.

(ii) Identifying end item firearms by "items" level classification or other control descriptor in the EEI filing in AES. For any export of items controlled under ECCNs 0A501.a or .b, or shotguns with a barrel length less than 18 inches controlled under ECCN 0A502, in addition to any other 39 required data for the associated EEI filing, you must include the six character ECCN classification (i.e., 0A501.a, or 0A501.b), or for shotguns controlled under 0A502 the phrase "0A501 barrel length less than 18 inches" as the first text to appear in the Commodity description block in the EEI filing in AES. (See 743.4(h) for the use of this information for conventional arms reporting).

Note 2 to paragraph (g)(4): If a commodity described in paragraph (g)(4) is exported under License Exception TMP under §740.9(a)(6) for inspection, test, calibration, or repair is not consumed or destroyed in the normal course of authorized temporary use abroad, the commodity must be disposed of or retained in one of the ways specified in §740.9(a)(14)(i), (ii), or (iii). For example, if a commodity described in paragraph (g)(4) was destroyed while being repaired after being exported under §740.9(a)(6), the commodity described in paragraph (g)(4) would not be required to be returned. If the entity doing the repair returned a replacement of the commodity to the exporter from the United States, the import would not require an EAR authorization. The entity that exported the commodity described in paragraph (g)(4) and the entity that received the commodity would need to document this as part of their recordkeeping related to this export and subsequent import to the United States.

\* \* \* \* \*

33. Add §758.10 to read as follows:

**§758.10 Entry clearance requirements for temporary imports.**

(a) *Scope.* This section specifies the temporary import entry clearance requirements

for firearms "subject to the EAR" that are on the United States Munitions Import List (USMIL, 27 CFR 447.21), except for firearms "subject to the EAR" that are temporarily brought into the United States by non-immigrant aliens under the provisions of Department of Justice regulations at 27 CFR part 478 (See 740.14(e) of License Exception BAG for information on the export of these firearms "subject to the EAR"). These firearms are controlled in ECCN 0A501.a or .b or shotguns with a barrel length less than 18 inches controlled in ECCN 0A502. Items that are temporarily exported under the EAR must have met the export clearance requirements specified in §758.1 of the EAR.

(1) An authorization under the EAR is not required for the temporary import of "items" that are "subject to the EAR," including for "items" "subject to the EAR" that are on the USMIL. Temporary imports of firearms described in this section must meet the entry clearance requirements specified in paragraph (b) of this section.

(2) Permanent imports are regulated by the Attorney General under the direction of the Department of Justice's Bureau of Alcohol, Tobacco, Firearms and Explosives (see 27 CFR parts 447, 478, 479, and 555).

(b) *EAR procedures for temporary imports and subsequent exports.* To the satisfaction of U.S. Customs and Border Protection, the temporary importer must comply with the following procedures:

(1) At the time of entry into the U.S. of the temporary import:

(i) Provide one of the following statements specified in paragraphs (b)(1)(i)(A), (B), or (C) of this section to U.S. Customs and Border Protection:

(A) "This shipment is being temporarily imported in accordance with the EAR. This shipment will be exported in accordance with and under the authority of License Exception TMP (15 CFR 740.9(b)(5));"

(B) "This shipment is being temporarily imported in accordance with the EAR. This shipment will be exported in accordance with and under the authority of License Exception RPL (15 CFR 740.10(b));" or

(C) "This shipment is being temporarily imported in accordance with the EAR. This shipment will be exported in accordance with and under the authority of BIS license number (provide the license number) (15 CFR 750.7(a) and 758.4);"

(ii) Provide to U.S. Customs and Border Protection an invoice or other appropriate import-related documentation (or electronic equivalents) that includes a complete list and description of the firearms being temporarily imported, including their model, make, caliber, serial numbers, quantity, and U.S. dollar value;

(iii) Provide (if temporarily imported for a trade show, exhibition, demonstration, or testing) to U.S. Customs and Border Protection the relevant invitation or registration documentation for the event and an accompanying letter that details the arrangements to maintain effective control of the firearms while they are in the United States;

(iv) Provide (if temporarily imported for servicing or replacement) to U.S. Customs and Border Protection the name, address and contact information (telephone number and/or email) of the organization or individual in the U.S. that will be receiving the item for servicing or replacement).

Note 1 to paragraph (b)(1): In accordance with the exclusions in License Exception TMP under §740.9(b)(5) of the EAR, the entry clearance requirements in §758.1(b)(9) do not permit the temporary import of firearms controlled in ECCN 0A501.a or .b that are shipped from or manufactured in a Country Group D:5 country; or that are shipped from or manufactured in

*Moldova, Turkmenistan, Ukraine, or Uzbekistan (except for any firearm model controlled by proposed 0A501 that is specified under Annex A in Supplement No. 4 to part 740.); or shotguns with a barrel length less than 18 inches controlled in ECCN 0A502 that are shipped from or manufactured in a Country Group D:5 country, or from Russia, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Turkmenistan, Ukraine, or Uzbekistan, because of the exclusions in License Exception TMP under §740.9(b)(5).*

Note 2 to paragraph (b)(1): In accordance with the exclusions in License Exception RPL under §740.10(b)(4) and Supplement No. 2 to part 748 paragraph (z) of the EAR, the entry clearance requirements in §758.1(b)(9) do not permit the temporary import of: firearms controlled in ECCN 0A501.a or .b that are shipped from or manufactured in Russia, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Turkmenistan, Ukraine, or Uzbekistan (except for any firearm model controlled by proposed 0A501 that is specified under Annex A in Supplement No. 4 to part 740.); or shotguns with a barrel length less than 18 inches controlled in ECCN 0A502 that are shipped from or manufactured in Russia, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Turkmenistan, Ukraine, or Uzbekistan, because of the exclusions in License Exception RPL under §740.10(b)(4) and Supplement No. 2 to part 748 paragraph (z) of the EAR.

(2) At the time of export, in accordance with the U.S. Customs and Border Protection procedures, the eligible exporter, or an agent acting on the filer's behalf, must as required under §758.1(b)(9) of the EAR file the export information with CBP by filing EEI in AES, noting the 43 applicable EAR authorization as the authority for the export, and provide, upon request by CBP, the entry document number or a copy of the CBP document under which the "item" subject to the EAR" on the USMIL was temporarily imported. See also the additional requirements in §758.1(g)(4).

34. Add §758.11 to read as follows:

**§758.11 Export clearance requirements for firearms and related items.**

(a) *Scope.* The export clearance requirements of this section apply to all exports of commodities controlled under ECCNs 0A501.a or .b, shotguns with a barrel length less than 18 inches controlled under ECCN 0A502, or ammunition controlled under ECCN 0A505 except for .c, regardless of value or destination, including exports to Canada, that are authorized under License Exception BAG, as set forth in §740.14.

(b) *Required form.* Prior to making any export described in paragraph (a) of this section, the exporter is required to submit a properly completed Department of Homeland Security, CBP Form 4457, (Certificate of Registration for Personal Effects Taken Abroad) (OMB Control Number 1651-0010), to the U.S. Customs and Border Protection (CBP), pursuant to 19 CFR 148.1, and as required by this section of the EAR.

(1) Where to obtain the form? The CBP Certification of Registration Form 4457 can be found on the following CBP website:

<https://www.cbp.gov/document/forms/form-4457-certificate-registration-personal-effects-taken-abroad>

(2) Required "description of articles" for firearms to be included on the CBP Form 4457. For all exports of firearms controlled under ECCNs 0A501.a or .b, or shotguns with a barrel length less than 18 inches controlled under ECCN 0A502, the exporter must provide to CBP the serial number, make, model, and caliber for each firearm being exported by entering this information under the "Description of Articles" field of the CBP Form 4457, Certificate of Registration for Personal Effects Taken Abroad.

(c) Where to find additional information on the CBP Form 4457? See the following CBP website page for additional information: https://help.cbp.gov/app/answers/detail/a\_id/323/-traveling-outside-of-the-u.s.-temporarily-taking-a-firearm%2C-rifle%2C-gun%2C.

(d) Return of items exported pursuant to this section. The exporter when returning with a commodity authorized under License Exception BAG and exported pursuant this section, is required to present a copy of the CBP Form 4457, Certificate of Registration for Personal Effects Taken Abroad (OMB Control Number 1651-0010), to CBP, pursuant to 19 CFR 148.1, and as required by this section of the EAR.

PART 762—RECORDKEEPING

35. The authority citation for part 762 is revised to read as follows:

Authority: 50 U.S.C. 4801-4852; 50 U.S.C. 4601 et seq.; 50 U.S.C. 1701 et seq.; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Notice of August 8, 2018, 83 FR 39871 (August 13, 2018).

36. Section 762.2 is amended by removing "and," at the end of paragraph (a)(10), redesignating paragraph (a)(11) as paragraph (a)(12), and adding a new paragraph (a)(11) to read as follows:

§ 762.2 Records to be retained.

(a) \* \* \* (11) The serial number, make, model, and caliber for any firearm controlled in ECCN 0A501.a and for shotguns with barrel length less than 18 inches controlled in 0A502 that have been exported. The "exporter" or any other party to the transaction (see 758.3 of the EAR), that creates or receives such records is a person responsible for retaining this record; and

\* \* \* \* \* 37. Section 762.3 is amended by revising paragraph (a)(5) to read as follows:

§ 762.3 Records exempt from recordkeeping requirements.

(a) \* \* \* (5) Warranty certificate, except for a warranty certificate issued for an address located outside the United States for any firearm controlled in ECCN 0A501.a and for shotguns with barrel length less than 18 inches controlled in 0A502;

PART 772—DEFINITIONS OF TERMS

38. The authority citation for part 772 is revised to read as follows:

Authority: 50 U.S.C. 4801-4852; 50 U.S.C. 4601 et seq.; 50 U.S.C. 1701 et seq.; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Notice of August 8, 2018, 83 FR 39871 (August 13, 2018).

§ 772.1—[AMENDED]

39. In § 772.1, in the definition of "specially designed," Note 1 is amended by removing "0B986" and adding in its place "0B505.c"; and the definition of "complete breech mechanisms" is added as set forth below:

§ 772.1 Definitions of terms as used in the Export Administration Regulations (EAR).

\* \* \* \* \* Complete breech mechanisms. The mechanism for opening and closing the breech of a breech-loading firearm, especially of a heavy-caliber weapon.

PART 774—THE COMMERCE CONTROL LIST

40. The authority citation for 15 CFR part 774 is revised to read as follows:

Authority: 50 U.S.C. 4801-4852; 50 U.S.C. 4601 et seq.; 50 U.S.C. 1701 et seq.; 10 U.S.C. 7420; 10 U.S.C. 7430(e); 22 U.S.C. 287c, 22 U.S.C. 3201 et seq.; 22 U.S.C. 6004; 42 U.S.C. 2139a; 15

U.S.C. 1824a; 50 U.S.C. 4305; 22 U.S.C. 7201 et seq.; 22 U.S.C. 7210; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Notice of August 8, 2018, 83 FR 39871 (August 13, 2018).

41. In Supplement No. 1 to part 774, Category 0, revise Export Control Classification Number (ECCN) 0A018 to read as follows:

Supplement No. 1 to Part 774—The Commerce Control List

\* \* \* \* \* 0A018 Items on the Wassenaar Munitions List (see List of Items Controlled).

No items currently are in this ECCN. See ECCN 0A505 for "parts" and "components" for ammunition that, immediately prior to [INSERT DATE 45 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER], were classified under 0A018.b.

42. In Supplement No. 1 to part 774, Category 0, add, between entries for ECCNs 0A018 and 0A521, entries for ECCNs 0A501, 0A502, 0A503, 0A504, and 0A505 to read as follows:

0A501 Firearms (except 0A502 shotguns) and related commodities as follows (see List of Items controlled).

License Requirements

Reason for Control: NS, RS, FC, UN, AT

Table with 2 columns: Control(s) and Country Chart (See Supp. No. 1 to part 738). Rows include NS, RS, FC, UN, and AT with their respective column numbers and UN controls reference.

License Requirement Note: In addition to using the Commerce Country Chart to determine license requirements, a license is required for exports and reexports of ECCN 0A501.y.7 firearms to the People's Republic of China.

List Based License Exceptions (See Part 740 for a description of all license exceptions)

LVS: \$500 for 0A501.c, .d, and .x. \$500 for 0A501.c, .d, .e, and .x if the ultimate destination is Canada. GBS: N/A CIV: N/A

Special conditions for STA

STA: Paragraph (c)(2) of License Exception STA (§740.20(c)(2) of the EAR) may not be used for any item in this entry.

List of Items Controlled

Related Controls: (1) Firearms that are fully automatic, and magazines with a capacity of greater than 50 rounds, are "subject to the ITAR." (2) See ECCN 0A502 for shotguns and their "parts" and "components" that are subject to the EAR. Also see ECCN 0A502 for shot-pistols. (3) See ECCN 0A504 and USML Category XII for controls on optical sighting devices.

Related Definitions: N/A

Items:

a. Non-automatic and semi-automatic firearms equal to .50 caliber (12.7 mm) or less.

Note 1 to paragraph 0A501.a: 'Combination pistols' are controlled under ECCN 0A501.a. A 'combination pistol' (a.k.a., a combination gun) has at least one rifled barrel and at least one smoothbore barrel (generally a shotgun style barrel).

b. Non-automatic and non-semi-automatic rifles, carbines, revolvers or pistols with a caliber greater than .50 inches (12.7 mm) but less than or equal to .72 inches (18.0 mm).

c. The following types of "parts" and "components" if "specially designed" for a commodity controlled by paragraph .a or .b of this entry, or USML Category I (unless

listed in USML Category I(g) or (h)): barrels, cylinders, barrel extensions, mounting blocks (trunnions), bolts, bolt carriers, operating rods, gas pistons, trigger housings, triggers, hammers, sears, disconnectors, pistol grips that contain fire control "parts" or "components" (e.g., triggers, hammers, sears, disconnectors) and buttstocks that contain fire control "parts" or "components."

d. Detachable magazines with a capacity of greater than 16 rounds "specially designed" for a commodity controlled by paragraph .a or .b of this entry.

Note 2 to paragraph 0A501.d: Magazines with a capacity of 16 rounds or less are controlled under 0A501.x.

e. Receivers (frames) and "complete breech mechanisms," including castings, forgings stampings, or machined items thereof, "specially designed" for a commodity by controlled by paragraph .a or .b of this entry.

f. through w. [Reserved]

x. "Parts" and "components" that are "specially designed" for a commodity classified under paragraphs .a through .c of this entry or the USML and not elsewhere specified on the USML or CCL.

y. Specific "parts," "components," "accessories" and "attachments" "specially designed" for a commodity subject to control in this ECCN or common to a defense article in USML Category I and not elsewhere specified in the USML or CCL as follows, and "parts," "components," "accessories," and "attachments" "specially designed" therefor.

- y.1. Stocks or grips, that do not contain any fire control "parts" or "components" (e.g., triggers, hammers, sears, disconnectors);
y.2. Scope mounts or accessory rails;
y.3. Iron sights;
y.4. Sling swivels;
y.5. Butt plates or recoil pads;
y.6. Bayonets; and
y.7. Firearms manufactured from 1890 to 1898 and reproductions thereof.

Technical Note 1 to 0A501: The controls on "parts" and "components" in ECCN 0A501 include those "parts" and "components" that are common to firearms described in ECCN 0A501 and to those firearms "subject to the ITAR."

Note 3 to 0A501: Antique firearms (i.e., those manufactured before 1890) and reproductions thereof muzzle loading black powder firearms except those designs based on centerfire weapons of a post 1937 design, BB guns, pellet rifles, paint ball, and all other air rifles are EAR99 commodities.

Note 4 to 0A501: Muzzle loading (black powder) firearms with a caliber less than 20 mm that were manufactured later than 1937 that are used for hunting or sporting purposes that were not "specially designed" for military use and are not "subject to the ITAR" nor controlled as shotguns under ECCN 0A502 are EAR99 commodities.

0A502 Shotguns; shotguns "parts" and "components," consisting of complete trigger mechanisms; magazines and magazine extension tubes; "complete breech mechanisms;" except equipment used exclusively to treat or tranquilize animals, and except arms designed solely for signal, flare, or saluting use.

License Requirements

Reason for Control: RS, CC, FC, UN, AT, NS

Table with 2 columns: Control(s) and Country Chart (See Supp. No. 1 to part 738). Rows include NS, RS, FC, and CC with their respective column numbers and UN controls reference.

Control(s)	Country Chart (See Supp. No. 1 to part 738)
CC applies to shotguns with a barrel length greater than or equal to 24 in. (60.96 cm), regardless of end user.	CC Column 2
CC applies to shotguns with a barrel length greater than or equal to 24 in. (60.96 cm) if for sale or resale to police or law enforcement.	CC Column 3
UN applies to entire entry .....	See § 746.1(b) of the EAR for UN controls
AT applies to shotguns with a barrel length less than 18 inches (45.72 cm).	AT Column 1

**List Based License Exceptions (See Part 740 for a description of all license exceptions)**

LVS: \$500 for 0A502 shotgun ‘parts’ and ‘components,’ consisting of complete trigger mechanisms; magazines and magazine extension tubes.

\$500 for 0A502 shotgun ‘parts’ and ‘components,’ consisting of complete trigger mechanisms; magazines and magazine extension tubes, ‘complete breech mechanisms’ if the ultimate destination is Canada.

GBS: N/A  
CIV: N/A

**List of Items Controlled**

*Related Controls:* Shotguns that are fully automatic are ‘subject to the ITAR.’

*Related Definitions:* N/A

*Items:* The list of items controlled is contained in the ECCN heading.

*Note 1 to 0A502:* Shotguns made in or before 1898 are considered antique shotguns and designated as EAR99.

*Technical Note:* Shot pistols or shotguns that have had the shoulder stock removed and a pistol grip attached are controlled by ECCN 0A502. Slug guns are also controlled under ECCN 0A502.

0A503 Discharge type arms; non-lethal or less-lethal grenades and projectiles, and ‘specially designed’ ‘parts’ and ‘components’ of those projectiles; and devices to administer electric shock, for example, stun guns, shock batons, shock shields, electric cattle prods, immobilization guns and projectiles; except equipment used exclusively to treat or tranquilize animals, and except arms designed solely for signal, flare, or saluting use; and ‘specially designed’ ‘parts’ and ‘components,’ n.e.s.

**License Requirements**

*Reason for Control:* CC, UN

Control(s)	Country Chart (See Supp. No. 1 to part 738)
CC applies to entire entry .....	A license is required for ALL destinations, except Canada, regardless of end use. Accordingly, a column specific to this control does not appear on the Commerce Country Chart. (See part 742 of the EAR for additional information).
UN applies to entire entry .....	See 746.1(b) of the EAR for UN controls

**List Based License Exceptions (See Part 740 for a description of all license exceptions)**

LVS: N/A  
GBS: N/A  
C/V: N/A

**List of Items Controlled**

*Related Controls:* Law enforcement restraint devices that administer an electric shock are controlled under ECCN 0A982. Electronic devices that monitor and report a person’s location to enforce restrictions on movement for law enforcement or penal reasons are controlled under ECCN 3A981.

*Related Definitions:* N/A

*Items:* The list of items controlled is contained in the ECCN heading.

0A504 Optical sighting devices for firearms (including shotguns controlled by 0A502); and ‘components’ as follows (see List of Items Controlled).

**License Requirements**

*Reason for Control:* FC, RS, CC, UN

Control(s)	Country Chart (See Supp. No. 1 to part 738)
RS applies to paragraph i .....	RS Column 1
FC applies to paragraphs .a., .b., .c., .d., .e., .g., and .i of this entry.	FC Column 1
CC applies to entire entry .....	CC Column 1
UN applies to entire entry .....	See § 746.1(b) of the EAR for UN controls

**List Based License Exceptions (See Part 740 for a description of all license exceptions)**

LVS: \$500 for 0A504.g.  
GBS: N/A  
CIV: N/A

**List of Items Controlled**

*Related Controls:* (1) See USML Category XII(c) for sighting devices using second generation image intensifier tubes having luminous sensitivity greater than 350 μA/lm, or third generation or higher image intensifier tubes, that are ‘subject to the ITAR.’ (2) See USML Category XII(b) for laser aiming or laser illumination systems ‘subject to the ITAR.’ (3) Section 744.9 of the EAR imposes a license requirement on certain commodities described in 0A504 if being exported, re-exported, or transferred (in-country) for use by a military end-user or for incorporation into an item controlled by ECCN 0A919.

*Related Definitions:* N/A

*Items:*

- a. Telescopic sights.
- b. Holographic sights.
- c. Reflex or ‘red dot’ sights.
- d. Reticle sights.
- e. Other sighting devices that contain optical elements.
- f. Laser aiming devices or laser illuminators ‘specially designed’ for use on firearms, and having an operational wavelength exceeding 400 nm but not exceeding 710 nm.

*Note 1 to 0A504.f:* 0A504.f does not control laser boresighting devices that must be placed in the bore or chamber to provide a reference for aligning the firearms sights.

- g. Lenses, other optical elements and adjustment mechanisms for articles in paragraphs .a., .b., .c., .d., .e., or .i.
- h. [Reserved]
- i. Riflescopes that were not ‘subject to the EAR’ as of [INSERT DATE ONE DAY PRIOR TO THE EFFECTIVE DATE OF THE FINAL RULE] and are ‘specially designed’ for use in firearms that are ‘subject to the ITAR.’

*Note 2 to paragraph i:* For purpose of the application of ‘specially designed’ for the riflescopes controlled under 0A504.i, paragraph (a)(1) of the definition of ‘specially designed’ in § 772.1 of the EAR is what is used to determine whether the riflescope is ‘specially designed.’

0A505 Ammunition as follows (see List of Items Controlled).

**License Requirements**

*Reason for Control:* NS, RS, CC, FC, UN, AT

Control(s)	Country Chart (See Supp. No. 1 to part 738)
NS applies to 0A505.a and .x .....	NS Column 1
RS applies to 0A505.a and .x .....	RS Column 1
CC applies to 0A505.b .....	CC Column 1
FC applies to entire entry except 0A505.d.	FC Column 1
UN applies to entire entry .....	See § 746.1 of the EAR for UN controls
AT applies to 0A505.a, .d, and .x .....	AT Column 1
AT applies to 0A505.c .....	A license is required for items controlled by paragraph .c of this entry to North Korea for antiterrorism reasons. The Commerce Country Chart is not designed to determine AT licensing requirements for this entry. See § 742.19 of the EAR for additional information.

**List Based License Exceptions (See Part 740 for a description of all license exceptions)**

LVS: \$500 for items in 0A505.x, except \$3,000 for items in 0A505.x that, immediately prior to [INSERT DATE 45 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER], were classified under 0A018.b. (i.e., ‘Specially designed’ components and parts for ammunition, except cartridge cases, powder bags, bullets, jackets, cores, shells, projectiles, boosters, fuses and components, primers, and other detonating devices and ammunition belting and linking machines (all of which are ‘subject to the ITAR’)). (See 22 CFR parts 120 through 130)

GBS: N/A  
CIV: N/A

**Special conditions for STA**

STA: Paragraph (c)(2) of License Exception STA (§740.20(c)(2) of the EAR) may not be used for any item in 0A505.

**List of Items Controlled**

*Related Controls:* (1) Ammunition for modern heavy weapons such as howitzers, artillery, cannon, mortars and recoilless rifles as well as inherently military ammunition types such as ammunition preassembled into links or belts, caseless ammunition, tracer ammunition, ammunition with a depleted uranium projectile or a projectile with a hardened tip or core and ammunition with an explosive projectile are ‘subject to the ITAR.’ (2) Percussion caps, and lead balls and bullets, for use with muzzle-loading firearms are EAR99 items.

*Related Definitions:* N/A

*Items:*

- a. Ammunition for firearms controlled by ECCN 0A501 or USML Category I and not enumerated in paragraph .b., .c., or .d of this entry or in USML Category III.
  - b. Buckshot (No. 4 .24” diameter and larger) shotgun shells.
  - c. Shotgun shells (including less than lethal rounds) that do not contain buckshot; and ‘specially designed’ ‘parts’ and ‘components’ of shotgun shells.

*Note 1 to 0A505.c:* Shotgun shells that contain only chemical irritants are controlled under ECCN 1A984.

- d. Blank ammunition for firearms controlled by ECCN 0A501 and not enumerated in USML Category III.
  - e. through w. [Reserved]
  - x. ‘Parts’ and ‘components’ that are ‘specially designed’ for a commodity subject to control in this ECCN or a defense article in USML Category III and not elsewhere specified on the USML, the CCL or paragraph .d of this entry.

*Note 2 to 0A505.x:* The Controls on ‘parts’ and ‘components’ in this entry include Berdan and boxer primers, metallic cartridge cases, and standard metallic projectiles such as full metal jacket, lead core, and copper projectiles.

*Note 3 to 0A505.x:* The controls on ‘parts’ and ‘components’ in this entry include those ‘parts’ and ‘components’ that are common to ammunition and ordnance described in this entry and to those enumerated in USML Category III.

*Note 4 to 0A505:* Lead shot smaller than No. 4 Buckshot, empty and unprimed shotgun shells, shotgun wads, smokeless gunpowder, ‘Dummy rounds’ and blank rounds (unless linked or belted), not incorporating a lethal or non-lethal projectile(s) are designated EAR99. A ‘dummy round or drill round’ is a round that is completely inert, i.e., contains no primer, propellant, or explosive charge. It is typically used to check weapon function and for crew training.

43. In Supplement No. 1 to part 774, Category 0, add, between entries for ECCNs 0A521 and 0A604, an entry for ECCN 0A602 to read as follows:

0A602 Guns and Armament as follows (see List of Items Controlled).

**License Requirements**

Reason for Control: NS, RS, UN, AT

Control(s)	Country Chart (See Supp. No. 1 to part 738)
NS applies to entire entry .....	NS Column 1
RS applies to entire entry .....	RS Column 1
UN applies to entire entry .....	See § 746.1 of the EAR for UN controls
AT applies to entire entry .....	AT Column 1

List Based License Exceptions (See Part 740 for a description of all license exceptions)

LVS: \$500  
GBS: N/A  
CIV: N/A

**Special conditions for STA**

STA: Paragraph (c)(2) of License Exception STA (§740.20(c)(2) of the EAR) may not be used for any item in 0A602.

**List of Items Controlled**

Related Controls: (1) Modern heavy weapons such as howitzers, artillery, cannon, mortars, and recoilless rifles are “subject to the ITAR.” (2) See ECCN 0A919 for foreign-made “military commodities” that incorporate more than a de minimis amount of U.S.-origin “600 series” items. (3) See ECCN 0A606 for engines that are “specially designed” for a self-propelled gun or howitzer subject to control under paragraph .a of this ECCN or USML Category VII.

Related Definitions: N/A

**Items:**

- a. Guns and armament manufactured between 1890 and 1919.
- b. Military flame throwers with an effective range less than 20 meters.
- c. through w. [Reserved]
- x. “Parts” and “components” that are “specially designed” for a commodity subject to control in paragraphs .a or .b of this ECCN or a defense article in USML Category II and not elsewhere specified on the USML or the CCL.

Note 1 to 0A602.x: Engines that are “specially designed” for a self-propelled gun or howitzer subject to control under paragraph .a of this ECCN or a defense article in USML Category VII are controlled under ECCN 0A606.x.

Note 2 to 0A602: “Parts,” “components,” “accessories,” and “attachments” specified in USML subcategory II(j) are subject to the controls of that paragraph.

Note 3 to 0A602: Black powder guns and armament manufactured in or prior to 1890 and replicas thereof designed for use with black powder propellants are designated EAR99.

**Supplement No. 1 to Part 774—[AMENDED]**

44. In Supplement No. 1 to part 774, Category 0, remove ECCNs 0A918, 0A984, 0A985, 0A986, and 0A987.

45. In Supplement No. 1 to part 774, Category 0, revise ECCN 0A988 to read as follows: 0A988 Conventional military steel helmets.

No items currently are in this ECCN. See ECCN 1A613.y.1 for conventional steel helmets that, immediately prior to July 1, 2014, were classified under 0A988.

46. In Supplement No. 1 to part 774, Category 0, add, before the entry for ECCN 0B521, entries for ECCNs 0B501 and 0B505 to read as follows:

0B501 Test, inspection, and production “equipment” and related commodities for the “development” or “production” of commodities enumerated or otherwise described in ECCN 0A501 or USML Category I as follows (see List of Items Controlled).

**License Requirements**

Reason for Control: NS, RS, UN, AT

Control(s)	Country Chart (See Supp. No. 1 to part 738)
NS applies to entire entry except equipment.	NS Column 1 for ECCN 0A501.y

Control(s)	Country Chart (See Supp. No. 1 to part 738)
RS applies to entire entry except equipment for ECCN 0A501.y.	RS Column 1
UN applies to entire entry .....	See § 746.1 of the EAR for UN controls
AT applies to entire entry .....	AT Column 1

**List Based License Exceptions (See Part 740 for a description of all license exceptions)**

LVS: \$3000  
GBS: N/A  
CIV: N/A

**Special conditions for STA**

STA: Paragraph (c)(2) of License Exception STA (§740.20(c)(2) of the EAR) may not be used to ship any item in this entry.

**List of Items Controlled**

Related Controls: N/A

Related Definitions: N/A

**Items:**

- a. Small arms chambering machines.
- b. Small arms deep hole drilling machines and drills therefor.
- c. Small arms rifling machines.
- d. Small arms spill boring machines.
- e. Production equipment (including dies, fixtures, and other tooling) “specially designed” for the “production” of the items controlled in 0A501.a through .x. or USML Category I.

0B505 Test, inspection, and production “equipment” and related commodities “specially designed” for the “development” or “production” of commodities enumerated or otherwise described in ECCN 0A505 or USML Category III, except equipment for the hand loading of cartridges and shotgun shells, as follows (see List of Items Controlled).

**License Requirements**

Reason for Control: NS, RS, UN, AT

Control(s)	Country Chart (See Supp. No. 1 to part 738)
NS applies to paragraphs .a and .x	NS Column 1
RS applies to paragraphs .a and .x	RS Column 1
UN applies to entire entry .....	See § 746.1 of the EAR for UN controls
AT applies to paragraphs .a, .d, and .x.	AT Column 1
AT applies to paragraph .c .....	A license is required for export or reexport of these items to North Korea for anti-terrorism reasons.

**List Based License Exceptions (See Part 740 for a description of all license exceptions)**

LVS: \$3000  
GBS: N/A  
CIV: N/A

**Special conditions for STA**

STA: Paragraph (c)(2) of License Exception STA (740.20(c)(2) of the EAR) may not be used for any item in 0B505.

**List of Items Controlled**

Related Controls: N/A

Related Definitions: N/A

**Items:**

- a. Production equipment (including tooling, templates, jigs, mandrels, molds, dies, fixtures, alignment mechanisms, and test equipment), not enumerated in USML Category III that are “specially designed” for the “production” of commodities controlled by ECCN 0A505.a or .x or USML Category III.
- b. Equipment “specially designed” for the “production” of commodities in ECCN 0A505.b.
- c. Equipment “specially designed” for the “production” of commodities in ECCN 0A505.c.
- d. Equipment “specially designed” for the “production” of commodities in ECCN 0A505.d.
- e. through .w [Reserved]

x. “Parts” and “components” “specially designed” for a commodity subject to control in paragraph .a of this entry.

47. In Supplement No. 1 to part 774, Category 0, add, between entries for ECCNs 0B521 and 0B604, an entry for ECCN 0B602 to read as follows:

0B602 Test, inspection, and production “equipment” and related commodities “specially designed” for the “development” or “production” of commodities enumerated or otherwise described in ECCN 0A602 or USML Category II as follows (see List of Items Controlled).

**License Requirements**

Reason for Control: NS, RS, UN, AT

Control(s)	Country Chart (See Supp. No. 1 to part 738)
NS applies to entire entry .....	NS Column 1
RS applies to entire entry .....	RS Column 1
UN applies to entire entry .....	See § 746.1 of the EAR for UN controls
AT applies to entire entry .....	AT Column 1

**List Based License Exceptions (See Part 740 for a description of all license exceptions)**

LVS: \$3000  
GBS: N/A  
CIV: N/A

**Special conditions for STA**

STA: Paragraph (c)(2) of License Exception STA (§740.20(c)(2) of the EAR) may not be used for any item in 0B602.

**List of Items Controlled**

Related Controls: N/A

Related Definitions: N/A

**Items:**

- a. The following commodities if “specially designed” for the “development” or “production” of commodities enumerated in ECCN 0A602.a or USML Category II:
  - a.1. Gun barrel rifling and broaching machines and tools therefor;
  - a.2. Gun barrel rifling machines;
  - a.3. Gun barrel trepanning machines;
  - a.4. Gun boring and turning machines;
  - a.5. Gun honing machines of 6 feet (183 cm) stroke or more;
  - a.6. Gun jump screw lathes;
  - a.7. Gun rifling machines; and
  - a.8. Barrel straightening presses.
- b. Jigs and fixtures and other metal-working implements or accessories of the kinds exclusively designed for use in the manufacture of items in ECCN 0A602 or USML Category II.
- c. Other tooling and equipment, “specially designed” for the “production” of items in ECCN 0A602 or USML Category II.
- d. Test and evaluation equipment and test models, including diagnostic instrumentation and physical test models, “specially designed” for items in ECCN 0A602 or USML Category II.

**Supplement No. 1 to Part 774—[AMENDED]**

48. In Supplement No. 1 to part 774, Category 0, remove ECCN 0B986.

49. In Supplement No. 1 to part 774, Category 0, add, between the entries for ECCNs 0D001 and 0D521, entries for ECCNs 0D501 and 0D505 to read as follows:

0D501 “Software” “specially designed” for the “development,” “production,” operation, or maintenance of commodities controlled by 0A501 or 0B501.

**License Requirements**

Reason for Control: NS, RS, UN, AT

Control(s)	Country Chart (See Supp. No. 1 to part 738)
NS applies to entire entry except “software” for commodities in ECCN 0A501.y or equipment in ECCN 0B501 for commodities in ECCN 0A501.y.	NS Column 1
RS applies to entire entry except “software” for commodities in ECCN 0A501.y or equipment in ECCN 0B501 for commodities in ECCN 0A501.y.	RS Column 1

Control(s)	Country Chart (See Supp. No. 1 to part 738)
UN applies to entire entry .....	See § 746.1 of the EAR for UN controls
AT applies to entire entry .....	AT Column 1

**List Based License Exceptions (See Part 740 for a description of all license exceptions)**

CIV: N/A  
TSR: N/A

**Special conditions for STA**

STA: Paragraph (c)(2) of License Exception STA (§740.20(c)(2) of the EAR) may not be used for any “software” in 0D501.

**List of Items Controlled**

*Related Controls:* “Software” required for and directly related to articles enumerated in USML Category I is “subject to the ITAR”.

*Related Definitions:* N/A

*Items:* The list of items controlled is contained in this ECCN heading.

0D505 “Software” “specially designed” for the “development,” “production,” operation, or maintenance of commodities controlled by 0A505 or 0B505.

**License Requirements**

*Reason for Control:* NS, RS, UN, AT

Control(s)	Country Chart (See Supp. No. 1 to part 738)
NS applies to “software” for commodities in ECCN 0A505.a and .x and equipment in ECCN 0B505.a and .x.	NS Column 1
RS applies to “software” for commodities in ECCN 0A505.a and .x and equipment in ECCN 0B505.a and .x.	RS Column 1
UN applies to entire entry .....	See § 746.1 of the EAR for UN controls
AT applies to “software” for commodities in ECCN 0A505.a, .d, or .x and equipment in ECCN 0B505.a, .d, or .x.	AT Column 1

**List Based License Exceptions (See Part 740 for a description of all license exceptions)**

CIV: N/A  
TSR: N/A

**Special conditions for STA**

STA: Paragraph (c)(2) of License Exception STA (§740.20(c)(2) of the EAR) may not be used for any “software” in 0D505.

**List of Items Controlled**

*Related Controls:* “Software” required for and directly related to articles enumerated in USML Category III is “subject to the ITAR”.

*Related Definitions:* N/A

*Items:* The list of items controlled is contained in this ECCN heading.

50. In Supplement No. 1 to part 774, Category 0, add, between the entries for ECCNs 0D521 and 0D604, an entry for ECCN 0D602 to read as follows:

0D602 “Software” “specially designed” for the “development,” “production,” operation or maintenance of commodities controlled by 0A602 or 0B602 as follows (see List of Items Controlled).

**License Requirements**

*Reason for Control:* NS, RS, UN, AT

Control(s)	Country Chart (See Supp. No. 1 to part 738)
NS applies to entire entry .....	NS Column 1
RS applies to entire entry .....	RS Column 1
UN applies to entire entry .....	See § 746.1 of the EAR for UN controls
AT applies to entire entry .....	AT Column 1

**List Based License Exceptions (See Part 740 for a description of all license exceptions)**

CIV: N/A  
TSR: N/A

**Special conditions for STA**

STA: Paragraph (c)(2) of License Exception STA (§740.20(c)(2) of the EAR) may not be used for any item in 0D602.

**List of Items Controlled**

*Related Controls:* (1) “Software” required for and directly related to articles enumerated in USML Category II is “subject to the ITAR”. (2) See ECCN 0A919 for foreign-made “military commodities” that incorporate more than a *de minimis* amount of U.S.-origin “600 series” items.

*Related Definitions:* N/A

*Items:* “Software” “specially designed” for the “development,” “production,” operation, or maintenance of commodities controlled by ECCN 0A602 and ECCN 0B602.

51. In Supplement No. 1 to part 774, Category 0, remove ECCN 0E018.

52. In Supplement No. 1 to part 774, Category 0, add, between the entries for ECCNs 0E001 and 0E521, entries for ECCNs 0E501, 0E502, 0E504, and 0E505 to read as follows:

0E501 “Technology” “required” for the “development,” “production,” operation, installation, maintenance, repair, or overhaul of commodities controlled by 0A501 or 0B501 as follows (see List of Items Controlled).

**License Requirements**

*Reason for Control:* NS, RS, UN, AT

Control(s)	Country Chart (See Supp. No. 1 to part 738)
NS applies to entire entry .....	NS Column 1
RS applies to entire entry .....	RS Column 1
UN applies to entire entry .....	See § 746.1 of the EAR for UN controls
AT applies to entire entry .....	AT Column 1

**List Based License Exceptions (See Part 740 for a description of all license exceptions)**

CIV: N/A  
TSR: N/A

**Special conditions for STA**

STA: Paragraph (c)(2) of License Exception STA (740.20(c)(2) of the EAR) may not be used to ship any “technology” in ECCN 0E501.

**List of Items Controlled**

*Related Controls:* Technical data required for and directly related to articles enumerated in USML Category I are “subject to the ITAR.”

*Related Definitions:* N/A

*Items:*

a. “Technology” “required” for the “development” or “production” of commodities controlled by ECCN 0A501 (other than 0A501.y) or 0B501.

b. “Technology” “required” for the operation, installation, maintenance, repair, or overhaul of commodities controlled by ECCN 0A501 (other than 0A501.y) or 0B501.

0E502 “Technology” “required” for the “development” or “production” of commodities controlled by 0A502.

**License Requirements**

*Reason for Control:* CC, UN

Controls	Country Chart (See Supp. No. 1 part 738)
CC applies to entire entry .....	CC Column 1
UN applies to entire entry .....	See § 746.1(b) of the EAR for UN controls

**List Based License Exceptions (See Part 740 for a description of all license exceptions)**

CIV: N/A  
TSR: N/A

**List of Items Controlled**

*Related Controls:* Technical data required for and directly related to articles enumerated in USML Category I are “subject to the ITAR.”

*Related Definitions:* N/A

*Items:* The list of items controlled is contained in the ECCN heading.

0E504 “Technology” “required” for the “development” or “production” of commodities controlled by 0A504 that incorporate a focal plane array or image intensifier tube.

**License Requirements**

*Reason for Control:* RS, UN, AT

Controls	Country Chart (See Supp. No. 1 part 738)
RS applies to entire entry .....	RS Column 1
UN applies to entire entry .....	See § 746.1(b) of the EAR for UN controls
AT applies to entire entry .....	AT Column 1

**List Based License Exceptions (See Part 740 for a description of all license exceptions)**

CIV: N/A  
TSR: N/A

**List of Items Controlled**

*Related Controls:* N/A

*Related Definitions:* N/A

*Items:* The list of items controlled is contained in the ECCN heading.

0E505 “Technology” “required” for the “development,” “production,” operation, installation, maintenance, repair, overhaul, or refurbishing of commodities controlled by 0A505.

**License Requirements**

*Reason for Control:* NS, RS, UN, CC, AT

Control(s)	Country Chart (See Supp. No. 1 to part 738)
NS applies to “technology” for “development,” “production,” operation, installation, maintenance, repair, overhaul, or refurbishing commodities in 0A505.a and .x; for equipment for those commodities in 0B505; and for “software” for that equipment and those commodities in 0D505.	NS Column 1
RS applies to entire entry except “technology” for “development,” “production,” operation, installation, maintenance, repair, overhaul, or refurbishing commodities in 0A505.a and .x; for equipment for those commodities in 0B505 and for “software” for those commodities and that equipment in 0D505.	RS Column 1
UN applies to entire entry .....	See § 746.1 of the EAR for UN controls
CC applies to “technology” for the “development” or “production” of commodities in 0A505.b.	CC Column 1
AT applies to “technology” for “development,” “production,” operation, installation, maintenance, repair, overhaul, or refurbishing commodities in 0A505.a, .d, and .x.	AT Column 1

**List Based License Exceptions (See Part 740 for a description of all license exceptions)**

CIV: N/A  
TSR: N/A

**Special conditions for STA**

STA: Paragraph (c)(2) of License Exception STA (§740.20(c)(2) of the EAR) may not be used for any “technology” in 0E505.

**List of Items Controlled**

*Related Controls:* Technical data required for and directly related to articles enumerated in USML Category III are “subject to the ITAR”.

*Related Definitions:* N/A

*Items:* The list of items controlled is contained in this ECCN heading.

53. In Supplement No. 1 to part 774, Category 0, add, between the entries for ECCNs 0E521 and 0E604, an entry for ECCN 0E602:

0E602 “Technology” “required” for the “development,” “production,” operation, installation, maintenance, repair, overhaul, or refurbishing of commodities controlled by 0A602 or 0B602, or “software” controlled by 0D602 as follows (see List of Items Controlled).

**License Requirements**

*Reason for Control:* NS, RS, UN, AT

Control(s)	Country Chart (See Supp. No. 1 to part 738)
NS applies to entire entry .....	NS Column 1

Control(s)	Country Chart (See Supp. No. 1 to part 738)
RS applies to entire entry .....	RS Column 1
UN applies to entire entry .....	See 746.1 of the EAR for UN controls
AT applies to entire entry .....	AT Column 1

**List Based License Exceptions (See Part 740 for a description of all license exceptions)**

CIV: N/A  
TSR: N/A

**Special conditions for STA**

STA: Paragraph (c)(2) of License Exception STA (740.20(c)(2) of the EAR) may not be used for any item in 0E602.

**List of Items Controlled**

*Related Controls:* Technical data directly related to articles enumerated in USML Category II are “subject to the ITAR.”

*Related Definitions:* N/A

*Items:* “Technology” “required” for the “development,” “production,” operation, installation, maintenance, repair, or overhaul of commodities controlled by ECCN 0A602 or 0B602, or “software” controlled by ECCN 0D602.

**Supplement No. 1 to Part 774—[AMENDED]**

54. In Supplement No. 1 to part 774, Category 0, remove ECCN 0E918.

55. In Supplement No. 1 to part 774, Category 0, revise ECCN 0E982 to read as follows.

0E982 “Technology” exclusively for the “development” or “production” of equipment controlled by 0A982 or 0A503.

**License Requirements**

*Reason for Control:* CC

Control(s)
CC applies to “technology” for items controlled by 0A982 or 0A503. A license is required for ALL destinations, except Canada, regardless of end use. Accordingly, a column specific to this control does not appear on the Commerce Country Chart. (See part 742 of the EAR for additional information.)

**List Based License Exceptions (See Part 740 for a description of all license exceptions)**

CIV: N/A  
TSR: N/A

**List of Items Controlled**

*Related Controls:* N/A

*Related Definitions:* N/A

*Items:*

The list of items controlled is contained in the ECCN heading.

**Supplement No. 1 to Part 774—[AMENDED]**

56. In Supplement No. 1 to part 774, Category 0, remove ECCNs 0E984 and 0E987.

57. In Supplement No. 1 to part 774, Category 1, revise ECCN 1A984 to read as follows:

1A984 Chemical agents, including tear gas formulation containing 1 percent or less of orthochlorobenzalmalononitrile (CS), or 1 percent or less of chloroacetophenone (CN), except in individual containers with a net weight of 20 grams or less; liquid pepper except when packaged in individual containers with a net weight of 3 ounces (85.05 grams) or less; smoke bombs; non-irritant smoke flares, canisters, grenades and charges; and other pyrotechnic articles (excluding shotgun shells, unless the shotgun shells contain only chemical irritants) having dual military and commercial use, and “parts” and “components” “specially designed” therefor, n.e.s.

**License Requirements**

*Reason for Control:* CC

Control(s)	Country Chart (See Supp. No. 1 to part 738)
CC applies to entire entry .....	CC Column 1

**List Based License Exceptions (See Part 740 for a description of all license exceptions)**

LVS: N/A

GBS: N/A  
CIV: N/A

**List of Items Controlled**

*Related Controls:* N/A

*Related Definitions:* N/A

*Items:*

The list of items controlled is contained in the ECCN heading.

58. In Supplement No. 1 to part 774, Category 2, revise ECCN 2B004 to read as follows:

2B004 Hot “isostatic presses” having all of the characteristics described in the List of Items Controlled, and “specially designed” “components” and “accessories” therefor.

**License Requirements**

*Reason for Control:* NS, MT, NP, AT

Control(s)	Country Chart (See Supp. No. 1 to part 738)
NS applies to entire entry .....	NS Column 2
MT applies to entire entry .....	MT Column 1
NP applies to entire entry, except 2B004.b.3 and presses with maximum working pressures below 69 MPa.	NP Column 1
AT applies to entire entry .....	AT Column 1

**List Based License Exceptions (See Part 740 for a description of all license exceptions)**

LVS: N/A  
GBS: N/A  
CIV: N/A

**List of Items Controlled**

*Related Controls:* (1) See ECCN 2D001 for software for items controlled under this entry. (2) See ECCNs 2E001 (“development”), 2E002 (“production”), and 2E101 (“use”) for technology for items controlled under this entry. (3) For “specially designed” dies, molds and tooling, see ECCNs 0B501, 0B602, 0B606, 1B003, 9B004, and 9B009. (4) For additional controls on dies, molds and tooling, see ECCNs 1B101.d, 2B104, and 2B204. (5) Also see ECCNs 2B117 and 2B999.a.

*Related Definitions:* N/A

*Items:*

a. A controlled thermal environment within the closed cavity and possessing a chamber cavity with an inside diameter of 406 mm or more; and

b. Having any of the following:

b.1. A maximum working pressure exceeding 207 MPa;

b.2. A controlled thermal environment exceeding 1,773 K (1,500 °C); or

b.3. A facility for hydrocarbon impregnation and removal of resultant gaseous degradation products.

*Technical Note:* The inside chamber dimension is that of the chamber in which both the working temperature and the working pressure are achieved and does not include fixtures. That dimension will be the smaller of either the inside diameter of the pressure chamber or the inside diameter of the insulated furnace chamber, depending on which of the two chambers is located inside the other.

59. In Supplement No. 1 to part 774, Category 2, revise ECCN 2B018 to read as follows:

2B018 Equipment on the Wassenaar Arrangement Munitions List.

No commodities currently are controlled by this entry. Commodities formerly controlled by paragraphs .a through .d, .m, and .s of this entry are controlled in ECCN 0B606. Commodities formerly controlled by paragraphs .e through .l of this entry are controlled by ECCN 0B602. Commodities formerly controlled by paragraphs .o through .r of this entry are controlled by ECCN 0B501. Commodities formerly controlled by paragraph .n of this entry are controlled in ECCN 0B501 if they are “specially designed” for the “production” of the items controlled in ECCN 0A501.a through .x or USML Category

I and controlled in ECCN 0B602 if they are of the kind exclusively designed for use in the manufacture of items in ECCN 0A602 or USML Category II.

60. In Supplement No. 1 to part 774, Category 2, revise ECCN 2D018 to read as follows:

2D018 “Software” for the “development,” “production,” or “use” of equipment controlled by 2B018.

No software is currently controlled under this entry. See ECCNs OD501, OD602, and OD606 for software formerly controlled under this entry.

61. In Supplement No. 1 to part 774, Category 2, revise ECCN 2E001 to read as follows:

2E001 “Technology” according to the General Technology Note for the “development” of equipment or “software” controlled by 2A (except 2A983, 2A984, 2A991, or 2A994), 2B (except 2B991, 2B993, 2B996, 2B997, 2B998, or 2B999), or 2D (except 2D983, 2D984, 2D991, 2D992, or 2D994).

**License Requirements**

*Reason for Control:* NS, MT, NP, CB, AT

Control(s)	Country Chart (See Supp. No. 1 to part 738)
NS applies to “technology” for items controlled by 2A001, 2B001 to 2B009, 2D00f or 2D002.	NS Column 1
MT applies to “technology” for items controlled by 2B004, 2B009, 2B104, 2B105, 2B109, 2B116, 2B117, 2B119 to 2B122, 2D001, or 2D101 for MT reasons.	MT Column 1
NP applies to “technology” for items controlled by 2A225, 2A226, 2B001, 2B004, 2B006, 2B007, 2B009, 2B104, 2B 109, 2B116, 2B201, 2B204, 2B206, 2B207, 2B209, 2B225 to 2B233, 2D001, 2D002, 2D101, 2D201, or 2D202 for NP reasons.	NP Column 1
NP applies to “technology” for items controlled by 2A290, 2A291, or 2D290 for NP reasons.	NP Column 2
CB applies to “technology” for equipment controlled by 2B350 to 2B352, valves controlled by 2A226 having the characteristics of those controlled by 2B350.g, and software controlled by 2D351	CB Column 2
AT applies to entire entry .....	AT Column 1

**Reporting Requirements**

See §743.1 of the EAR for reporting requirements for exports under License Exceptions, and Validated End-User authorizations.

**List Based License Exceptions (See Part 740 for a description of all license exceptions)**

CIV: N/A  
TSR: Yes, except N/A for MT

**Special Conditions for STA**

STA: License Exception STA may not be used to ship or transmit “technology” according to the General Technology Note for the “development” of “software” specified in the License Exception STA paragraph in the License Exception section of ECCN 2D001 or for the “development” of equipment as follows: ECCN 2B001 entire entry; or “Numerically controlled” or manual machine tools as specified in 2B003 to any of the destinations listed in Country Group A:6 (See Supplement No.1 to part 740 of the EAR).

**List of Items Controlled**

*Related Controls:* See also 2E101, 2E201, and 2E301

*Related Definitions:* N/A

*Items:*

The list of items controlled is contained in the ECCN heading.

*Note 1 to 2E001:* ECCN 2E001 includes “technology” for the integration of probe systems into coordinate measurement machines specified by 2B006.a.

62. In Supplement No. 1 to part 774, Category 2, revise ECCN 2E002 to read as follows:

2E002 “Technology” according to the General Technology Note for the “production”

of equipment controlled by 2A (except 2A983, 2A984, 2A991, or 2A994), or 2B (except 2B991, 2B993, 2B996, 2B997, 2B998, or 2B999).

**License Requirements**

*Reason for Control:* NS, MT, NP, CB, AT

Control(s)	Country Chart (See Supp. No. 1 to part 738)
NS applies to "technology" for equipment controlled by 2A001, 2B001 to 2B009.	NS Column 1
MT applies to "technology" for equipment controlled by 2B004, 2B009, 2B104, 2B105, 2B109, 2B116, 2B117, or 2B119 to 2B122 for MT reasons.	MT Column 1
NP applies to "technology" for equipment controlled by 2A225, 2A226, 2B001, 2B004, 2B006, 2B007, 2B009, 2B104, 2B109, 2B116, 2B201, 2B204, 2B206, 2B207, 2B209, 2B225 to 2B233 for NP reasons	NP Column 1
NP applies to "technology" for equipment controlled by 2A290 or 2A291 for NP reasons	NP Column 2
CB applies to "technology" for equipment controlled by 2B350 to 2B352 and for valves controlled by 2A226 having the characteristics of those controlled by 2B350.g	CB Column 2
AT applies to entire entry .....	AT Column 1

**Reporting Requirements**

See §743.1 of the EAR for reporting requirements for exports under License Exceptions, and Validated End-User authorizations.

**List Based License Exceptions (See Part 740 for a description of all license exceptions)**

*CIV:* N/A

*TSR:* Yes, except N/A for MT

**Special Conditions for STA**

*STA:* License Exception STA may not be used to ship or transmit "technology" according to the General Technology Note for the "production" of equipment as follows: ECCN 2B001 entire entry; or "Numerically controlled" or manual machine tools as specified in 2B003 to any of the destinations listed in Country Group A:6 (See Supplement No.1 to part 740 of the EAR).

**List of Items Controlled**

*Related Controls:* N/A

*Related Definitions:* N/A

*Items:*

The list of items controlled is contained in the ECCN heading.

63. In Supplement No. 1 to part 774, Category 7, revise ECCN 7A611 to read as follows:

7A611 Military fire control, laser, imaging, and guidance equipment, as follows (see List of Items Controlled).

**License Requirements**

*Reason for Control:* NS, MT, RS, AT, UN

Control	Country Chart (See Supp. No. 1 to part 738)
NS applies to entire entry except 7A611.y.	NS Column 1
MT applies to commodities in 7A611.a that meet or exceed the parameters in 7A103.b or c.	MT Column 1
RS applies to entire entry except 7A611.y.	RS Column 1
AT applies to entire entry .....	AT Column 1
UN applies to entire entry except 7A611.y.	See § 746.1(b) of the EAR for UN controls

**List Based License Exceptions (See Part 740 for a description of all license exceptions)**

*LVS:* \$1500

*GBS:* N/A

*C/V:* N/A

**Special Conditions for STA**

*STA:* Paragraph (c)(2) of License Exception STA (740.20(c)(2) of the EAR) may not be used for any item in 7A611.

**List of Items Controlled**

*Related Controls:* (1) Military fire control, laser, imaging, and guidance equipment that

are enumerated in USML Category XII, and technical data (including software) directly related thereto, are subject to the ITAR. (2) See Related Controls in ECCNs 0A504, 2A984, 6A002, 6A003, 6A004, 6A005, 6A007, 6A008, 6A107, 7A001, 7A002, 7A003, 7A005, 7A101, 7A102, and 7A103. (3) See ECCN 3A611 and USML Category XI for controls on counter-measure equipment. (4) See ECCN 0A919 for foreign-made "military commodities" that incorporate more than a de minimis amount of U.S. origin "600 series" controlled content.

*Related Definitions:* N/A

*Items:*

a. Guidance or navigation systems, not elsewhere specified on the USML, that are "specially designed" for a defense article on the USML or for a 600 series item.

b. to w. [RESERVED]

x. "Parts," "components," "accessories," and "attachments," including accelerometers, gyros, angular rate sensors, gravity meters (gravimeters), and inertial measurement units (IMUs), that are "specially designed" for defense articles controlled by USML Category XII or items controlled by 7A611, and that are NOT:

1. Enumerated or controlled in the USML or elsewhere within ECCN 7A611;

2. Described in ECCNs 6A007, 6A107, 7A001, 7A002, 7A003, 7A101, 7A102, or 7A103; or

3. Elsewhere specified in ECCN 7A611.y or 3A611.y.

y. Specific "parts," "components," "accessories," and "attachments" "specially designed" for a commodity subject to control in this ECCN or a defense article in Category XII and not elsewhere specified on the USML or in the CCL, as follows, and "parts," "components," "accessories," and "attachments" "specially designed" therefor:

y.1 [RESERVED]

Dated:

RICHARD E. ASHOOH,

*Assistant Secretary for Export Administration.*

Summary of Revisions to USML Categories I, II, and III

In 2009, the interagency began a review of the U.S. export control system, with the goal of strengthening national security and the competitiveness of key U.S. manufacturing and technology sectors by focusing on current threats, as well as adapting to the changing economic and technological landscape. This review determined that the then-current export control system was overly complicated, contained too many redundancies, and, in trying to protect too much, diminished our ability to focus our efforts on the most critical national security priorities.

To this end, the Departments of State and Commerce have been reviewing and revising the two primary lists of controlled items, i.e., the United States Munitions List (USML) and the Commerce Control List (CCL). A key strategy in the reform effort has been to construct the lists so they positively identify the items they control. Thus, for example, the USML lists the specific types of parts, components, accessories, and attachments that warrant control under the International Traffic in Arms Regulations (ITAR) rather than all generic "parts," "components," "accessories and attachments" that are in any way "specifically designed, modified, adapted, or configured" for a defense article, regardless of military significance (as is currently the case for unrevised USML categories). All other generic parts, components, accessories, and attachments and the technology for their "production," "development," or "use" that are "specially designed" for an item formerly on the USML but not specifically identified on the USML will become subject to the juris-

dition of the Export Administration Regulations (EAR) and identified on its CCL.

In connection with this effort, the Department of State has published 26 final, or interim final, rules revising 18 of the 21 USML categories. In May 2018, the Department of State published proposed revisions of the remaining three USML Categories, including Category I (firearms and related articles), II (guns and armaments) and III (ammunition and ordnance), which follow this model of utilizing a "positive list" for controls. Articles that are not positively identified on the USML will continue to be controlled, albeit under the jurisdiction of the EAR.

In February 2019, the Department of State formally notified Congress of the transfer of jurisdictional control of certain classes of items in Categories, I, II, and III. The Department of State is submitting a new notification to Congress because the Department of Commerce has amended certain controls in its draft companion rule. In particular, in order to address concerns raised by some members of Congress and the public regarding certain access to 3D printing technology and software for firearms, the Department of Commerce has revised its draft final rule to make certain technology and software capable of producing firearms subject to the EAR when posted on the internet under specified circumstances. The Department of State has not made any changes to the classes of items in Categories I, II, or III that it is proposing to remove from the USML from the time that the Department of State notified Congress in February 2019.

**Category I—Firearms and Related Articles**

Paragraph (a) is revised by limiting the scope of the control to firearms using caseless ammunition. Non-automatic and semi-automatic firearms that do not use caseless ammunition will be controlled in Export Control Classification Number (ECCN) 0A501 on the CCL, except for firearms manufactured prior to 1890.

Paragraph (b) is non-substantively revised.

Paragraph (c) is revised by limiting the scope to firearms specially designed to integrate fire control, automatic tracking, or automatic firing (e.g., Precision Guided Firearms). Other weapons that were controlled here will be controlled in ECCN 0A501.

Paragraph (d) is revised by limiting the scope to fully automatic shotguns. Other shotguns that were controlled here will be controlled in ECCN 0A502.

Paragraph (e) is revised by removing flash suppressors and moving certain parts and components for the remaining items in paragraph (e) to paragraph (h)(3). Flash suppressors will be controlled in ECCN 0A501.

Paragraph (f) is reserved. Riflescopes with night vision or infrared were moved to USML Category XII(c)(2) in 2016 through 81 FR 70340. All other rifle scopes that were controlled here will be controlled in ECCN 0A504.

Paragraph (g) is revised to more clearly delineate the major components of USML firearms that are controlled. The major parts and components of firearms that transition to the CCL will be controlled in ECCN 0A501.

Paragraph (h) is revised by adding four subparagraphs to specifically enumerate the articles controlled. The parts, components, accessories, and attachments of firearms that transition to the CCL will be controlled in ECCN 0A501, as will any parts, components, accessories, and attachments of USML firearms that are not listed in paragraphs (g) or (h).

Paragraph (i) is revised to add control for the classified technical data directly related to items controlled in ECCNs 0A501, OB501, OD501, and OE501 and defense services using the classified technical data.

A new paragraph (x) has been added to USML Category I, allowing ITAR licensing on behalf of the Department of Commerce for commodities, software, and technology subject to the EAR, provided those commodities, software, and technology are to be used in or with defense articles controlled in USML Category XII and are described in the purchase documentation submitted with the application.

#### Category II—Guns and Armament

Paragraph (a) is revised by adding five subparagraphs to specifically enumerate the articles controlled, including adding a control for DOD-funded development guns and armaments and their specially designed parts and components. Two notes are added to paragraph (a) in order to exclude from the control certain items that do not warrant control on the USML. Non-automatic and non-semi-automatic rifles, carbines, and pistols between .50 (12.7 mm) and .72 caliber (18.288 mm) will be controlled under ECCN 0A501. Black powder guns and armaments manufactured between 1890 and 1919 will be controlled under ECCN 0A602, except for black powder guns and armaments manufactured earlier than 1890.

Paragraph (b) is revised to control flame throwers based on the technical parameter of a range 20 meters or greater.

Paragraph (c) is reserved. The items that were controlled in this paragraph that warrant USML control are now described in paragraph (a)(4) and the rest are controlled in ECCN 0A602.

Paragraph (d) is revised to control specially designed kinetic energy weapons.

Paragraph (e) is revised to more specifically describe the items warranting control under this paragraph. Items that were controlled in this paragraph as being for guns and armaments controlled in paragraph (c) that did not move to paragraph (a)(4) are controlled in ECCN 0A602.

Paragraph (f) is reserved. The items that were controlled here will be controlled in ECCN 0A606.

Paragraph (g) is reserved. The items that were controlled here will be controlled in ECCN 0B602.

Paragraph (h) is reserved. The items that were controlled here will be controlled in ECCN 0B602.

Paragraph (i) is reserved. The items that were controlled that continue to warrant USML control are moved to paragraphs (j)(9) and components therefor to (j)(10) and the rest will be controlled in ECCN 0B602.

Paragraph (j) is revised by adding seventeen subparagraphs to specifically enumerate the articles controlled. The parts, components, accessories, and attachments that are not listed in paragraph (j) will be controlled in ECCN 0A602.

Paragraph (k) is revised to add control for the classified technical data directly related to items controlled in ECCNs 0A602, 0B602, 0D602, and 0E602 and defense services using the classified technical data.

A new paragraph (x) has been added to USML Category II, allowing ITAR licensing on behalf of the Department of Commerce for commodities, software, and technology subject to the EAR, provided those commodities, software, and technology are to be used in or with defense articles controlled in USML Category XII and are described in the purchase documentation submitted with the application.

#### Category III—Ammunition and Ordnance

Paragraph (a) is revised by adding ten subparagraphs to specifically enumerate the articles controlled, including adding a control for DOD-funded development ammunition. Ammunition not described will be controlled under ECCN 0A505. Black powder guns and

armaments manufactured between 1890 and 1919 will be controlled under ECCN 0A602, except for black powder guns and armaments manufactured earlier than 1890.

Paragraph (b) is revised to more specifically describe the items warranting control under this paragraph by identifying those items in two subparagraphs. Items that were controlled in this paragraph but do not meet the more specific description will be controlled in ECCN 0B505.

Paragraph (c) is reserved. The items that were controlled in this paragraph will be controlled in ECCN 0B505.

Paragraph (d) is revised by adding fifteen subparagraphs to specifically enumerate the articles controlled. Parts and components of USML ammunition that are not described will be controlled in ECCN 0A505.

Paragraph (e) is revised to add control for the classified technical data directly related to items controlled in ECCNs 0A505, 0B505, 0D505, and 0E505 and defense services using the classified technical data.

A new paragraph (x) has been added to USML Category II, allowing ITAR licensing on behalf of the Department of Commerce for commodities, software, and technology subject to the EAR, provided those commodities, software, and technology are to be used in or with defense articles controlled in USML Category XII and are described in the purchase documentation submitted with the application.

A new note is added to Category III to provide that ammunition crimped without a projectile (blank star) and dummy ammunition with a pierced powder chamber are not on the USML. These items will be controlled in ECCN 0A505. An additional new note is added to provide that grenades containing non-lethal or less lethal projectiles are not on the USML. These grenades will be controlled in ECCN 0A505.

For items that have transitioned to the CCL in a 600 series entry, transactions destined for countries subject to a U.S. arms embargo will not be eligible for license exceptions, except for License Exception GOV under EAR §740.11(b)(2)(ii). Multilateral regime-controlled items moved from the USML to the CCL will retain their regime control parameters and reasons for control.

The Department of Commerce has created a License Exception Strategic Trade Authorization (STA, §740.20), which authorizes the export, re-export, and transfer (in-country) of certain items on the CCL to “countries of least concern” without a license (i.e., Argentina, Australia, Austria, Belgium, Bulgaria, Canada, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Lithuania, Luxembourg, Netherlands, New Zealand, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, South Korea, Spain, Sweden, Switzerland, Turkey, and the United Kingdom). Parts, components, accessories and attachments controlled under subparagraph “x” of the relevant ECCNs will be automatically available for this exception. However, end-items that will be controlled under the new ECCNs will be subject to a “first time” license requirement. Exporters will be able to request a determination on STA eligibility for these items concurrent with a license request. If the Departments of State, Defense, and Commerce all agree, the end-item would be separately posted, by model number, as eligible for STA in the future. If the departments cannot reach consensus, the end-item would continue to require a license to all destinations except Canada.

Existing License Exceptions LVS (§740.3), TMP (§740.9), RPL (§740.10), and GOV (§740.11(b)(2)(ii) or (b)(2)(iii)) will be eligible for use for items controlled by these ECCNs.

Categories I, II and III MDE Transitioning to the CCL

ITEM DESCRIPTION	CCL CONTROL
Cartridge, 5.56mm M855A1 .....	CCL ..... ECCN 0A505.a

Edited text set in black brackets. Revised text set in italic.

#### NATIVE AMERICAN HERITAGE MONTH

Mr. UDALL. Mr. President, every November, the Senate observes Native American Heritage Month to recognize the contributions of American Indians, Alaska Natives, and Native Hawaiians to the United States.

Today, the promise of Native achievement burns brighter than ever. Just a few months ago, Joy Harjo, a member of the Muscogee Creek Nation, became the Nation's 23rd Poet Laureate. The first Native American appointed to the laureateship in the history of the Library of Congress, Ms. Harjo is an inspiration to the next generation of Native American writers, poets, and artists to share their diverse and powerful voices with the world.

In this spirit, I am proud to have worked with Ms. Harjo, the Library of Congress, the Institute of American Indian Arts, and the Boys and Girls Club of America to host an exhibition of Native student poetry in the rotunda of the Russell Senate Office Building this month. The display showcases Ms. Harjo's poetry alongside original works written by Autumn Abeyta, Ambrosia Morning Gun, Jewel Palmer, Paige Hannan, Lindsey Toya-Tosa, Delaney Keshena, and Rebekkah Autaubo—Native students attending schools in my home state of New Mexico and representing Tribes in New Mexico, Montana, New York, Wisconsin, and Oklahoma.

This year's inaugural exhibit represents the countless ways Native peoples have harnessed their strength, resilience, and unique perspectives to shape nearly every facet of our national identity.

As the vice chairman of the Committee on Indian Affairs, I work every day to achieve Indian Country's priorities and uphold the Federal Government's trust and treaty responsibilities to Indian Country. I hope this month will serve as an opportunity for this entire body to reexamine how we can strengthen our commitment to Native peoples and recommit to our shared responsibilities.

#### HONORING CHANNING ROBERT WHITAKER

Mr. GRASSLEY. Mr. President, I rise today to pay tribute to a fallen soldier from Iowa, Private Channing Robert Whitaker. After 76 years, this marine is finally coming home. Inspired by the patriotism and service of his four older siblings who also served during World War II, Whitaker enlisted in the U.S. Marine Corps in 1942 at the age of 17. After completing training, his unit deployed on November 20, 1943 during the



D-Day operations at Tarawa Atoll in the Pacific. On November 22, 1943, Whitaker was killed in action during the effort to secure Betio Island in the Tarawa Atoll. He was 18 years old. During this battle, over 3,000 U.S. marines and sailors were killed or wounded. After the war was over, there were efforts to repatriate all of the fallen; however, almost half of the known casualties were not recovered.

In March of this year, thanks to the efforts of History Flight, Inc., the Republic of Kiribati, and the Defense POW/MIA Accounting Agency, Whitaker's remains were identified. On November 22, 2019, 76 years after he gave the last full measure of devotion in service to his country, Channing Whitaker will be buried with full military honors in Des Moines, IA.

Our country owes a debt of gratitude to all who have served in defense of our country and especially to those who killed in action. I am grateful that this Iowan is finally coming home and that his service and sacrifice will always be remembered.

#### REMEMBERING MISTER FRED ROGERS

Mr. TOOMEY. Mr. President I rise today to pay tribute to the legacy of one of our Nation's most treasured educators and performers and a native Pennsylvanian, Mister Fred Rogers. Many are recognizing today as World Kindness Day and are performing acts of kindness toward their loved ones, neighbors, and even strangers. Perhaps no American embodies the spirit of kindness more than Fred Rogers.

Affectionately known by children and adults alike as "Mister Rogers," Fred McFeely Rogers was born in Latrobe, PA on March 20, 1928. From an early age, Fred Rogers demonstrated an interest in learning, making art through creative expression, and serving other. He graduated with a degree in music composition from Rollins College in Winter Park FL., in 1951 and earned a degree in divinity from the Pittsburgh Theological Seminary in 1962. A year later, he became an ordained minister of the Presbyterian Church.

Mister Rogers began his television career shortly after college, working on the sets of NBC in New York City. He then moved back to Southwestern Pennsylvania to work for the first community-owned, public television station in the country, Pittsburgh's WQED. He gained a firsthand view of the transformative power of television and the impact that educational programs could have on adults and children. At WQED, Mister Rogers worked with Josie Carey on a program called "The Children's Corner", where many of his now-familiar characters were first given life. Additionally, he sought the expertise of Dr. Margaret McFarland, the director of the Arsenal Family and Children's Center in Pittsburgh, to integrate best teaching practices into his work.

In 1963, Rogers appeared on camera for the first time to host a children's program called "Misterogers". The program was filmed by the Canadian Broadcasting Corporation in Toronto and aired until 1967. Rogers returned to Pittsburgh and WQED, where he created and filmed "Mister Rogers' Neighborhood". By 1968, the Public Broadcasting Service was broadcasting Mister Rogers to thousands of households throughout the country.

For three decades, Mister Rogers brought love, kindness, generosity, grace, laughter, and cheer into the lives of countless children and their families. His lessons and performances on "Mister Rogers' Neighborhood" taught children about respect, safety, perseverance, civility, and caring for others. He did not shy away from issues that face almost every child, including intolerance, disagreement, and bullying. Because he could connect with children in a way few adults could, Mister Rogers helped children to cope and understand difficult emotional issues like anger, death, and divorce. Mister Rogers was a friend to all children and played an important role in the lives of many by reminding them of their self-worth.

Mister Rogers was bestowed with numerous accolades, including the Presidential Medal of Freedom, which was awarded by President George W. Bush in 2002. Since his death on February 27, 2003, scores of people have paid tribute to Mister Rogers' life and legacy. This year, Pennsylvania celebrated the first 1-4-3 Day—the number of letters in the word "I love you", as Mister Rogers would note—in Rogers' honor. Last month, the city of Nashville, TN, proclaimed November as Thank You, Mister Rogers Month. The arts industry has paid tribute to Rogers' body of work through collaborative music projects, biographies, and feature films. The outpouring of support is a testament to Rogers' impact on the Nation. Even today, millions of children continue to benefit from Mister Rogers' work through programs like the cartoon "Daniel Tiger's Neighborhood," which is made and distributed by Fred Rogers Productions.

Fred Rogers will be remembered as a trailblazer in television, master educator, model citizen, and most notably, an inspiration to children and communities across the Nation. His legacy lives on through his art and can be found in acts of kindness being done in every neighborhood across the country.

Mr. President, I urge my colleagues to join me in celebrating the life of Fred Rogers, a friendly neighbor and model citizen for whom every day was beautiful.

#### ADDITIONAL STATEMENTS

##### TRIBUTE TO LEE GIBSON

● Ms. CORTEZ MASTO. Mr. President, I come forward today to recognize the

executive director of the Regional Transportation Commission of Washoe County, Lee Gibson, who after over 10 years of dedicated service, announced his retirement this year.

Since his appointment to chief director of the RTC in 2009, Mr. Gibson has worked tirelessly to improve customer service and promote collaboration with the local community. During his tenure at the RTC, he has reduced agency operating costs by over 30 percent while delivering the largest multimodal construction program in the agency's history. His dedication and pragmatism has helped guide the RTC of Washoe County through tumultuous economic times as well as the exponential growth of the Reno-Sparks area.

The RTC, under the management of Mr. Gibson, adopted a sustainability policy that has led to a multitude of successful projects, including earning national recognition for the SouthEast Connector. The RTC has also been recognized for achieving LEED certification for two recently opened transit centers and obtained recognition for the development of Complete Streets and sustainable highway design throughout the Truckee Meadows. The region was even designated as a bicycle-friendly community by the American League of Bicyclists.

Mr. Gibson did not just focus on restructuring the transit system during his time as the Director of the RTC; his emphasis on customer service and time performance led to improved customer satisfaction with the transportation services. This is due to the RTC's implementation of innovative services, such as the RTC RAPID bus rapid transit project. Mr. Gibson also succeeded in delivering a broader community outreach program and successfully collaborated with other agencies to plan and deliver efficient and effective transportation services.

Mr. Gibson made sure to give back to his community beyond his impressive service in the RTC. He is a founding member of Northern Nevada Transportation Collaborative, NNTC, a coalition of business and government leaders, academic researchers, transportation professionals, and citizens committed to promoting transportation as a key tool for economic revitalization, quality of life, and sustainability. In 2012 he became the chairman of the Nevada Executive Committee for Transportation Safety. There, he works with State and local agencies to promote safety policies for all modes of transportation. He is also a member of the TRB Planning Applications Committee and the APTA Planning and Policy Committee.

Today, I celebrate the many contributions of Lee Gibson to the Reno-Sparks metropolitan area and Washoe County as well as to the Northern Nevada community. We owe Mr. Gibson a debt of gratitude for his service and his leadership will be missed.●

## RECOGNIZING A &amp; J AUTO REPAIR

• Mr. RISCH. Mr. President, as a member and former chairman of the Senate Committee on Small Business and Entrepreneurship, each month I recognize and celebrate the American entrepreneurial spirit by highlighting the success of a small business in my home State of Idaho. However, in honor of Veterans Day on November 11, this month I will honor a veteran-owned small business for each of the 10 days the Senate is in legislative session. The personal sacrifices made by America's veterans have protected the very freedoms and values that give each of us and our children the ability to achieve the American dream. The skills veterans learn as members of the military are invaluable and undoubtedly contribute to Idaho's flourishing veteran business community. I am proud of the sacrifices veterans have made to protect our country and that they are choosing Idaho to call home when they complete their service in the military. As your U.S. Senator from the great State of Idaho, it is my pleasure to recognize A & J Auto Repair in Twin Falls as the veteran-owned Idaho Small Business of the Day for November 13, 2019.

A & J Auto Repair is owned and operated by Charles "Abe" Abrahamson, who served in the United States Marine Corps, and his wife Robin. Abe is an active member of the American Legion and was recently recognized as the 2019 American Legion National Recruiter of the Year for his work recruiting more than 700 new members in 2018.

In 2013, the Abrahamsons opened A & J Auto Repair to provide automotive maintenance and repair services to the Magic Valley. Factory trained and certified technicians at A & J Auto Repair service all makes and models of cars, trucks, and sports utility vehicles. Abe Abrahamson is certified to service Volkswagen and Audi vehicles. The company prides itself in providing customers with accurate and timely repairs. A & J Auto Repair technicians and staff work hard to provide exceptional, personalized services at affordable prices.

Congratulations to Abe and Robin Abrahamson and all of the employees at A & J Auto Repair for being selected as the veteran-owned Idaho Small Business of the Day for November 13, 2019. You make our great State proud, and I look forward to your continued growth and success. •

## MESSAGES FROM THE PRESIDENT

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

## EXECUTIVE MESSAGES REFERRED

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.)

## MESSAGE FROM THE HOUSE

At 10:13 a.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. 1424. An act to amend title 38, United States Code, to ensure the Secretary of Veterans Affairs permits the display of Fallen Soldier Displays in national cemeteries.

H.R. 3224. An act to amend title 38, United States Code, to provide for increased access to Department of Veterans Affairs medical care for women veterans.

H.R. 3996. An act to amend title 38, United States Code, to provide for certain requirements relating to the use of the design-build construction method for Department of Veterans Affairs construction projects, and for other purposes.

H.R. 4162. An act to amend title 38, United States Code, to extend the period under which an election must be made for entitlement to educational assistance under the All-Volunteer Educational Assistance Program of Department of Veterans Affairs, to phase out the use of such program, and for other purposes.

H.R. 4356. An act to amend the Servicemembers Civil Relief Act to allow certain individuals to terminate contracts for telephone, multichannel video programming, or internet access service, and for other purposes.

H.R. 4360. An act to amend title 38, United States Code, to improve the due process accorded veterans with respect to recovery of overpayments made by the Department and other amounts owed by veterans to the United States, to improve the processing of veterans benefits by the Department of Veterans Affairs, and for other purposes.

H.R. 4477. An act to direct the Secretary of Veterans Affairs to submit to Congress a plan to address certain high risk areas identified by the Comptroller General of the United States regarding the Department of Veterans Affairs in the 2019 HighRisk List of the Government Accountability Office, and for other purposes.

H.R. 4625. An act to amend title 38, United States Code, to require that educational institutions abide by certain principles as a condition of approval for purposes of the educational assistance programs of the Department of Veterans Affairs, and for other purposes.

H.R. 4771. An act to amend title 38, United States Code, to permit appellants to appear in cases before the Board of Veterans' Appeals by picture and voice transmission from locations other than facilities of the Department of Veterans Affairs, and for other purposes.

## MEASURES REFERRED

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

H.R. 1424. An act to amend title 38, United States Code, to ensure the Secretary of Veterans Affairs permits the display of Fallen Soldier Displays in national cemeteries; to the Committee on Veterans' Affairs.

H.R. 3224. An act to amend title 38, United States Code, to provide for increased access to Department of Veterans Affairs medical care for women veterans; to the Committee on Veterans' Affairs.

H.R. 3996. An act to amend title 38, United States Code, to provide for certain requirements relating to the use of the design-build construction method for Department of Veterans Affairs construction projects, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 4162. An act to amend title 38, United States Code, to extend the period under which an election must be made for entitlement to educational assistance under the All-Volunteer Educational Assistance Program of Department of Veterans Affairs, to phase out the use of such program, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 4356. An act to amend the Servicemembers Civil Relief Act to allow certain individuals to terminate contracts for telephone, multichannel video programming, or internet access service, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 4360. An act to amend title 38, United States Code, to improve the due process accorded veterans with respect to recovery of overpayments made by the Department and other amounts owed by veterans to the United States, to improve the processing of veterans benefits by the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 4477. An act to direct the Secretary of Veterans Affairs to submit to Congress a plan to address certain high risk areas identified by the Comptroller General of the United States regarding the Department of Veterans Affairs in the 2019 High-Risk List of the Government Accountability Office, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 4625. An act to amend title 38, United States Code, to require that educational institutions abide by certain principles as a condition of approval for purposes of the educational assistance programs of the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 4771. An act to amend title 38, United States Code, to permit appellants to appear in cases before the Board of Veterans' Appeals by picture and voice transmission from locations other than facilities of the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

## MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 2840. A bill to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, and for other purposes.

## EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-3144. A communication from the Director of the Issuances Staff, Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the

report of a rule entitled “Eligibility of the Socialist Republic of Vietnam to Export Siluriformes Fish and Fish Products to the United States” (RIN0583-AD74) received in the Office of the President of the Senate on November 5, 2019; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3145. A communication from the Director of the Issuances Staff, Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Eligibility of Thailand to Export Siluriformes Fish and Fish Products to the United States” (RIN0583-AD74) received in the Office of the President of the Senate on November 5, 2019; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3146. A communication from the Director of the Issuances Staff, Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Eligibility of the People’s Republic of China to Export Siluriformes Fish and Fish Products to the United States” (RIN0583-AD73) received in the Office of the President of the Senate on November 5, 2019; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3147. A communication from the Director of the Issuances Staff, Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Eligibility of the People’s Republic of China to Export to the United States Poultry Products from Birds Slaughtered in the PRC” (RIN0583-AD64) received during adjournment of the Senate in the Office of the President of the Senate on November 8, 2019; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3148. A communication from the Deputy Under Secretary of Defense, transmitting, pursuant to law, a report relative to the Electromagnetic Spectrum Operations Cross-Functional Team methodology and approach to updating the Department’s strategy for EMS superiority and provides the status of and describes the way ahead for development, integration, and enhancement of the electronic warfare mission area; to the Committees on Appropriations; and Armed Services.

EC-3149. A communication from the Deputy Chief Financial Officer, Department of Energy, transmitting, pursuant to law, a report relative to a violation of the Antideficiency Act; to the Committee on Appropriations.

EC-3150. A communication from the Secretary of Agriculture, transmitting, pursuant to law, a report relative to a violation of the Antideficiency Act that occurred in the Department of Agriculture’s Pima Agriculture Cotton Trust Fund; to the Committee on Appropriations.

EC-3151. A communication from the Secretary of Agriculture, transmitting, pursuant to law, a report relative to a violation of the Antideficiency Act that occurred in the Department of Agriculture’s Non-Insured Crop Disaster Assistance Program (NAP) Frost Freeze (FFN) Account; to the Committee on Appropriations.

EC-3152. A communication from the Secretary of Agriculture, transmitting, pursuant to law, a report relative to a violation of the Antideficiency Act that occurred in the Department of Agriculture’s Farm Service Agency (FSA) Salaries and Expenses Account; to the Committee on Appropriations.

EC-3153. A communication from the Acting Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a semiannual report entitled, “Acceptance of Contributions for Defense Programs, Projects, and Activities; Defense Cooperation Account” and a semiannual listing of personal prop-

erty contributed by coalition partners; to the Committee on Armed Services.

EC-3154. A communication from the Acting Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a semiannual report entitled, “Acceptance of Contributions for Defense Programs, Projects, and Activities; Defense Cooperation Account” and a semiannual listing of personal property contributed by coalition partners; to the Committee on Armed Services.

EC-3155. A communication from the Under Secretary of Defense (Acquisition and Sustainment), transmitting, pursuant to law, a report entitled, “Department of Defense Small Business Strategy”; to the Committee on Armed Services.

EC-3156. A communication from the Senior Official performing the duties of the Under Secretary of Defense (Personnel and Readiness), transmitting the report of an officer authorized to wear the insignia of the grade of admiral in accordance with title 10, United States Code, section 777a, for a period not to exceed 14 days before assuming the duties of the position for which the higher grade is authorized, this will not cause the Department to exceed the number of frocked officers authorized; to the Committee on Armed Services.

EC-3157. A communication from the Senior Official performing the duties of the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, a report entitled “Career Progression Tracks of the Armed Forces for Women in Combat Arms Units”; to the Committee on Armed Services.

EC-3158. A communication from the Program Specialist, Office of the Comptroller of the Currency, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Changes to Applicability Thresholds for Regulatory Capital and Liquidity Requirements” (RIN1557-AE63) received during adjournment of the Senate in the Office of the President of the Senate on November 1, 2019; to the Committee on Banking, Housing, and Urban Affairs.

EC-3159. A communication from the Director, Bureau of Consumer Financial Protection, transmitting, pursuant to law, the report of a rule entitled “Home Mortgage Disclosure (Regulation C)” (RIN3170-AA76) received in the Office of the President of the Senate on November 7, 2019; to the Committee on Banking, Housing, and Urban Affairs.

EC-3160. A communication from the Director of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled “Final Rule - Resolution Plans Required” (RIN3064-AE93) received in the Office of the President of the Senate on November 7, 2019; to the Committee on Banking, Housing, and Urban Affairs.

EC-3161. A communication from the Director of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled “Changes to Applicability Thresholds for Regulatory Capital and Liquidity Requirements” (RIN3064-AE96) received in the Office of the President of the Senate on November 7, 2019; to the Committee on Banking, Housing, and Urban Affairs.

EC-3162. A communication from the Deputy Secretary, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled “Commission Statement on Market Structure Innovation for Thinly Traded Securities” (17 CFR Part 240) received in the Office of the President of the Senate on November 5, 2019; to the Committee on Banking, Housing, and Urban Affairs.

EC-3163. A communication from the Assistant to the Board of Governors of the Federal

Reserve System, transmitting, pursuant to law, the report of a rule entitled “Changes to Applicability Thresholds for Regulatory Capital and Liquidity Requirements” (RIN7100-AF21) received in the Office of the President of the Senate on November 5, 2019; to the Committee on Banking, Housing, and Urban Affairs.

EC-3164. A communication from the Division Chief of Regulatory Affairs, Bureau of Land Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled “Minerals Management: Adjustment of Cost Recovery Fees” (RIN1004-AE70) received during adjournment of the Senate in the Office of the President of the Senate on November 8, 2019; to the Committee on Energy and Natural Resources.

EC-3165. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Air Plan Approval; Massachusetts; Transport Element for the 2010 Sulfur Dioxide National Ambient Air Quality Standard” (FRL No. 10001-80-Region 1) received during adjournment of the Senate in the Office of the President of the Senate on November 8, 2019; to the Committee on Environment and Public Works.

EC-3166. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Air Plan Approval; California; South Coast Air Quality Management District; Stationary Source Permits” (FRL No. 10002-12-Region 9) received during adjournment of the Senate in the Office of the President of the Senate on November 8, 2019; to the Committee on Environment and Public Works.

EC-3167. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “2020 Cost of Living Adjustments to the Internal Revenue Code Tax Tables and Other Items” (Rev. Proc. 2019-44) received in the Office of the President of the Senate on November 7, 2019; to the Committee on Finance.

EC-3168. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Removal of Section 385 Documentation Regulations” (RIN1545-BO02) received in the Office of the President of the Senate on November 7, 2019; to the Committee on Finance.

EC-3169. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a petition to add workers at the Y-12 Plant in Oak Ridge, Tennessee, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC-3170. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a petition to add workers at the West Valley Demonstration Project in West Valley, New York, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC-3171. A communication from the Director of the Office of Standards, Regulations, and Variances, Mine Safety and Health Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled “Examinations of Working Places in Metal and Nonmetal Mines” (RIN1219-AB92) received in the Office of the President of the Senate on November 5, 2019; to the Committee on Health, Education, Labor, and Pensions.

EC-3172. A communication from the Regulations Coordinator, Centers for Medicare

and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Basic Health Program; Federal Funding Methodology for Program Years 2019 and 2020" (RIN0938-ZB42) received in the Office of the President of the Senate on November 5, 2019; to the Committee on Health, Education, Labor, and Pensions.

EC-3173. communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, the Uniform Resource Locator (URL) for the Department of Defense Agency Financial Report for fiscal year 2019; to the Committee on Homeland Security and Governmental Affairs.

EC-3174. A communication from the Administrator of the General Services Administration, transmitting, pursuant to law, the Administration's Semiannual Report of the Inspector General for the period from April 1, 2019 through September 30, 2019; to the Committee on Homeland Security and Governmental Affairs.

EC-3175. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 23-132, "School Sunscreen Safety Temporary Amendment Act of 2019"; to the Committee on Homeland Security and Governmental Affairs.

EC-3176. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 23-134, "Primary Date Alteration Amendment Act of 2019"; to the Committee on Homeland Security and Governmental Affairs.

EC-3177. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 23-152, "Joy Evans Therapeutic Recreation Center Designation Act of 2019"; to the Committee on Homeland Security and Governmental Affairs.

EC-3178. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 23-155, "Al and Mary Arrighi Way Designation Act of 2019"; to the Committee on Homeland Security and Governmental Affairs.

EC-3179. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 23-157, "Commission on the Arts and Humanities Budget Subtitle Technical Temporary Amendment Act of 2019"; to the Committee on Homeland Security and Governmental Affairs.

EC-3180. A communication from the District of Columbia Auditor, transmitting, pursuant to law, reports entitled, "BEGA Mishandled Whistleblower Complaint on Housing Procurement" and "D.C. Department of Health Has System to Monitor Nursing Homes but Some Risks Remain"; to the Committee on Homeland Security and Governmental Affairs.

EC-3181. A communication from the Treasurer of the National Gallery of Art, transmitting, pursuant to law, the Gallery's Inspector General Report for fiscal year 2019; to the Committee on Homeland Security and Governmental Affairs.

EC-3182. A communication from the Secretary, Judicial Conference of the United States, transmitting, pursuant to law, a report entitled "Electronic Public Access Fee Schedule"; to the Committee on the Judiciary.

EC-3183. communication from the Acting Chief Privacy and Civil Liberties Officer, Office of Privacy and Civil Liberties, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Privacy Act of 1974; Implementation" (CPCLD Order No. 11-2019) received in the Office of the

President of the Senate on November 5, 2019; to the Committee on the Judiciary.

EC-3184. A communication from the Deputy Chief of the Regulatory Coordination Division, Citizenship and Immigration Services, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Registration Fee Requirement for Petitioners Seeking to File H-1B Petitions on Behalf of Cap Subject Aliens" (RIN1615-AC36) received during adjournment of the Senate in the Office of the President of the Senate on November 8, 2019; to the Committee on the Judiciary.

EC-3185. A communication from the Secretary of the Senate, transmitting, pursuant to law, the report of the receipts and expenditures of the Senate for the period from April 1, 2019 through September 30, 2019, received in the Office of the President of the Senate on November 13, 2019; ordered to lie on the table.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ENZI, from the Committee on the Budget, with an amendment in the nature of a substitute:

S. 2765. A bill to improve Federal fiscal controls and the congressional budget process.

#### EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. WICKER for the Committee on Commerce, Science, and Transportation.

\*Michael Graham, of Kansas, to be a Member of the National Transportation Safety Board for a term expiring December 31, 2020.

\*Ian Paul Steff, of Indiana, to be Assistant Secretary of Commerce and Director General of the United States and Foreign Commercial Service.

\*Theodore Rokita, of Indiana, to be a Director of the Amtrak Board of Directors for the remainder of the term expiring January 3, 2021.

\*Carl Whitney Bentzel, of Maryland, to be a Federal Maritime Commission Commissioner for the term expiring June 30, 2024.

\*Michael Graham, of Kansas, to be a Member of the National Transportation Safety Board for a term expiring December 31, 2025.

Mr. WICKER. Mr. President, for the Committee on Commerce, Science, and Transportation I report favorably the following nomination list which was printed in the RECORD on the date indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that this nomination lie at the Secretary's desk for the information of Senators.

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

\*Coast Guard nominations beginning with Joseph D. Brown and ending with Mariett C. Ogg, which nominations were received by the Senate and appeared in the Congressional Record on October 15, 2019.

\*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Ms. BALDWIN (for herself and Mr. HOEVEN):

S. 2841. A bill to amend the Internal Revenue Code of 1986 to increase the limitations for deductible new business expenditures and to consolidate provisions for start-up and organizational expenditures; to the Committee on Finance.

By Mrs. CAPITO (for herself and Ms. KLOBUCHAR):

S. 2842. A bill to amend title XVIII of the Social Security Act and the Bipartisan Budget Act of 2018 to expand and expedite access to cardiac rehabilitation programs and pulmonary rehabilitation programs under the Medicare program, and for other purposes; to the Committee on Finance.

By Mrs. FEINSTEIN (for herself, Mr.

LEAHY, Ms. KLOBUCHAR, Ms. HIRONO, Ms. HARRIS, Mrs. MURRAY, Ms. STABENOW, Ms. CANTWELL, Mrs. SHAHEEN, Mrs. GILLIBRAND, Ms. BALDWIN, Ms. WARREN, Ms. DUCKWORTH, Ms. HASSAN, Ms. CORTEZ MASTO, Ms. SMITH, Ms. SINEMA, Ms. ROSEN, Mr. SCHUMER, Mr. BROWN, Mr. UDALL, Mr. WYDEN, Mr. DURBIN, Mr. REED, Mr. CARPER, Mr. MENENDEZ, Mr. CARDIN, Mr. SANDERS, Mr. CASEY, Mr. WHITEHOUSE, Mr. TESTER, Mr. WARNER, Mr. MERKLEY, Mr. BENNET, Mr. MANCHIN, Mr. COONS, Mr. BLUMENTHAL, Mr. SCHATZ, Mr. MURPHY, Mr. HEINRICH, Mr. KING, Mr. KAINE, Mr. MARKEY, Mr. BOOKER, Mr. PETERS, Mr. VAN HOLLEN, and Mr. JONES):

S. 2843. A bill to reauthorize the Violence Against Women Act of 1994, and for other purposes; to the Committee on the Judiciary.

By Mr. SCHUMER (for Ms. HARRIS):

S. 2844. A bill to provide that certain executives of publicly traded utility companies may not receive bonuses or severance payments, and for other purposes; to the Committee on Finance.

By Ms. ERNST (for herself, Ms. SINEMA, Mr. LEE, and Ms. SMITH):

S. 2845. A bill to amend the Family and Medical Leave Act of 1993, to repeal certain limits on leave for married individuals employed by the same employer; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ISAKSON (for himself and Mr. BROWN):

S. 2846. A bill to amend title XIX of the Social Security Act to provide for the continuing requirement of Medicaid coverage of nonemergency transportation to medically necessary items and services, and for other purposes; to the Committee on Finance.

By Mr. REED (for himself and Mr. WHITEHOUSE):

S. 2847. A bill to designate the facility of the United States Postal Service located at 42 Main Street in Slatersville, Rhode Island, as the "Specialist Matthew R. Turcotte Post Office"; to the Committee on Homeland Security and Governmental Affairs.

By Mr. MARKEY (for himself, Mr. BOOKER, Ms. HIRONO, and Mr. WYDEN):

S. 2848. A bill to prohibit the expenditure of Federal Funds to live stream border wall construction activities; to the Committee on Homeland Security and Governmental Affairs.

By Mr. SCHUMER (for Mr. SANDERS (for himself and Ms. WARREN)):

S. 2849. A bill to amend the Internal Revenue Code of 1986 to impose a corporate tax rate increase on companies whose ratio of compensation of the CEO or other highest paid employee to median worker compensation is more than 50 to 1, and for other purposes; to the Committee on Finance.

By Mr. LEE (for himself, Mr. DURBIN, Ms. BALDWIN, Ms. HARRIS, Mr. KAINE, Mr. WHITEHOUSE, Mr. LEAHY, Mr. BOOKER, Mr. BLUMENTHAL, Mr. WYDEN, Mr. KING, and Ms. WARREN):

S. 2850. A bill to focus limited Federal resources on the most serious offenders; to the Committee on the Judiciary.

By Mr. BLUNT:

S. 2851. A bill to amend section 442 of title 18, United States Code, to exempt certain interests in mutual funds, unit investment trusts, employee benefit plans, and retirement plans from conflict of interest limitations for the Government Publishing Office; considered and passed.

By Ms. MCSALLY:

S. 2852. A bill to amend section 3903 of title 31, United States Code, to establish accelerated payments applicable to contracts with certain small business concerns, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Ms. MCSALLY:

S. 2853. A bill to amend the Small Business Act to provide interim partial payment to small business contractors that request an equitable adjustment due to a change in the terms of a construction contract, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. MARKEY (for himself, Mr. SANDERS, and Mrs. GILLIBRAND):

S. 2854. A bill to amend the Nuclear Waste Policy Act of 1982 to provide for the expansion of emergency planning zones and the development of plans for dry cask storage of spent nuclear fuel, and for other purposes; to the Committee on Environment and Public Works.

By Mrs. GILLIBRAND:

S.J. Res. 60. A joint resolution to amend the War Powers Resolution to improve requirements and limitations in connection with authorizations for use of military force and narrowings and repeals of such authorizations, and for other purposes; to the Committee on Foreign Relations.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BROWN (for himself, Mr. TESTER, Ms. HIRONO, Mr. DURBIN, Mrs. MURRAY, Ms. STABENOW, Mr. BLUMENTHAL, Mr. SANDERS, Mr. PETERS, and Mr. SCHUMER):

S. Res. 420. A resolution encouraging the President to expand the list of the Department of Veterans Affairs of presumptive medical conditions associated with exposure to Agent Orange to include Parkinsonism, bladder cancer, hypertension, and hypothyroidism; to the Committee on Veterans' Affairs.

#### ADDITIONAL COSPONSORS

S. 191

At the request of Ms. KLOBUCHAR, the names of the Senator from Virginia (Mr. WARNER) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 191, a bill to direct the Secretary of Defense to include in peri-

odic health assessments, separation history and physical examinations, and other assessments an evaluation of whether a member of the Armed Forces has been exposed to open burn pits or toxic airborne chemicals, and for other purposes.

S. 206

At the request of Mr. TESTER, the name of the Senator from Hawaii (Ms. HIRONO) was added as a cosponsor of S. 206, a bill to award a Congressional Gold Medal to the female telephone operators of the Army Signal Corps, known as the "Hello Girls".

S. 237

At the request of Mr. BROWN, the name of the Senator from Montana (Mr. DAINES) was added as a cosponsor of S. 237, a bill to amend title XVIII of the Social Security Act to permit nurse practitioners and physician assistants to satisfy the documentation requirement under the Medicare program for coverage of certain shoes for individuals with diabetes.

S. 277

At the request of Ms. HIRONO, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 277, a bill to posthumously award a Congressional Gold Medal to Fred Korematsu, in recognition of his dedication to justice and equality.

S. 460

At the request of Mr. WARNER, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 460, a bill to amend the Internal Revenue Code of 1986 to extend the exclusion for employer-provided education assistance to employer payments of student loans.

S. 479

At the request of Mr. TOOMEY, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 479, a bill to revise section 48 of title 18, United States Code, and for other purposes.

S. 647

At the request of Mr. SCHATZ, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of S. 647, a bill to amend the Internal Revenue Code of 1986 to impose a tax on certain trading transactions.

S. 803

At the request of Mr. TOOMEY, the name of the Senator from Nebraska (Mr. SASSE) was added as a cosponsor of S. 803, a bill to amend the Internal Revenue Code of 1986 to restore incentives for investments in qualified improvement property.

S. 877

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 877, a bill to prohibit the sale of shark fins, and for other purposes.

At the request of Mr. DURBIN, his name was added as a cosponsor of S. 877, supra.

At the request of Mr. BOOKER, the name of the Senator from Oregon (Mr.

WYDEN) was added as a cosponsor of S. 877, supra.

S. 1253

At the request of Mrs. FEINSTEIN, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 1253, a bill to apply requirements relating to delivery sales of cigarettes to delivery sales of electronic nicotine delivery systems, and for other purposes.

S. 1344

At the request of Mr. HOEVEN, his name was added as a cosponsor of S. 1344, a bill to require the Secretary of the Treasury to collect data and issue a report on the opportunity zone tax incentives enacted by the 2017 tax reform legislation, and for other purposes.

S. 1416

At the request of Mr. CORNYN, the names of the Senator from Arizona (Ms. MCSALLY) and the Senator from Nebraska (Mrs. FISCHER) were added as cosponsors of S. 1416, a bill to amend the Federal Trade Commission Act to prohibit anticompetitive behaviors by drug product manufacturers, and for other purposes.

S. 1437

At the request of Mr. DURBIN, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 1437, a bill to amend title XI of the Social Security Act to require that direct-to-consumer advertisements for prescription drugs and biological products include truthful and non-misleading pricing information.

S. 1590

At the request of Mr. MERKLEY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1590, a bill to amend the State Department Basic Authorities Act of 1956 to authorize rewards for thwarting wildlife trafficking linked to transnational organized crime, and for other purposes.

S. 1657

At the request of Ms. COLLINS, the names of the Senator from Colorado (Mr. GARDNER), the Senator from California (Mrs. FEINSTEIN), the Senator from North Carolina (Mr. TILLIS), the Senator from Massachusetts (Ms. WARREN), the Senator from North Carolina (Mr. BURR), the Senator from New York (Mr. SCHUMER), the Senator from Georgia (Mr. ISAKSON), the Senator from Washington (Mrs. MURRAY), the Senator from New York (Mrs. GILLIBRAND) and the Senator from Wisconsin (Ms. BALDWIN) were added as cosponsors of S. 1657, a bill to provide assistance to combat the escalating burden of Lyme disease and other tick and vector-borne diseases and disorders.

S. 1703

At the request of Ms. CANTWELL, the names of the Senator from Nevada (Ms. ROSEN), the Senator from Vermont (Mr. LEAHY), the Senator from New York (Mrs. GILLIBRAND), the Senator from Vermont (Mr. SANDERS), the Senator from Wisconsin (Ms. BALDWIN), the

Senator from Michigan (Mr. PETERS) and the Senator from Connecticut (Mr. BLUMENTHAL) were added as cosponsors of S. 1703, a bill to amend the Internal Revenue Code of 1986 to reform the low-income housing credit, and for other purposes.

S. 1757

At the request of Ms. ERNST, the names of the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from Massachusetts (Mr. MARKEY) were added as cosponsors of S. 1757, a bill to award a Congressional Gold Medal, collectively, to the United States Army Rangers Veterans of World War II in recognition of their extraordinary service during World War II.

S. 1791

At the request of Mrs. GILLIBRAND, the names of the Senator from New Jersey (Mr. BOOKER) and the Senator from Illinois (Ms. DUCKWORTH) were added as cosponsors of S. 1791, a bill to prohibit discrimination on the basis of religion, sex (including sexual orientation and gender identity), and marital status in the administration and provision of child welfare services, to improve safety, well-being, and permanency for lesbian, gay, bisexual, transgender, and queer or questioning foster youth, and for other purposes.

S. 1820

At the request of Mrs. GILLIBRAND, the name of the Senator from Maryland (Mr. VAN HOLLEN) was added as a cosponsor of S. 1820, a bill to improve the integrity and safety of horseracing by requiring a uniform anti-doping and medication control program to be developed and enforced by an independent Horseracing Anti-Doping and Medication Control Authority.

S. 1822

At the request of Mr. WICKER, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1822, a bill to require the Federal Communications Commission to issue rules relating to the collection of data with respect to the availability of broadband services, and for other purposes.

S. 1838

At the request of Mr. RUBIO, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 1838, a bill to amend the Hong Kong Policy Act of 1992, and for other purposes.

S. 1906

At the request of Mr. BOOZMAN, the names of the Senator from Iowa (Ms. ERNST) and the Senator from Louisiana (Mr. KENNEDY) were added as cosponsors of S. 1906, a bill to require the Secretary of Veterans Affairs to provide financial assistance to eligible entities to provide and coordinate the provision of suicide prevention services for veterans at risk of suicide and veteran families through the award of grants to such entities, and for other purposes.

S. 1908

At the request of Ms. MURKOWSKI, the name of the Senator from Alaska (Mr.

SULLIVAN) was added as a cosponsor of S. 1908, a bill to amend the Richard B. Russell National School Lunch Act to improve the efficiency of summer meals.

S. 1921

At the request of Ms. ROSEN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 1921, a bill to provide that primary care services provided by the National Health Service Corps may include palliative care services.

S. 1982

At the request of Mr. SULLIVAN, the names of the Senator from Hawaii (Ms. HIRONO) and the Senator from Maine (Mr. KING) were added as cosponsors of S. 1982, a bill to improve efforts to combat marine debris, and for other purposes.

S. 1992

At the request of Mr. BARRASSO, the names of the Senator from Missouri (Mr. BLUNT), the Senator from Kansas (Mr. MORAN), the Senator from South Dakota (Mr. ROUNDS), the Senator from North Carolina (Mr. TILLIS), the Senator from Nevada (Ms. CORTEZ MASTO), the Senator from Wisconsin (Ms. BALDWIN), the Senator from Rhode Island (Mr. REED), the Senator from Hawaii (Ms. HIRONO), the Senator from Arizona (Ms. SINEMA), the Senator from California (Ms. HARRIS), the Senator from Massachusetts (Ms. WARREN), the Senator from Virginia (Mr. WARNER), the Senator from California (Mrs. FEINSTEIN), the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Connecticut (Mr. BLUMENTHAL) were added as cosponsors of S. 1992, a bill to amend the FAST Act to repeal a rescission of funds.

S. 2059

At the request of Mr. TILLIS, the names of the Senator from West Virginia (Mrs. CAPITO) and the Senator from Oklahoma (Mr. LANKFORD) were added as cosponsors of S. 2059, a bill to provide a civil remedy for individuals harmed by sanctuary jurisdiction policies, and for other purposes.

S. 2160

At the request of Mr. SCOTT of South Carolina, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Minnesota (Ms. SMITH) were added as cosponsors of S. 2160, a bill to require carbon monoxide alarms in certain federally assisted housing, and for other purposes.

S. 2203

At the request of Mr. BLUNT, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 2203, a bill to extend the transfer of Electronic Travel Authorization System fees from the Travel Promotion Fund to the Corporation for Travel Promotion (Brand USA) through fiscal year 2027, and for other purposes.

S. 2246

At the request of Mr. MORAN, the name of the Senator from West Virginia (Mrs. CAPITO) was added as a co-

sponsor of S. 2246, a bill to amend titles XVIII and XIX of the Social Security Act to provide equal coverage of in vitro specific IgE tests and percutaneous tests for allergies under the Medicare and Medicaid programs, and for other purposes.

S. 2346

At the request of Mr. WICKER, the name of the Senator from Alaska (Mr. SULLIVAN) was added as a cosponsor of S. 2346, a bill to improve the Fishery Resource Disaster Relief program of the National Marine Fisheries Service, and for other purposes.

S. 2364

At the request of Mr. SULLIVAN, the name of the Senator from Texas (Mr. CRUZ) was added as a cosponsor of S. 2364, a bill to enhance domestic marine debris response, and for other purposes.

S. 2377

At the request of Mr. INHOFE, the name of the Senator from Tennessee (Mrs. BLACKBURN) was added as a cosponsor of S. 2377, a bill to apply the Medicaid asset verification program to all applicants for, and recipients of, medical assistance in all States and territories, and for other purposes.

S. 2427

At the request of Ms. CORTEZ MASTO, the name of the Senator from Alabama (Mr. JONES) was added as a cosponsor of S. 2427, a bill to amend title 31, United States Code, to require the Secretary of the Treasury to mint and issue quarter dollars in commemoration of the 19th Amendment to the Constitution of the United States, and for other purposes.

S. 2535

At the request of Ms. KLOBUCHAR, the name of the Senator from Indiana (Mr. YOUNG) was added as a cosponsor of S. 2535, a bill to require the Secretary of Commerce to conduct an assessment and analysis relating to the decline in the business formation rate in the United States.

S. 2585

At the request of Ms. ERNST, the names of the Senator from Oklahoma (Mr. INHOFE), the Senator from Arkansas (Mr. BOOZMAN), the Senator from Florida (Mr. SCOTT) and the Senator from Texas (Mr. CRUZ) were added as cosponsors of S. 2585, a bill to amend title XIX of the Social Security Act and Public Health Service Act to improve the reporting of abortion data to the Centers for Disease Control and Prevention, and for other purposes.

S. 2590

At the request of Mr. BRAUN, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. 2590, a bill to protect the dignity of fetal remains, and for other purposes.

S. 2641

At the request of Mr. RISCH, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 2641, a bill to promote United States national security and prevent the resurgence of ISIS, and for other purposes.

S. 2680

At the request of Mr. RUBIO, his name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. 2680, a bill to impose sanctions with respect to foreign support for Palestinian terrorism, and for other purposes.

S. 2778

At the request of Mr. SCHUMER, his name was added as a cosponsor of S. 2778, a bill to reform the EB-5 Immigrant Investor Program, and for other purposes.

S. 2787

At the request of Mr. WYDEN, the name of the Senator from Maine (Mr. KING) was added as a cosponsor of S. 2787, a bill to amend the Internal Revenue Code of 1986 to require reporting for qualified opportunity funds, to make modifications to opportunity zones, and for other purposes.

S. RES. 150

At the request of Mr. MENENDEZ, the names of the Senator from Nevada (Ms. ROSEN), the Senator from Ohio (Mr. BROWN) and the Senator from Nevada (Ms. CORTEZ MASTO) were added as cosponsors of S. Res. 150, a resolution expressing the sense of the Senate that it is the policy of the United States to commemorate the Armenian Genocide through official recognition and remembrance.

S. RES. 404

At the request of Mr. CARDIN, the name of the Senator from Michigan (Mr. PETERS) was added as a cosponsor of S. Res. 404, a resolution expressing the sense of the Senate that the United States should work in cooperation with the international community and continue to exercise global leadership to address the causes and effects of climate change, and for other purposes.

S. RES. 408

At the request of Ms. HIRONO, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. Res. 408, a resolution expressing the sense of the Senate that Members of Congress and their staffs, employees of the Executive Office of the President and executive branch agencies, and the President of the United States have a duty to protect the identities of whistleblowers and safeguard whistleblowers from retaliation.

S. RES. 411

At the request of Mr. TOOMEY, the names of the Senator from Oklahoma (Mr. INHOFE), the Senator from Wyoming (Mr. ENZI) and the Senator from North Dakota (Mr. CRAMER) were added as cosponsors of S. Res. 411, a resolution affirming that States maintain primacy for the regulation of hydraulic fracturing for oil and natural gas production on State and private lands, that the President has no authority to declare a moratorium on the use of hydraulic fracturing on State and private lands, and that the President should not attempt to declare a moratorium on the use of hydraulic fracturing on

Federal lands (including the Outer Continental Shelf) or lands held in trust for an Indian Tribe, unless the moratorium is authorized by an Act of Congress.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN (for herself, Mr. LEAHY, Ms. KLOBUCHAR, Ms. HIRONO, Ms. HARRIS, Mrs. MURRAY, Ms. STABENOW, Ms. CANTWELL, Mrs. SHAHEEN, Mrs. GILLIBRAND, Ms. BALDWIN, Ms. WARREN, Ms. DUCKWORTH, Ms. HASSAN, Ms. CORTEZ MASTO, Ms. SMITH, Ms. SINEMA, Ms. ROSEN, Mr. SCHUMER, Mr. BROWN, Mr. UDALL, Mr. WYDEN, Mr. DURBIN, Mr. REED, Mr. CARPER, Mr. MENENDEZ, Mr. CARDIN, Mr. SANDERS, Mr. CASEY, Mr. WHITEHOUSE, Mr. TESTER, Mr. WARNER, Mr. MERKLEY, Mr. BENNET, Mr. MANCHIN, Mr. COONS, Mr. BLUMENTHAL, Mr. SCHATZ, Mr. MURPHY, Mr. HEINRICH, Mr. KING, Mr. KAINE, Mr. MARKEY, Mr. BOOKER, Mr. PETERS, Mr. VAN HOLLEN, and Mr. JONES):

S. 2843. A bill to reauthorize the Violence Against Women Act of 1994, and for other purposes; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, today, along with every other Senate Democrat, I am proud to introduce the Violence Against Women Reauthorization Act of 2019.

This bill passed the House by a vote of 163-158, with 33 Republicans supporting it.

It was written by the people on the front lines helping victims. It is not a Democratic bill or a Republican bill, it is a bill crafted by and for survivors who know exactly what's need in the real world. In other words, it is the survivors' bill. As I stated before, any reauthorization of the Violence Against Women Act must do two things.

First, it must preserve the advancements made when it was last reauthorized in 2013. And second, it must include meaningful improvements to the law.

The meaningful legal improvements in this bill are particularly important, and I would like to highlight three. First, this bill preserves the anti-discrimination protections that were made in 2013. These protections are particularly important to the LGBT community. According to the Center for Disease Control, along with 35 percent of heterosexual women, 44 percent of lesbian women, and 61 percent of bisexual women experience rape, physical violence, or stalking by an intimate partner.

Similarly, the 2015 U.S. transgender survey found that 47 percent of transgender people have been sexually assaulted. Simply put, these protections are important and we should not only be preserving them, we should be

doing more to strengthen them. This bill also makes meaningful improvements to the law to address domestic violence in Indian country. For example, it expands jurisdiction over non-Indians for crimes against children, elders, and law enforcement.

A 2016 Justice Department report explained that "more than four in five American Indian and Alaska Native women have experienced violence in their lifetime."

The report also found that 56 percent have experienced sexual violence, 56 percent have experienced violence at the hands of an intimate partner, and 9 percent have been stalked. For me, these numbers are even more upsetting because California has the largest Tribal population in the United States. We must continue to respect Tribal sovereignty and ensure that we are doing the most to protect the most vulnerable among us, particularly children. Finally, this bill also keeps guns out of the hands of domestic abusers.

Guns are the most likely way for domestic violence to take a woman's life. Women in the United States are eleven times more likely to be murdered by a firearm than in other high-income countries. The presence of guns in domestic violence situations increases the chances that a woman will be murdered by 500 percent. This bill makes modest, but necessary, improvements to the law to keep guns out of the hands of domestic abusers.

For example, the bill amends current law so that people convicted of stalking cannot possess firearms.

Yet, the National Rifle Association opposes it. 33 Republicans still voted for the House bill, and I hope my Republican colleagues in the Senate will do the same. It's the right thing to do. The different parts of the Violence Against Women Act are all linked.

For instance, preserving the non-discrimination advancements made when VAWA was reauthorized in 2013 will help protect the LGBT community, but keeping guns out of the hands of domestic abusers will help protect LGBT victims as well.

This bill takes this sort of comprehensive approach by, for example, preserving the advances made to non-discrimination protections and improving the law in the areas of Tribal protections and gun safety. There is no simple way to stop domestic violence, but we have a duty to do all that we can.

I thank the president, and I yield the floor.

By Mr. BLUNT:

S. 2851. A bill to amend section 442 of title 18, United States Code, to exempt certain interests in mutual funds, unit investment trusts, employee benefit plans, and retirement plans from conflict of interest limitations for the Government Publishing Office; considered and passed.

S. 2851

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

**SECTION 1. GOVERNMENT PUBLISHING OFFICE.**

(a) IN GENERAL.—Section 442 of title 18, United States Code, is amended to read as follows:

**“§ 422. Government Publishing Office**

“(a) DEFINITIONS.—In this section—

“(1) the terms ‘diversified’, ‘employee benefit plan’, ‘holding’, ‘mutual fund’, and ‘unit investment trust’ have the meanings given those terms under section 2640.102 of title 5, Code of Federal Regulations, or any successor thereto; and

“(2) the term ‘printing-related interest’ means an interest, direct or indirect, in—

“(A) the publication of any newspaper or periodical;

“(B) any printing, binding, engraving, or lithographing of any kind; or

“(C) any contract for furnishing paper or other material connected with the public printing, binding, lithographing, or engraving.

“(b) OFFENSE.—

“(1) IN GENERAL.—Except as provided in paragraph (2), the Director of the Government Publishing Office shall not, during his or her continuance in office, have any printing-related interest.

“(2) EXCEPTION FOR MUTUAL FUNDS, UNIT INVESTMENT TRUSTS, EMPLOYEE BENEFIT PLANS, AND RETIREMENT PLANS.—It shall not be a violation of paragraph (1) for the Director of the Government Publishing Office to have an interest in a diversified mutual fund, diversified unit investment trust, employee benefit plan, investment fund under the Thrift Savings Plan under subchapter III of chapter 84 of title 5, or pension plan established or maintained by a State government or any political subdivision of a State government for its employees that has 1 or more holdings that are printing-related interests if the fund, trust, or plan does not exhibit a practice of concentrating in printing-related interests.

“(c) PENALTY.—Whoever violates subsection (b)(1) shall be fined under this title, imprisoned for not more than 1 year, or both.”

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 23 of title 18, United States Code, is amended by striking the item relating to section 442 and inserting the following:

“442. Government Publishing Office.”.

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**SUBMITTED RESOLUTIONS**


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**SENATE RESOLUTION 420—ENCOURAGING THE PRESIDENT TO EXPAND THE LIST OF THE DEPARTMENT OF VETERANS AFFAIRS OF PRESUMPTIVE MEDICAL CONDITIONS ASSOCIATED WITH EXPOSURE TO AGENT ORANGE TO INCLUDE PARKINSONISM, BLADDER CANCER, HYPERTENSION, AND HYPOTHYROIDISM**

Mr. BROWN (for himself, Mr. TESTER, Ms. HIRONO, Mr. DURBIN, Mrs. MURRAY, Ms. STABENOW, Mr. BLUMENTHAL, Mr. SANDERS, Mr. PETERS, and Mr. SCHUMER) submitted the following resolution; which was referred to the Committee on Veterans' Affairs:

S. RES. 420

Whereas veterans have sacrificed so much for the United States and have proudly served the United States to secure and preserve the freedoms inherent in the Constitution of the United States;

Whereas veterans and their families deserve the benefits that they have earned;

Whereas members of the Armed Forces sprayed millions of gallons of Agent Orange, a tactical herbicide, and other tactical herbicides on trees and vegetation during the Vietnam War, from 1962 to 1975;

Whereas 58,220 members of the Armed Forces died in combat during the Vietnam War, and veterans are still dying from diseases related to exposure to Agent Orange;

Whereas approximately 83,000 veterans are currently living with at least one of the presumptive medical conditions associated with exposure to Agent Orange;

Whereas the report set forth by the National Academy of Medicine in 2018 entitled “Veterans and Agent Orange Exposure: Update 11” recognized—

(1) hypothyroidism and bladder cancer to have a limited or suggestive evidence of association to exposure to Agent Orange; and

(2) Parkinson-like symptoms, also known as Parkinsonism, and hypertension to have sufficient evidence of association to exposure to Agent Orange;

Whereas, due to exposure to Agent Orange, veterans and their families are facing monumental hurdles with respect to financial stress, mental health, substance addiction, and physical health issues; and

Whereas internal documents obtained by a veteran under section 552 of title 5, United States Code (commonly referred to as the “Freedom of Information Act”), determined that the Director of the Office of Management and Budget and other White House officials objected to the recommendation by former Secretary of Veterans Affairs David Shulkin to add bladder cancer, Parkinsonism, and hypothyroidism to the list of diseases related to exposure to Agent Orange: Now, therefore, be it

*Resolved*, That the Senate encourages the President—

(1) to take care of members of the Armed Forces, veterans, and their family members who have given so much, including the ultimate sacrifice, in defense of the United States; and

(2) to take action on behalf of thousands of veterans across the United States who are living with chronic health conditions by expanding the list of the Department of Veterans Affairs of presumptive medical conditions associated with exposure to Agent Orange to include Parkinsonism, bladder cancer, hypertension, and hypothyroidism.

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**AMENDMENTS SUBMITTED AND PROPOSED**


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SA 1245. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2838, to amend the Ted Stevens Olympic and Amateur Sports Act to improve the transparency of the United States Center for Safe Sport, to provide grant accountability, and to protect victims of abuse from retaliation, and for other purposes; which was referred to the Committee on Commerce, Science, and Transportation.

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**TEXT OF AMENDMENTS**


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SA 1245. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2838, to amend the Ted Stevens Olympic and Amateur Sports Act to improve the transparency of the United States Center for Safe Sport, to provide grant accountability, and to protect victims of abuse from retaliation, and for other purposes; which was referred to the Com-

mittee on Commerce, Science, and Transportation; as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Stopping Abuse from Entering Sports, Promoting Oversight, Responsibility, and Transparency Act of 2019” or the “SAFESPORT Act”.

**SEC. 2. ENHANCED CHILD ABUSE REPORTING.**

Section 226(c)(9) of the Victims of Child Abuse Act of 1990 (34 U.S.C. 20341(c)(9)) is amended—

(1) by striking “adult who is authorized” and inserting the following: “adult who—

“(A) is authorized”;

(2) in subparagraph (A), as so designated, by inserting “or” after the semicolon at the end; and

(3) by adding at the end the following:

“(B) is an employee or representative of the United States Center for Safe Sport;”.

**SEC. 3. IMPROVING TRANSPARENCY OF THE UNITED STATES CENTER FOR SAFE SPORT.**

(a) FUNDING ACCOUNTABILITY.—Section 220541 of title 36, United States Code, is amended by adding at the end the following:

“(e) FUNDING ACCOUNTABILITY.—

“(1) IN GENERAL.—Amounts transferred to the Center by the corporation or a national governing body shall be used primarily for the investigation and resolution of allegations of sexual misconduct, or other misconduct, made by amateur athletes affiliated with the corporation, a national governing body, or a paralympic sports organization, in accordance with section 220503(15).

“(2) USE OF FUNDS.—

“(A) IN GENERAL.—Of the amounts made available to the Center by the corporation or a national governing body in a fiscal year for the purpose described in section 220503(15)—

“(i) not less than 50 percent shall be used for processing the investigation and resolution of allegations described in paragraph (1);

“(ii) not more than 10 percent may be used for executive compensation of officers and directors of the Center; and

“(iii) not more than 20 percent may be used for administrative expenses of the Center, except that the reasonable travel expenses of investigative personnel of the Center and insurance and litigation expenses of the Center shall not be counted toward such amount.

“(B) RESERVE FUNDS.—

“(i) IN GENERAL.—If, after the Center uses the amounts as allocated under subparagraph (A), the Center does not use the entirety of the remaining amounts for the purpose described in paragraph (1), the Center may retain not more than 25 percent of such amounts as reserve funds.

“(ii) RETURN OF FUNDS.—The Center shall return to the corporation and national governing bodies any amounts, proportional to the contributions of the corporation and national governing bodies, that remain after the retention described in clause (i).

“(C) LOBBYING AND FUNDRAISING.—Amounts made available to the Center under this paragraph may not be used for lobbying or fundraising expenses.

“(3) CONFERENCES AND TRAINING.—The Center shall, to the maximum extent practicable, seek reimbursement for the reasonable expenses associated with hosting or supporting conferences for, and providing training or technical assistance to, individuals who are not employees of the Center.”.

(b) RECORDS, AUDITS, AND REPORTS.—Section 220543 of title 36, United States Code, is amended—

(1) by striking subsection (b) and inserting the following:

“(b) AUDITS AND TRANSPARENCY.—



**“(1) ANNUAL AUDIT.—**

“(A) IN GENERAL.—Not less frequently than annually, the financial statements of the Center for the preceding fiscal year shall be audited by an independent auditor in accordance with generally accepted accounting principles—

“(i) to ensure the adequacy of the internal controls of the Center; and

“(ii) to prevent waste, fraud, or misuse of funds transferred to the Center by the corporation or the national governing bodies.

“(B) LOCATION.—An audit under subparagraph (A) shall be conducted at the location at which the financial statements of the Center normally are kept.

“(C) REPORT.—Not later than 180 days after the date on which an audit under subparagraph (A) is completed, the independent auditor shall issue an audit report.

**“(D) CORRECTIVE ACTION PLAN.—**

“(i) IN GENERAL.—On completion of the audit report under subparagraph (C) for a fiscal year, the Center shall prepare, in a separate document, a corrective action plan that responds to any corrective action recommended by the independent auditor.

“(ii) MATTERS TO BE INCLUDED.—A corrective action plan under clause (i) shall include the following for each such corrective action:

“(I) The name of the person responsible for the corrective action.

“(II) A description of the planned corrective action.

“(III) The anticipated completion date of the corrective action.

“(IV) In the case of a recommended corrective action based on a finding in the audit report with which the Center disagrees, or for which the Center determines that corrective action is not required, an explanation and a specific reason for noncompliance with the recommendation.

**“(2) ACCESS TO RECORDS AND PERSONNEL.—**

With respect to an audit under paragraph (1), the Center shall provide the independent auditor access to all records, documents, and personnel and financial statements of the Center necessary to carry out the audit.

**“(3) PUBLIC AVAILABILITY.—**

“(A) IN GENERAL.—The Center shall make available to the public on an easily accessible internet website of the Center—

“(i) each audit report under paragraph (1)(C); and

“(ii) the Internal Revenue Service Form 990 of the Center for each year filed under section 501(c) of the Internal Revenue Code of 1986.

“(B) PERSONALLY IDENTIFIABLE INFORMATION.—An audit report or the minutes made available under subparagraph (A) shall not include the personally identifiable information of any individual.

“(4) RULE OF CONSTRUCTION.—For purposes of this subsection, the Center shall be considered a private entity.

“(c) PETITIONS FOR EQUITABLE RELIEF.—The Attorney General may petition in the United States District Court for the District of Columbia for removal of officers and directors of the Center, as may be necessary or appropriate, if the Center—

“(1) engages in, or threatens to engage in, any act, practice, or policy that is materially inconsistent with the purpose described 220503(15); or

“(2) refuses, fails, or neglects to discharge, or threatens to refuse, fail, or neglect to discharge, the obligations of the Center to protect the safety of amateur athletes under this chapter.

“(d) REPORT.—The Center shall submit an annual report to Congress, including—

“(1) a strategic plan with respect to the manner in which the Center shall fulfill its duties under sections 220541 and 220542;

“(2) a detailed description of the efforts made by the Center to comply with such strategic plan during the preceding year;

“(3) any financial statement necessary to present fairly the assets, liabilities, and surplus or deficit of the Center for the preceding year;

“(4) an analysis of the changes in the amounts of such assets, liabilities, and surplus or deficit during the preceding year;

“(5) a detailed description of Center activities, including—

“(A) the number and nature of misconduct complaints referred to the Center;

“(B) the total number and type of pending misconduct complaints under investigation by the Center;

“(C) the number of misconduct complaints for which an investigation was terminated or otherwise closed by the Center; and

“(D) the number of such misconduct complaints reported to law enforcement agencies by the Center for further investigation;

“(6) information relating to the educational activities and trainings conducted by the office of education and outreach of the Center during the preceding year, including the number of educational activities and trainings developed and provided; and

“(7) a description of the activities of the Center.

**“(e) DEFINITIONS.—In this section—**

“(1) ‘audit report’ means a report by an independent auditor that includes—

“(A) an opinion or a disclaimer of opinion that presents the assessment of the independent auditor with respect to the financial records of the Center, including whether such records are accurate and have been maintained in accordance with generally accepted accounting principles;

“(B) an assessment of the internal controls used by the Center that describes the scope of testing on of the internal control and the results of such testing; and

“(C) a compliance assessment that includes an opinion or a disclaimer of opinion as to whether the Center has complied with the terms and conditions of subsection (b); and

“(2) ‘independent auditor’ means an independent certified public accountant or independent licensed public accountant, certified or licensed by a regulatory authority of a State or a political subdivision of a State, who meets the standards specified in generally accepted accounting principles.”.

**SEC. 4. GRANT ACCOUNTABILITY.**

Section 220531 of title 36, United States Code, is amended by adding at the end the following:

**“(e) GRANT ACCOUNTABILITY.—**

“(1) LIMITATIONS ON FUNDING.—The Attorney General may not award a grant under this section to an entity that holds amounts in an offshore account for the purpose of avoiding payment of the tax described in section 511(a) of the Internal Revenue Code of 1986.

**“(2) TRANSPARENCY.—**

“(A) IN GENERAL.—As a condition of receiving funds under this section, an entity shall include in an application for a grant—

“(i) a description of the process by which the entity determines the compensation of the officers, directors, trustees, and key employees of the entity, including any independent individual involved in reviewing and approving such compensation;

“(ii) the comparability data used in such process; and

“(iii) contemporaneous substantiation of the deliberation and decision with respect to such compensation.

“(B) PUBLIC AVAILABILITY.—On request, the Attorney General shall make the information disclosed under subparagraph (A) available for public inspection.

**“(3) LIMITATIONS ON CONFERENCE EXPENDITURES.—**

“(A) IN GENERAL.—Except as provided in subparagraph (B), not more than \$50,000 of grant funds provided to an entity under this section may be used to host or support a conference.

“(B) EXCEPTION.—An entity may use more than \$50,000 of grant funds provided under this section to host or support a conference if the Director of the Office of Justice Programs—

“(i) authorizes such additional expense in writing; and

“(ii) provides a written cost estimate for the conference, including the cost of food, beverages, audio-visual equipment, honoraria for speakers, and entertainment.

**“(4) AVOIDANCE OF DUPLICATIVE FEDERAL GRANTS.—**

“(A) IN GENERAL.—The Attorney General shall assess whether a potential grant award to an entity under this section would result in an overlap or a duplication of Federal grant awards.

“(B) REPORT.—If the Attorney General awards a grant under this section to an entity in a fiscal year for which the entity receives any other Federal grant for a substantially similar purpose, the Attorney General shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report that includes—

“(i) a description of each grant awarded to the entity in such fiscal year that results in an overlap or a duplication in Federal grant awards, including the total amount of each such grant award; and

“(ii) a justification for awarding an overlapping or a duplicative grant.”.

**SEC. 5. PROTECTING ABUSE VICTIMS FROM RETALIATION.**

(a) DEFINITIONS.—Section 220501(b) of title 36, United States Code, is amended—

(1) by redesignating paragraphs (7) through (9) and (10), as paragraphs (8) through (10) and (13) respectively;

(2) by inserting after paragraph (6) the following:

“(7) ‘covered entity’ means—

“(A) an officer or employee of the Center;

“(B) a coach, trainer, manager, administrator, or other employee or official associated with the corporation, a national governing body, or a paralympic sports organization;

“(C) the Department of Justice;

“(D) a Federal or State law enforcement authority;

“(E) a Federal or State entity responsible for receiving reports of child abuse;

“(F) the Equal Employment Opportunity Commission or other State or Federal entity with responsibility over claims of sexual harassment; or

“(G) any other person who the protected individual reasonably believes has authority to investigate or act on information relating to abuse, including—

“(i) emotional, physical, or sexual abuse; and

“(ii) sexual harassment.”;

(3) by inserting after paragraph (10), as so redesignated, the following:

“(11) ‘protected disclosure’ means any lawful act of a protected individual, or in the case of a protected individual who is a minor, an individual acting on behalf of a protected individual—

“(A) to provide information to, cause information to be provided to, or otherwise assist in an investigation by a covered entity (or be perceived as providing information to, causing information to be provided to, or otherwise assisting in such an investigation) relating to abuse, including—

“(i) emotional, physical, or sexual abuse;

“(ii) sexual harassment; and

“(iii) a violation of anti-abuse policies, practices and procedures established pursuant to paragraph (3) of section 220541(a) and paragraph (2) of section 220542(a);

“(B) to file, cause to be filed, testify, participate in, or otherwise assist in a proceeding filed or about to be filed (or be perceived as filing, causing to be filed, testifying, participating in, or otherwise assisting in such an investigation) relating to abuse, including—

“(i) emotional, physical, or sexual abuse;

“(ii) sexual harassment; and

“(iii) a violation of anti-abuse policies and procedures established pursuant to paragraph (3) of section 220541(a) and paragraph (2) of section 220542(a);

“(C) in communication with Congress; or

“(D) in the case of an amateur athlete, in communication with the Office of the Athlete Ombudsman.

“(12) ‘protected individual’ means any—

“(A) amateur athlete, coach, medical professional, or trainer associated with the corporation, a national governing body, or a paralympic sports organization; or

“(B) any official or employee of the corporation, a national governing body, a paralympic sports organization, or a grantee, contractor, or subcontractor of the corporation, a national governing body, or a paralympic sports organization”; and

(4) by inserting after paragraph (13), as so redesignated, the following:

“(14) ‘retaliation’ means any adverse or discriminatory action, or the threat of an adverse or discriminatory action, carried out against a protected individual because of any protected disclosure, including—

“(A) discipline;

“(B) discrimination regarding pay, terms, or privileges;

“(C) removal from a training facility;

“(D) reduced coaching or training;

“(E) reduced meals or housing; and

“(F) removal from competition.”.

(b) RESOLUTION OF DISPUTES.—Section 220509 of title 36, United States Code, is amended—

(1) in subsection (a), in the first sentence, by inserting “complaints of retaliation or” after “relating to”; and

(2) by adding at the end the following:

“(c) RETALIATION.—

“(1) IN GENERAL.—The corporation, a national governing body, a paralympic sports organization, or any officer, employee, grantee, contractor, subcontractor, or agent of the corporation, a national governing body, or a paralympic sports organization, may not retaliate against any protected individual because of any protected disclosure.

“(2) REPORTING, INVESTIGATION AND ARBITRATION.—The corporation shall establish mechanisms for the reporting, investigation, and resolution (through binding third-party arbitration) of complaints of alleged retaliation.

“(3) DISCIPLINARY ACTION.—If the corporation finds that an officer or employee of the corporation, a national governing body, or a paralympic sports organizations (or any grantee, contractor, subcontractor, or agent of the corporation, a national governing body, or a paralympic sports organization) has retaliated against a protected individual, the corporation, national governing body, or paralympic sports organization, as applicable, shall take appropriate disciplinary action with respect to any such individual found to have retaliated against the protected individual.

“(4) REMEDIES.—

“(A) IN GENERAL.—If the corporation finds that an officer or employee of the corporation, a national governing body, or a paralympic sports organization (or a grant-

ee, contractor, subcontractor, or agent of the corporation, a national governing body, or paralympic sports organization) has retaliated against a protected individual, the corporation, national governing body, or paralympic sports organization, as applicable, shall promptly—

“(i) take affirmative action to abate the violation;

“(ii) reinstate the complainant to the former position with the same pay and terms and privileges; and

“(iii) pay compensatory damages, including economic damages (including backpay with interest) and any special damages sustained as a result of the retaliation, including damages for pain and suffering, reasonable attorney fees, and costs.

“(B) REIMBURSEMENT FROM NATIONAL GOVERNING BODY.—In the case of a national governing body or a paralympic sports organization found to have retaliated against a protected individual, the corporation may demand reimbursement from the national governing body or paralympic sports organization for damages paid by the corporation under subparagraph (A).

“(5) ENFORCEMENT ACTION AND PROCEDURES.—

“(A) IN GENERAL.—If the corporation has not issued a final decision within 180 days of the filing of the complaint and there is no showing that such delay is due to the bad faith of the complainant, the complainant may bring an action at law or equity for de novo review in the appropriate district court of the United States, which shall have jurisdiction over such an action without regard to the amount in controversy.

“(B) JURY TRIAL.—A party to an action brought under paragraph (A) shall be entitled to trial by jury.

“(C) RELIEF.—The court shall have jurisdiction to grant all relief under paragraph (4).

“(6) STATUTE OF LIMITATIONS.—An action under paragraph (2) shall be commenced not later than 2 years after the date on which the violation occurs, or after the date on which the protected individual became aware of the violation.

“(7) BURDENS OF PROOF.—An action under paragraph (2) or (5) shall be governed as follows:

“(A) REQUIRED SHOWING BY COMPLAINANT.—The corporation shall dismiss a complaint filed under this subsection and shall not conduct an investigation unless the complainant makes a prima facie showing that any retaliation was a contributing factor in the unfavorable personnel action alleged in the complaint.

“(B) CRITERIA FOR DETERMINATION BY THE ARBITRATION.—The arbitration may determine that a violation of paragraph (1) has occurred only if the complainant demonstrates that the retaliation was a contributing factor in the unfavorable personnel action alleged in the complaint.

“(C) PROHIBITION.—Relief may not be ordered under paragraph (4) if the corporation, national governing body, or paralympic sports organization, as applicable, demonstrates by clear and convincing evidence that the corporation, national governing body, or paralympic sports organization would have taken the same unfavorable personnel action in the absence of that behavior.

“(8) REVIEW.—Any person adversely affected or aggrieved by an order issued under paragraph (4) or (5) may obtain review of the order in the United States Court of Appeals for the circuit in which the violation, with respect to which the order was issued, allegedly occurred or the circuit in which the complainant resided on the date of such violation. The petition for review shall be filed

not later than 60 days after the date of the issuance of the arbitration decision of the corporation. Review shall conform to chapter 7 of title 5, United States Code. The commencement of proceedings under this paragraph shall not, unless ordered by the court, operate as a stay of the order.

“(9) RIGHTS RETAINED.—Nothing in this subsection shall be deemed to diminish the rights, privileges, or remedies of any employee or other individual under any Federal or State law, or under any collective bargaining agreement.

“(10) NONENFORCEABILITY OF CERTAIN PROVISIONS WAIVING RIGHTS AND REMEDIES.—The rights and remedies provided for in this subsection may not be waived by any agreement, policy form, or condition of employment or association with the corporation, a national governing body, or a paralympic sports organization.

“(11) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to mean that the funds transferred by the national governing bodies and paralympic sports organizations to the corporation and the Center qualify as a grant.”.

(c) ELIGIBILITY REQUIREMENTS FOR NATIONAL GOVERNING BODIES.—Section 220522 of title 36, United States Code, amended—

(1) in paragraph (14), by striking “; and” and inserting a semicolon;

(2) in paragraph (15), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(16) provides protection from retaliation to protected individuals.”.

#### AUTHORITY FOR COMMITTEES TO MEET

Mr. McCONNELL. Mr. President, I have 5 requests for committees to meet during today's session of the Senate. They have the approval of the Majority and Minority leaders.

Pursuant to rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committees are authorized to meet during today's session of the Senate:

#### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

The Committee on Commerce, Science, and Transportation is authorized to meet during the session of the Senate on Wednesday, November 13, 2019, at 10 a.m., to conduct a hearing on the following nominations; Ian Paul Steff, of Indiana, to be Assistant Secretary of Commerce and Director General of the United States and Foreign Commercial Service, Michael Graham, of Kansas, to be a Member of the National Transportation Safety Board for a term expiring December 31, 2020, and to be a Member of the National Transportation Safety Board for a term expiring December 31, 2025, Carl Whitney Bentzel, of Maryland, to be a Federal Maritime Commissioner, Theodore Rokita, of Indiana, to be a Director of the Amtrak Board of Directors, and routine lists in the Coast Guard.

#### COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

The Committee on Environment and Public Works is authorized to meet during the session of the Senate on Wednesday, November 13, 2019, at 10 a.m., to conduct a hearing.

COMMITTEE ON HEALTH, EDUCATION, LABOR,  
AND PENSIONS

The Committee on Health, Education, Labor, and Pensions is authorized to meet during the session of the Senate on Wednesday, November 13, 2019, at 10 a.m., to conduct a hearing.

COMMITTEE ON HOMELAND SECURITY AND  
GOVERNMENTAL AFFAIRS

The Committee on Homeland Security and Governmental Affairs is authorized to meet during the session of the Senate on Wednesday, November 13, 2019, at 9:30 a.m., to conduct a hearing.

COMMITTEE ON THE JUDICIARY

The Committee on the Judiciary is authorized to meet during the session of the Senate on Wednesday, November 13, 2019, at 2 p.m., to conduct a hearing on the following nominations: Stanley Blumenfeld, and Mark C. Scarsi, both to be a United States District Judge for the Central District of California, Grace Karaffa Obermann, of Virginia, to be a Judge of the United States Court of Federal Claims for a term of fifteen years, and Stephen A. Vaden, of Tennessee, to be a Judge of the United States Court of International Trade.

AMENDING SECTION 442 OF TITLE  
18, UNITED STATES CODE, TO EX-  
EMPT CERTAIN INTERESTS IN  
MUTUAL FUNDS, UNIT INVEST-  
MENT TRUSTS, EMPLOYEE BEN-  
EFIT PLANS, AND RETIREMENT  
PLANS FROM CONFLICT OF IN-  
TEREST LIMITATIONS FOR THE  
GOVERNMENT PUBLISHING OF-  
FICE

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 2851, introduced earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2851) to amend section 442 of title 18, United States Code, to exempt certain interests in mutual funds, unit investment trusts, employee benefit plans, and retirement plans from conflict of interest limitations for the Government Publishing Office.

The PRESIDING OFFICER. Is there objection to proceeding to the measure?

There being no objection, the Senate proceeded to consider the bill.

Mr. MCCONNELL. I ask unanimous consent that the bill be considered read a third time and passed and the motion to reconsider be considered made and laid upon the table.

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

The bill (S. 2851) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2851

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

SECTION 1. GOVERNMENT PUBLISHING OFFICE.

(a) IN GENERAL.—Section 442 of title 18, United States Code, is amended to read as follows:

“§ 422. Government Publishing Office

“(a) DEFINITIONS.—In this section—

“(1) the terms ‘diversified’, ‘employee benefit plan’, ‘holding’, ‘mutual fund’, and ‘unit investment trust’ have the meanings given those terms under section 2640.102 of title 5, Code of Federal Regulations, or any successor thereto; and

“(2) the term ‘printing-related interest’ means an interest, direct or indirect, in—

“(A) the publication of any newspaper or periodical;

“(B) any printing, binding, engraving, or lithographing of any kind; or

“(C) any contract for furnishing paper or other material connected with the public printing, binding, lithographing, or engraving.

“(b) OFFENSE.—

“(1) IN GENERAL.—Except as provided in paragraph (2), the Director of the Government Publishing Office shall not, during his or her continuance in office, have any printing-related interest.

“(2) EXCEPTION FOR MUTUAL FUNDS, UNIT INVESTMENT TRUSTS, EMPLOYEE BENEFIT PLANS, AND RETIREMENT PLANS.—It shall not be a violation of paragraph (1) for the Director of the Government Publishing Office to have an interest in a diversified mutual fund, diversified unit investment trust, employee benefit plan, investment fund under the Thrift Savings Plan under subchapter III of chapter 84 of title 5, or pension plan established or maintained by a State government or any political subdivision of a State government for its employees that has 1 or more holdings that are printing-related interests if the fund, trust, or plan does not exhibit a practice of concentrating in printing-related interests.

“(c) PENALTY.—Whoever violates subsection (b)(1) shall be fined under this title, imprisoned for not more than 1 year, or both.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 23 of title 18, United States Code, is amended by striking the item relating to section 442 and inserting the following:

“442. Government Publishing Office.”.

ORDERS FOR THURSDAY,  
NOVEMBER 14, 2019

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m., Thursday, November 14; further, that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, morning business be closed, and the Senate proceed to executive session and resume consideration of the Menashi nomination, with the postcloture time expiring at 1:45 p.m.; finally, that if confirmed, the motion to reconsider be considered made and laid upon the table and the President be immediately notified of the Senate’s action.

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

The Senator from Wyoming.

UNITED STATES-MEXICO-CANADA  
TRADE AGREEMENT

Mr. BARRASSO. Mr. President, I come to the floor today to shine a spot-

light on our strong, healthy, and growing economy. Specifically, my focus is on how this record-setting economy is helping and could continue to help all Americans.

Since Republicans took over and passed tax relief, there has been no end to the boon in jobs in our country. Republicans have put the U.S. worker in the driver’s seat. The October jobs report again beat all expectations. U.S. employers added a solid 128,000 jobs last month alone.

Even better, American workers are noting that their wallets are thicker and fatter. Wages are up 3 percent year over year. It is the fastest growth—faster than inflation.

We also continue to see record-low unemployment across the country. At 3.6 percent, the U.S. jobless rate is near a 50-year low. African-American unemployment is at a 50-year low. In fact, 3 years of Republican pro-growth policies have produced more than 6 million new jobs—actually, 6,700,000 new jobs. Today, the United States has nearly 160 million people working. That is another record high. Median household income is the highest in 20 years. No wonder a new poll by Gallup shows Americans are planning to spend more than ever this holiday season because they have the money. They have earned it, and they have kept more of their hard-earned money as a result of tax relief.

The U.S. stock market continues to set new highs, and that is welcome news for people when they look at their pensions, their retirements, and their 401(k)s.

Notably, trade optimism has been a major factor in the stock market’s climb to record highs, which brings me to my next point: How do we start the next chapter of the United States in terms of our success story? I believe it is through America-first trade victories.

Without question, the most important trade deal we need to pass right now is USMCA—the United States-Mexico-Canada trade agreement. In my view, it is vital to continuing our American prosperity. The U.S.-Mexico-Canada trade agreement was signed by all three countries’ leaders more than a year ago, so you would think, well, it should be in place. But it takes more than that. Mexico gave its final approval to USMCA in June. Canada is waiting for us—for the House and the Senate—to give the approval as well.

Without a doubt, USMCA is the best trade upgrade in 25 years. It is going to expand market access for a host of U.S. products, and it is going to sharpen U.S. exporters’ competitive edge. Above all, USMCA is a big benefit for American workers. It will protect and produce millions of U.S. jobs, and that is critical.

I predict it will pass the Senate with strong bipartisan support. So it has to get here. Yet we have not crossed the finish line. There is a roadblock, and the roadblock is at the other end of

this building. The roadblock is Speaker NANCY PELOSI. She has not and will not yet allow a vote in the House of Representatives. It seems to me the Speaker is too obsessed with impeaching the President instead of being focused on fighting for American workers. She stopped all progress on USMCA in its tracks.

The stakes, meanwhile, could not be higher. Passing USMCA will save American jobs. Twelve million current American jobs are on the line. The deal will create 180,000 new U.S. jobs. USMCA is a boon for the entire economy. It will boost our economy by \$70 billion. So what exactly is the Speaker waiting for?

Canada and Mexico are our top trading partners. U.S. producers don't need impeachment chaos or an impeachment circus; what we need is trade certainty.

Not only is the deal essential for U.S. manufacturers, our ranchers and farmers are counting on it as well. Canada and Mexico are the top export markets for American farmers. Last year, U.S. agriculture exports to the two countries totaled \$40 billion. For the past 5 years, Mexico has consistently ranked second or third for U.S. wheat imports.

USMCA is a huge win for Wyoming wheat growers. My State is going to reap enormous benefits from this deal. Wyoming foreign trade has increased nearly 20 percent in recent years. Wyoming farmers—the Presiding Officer knows this, coming from an agriculture State—play a key role in our economy. This Friday, I will be honored to attend the 100th annual meeting of the Wyoming Farm Bureau. It will be in Laramie. Our farmers add billions to the State economy every year, and trade is a big part of it.

Wyoming's annual agriculture exports total \$300 million. The export market supports 2,600 jobs in our State. Our State not only produces livestock, seeds, and crops, but we are exporting essential chemicals that farmers everywhere need to grow their crops.

Wyoming farmers and ranchers are counting on expanded export markets for future growth. New markets mean new opportunities, and Wyoming is poised to seize them.

In coming years, we plan to add to our high-quality beef, our grain, and our hay exports. Future State exports will include gluten-free products, as well as craft beer and distilled spirits, just to name a few.

That is why the USMCA agreement is so essential for the people, not just in Wyoming but for people all across America. To keep our record-setting economy on track, we need to pass this "America First" trade deal, and we need to do it now.

It is time to put partisan politics aside. It is time to pass USMCA.

#### IMPEACHMENT

Mr. BARRASSO. Mr. President, on a different topic, I come to the floor

today to discuss the Democrats' partisan campaign against President Trump.

The Democrats have been obsessed with impeaching him since day one of his Presidency, and I absolutely mean day one. As the President was taking the oath of office, sworn in to the Presidency, the Washington Post ran this headline: "The campaign to impeach President Trump has begun." It was posted, actually, at 12:18, the day he took the oath of office. The minute he took the oath of office, that headline was posted.

So 3 years have passed, and impeachment is still taking up all the Democrats' time, all their efforts, and all their energy. They are fixated on it, and they are obsessed with it. As a doctor, in my opinion, the Democrats have a bad case of impeachment fever, and it seems that there is no cure for them.

We all know that Democrats deeply dislike this President. They have from the moment he was elected in November 2016. Let me ask you: Does that mean they get to overturn the last election? That is what they are trying to do, not to mention interfere with the upcoming election. That is really what it is—a bitterly partisan process.

Remember, it is being controlled by one political party. This is totally partisan, and up to now, at least it has been conducted, prior to today, in total secret, in the cellar, behind closed doors, and in the shadows. That is the way they have done it. It is not a fair process—no transparency and no accountability.

I think President Trump has a right to be treated fairly, yet his rights have been completely ignored. The process, in my opinion, is rigged against the President. The outcome is predetermined and fixed. The Democratic House wins; the American public loses.

Democrats are so obsessed, they can't work. The people elected them to do a job, to work for them, and they are nowhere to be found. The Democrats, for example, will not pass defense funding, funding our military, protecting our borders, protecting our Nation, and they will not approve trade deals or lower drug costs. They will not even help fix our aging roads and bridges.

Well, that is all bad news for the American people. All of this is tied up in the impeachment obsession that is grinding the Democrats in the House to a halt. The good news is, Republicans are highly resistant to this fever, and so are most Americans.

We are not going to join the Democrats' impeachment campaign. Republicans prefer to work on the issues we were elected to address—jobs, the economy, national security—and we are going to continue to work for the people who elected us.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

UNANIMOUS CONSENT REQUEST—  
S. RES. 150

Mr. MENENDEZ. Mr. President, over 104 years ago, the Ottoman Empire launched a systematic campaign to exterminate the Armenian population through killings, forced deportation, starvation, and other brutal means. Every year I join the Armenian community in honoring the memory of the victims who made invaluable contributions to sustain the Armenian people and preserve Armenian history and culture before their cruel, inhuman deaths.

At the time of the genocide, U.S. diplomats who witnessed it knew that the tragedy they were seeing was an intentional choice. Henry Morgenthau, the then-U.S. Ambassador to the Ottoman Empire, said that the Turkish Government's deportation order for the Armenians was "a death warrant to a whole race." Those are his words. They are "a death warrant to a whole race," and an aim which "they made no particular attempt to conceal" in their discussions with them.

We know what to call such an intentional, highly organized effort to destroy a people on account of their identity alone: genocide. In other circumstances, no one questions this definition.

U.S. foreign policy must reflect an honest accounting of human rights abuses, crimes against humanity, ethnic cleansing, and genocide. We cannot turn our backs on the Armenian victims of genocide nor on any victims of genocide anywhere or anytime it occurs. If we do, we only empower those who seek to use genocide as a weapon of war for their own malevolent purposes.

The Government of Turkey has funded lobbyists willing to trumpet lies and make excuses for these atrocities. The Turkish Government and its sympathizers have advocated for restrictive laws on expression and against legislation that recognizes the Armenian genocide, initiated prosecutions and smear campaigns against those who study the Armenian community's experiences at the hands of the Turks, and even resorted to violence and harassment of journalists and human rights activists who bravely speak the truth.

These actions are unacceptable and speak volumes to both the crime and its coverup.

Thankfully, there are also voices speaking up against Turkey's efforts to silence the truth of the Armenian genocide. I have long worked in the U.S. Senate to push for this honest accounting and to ensure that anyone who represents the U.S. Government does the same. In every session of Congress since 2006, I have introduced or cosponsored resolutions affirming the facts of the Armenian genocide. When I was chairman of the Senate Foreign Relations Committee, I was proud to preside over the passage of an Armenian genocide resolution out of committee for the first time.

The U.S. Congress cannot stand idly by and let the truth of genocide be silenced. We must commit ourselves to learning the painful history of the Armenians as we seek to build a better world for our own and future generations. We must stand up unequivocally for truth, justice, and peace. Only then, with that hard work and advocacy and recognition of the truth, will we then confidently be able to say “never again.” Never again.

I have heard many colleagues come to the floor when we talked about the Holocaust and say “never again.” In Rwanda, we said “never again.” In the Armenian genocide, we should say “never again” as well. Genocide is genocide, and we should recognize it as such so we can move forward at the end of the day.

I am proud to have worked with Senator CRUZ and 23 other Senators in leading a resolution recognizing the horror of this genocide. I thank them for their efforts on this important resolution and appreciate their standing up for the truth.

This is not an issue of historical dispute. I listened to President Erdogan’s press conference with President Trump where he suggested they are reviewing this history. They are going to review it until there isn’t one more Armenian genocide victim alive. Historians from across the world, the most noted historians, and genocide observers and experts and ethicists have said that this was a genocide.

I want to thank my colleagues for forwarding this important resolution and appreciate their standing up for the truth. I hope the full Senate will join us and send a clear message to the world that the United States stands by the truth, stands by justice, and stands with victims of genocide wherever they may be. This passed overwhelmingly with strong Republican support in the House of Representatives. We are one step away from finally recognizing this historical fact.

Therefore, Mr. President, I ask unanimous consent that the Senate Foreign Relations Committee be discharged from further consideration of S. Res. 150 and the Senate proceed to its immediate consideration. I further ask that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

The Senator from South Carolina.

Mr. GRAHAM. Mr. President, No. 1, there is nobody I admire more on foreign policy than Senator MENENDEZ. He has been a champion of this cause. My objection will not be to sugarcoat history, nor to rewrite it. I just met with President Erdogan and President Trump about the S-400 purchase and about the problems we face in Syria from the military incursion by Turkey, and I do hope Turkey and Armenia can come together and deal with this prob-

lem. But given where we are in Syria and some hope that maybe we can resolve things, I object, not because of the past but because of the future.

The PRESIDING OFFICER. Objection is heard.

The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, needless to say, I have great admiration for the Senator from South Carolina and consider him a friend, but our problem with Turkey—and I know my colleague has asked me several times: What are we doing about Turkey? And I know it was meant in the context of sanctions, which I obviously do support for a variety of reasons—violations of CAATSA, purchase of the S-400, what they did in Syria, and the list goes on and on. But in our desire to see Turkey become that which we would want it to be, which it is not, under President Erdogan, we continue to become enablers of the types of actions that are undemocratic. More journalists are jailed in Turkey than in any other place in the world. Imagine that—a NATO ally. More lawyers are jailed in Turkey than in any other place in the world. And the simple recognition of a historical fact—the simple recognition of a historical fact of the Ottoman Empire and the cruel persecution of the Armenian people cannot be recognized by the U.S. Senate the way the House of Representatives recognized it in an overwhelmingly bipartisan vote? Are we so afraid to stand up to history and the truth? Are we so afraid about Turkey? Who is the superpower? Who is the superpower? I am beginning to wonder because every time Turkey threatens to do something, we cower.

Well, as far as I am concerned, they don’t get to dictate the views of the Congress of the United States. They don’t get to dictate the views of this Senate. This Senate should rise up and recognize the historical truth as documented by historians and as documented by our own diplomats. I will not cease continuing to come to the floor to prick the conscience of the Senate and to ultimately reveal who supports recognizing the Armenian genocide and who does not. Otherwise, the words “never again”—they are just hollow.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. Mr. President, I always appreciate Senator MENENDEZ standing up for human rights all over the world, and this is one of the worst human rights violations the world has seen in the last 150 years. I thank my friend from New Jersey.

#### NOMINATION OF STEVEN J. MENASHI

Mr. BROWN. Mr. President, judges make decisions around the country. They are making them right now on workers’ rights, voters’ rights, women’s rights, civil rights, LGBTQ

rights—decisions that would limit those rights for a generation.

We used to be able to rely on judges to expand human rights and civil rights and all rights of humankind. Today, we cringe so often because of judges who get selected by this President who put their thumbs on the scale to support corporations over workers and health insurance companies over patients and Wall Street over consumers.

These same judges make decisions on healthcare and sentencing and corporate power. That is why we can’t afford to have Steven Menashi on the Federal bench. On all of these issues, his record makes it clear that he is not on the side of the people we were sent here to serve.

There is a simple rule for understanding where Steve Menashi stands on any issue: If a policy helps ordinary, hard-working Americans, Menashi opposes it. He argued that gun safety regulation is “pointless and self-defeating.” We are talking about common-sense background checks that 85 percent of the American public supports, all blocked by the gun manufacturers. Tell that to the people of Dayton whose lives were torn apart and ended in some cases by gun violence. Tell them background checks are pointless.

Menashi also advised Stephen Miller on immigration policy—the man who stands in the way of comprehensive immigration reform and helped orchestrate the separation—the ripping of children from their parents’ arms. Menashi refused to answer any questions about whether he worked on the Trump family separation policy with Stephen Miller.

He has been a senior adviser to Betsy DeVos at the Department of Education, where we have seen one disastrous decision after another. The headline in the New York Times says it all: “Appeals Court Nominee Shaped DeVos’s Illegal Loan Forgiveness Effort.” Menashi devised the scheme to illegally use people’s Social Security data to deny them debt relief after they were scammed by for-profit colleges. It seems that the Department of Education with Menashi there always sided with the for-profit schools against Denison or Ohio State or the University of Toledo or Lourdes or Case Western or any of the traditional, excellent schools of higher education in this country.

We have seen how shady schools like Corinthian used deceptive and even illegal tactics to trick Ohioans into taking out huge loans, only to then close up shop and leave them with meaningless degrees or credits—often falling short even of that but always with mountains of debt. We need to hold these for-profit schools accountable, but, of course, we learned not to hold our breath when it comes to the Trump administration holding any of the elite in this country accountable.

Instead of figuring out how to provide relief for students, DeVos and

Menashi went to work figuring out how to let the schools that scammed them off the hook. Be clear—it was not Menashi just doing his job advocating for someone else's bad policy; he wrote the memo. It is clear that he actually supported and supports Betsy DeVos's radical agenda.

Now they want to put him on the Federal bench so he can put his thumb on the scales of justice for shady for-profit schools over students and corporations over workers and, as I said, for Wall Street and insurance companies over patients. We have seen that from judge after judge after judge with President Trump, but even by those Trump standards, Menashi is particularly bad.

It always comes down to whose side you are on. Are you a judge who will stand on the side of workers or stand on the side of corporations? Will you stand on the side of students—struggling students, moderate-income and sometimes low-income students trying to build better lives for themselves—or on the side of failed sham schools? His record is clear.

The stakes for Ohio are too high to give Steve Menashi a lifetime appointment on the Federal bench.

#### PENSIONS

Mr. BROWN. Mr. President, yesterday we got another reminder of the urgency in the pension crisis facing more than 1 million workers and retirees with the news that Dean Foods is filing for bankruptcy. The company is part of the Central States Pension Fund. The bankruptcy puts the pension fund that much closer to insolvency, that much closer to having to turn to the PBGC for help, and that much closer to knocking down the dominoes that could bring down our whole multiemployer pension system and potentially and even likely trigger a recession. We have to act now for the sake of our economy, for the sake of thousands of small businesses, and for the sake of a million Americans who are on the verge of facing massive cuts to the pensions they earned.

This crisis affects thousands of Ohioans. It affects the massive Central States Pension Plan, the United Workers Pension Plan, the Ironworkers Local 17 Pension Plan, the Southwest Ohio carpenters, the bakers and confectioners, and many others. It touches every State in this Nation. If the system collapses, it won't be just retirees who will feel the pain. Current workers will be stuck paying into pensions they will never receive. Small businesses will be left drowning in pension liability they can't afford to pay. That will have ripple effects throughout the economy. If we do nothing, this can trigger a recession on par with the housing crisis. We know who gets hurt the worst. It is the small businesses, workers, and the retirees who are counting on these pensions to survive.

People in this town so often don't understand the collective bargaining

process. People give up dollars today at the bargaining table for the promise of a secure retirement with good healthcare and a pension. These workers' lives and livelihoods will be devastated if Congress doesn't do its job.

I think about the words of Larry Ward at a hearing in Ohio last year. He said:

I don't understand how it is that Congress would even consider asking us to take a cut to my pension or to see it going away, when it had no problem sending billions to the Wall Street crooks who caused this problem in the first place. They used that to pay themselves bonuses. We use our pensions to pay for medicine and food and heat.

Think about that. Wall Street uses this pension money for bonuses. Mr. Ward and his other workers and retirees use their pensions to pay for medicine and food and heat. There is something wrong with this picture. It is bad enough that Wall Street squandered workers' money; it is worse that the government, which is supposed to look out for these folks, is ignoring the promise to these workers.

I know there are Senators in both parties working in good faith to fix this, but this bankruptcy is a reminder that we are running short on time to come up with the bipartisan solution we need.

It comes back to the dignity of work. When work has dignity, we honor the retirement security that people earned. When work has dignity, we fight for those workers, we honor workers, and we respect workers.

I urge my colleagues in this body, let's pass a solution that honors their work, that honors the dignity of work, and that keeps our promise to the people who make this country work.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

#### PRESIDENT ERDOGAN

Mr. LANKFORD. Mr. President, the United States is always grateful to receive heads of State from around the world. Heads of State from around the world come to the United States because they know we are 25 percent of the world's economy. We are the most powerful military in the world. We are the most moral Nation in the world in how we manage freedom of the press, freedom of speech, and freedom of opportunity for all people within our country. When we see a problem in our country, we work to address that.

So with that, we are welcoming another head of State to the United States today, President Erdogan of Turkey. Turkey has been a long-standing NATO ally. NATO was formed in the late 1940s. Turkey and Greece were the first two countries that came into NATO after its formation in the 1940s. Turkey has been a member of NATO since 1952. We have a very important military base based in Turkey, Incirlik Air Force Base. It is key in the war against terror in that entire region.

Turkey hosts the largest Syrian refugee population. Turkey has been very engaged in NATO, filling all of its billets and all of its requirements. They have worked to be a good partner. They have partnered with us in not only the War on Terror in multiple different countries in the regions, but they have been very faithful to engage with NATO as a whole.

But something is happening in Turkey that I hope President Trump and President Erdogan had a very frank discussion on because since 2016, President Erdogan of Turkey is shifting Turkey away from NATO toward Russia, toward a more authoritative regime, changing their Constitution to give more power to Erdogan and to whoever his successor is—if there is a successor to Erdogan, if he doesn't maintain power and keep it forever from here on out.

There was a mayoral election in Istanbul that Erdogan didn't agree with, and so he declared it null and void and forced another election in Istanbul, hoping to get the outlook he wanted, but the Turkish people actually voted even more so against Erdogan in the next election in Istanbul, putting in someone who directly opposed Erdogan and his party.

President Erdogan recently imprisoned an American pastor who had served more than 20 years in Turkey, serving people of all faiths and all backgrounds in the beautiful city of Izmir. He rounded up Andrew Brunson with tens of thousands of other people whom President Erdogan and his government considered a threat, and most of them they have been held without charges for years now. There are thousands of people right now who are still awaiting their day in court from the 2016 coup. Not knowing if any of these folks were actually connected to the coup, they rounded up teachers, journalists, law enforcement individuals—just everyone they could round up that they had any suspicion of and imprisoned them and said: We will bring charges to you later. Thousands are still waiting for “later.”

I happened to be in Turkey in December of 2016 to personally meet with the Ministry of Justice in Ankara to talk about Andrew Brunson, an American swept up in that time period who had nothing to do with the coup that happened in 2016. President Erdogan solely had the ability to get him released but held him for years with all kinds of wild accusations against an American missionary who had been there for decades.

Turkey continues to be able to focus on the Kurdish Syrians just south of their border. I have to tell you, there are a group of the Kurds whom I understand President Erdogan should be attentive to. There is a certain group called the PKK. The United States also considers that Kurdish group terrorists and have for decades. That particular group of Kurds who are in Syria have traveled into Turkey and carried out

car bombs and have killed hundreds of people in terrorist attacks in Turkey. President Erdogan has every reason to pay attention to that particular group of Kurds, and I understand his frustration that the United States partnered with them to take out ISIS, but the fact was, Turkey would not come across the border to help us take out ISIS, and so we found partners who would take on ISIS with us—and they did.

Now Erdogan wants to push those folks back. His methods are quite brutal in the process. When we went into Afghanistan, we understood that all Afghan people were not our enemy—the Taliban was, al-Qaida was. That was our enemy, and they found their way among the populations. We were exceptionally careful when we went into Afghanistan to protect the Afghan people, yet find ways to take the battles to the Taliban and to al-Qaida. Erdogan's methods were to come across the border with tanks and heavy artillery and start shelling cities in Syria, knowing there were some PKK in those villages, and so they just shelled them all. Erdogan and some of his thugs also came across with some of the other groups who were working with the Turks. We also have footage of them taking prisoners and shooting them beside the road and leaving their bodies there. These people had already surrendered. They were people who had already been handcuffed, and they executed them beside the road. That is a war crime that we should follow up with, and I hope President Trump had a very frank conversation with President Erdogan about following up on war crimes.

Just to add to all of our difficulties right now with President Erdogan, in the past couple of years, he has shifted his attention toward Russia and has now completed a purchase of a Russian air defense system. They are the very first and only NATO country ever to purchase Russian military equipment. That equipment is not interoperable with the rest of NATO. This is Russian equipment that is specifically designed to take the fight to the F-35. Turkey believes it is going to purchase the F-35 from the United States, and they also believe they can purchase the S-400 from Russia and have them side by

side. Well, they are wrong. Years ago, Congress passed the Countering American Adversaries Through Sanctions Act, commonly known as CAATSA. It was a very clear message to anyone who buys Russian military equipment that there are sanctions coming to your country, and it is clear. We have applied those sanctions in the past, and those sanctions need to be applied to Turkey now.

In addition to that, Senator SHAHEEN and I have partnered together to pass a bill to block Turkey from taking any of the F-35s—not trained in the equipment, not simulators, no F-35s can go to Turkey. If they are interested in buying Russian air defense systems, they understand clearly what that means because we have made it clear to the Turks for 2 years now: If you buy Russian equipment, you cannot also have the F-35. President Erdogan was aware of that. His administration was aware of that, and I hope President Trump made it clear to him today, as clear as this Congress has made it clear, on a bipartisan basis, that Turkey cannot have the F-35 and also have Russian military equipment at the same time. That is incompatible. We will continue to make that very clear in the days ahead in our legislation, and I believe a vote will not even be close to send a message to Turkey that we are interested in maintaining our friendship and our NATO ally, but our NATO ally needs to make a decision if they are a NATO ally or if they are a Russian ally because those two are not congruent.

I hope that was the conversation that happened today. We will find out in the days ahead, but even if it was not, I hope President Erdogan and the Turkish Embassy hears it clearly now. This Congress would look forward to partnering with Turkey again in the future, as we have for decades in the past. We have had an economic relationship, a military relationship, and a genuine friendship with Turkey, but we do not know who Turkey is anymore. We don't recognize the Turkey of today from Turkey 5 years ago. We would never come to your country and beat up protesters in the street as President Erdogan's security thugs did last year in the United States. We would never do that to your country. We would

never counter NATO just to spite you, and we would certainly stay aligned with a friend who has been a friend for decades.

To the Turkish people, our beef is not with you. Our frustration is with the regime that is currently directing your country away from its traditional allies. We continue to reach our hand out to the Turkish people, and we continue to say to President Erdogan: This can be different in the days ahead, as it has been in the past, but some things need to change, and we are not the ones who walked away.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

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#### ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. LANKFORD. If there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 6:40 p.m., adjourned until Thursday, November 14, 2019, at 10 a.m.

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#### NOMINATIONS

Executive nomination received by the Senate:

##### DEPARTMENT OF DEFENSE

ELAINE A. MCCUSKER, OF VIRGINIA, TO BE UNDER SECRETARY OF DEFENSE (COMPTROLLER), VICE DAVID L. NORQUIST, RESIGNED.

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#### CONFIRMATION

Executive nomination confirmed by the Senate November 13, 2019:

##### DEPARTMENT OF HOMELAND SECURITY

CHAD F. WOLF, OF VIRGINIA, TO BE UNDER SECRETARY FOR STRATEGY, POLICY, AND PLANS, DEPARTMENT OF HOMELAND SECURITY.

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#### WITHDRAWAL

Executive Message transmitted by the President to the Senate on November 13, 2019 withdrawing from further Senate consideration the following nomination:

DOUG MANCHESTER, OF CALIFORNIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE COMMONWEALTH OF THE BAHAMAS, WHICH WAS SENT TO THE SENATE ON JANUARY 16, 2019.