CONGRESSIONAL RECORD — SENATE

Whereas, The United States Supreme Court in Coleman v. Miller, 307 U.S. 433, at 456 (1939), recognized that Congress is in a unique position to judge the tenor of the nation, to be aware of the political, social, and economic factors affecting the nation, and to be aware of the importance of the nation of the proposed amendment; and

Whereas, If an amendment to the Constitution of the United States has been proposed by two-thirds of both houses of Congress and ratified by three-fourths of the state legislatures, it is for Congress under the principles of Coleman v. Miller to determine the validity of the state ratifications occurring after a time limit in the proposed clause, but not in the amendment itself; and

Whereas, Constitutional equality for women and men continues to be timely in the United States and worldwide, and a number of other nations have achieved constitutional equality for their women and men; therefore, be it

Resolved, by the Senate of the One Hundredth General Assembly of the State of Illinois, the House of Representatives concurring herein, that the proposed amendment to the Constitution of the United States of America set forth in this resolution is ratified; and be it further

Resolved, That a certified copy of this resolution be forwarded to the Archivist of the United States, the President pro tempore of the Senate and the Speaker of the House of Representatives of the Congress of the United States, and each member of the Illinois congressional delegation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SHELBY, from the Committee on Appropriations:


By Mr. GRASSLEY, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 2623. A bill to modernize copyright law, and for other purposes.

By Mr. THUNE, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

H.R. 4323. A bill to promote veteran involvement in STEM education, computer science, and scientific research, and for other purposes.

H.R. 4697. A bill to require the Federal Air Marshal Service to utilize risk-based strategies, and for other purposes.

EXECUTIVE REPORT OF COMMITTEE—TREATY

The following executive report of committee was submitted:
By Mr. COBBS, from the Committee on 
Foreign Relations: 

[Treaty Doc. 114–7 U.N. Convention on the 
Assignment of Receivables in Inter-
national Trade with 6 declarations and 5 
understanding (Ex. Rept. 115–7)]

The text of the committee-recommended 
resolution of advice and consent to ratifica-
tion is as follows:

Resolution of the Senators present concurring therein,

Section 1. Senate Advice and Consent Sub-
ject to Understandings and Declarations.

The Senate's advice and consent under sec-
tion 1 is subject to the following under-
standings, which shall be included in the instru-
ment of ratification:

(1) Pursuant to Article 23(3), the United States declares that, in an insolvency pro-
vceeding, it is the priority law of the United States or its territorial units that may 
under some circumstances:

(a) A result in priority over the rights of an assignee being in a loan extending 
credit to the insolvency estate, or to an insolvency administrator that expends funds of 
the insolvency estate for the preservation of the assigned receivables, for example, 
title 11 of the United States Code, sections 364(d) and 506(c)); or

(b) Subject the assignment of receivables to avoidance rules, such as dealing 
with preferences, undervalued transactions and transactions intended to defeat, delay, 
or hinder creditors of the assignor.

(2) Pursuant to Article 36 of the Conven-
tion, the United States declares that, with respect to an assignment of receivables gov-
erned by enactments of Article 9 of the Uni-
form Commercial Code, as adopted in that 
its territorial units, if an assignor's location 
pursuant to Article 5(h) of the Convention is 
the United States and, under the location 
rules of Article 24 of the Convention, the 
United States declares that the assignor for purposes of this Convention.

(3) Pursuant to Article 37 of the Conven-
tion, the United States declares that any ref-
rence in the Convention to the law of the 
United States means the law in force in the 
territorial unit thereof determined in ac-
cordance with Article 36 and the Article 5(h) 
definition of location. However, to the extent 
under the conflict-of-laws rules in force in 
that territorial unit, a particular matter 
would be governed by the law in force in 
a different territorial unit, the United States, 
the reference to "law of the United States" with respect to that matter is to 
the law in force in the different territorial unit. 
The conflict-of-laws rules referred to in the 
preceding sentence refer primarily to the 
conflict-of-laws rules in section 9-301 of the 
Uniform Commercial Code as enacted in each 
State of the United States.

(4) Pursuant to Article 39 of the Conven-
tion, the United States declares that it will 
not be bound by the Convention.

(5) Pursuant to Article 40, the United States 
declares that the Convention does not 
impact contractual anti-assignment provi-
sions where the debtor is a governmental 
entity or an entity used for a public purpose in the United States.

Sec. 2. Understandings.

The Senate's advice and consent under sec-
tion 1 is subject to the following understand-
ings:

(1) It is the understanding of the United States that paragraph (2)(e) of Article 4 
excludes from the scope of the Convention the assign-
ment of:

(A) receivables that are securities, regard-
less of whether such securities are held with 
an intent to trade;

(B) receivables that are not securities, but 
are financial assets or instruments, if such 
financial assets or instruments are held with 
an intent to trade.

(2) It is the understanding of the United States that the phrase "that place where the 
central administration of the assignor or the assign-
nees are located" used in Articles 5(h) and 
36 of the Convention, has a meaning 
equivalent to the phrase, "that place where 
the chief executive office of the assignor or 
assignees is located."

(3) It is the understanding of the United States that the reference, in the definition 
of "financial contract" in Article 5(a), to "any other transaction similar to any transaction 
referred to above entered into in financial markets" is intended to include transac-
tions that are or become the subject of recurrent 
dealings in financial markets and under 
the conflict-of-laws rules in force in 
that territorial unit, that are or become the 
subject of recurrent dealings in financial 
matters. The Senate's understanding of the 
phrase "that place where the central administration of the assignor or the assign-
nees are located" is intended to include 
transactions under which payment rights are determined by refer-
to—

(a) underlying asset classes; or

(b) quantitative measures of economic or 
financial risk or value associated with an 
ocurrence or contingency. Examples are 
transactions under which payment rights are determined by reference to weather 
statistics, freight rates, emissions allowances, or economic statistics.

(4) It is the understanding of the United States that the Convention applies only to "receivables," which are defined in Article 2(a) as contractual rights to payment of 
a monetary sum. The Convention does not apply to other rights of a party to a license 
of intellectual property or an assignment or 
other transfer of an interest in intellectual property, or of interests that are not a contractual right to payment of a 
monetary sum.

(5) The United States understands that, with respect to the Convention, the 
Article requires a Contracting State to 
provide a certain minimum level of rights to 
an assignee with respect to proceeds, but that it does not require Contracting States from providing additional rights in such pro-
ceeds to such an assignee.

Sec. 3. Declarations to be Included in the Instrument of Ratification.

The Senate's advice and consent under sec-
tion 1 is subject to the following declara-
tions, which shall be included in the instru-
ment of ratification:

The following bills and joint resolu-
tions were introduced, read the first 
and second times by unanimous con-
sent, and referred as indicated:

By Mr. MERKLEY (for himself, Mr. 
Wyden, Mr. Blumenthal, Mr. Ben-
et, Mr. Van Hollen, and Mr. Kino):

S. 3427. A bill to effectively staff the public 
elementary schools and secondary schools of the United States with school-based mental 
health services providers; to the Committee 

By Mr. MARKEY (for himself and Mr. 
Hassan):

S. 3428. A bill to amend the Controlled Sub-
stances Act to require warning labels for pre-
scription opioids, and for other purposes; to 
the Committee on Health, Education, Labor, 
and Pensions.

By Mr. MENEZ (for himself, Mr. 
Valencia, Mr. Nelson, and Mr. Casey):

S. 3429. A bill to require the Secretary of 
Health and Human Services to issue guid-
ance to States to improve care for infants 
with neonatal abstinence syndrome and their 
mothers and fathers or guardians under 
Medicaid; to the Committee on Health, 
Education, Labor, and Pensions.

By Mr. DAINES (for himself and Mr. 
Teetor):

S. 3430. A bill to amend title 49, United 
States Code, to provide for the treatment 
of certain seasonal airports; to the Commit-
tee on Commerce, Science, and Transpor-
tation.

By Mr. PERDue (for himself, Mr. 
CRUZ, and Mr. RUSH):

S. 3431. A bill to impose sanctions with re-
spect to certain militias in Iraq that are 
backed by the Government of Iran; to the 
Committee on Banking, Housing, and Urban 
Affairs.

By Ms. DUCKWORTH:

S. 3432. A bill to direct the Secretary of 
Transportation to issue rules requiring the 
inclusion of new safety equipment in school 
buses, and for other purposes; to the Com-
mittee on Commerce, Science, and Transpor-
tation.

By Mr. TOOMEY:

S. 3433. A bill to exempt firefighters and 
police officers from the Government Pension 
Offset and Windfall Elimination Provisions 
under the Social Security Act; to the Com-
mittee on Finance.

By Ms. SMITH (for herself and Mr. 
Casselberry):

S. 3434. A bill to amend the Public Health 
Service Act to provide for grants to enable 
States to carry out activities to reduce ad-
ministrative costs and burdens in health 
care; to the Committee on Health, Edu-
cation, Labor, and Pensions.

By Mr. SCHATZ (for himself, Mr. 
Durbin, Mr. Booker, Mr. Van Hollen, 
Mr. Murphy, Mr. Warren, Mr. Baldwin, 
Ms. Harris, and Ms. Cortez Masto):

S. 3435. A bill to amend the Higher Edu-
cational Opportunity Act of 1980 to pro-
hibit certain administrative actions by 
the Secretary of Education to issue guidance and rec-
ommendations for institutions of higher edu-
cation on removing criminal and juvenile 
justice questions from the application for admissions process; to the Committee 

By Mrs. MURRAY (for herself, Ms. 
Warren, Mrs. Shaheen, Ms. Baldwin, 
Ms. Hikamp, Ms. Hirono, Ms. Stabenow, 
Ms. Cantwell, Ms. Klobuchar, Ms. Hassan, 
Ms. Cortez Masto, Ms. Duckworth, Ms. Smith, 
and Mrs. Feinstein):

S. 3436. A bill to amend the Employee Ret-
irement Income Security Act of 1974 to pro-
vide for greater annuity protections under 
defined contribution plans, and for other 
purposes; to the Committee on Health, 
Education, Labor, and Pensions.

By Mr. PETERS (for himself and Mr. 
Hoekstra):

S. 3437. A bill to establish a Federal rota-
cionalcy workforce program for the Fed-
eral government; to the Committee on 
Homeland Security and Governmental 
Affairs.

By Mr. PORTMAN (for himself and Ms. 
Klobuchar):

S. 3438. A bill to require the Director of the 
Government Publishing Office to establish 
and maintain a website accessible to the 
INTRODUCTION OF BILLS AND 
JOINT RESOLUTIONS.

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tions were introduced, read the first 
and second times by unanimous con-
sent, and referred as indicated:

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Wyden, Mr. Blumenthal, Mr. Ben-
et, Mr. Van Hollen, and Mr. Kino):

S. 3427. A bill to effectively staff the public 
elementary schools and secondary schools of the United States with school-based mental 
health services providers; to the Committee 

By Mr. MARKEY (for himself and Mr. 
Hassan):

S. 3428. A bill to amend the Controlled Sub-
stances Act to require warning labels for pre-
scription opioids, and for other purposes; to 
the Committee on Health, Education, Labor, 
and Pensions.