

BLUMENTHAL, Mr. MENENDEZ, Mr. GRASSLEY, Mr. MARKEY, Mr. KING, Ms. WARREN, and Ms. AYOTTE);

S. Res. 559. A resolution designating the week of September 12, 2016, as "National Direct Support Professionals Recognition Week"; considered and agreed to.

ADDITIONAL COSPONSORS

S. 134

At the request of Mr. WYDEN, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 134, a bill to amend the Controlled Substances Act to exclude industrial hemp from the definition of marijuana, and for other purposes.

S. 488

At the request of Mr. SCHUMER, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 488, a bill to amend title XVIII of the Social Security Act to allow physician assistants, nurse practitioners, and clinical nurse specialists to supervise cardiac, intensive cardiac, and pulmonary rehabilitation programs.

S. 1996

At the request of Mr. PORTMAN, the name of the Senator from Illinois (Mr. KIRK) was added as a cosponsor of S. 1996, a bill to streamline the employer reporting process and strengthen the eligibility verification process for the premium assistance tax credit and cost-sharing subsidy.

S. 2217

At the request of Mr. BLUNT, the name of the Senator from Arkansas (Mr. COTTON) was added as a cosponsor of S. 2217, a bill to amend the Federal Food, Drug, and Cosmetic Act to improve and clarify certain disclosure requirements for restaurants and similar retail food establishments, and to amend the authority to bring proceedings under section 403A.

S. 2311

At the request of Mrs. GILLIBRAND, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 2311, a bill to amend the Public Health Service Act to authorize the Secretary of Health and Human Services, acting through the Administrator of the Health Resources and Services Administration, to make grants to States for screening and treatment for maternal depression.

S. 2373

At the request of Ms. CANTWELL, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 2373, a bill to amend title XVIII of the Social Security Act to provide for Medicare coverage of certain lymphedema compression treatment items as items of durable medical equipment.

S. 2415

At the request of Mr. FLAKE, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. 2415, a bill to implement integrity measures to strengthen the EB-5 Re-

gional Center Program in order to promote and reform foreign capital investment and job creation in American communities.

S. 2725

At the request of Ms. AYOTTE, the name of the Senator from Wisconsin (Mr. JOHNSON) was added as a cosponsor of S. 2725, a bill to impose sanctions with respect to the ballistic missile program of Iran, and for other purposes.

S. 2748

At the request of Ms. BALDWIN, the names of the Senator from Illinois (Mr. KIRK) and the Senator from Minnesota (Mr. FRANKEN) were added as cosponsors of S. 2748, a bill to amend the Public Health Service Act to increase the number of permanent faculty in palliative care at accredited allopathic and osteopathic medical schools, nursing schools, social work schools, and other programs, including physician assistant education programs, to promote education and research in palliative care and hospice, and to support the development of faculty careers in academic palliative medicine.

S. 2763

At the request of Mr. CORNYN, the name of the Senator from New Jersey (Mr. BOOKER) was added as a cosponsor of S. 2763, a bill to provide the victims of Holocaust-era persecution and their heirs a fair opportunity to recover works of art confiscated or misappropriated by the Nazis.

S. 2765

At the request of Mr. BOOKER, the name of the Senator from Connecticut (Mr. MURPHY) was added as a cosponsor of S. 2765, a bill to provide for the overall health and well-being of young people, including the promotion of comprehensive sexual health and healthy relationships, the reduction of unintended pregnancy and sexually transmitted infections (STIs), including HIV, and the prevention of dating violence and sexual assault, and for other purposes.

S. 2786

At the request of Mrs. SHAHEEN, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 2786, a bill to amend title XVIII of the Social Security Act to provide for payments for certain rural health clinic and Federally qualified health center services furnished to hospice patients under the Medicare program.

S. 2957

At the request of Mr. NELSON, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 2957, a bill to require the Secretary of the Treasury to mint commemorative coins in recognition of the 50th anniversary of the first manned landing on the Moon.

S. 2962

At the request of Ms. CANTWELL, the names of the Senator from Louisiana (Mr. CASSIDY) and the Senator from

Vermont (Mr. SANDERS) were added as cosponsors of S. 2962, a bill to amend the Internal Revenue Code of 1986 to reform the low-income housing credit, and for other purposes.

S. 3065

At the request of Mr. WYDEN, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 3065, a bill to amend parts B and E of title IV of the Social Security Act to invest in funding prevention and family services to help keep children safe and supported at home, to ensure that children in foster care are placed in the least restrictive, most family-like, and appropriate settings, and for other purposes.

S. 3090

At the request of Mr. HELLER, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 3090, a bill to amend title XVIII of the Social Security Act to establish a demonstration program to provide integrated care for Medicare beneficiaries with end-stage renal disease, and for other purposes.

S. 3111

At the request of Mr. PORTMAN, the name of the Senator from Illinois (Mr. KIRK) was added as a cosponsor of S. 3111, a bill to amend the Internal Revenue Code of 1986 to extend the 7.5 percent threshold for the medical expense deduction for individuals age 65 or older.

S. 3132

At the request of Mrs. FISCHER, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 3132, a bill to direct the Secretary of Veterans Affairs to carry out a pilot program to provide service dogs to certain veterans with severe post-traumatic stress disorder.

S. 3170

At the request of Mr. RUBIO, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 3170, a bill to amend title 38, United States Code, to provide for the removal or demotion of employees of the Department of Veterans Affairs based on performance or misconduct, and for other purposes.

S. 3213

At the request of Mr. LANKFORD, the name of the Senator from Texas (Mr. CRUZ) was added as a cosponsor of S. 3213, a bill to amend title 31, United States Code, to provide for transparency of payments made from the Judgment Fund.

S. 3237

At the request of Ms. CANTWELL, the name of the Senator from Louisiana (Mr. CASSIDY) was added as a cosponsor of S. 3237, a bill to amend the Internal Revenue Code of 1986 to reform the low-income housing credit, and for other purposes.

S. 3267

At the request of Mr. CORKER, the names of the Senator from Georgia (Mr. PERDUE) and the Senator from Arkansas (Mr. BOOZMAN) were added as

cosponsors of S. 3267, a bill to protect against threats posed by Iran to the United States and allies of the United States, and for other purposes.

S. 3270

At the request of Mr. GRASSLEY, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 3270, a bill to prevent elder abuse and exploitation and improve the justice system's response to victims in elder abuse and exploitation cases.

S. 3285

At the request of Mr. RUBIO, the names of the Senator from Louisiana (Mr. VITTER) and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of S. 3285, a bill to prohibit the President from using funds appropriated under section 1304 of title 31, United States Code, to make payments to Iran, to impose sanctions with respect to Iranian persons that hold or detain United States citizens, and for other purposes.

S. 3314

At the request of Mr. MENENDEZ, the names of the Senator from Nevada (Mr. REID) and the Senator from Florida (Mr. RUBIO) were added as cosponsors of S. 3314, a bill to establish within the Smithsonian Institution the Smithsonian American Latino Museum, and for other purposes.

S. 3315

At the request of Ms. MURKOWSKI, the name of the Senator from Alaska (Mr. SULLIVAN) was added as a cosponsor of S. 3315, a bill to authorize the modification or augmentation of the Second Division Memorial, and for other purposes.

S.J. RES. 35

At the request of Mr. FLAKE, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S.J. Res. 35, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the final rule of the Department of Labor relating to "Interpretation of the 'Advice' Exemption in Section 203(c) of the Labor-Management Reporting and Disclosure Act".

S. RES. 199

At the request of Mr. NELSON, the name of the Senator from Pennsylvania (Mr. TOOMEY) was added as a cosponsor of S. Res. 199, a resolution expressing the sense of the Senate regarding establishing a National Strategic Agenda.

S. RES. 556

At the request of Mr. CORNYN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. Res. 556, a resolution expressing support for the designation of the week of September 12 through September 16, 2016, as "National Family Service Learning Week".

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRASSLEY:

S. 3323. A bill to improve the Foreign Sovereign Immunities Act of 1976, and for other purposes; to the Committee on the Judiciary.

Mr. GRASSLEY. Mr. President, I have mentioned before that I have been paying attention to foreign state-owned companies' growing investments in American companies and commercial markets. I would like to spend a few minutes discussing that issue today.

It is becoming increasingly clear that foreign state-owned companies are highly involved in international commerce and competing with companies that are privately owned by shareholders, not governments. This trend is part and parcel of globalization. While there are some obvious benefits to globalization, we also need to be aware of the challenges it may bring with it, and I think this is one of those.

To give one example, I have seen this trend at work in the agricultural sector. ChemChina, a Chinese state-owned company, is currently working on a deal to buy the Swiss-based seed company, Syngenta. About a third of Syngenta's revenue comes from North America—meaning the company is heavily involved with American farmers, including Iowans—and that's why I'm interested in the transaction.

I have already been considering the approval aspect of this proposed merger. Senator STABENOW and I asked the Committee on Foreign Investment in the United States to review thoroughly the proposed Syngenta acquisition with the Department of Agriculture's help. We raised the issue because, as I have said before, protecting the safety and integrity of our food system is a national security imperative.

Now there is another aspect of this issue I would like to focus on today. Consider this the flip-side of the approval question. As their involvement in international commerce grows, how can we ensure that foreign state-owned companies are held to the same standards and requirements as their non-state-owned counterparts.

First consider two age-old principles of international law. One is that American courts don't exercise jurisdiction over foreign governments as a matter of comity and respect for equally independent sovereigns. This is called "foreign sovereign immunity." The second is that when foreign governments do in fact enter into commerce and behave like market participants—conducting a state-owned business, for example—they are not entitled to foreign sovereign immunity because they are no longer acting as a sovereign, but rather as a business. In that case they should be treated just like any other market participant. This is called the "commercial activity exception" to the principle of foreign sovereign immunity. Congress codified both of these age-old principles in the Foreign Sovereign Immunities Act of 1976.

These principles are well and good, but I am concerned that, in some cases,

they may not have their intended effects in today's global marketplace.

Some foreign state-owned companies have recently used the defense of foreign sovereign immunity—the principle that a foreign government can't be sued in American courts—as a litigation tactic to avoid claims by American consumers and companies that non-state-owned foreign companies would have to answer. In some cases, foreign state-owned corporate parent companies have succeeded in escaping Americans' claims. They have done this by arguing that the entity conducted commercial activities only through a particular subsidiary—not a parent company often closer to the foreign sovereign. Unless a plaintiff—which may be an American company or consumer—is able to show complete control of the subsidiary by the parent company, the parent company is able to get out of court before the plaintiffs can even try to make their case.

This results in two problems. First, there's an unequal playing field where state-owned foreign companies benefit from a defense not available to non-state-owned companies. Second, there is an uphill battle for American companies and consumers seeking to sue state-owned entities as opposed to non-state-owned entities. When a foreign state-owned entity raises the defense of foreign sovereign immunity, American companies and consumers don't even get the chance to prove their case.

Consider the example I talked about a few months ago. American plaintiffs brought claims against Chinese manufacturers of much of the drywall used to rebuild the Gulf Coast after Hurricanes Katrina and Rita. The drywall in question was manufactured by two Chinese companies—one owned by a German parent and one owned by a Chinese state-owned parent company.

The court considering these plaintiffs' claims had this to say: "In stark contrast to the straight forwardness with which the . . . litigation proceeded against the [German] defendants, the litigation against the Chinese entities has taken a different course." The German, non-state-owned parent company appeared in court and participated in a bellwether trial where plaintiffs were allowed to try to make out their cases.

The manufacturer with a Chinese state-owned parent "failed timely to answer or otherwise enter an appearance" in court—and didn't do so for nearly two years. In fact, it waited until the court had already entered a judgment against it. Only then did the Chinese state-owned company finally appear in court. When it did, it argued, that it was immune from suit in the United States because it was a state-owned company. After approximately 6 years of litigation, it ultimately succeeded in its request for dismissal. In contrast to the German parent company, the plaintiffs didn't have a chance to try to prove up their case against the Chinese parent company