

groups working to defend democracy in Venezuela.

These are bipartisan efforts, and I urge our colleagues to support them, and I urge that we bring them up as soon as possible. The situation is terrible in the country, and the situation in that chaos, especially what we have seen in Caracas, is going to get worse. Time is of the essence.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MORAN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

EXECUTIVE CALENDAR—Continued

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 Kevin Christopher Newsom, of Alabama, to be United States Circuit Judge for the Eleventh Circuit.

Dan Sullivan, John Barrasso, John Cornyn, Orrin G. Hatch, Ron Johnson, Chuck Grassley, Tom Cotton, Richard Burr, James Lankford, Lamar Alexander, John Kennedy, Cory Gardner, James M. Inhofe, Michael B. Enzi, John Thune, Richard C. Shelby, Mitch McConnell.

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 Kevin Christopher Newsom, of Alabama, to be United States Circuit Judge for the Eleventh Circuit, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from North Carolina (Mr. BURR), the Senator from South Carolina (Mr. GRAHAM), and the Senator from Arizona (Mr. McCAIN).

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. MENENDEZ), the Senator from Oregon (Mr. MERKLEY), and the Senator from Michigan (Mr. PETERS) 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 68, nays 26, as follows:

[Rollcall Vote No. 180 Leg.]

YEAS—68

Alexander	Fischer	Nelson
Barrasso	Flake	Paul
Blumenthal	Gardner	Perdue
Blunt	Grassley	Portman
Boozman	Hassan	Risch
Capito	Hatch	Roberts
Cardin	Heitkamp	Rounds
Casey	Heller	Rubio
Cassidy	Hirono	Sasse
Cochran	Hooven	Scott
Collins	Inhofe	Shaheen
Corker	Isakson	Shelby
Cornyn	Johnson	Stabenow
Cotton	Kennedy	Strange
Crapo	Klobuchar	Sullivan
Cruz	Lankford	Tester
Daines	Leahy	Thune
Donnelly	Lee	Tillis
Duckworth	McCaskill	Toomey
Durbin	McConnell	Warner
Enzi	Moran	Wicker
Ernst	Murkowski	Young
Feinstein	Murphy	

NAYS—26

Baldwin	Gillibrand	Sanders
Bennet	Harris	Schatz
Booker	Heinrich	Schumer
Brown	Kaine	Udall
Cantwell	King	Van Hollen
Carper	Manchin	Warren
Coons	Markey	Whitehouse
Cortez Masto	Murray	Wyden
Franken	Reed	

NOT VOTING—6

Burr	McCain	Merkley
Graham	Menendez	Peters

The PRESIDING OFFICER. On this vote, the yeas are 68, the nays are 26.

The motion is agreed to.
The majority leader.

LEGISLATIVE SESSION

MORNING BUSINESS

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

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

ARMS SALES NOTIFICATION

Mr. CORKER. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive prior notification of certain proposed arms sales as defined by that statute. Upon such notification, the Congress has 30 calendar days during which the sale may be reviewed. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Senate Foreign Relations Committee.

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 the notifications which have been received. If the cover letter references a classified annex, then such annex is available to all Senators in the office of the Foreign Relations Committee, room SD-423.

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

DEFENSE SECURITY
COOPERATION AGENCY,

Arlington, VA.

Hon. BOB CORKER,
Chairman, Committee on Foreign Relations,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 17-30, concerning the Navy's proposed Letter(s) of Offer and Acceptance to the Government of Switzerland for defense articles and services estimated to cost \$115 million. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

GREGORY M. KAUSNER,
Acting Director.

Enclosures.

TRANSMITTAL NO. 17-30

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 35(b)(1) of the Arms Export Control Act, as amended

(i) (U) Prospective Purchaser: The Government of Switzerland.

(ii) (U) Total Estimated Value:
Major Defense Equipment* \$25 million.

Other \$90 million.

Total \$115 million.

(iii) (U) Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:

The following defense articles and services have been requested as part of a Service Life Extension Program for Switzerland's F/A-18C/D aircraft:

Major Defense Equipment (MDE):

Up to fifty (50) Multifunctional Information Distribution System Joint Tactical Radio System (MIDS JTRS) with Concurrent Multi-Net 4 (CMN-4) Capability.

Non-MDE includes: Fifty (50) ARC-210 GEN 5 RT-1900A(C) radios w/Second Generation Anti-Jam Tactical UHF Radio for NATO (SATURN) frequency hopping; twenty (20) Joint Helmet Mounted Cueing System (JHMCS) Night Vision Cueing Display (NVCD); CIT Automated Dependence Surveillance-Broadcast (ADS-B) Out; software enhancements to the APG-73 radar; improvements to the F/A-18 Software Configuration Set (SCS) 29C; and sustainment for the ALQ-165 Airborne Self Protection Jammer (ASPJ) system. Operational support for these modifications will be provided through upgrades to the purchaser's unique Mission Data System. Also included are: system integration and testing; software development and integration; support equipment; spare and repair parts; maintenance personnel and pilot familiarization training; software support; publications and technical documents; U.S. Government and contractor technical assistance; and other related elements of logistics and program support.

(iv) (U) Military Department: Navy (XX-PLAS).

(v) (U) Prior Related Cases, if any: SZ-PLAN.

(vi) (U) Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: None.

(vii) (U) Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: See Attached Annex.

(viii) (U) Date Report Delivered to Congress: July 28, 2017.

*As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

(U) Government of Switzerland—F/A-18 Upgrades

(U) The Government of Switzerland has requested the possible sale of a Service Life

Extension Program for its F/A-18C/D aircraft to include up to fifty (50) Multifunctional Information Distribution System Joint Tactical Radio System (MIDS/JTRS) with Concurrent Multi-Net 4 (CMN-4) capability; fifty (50) ARC-210 GEN 5 RT-1900A(C) radios w/ Second Generation Anti-Jam Tactical UHF Radio for NATO (SATURN) frequency hopping; twenty (20) Joint Helmet Mounted Cueing System (JHMCS) Night Vision Cueing Display (NVCD); CIT Automated Dependence Surveillance-Broadcast (ADS-B) Out; software enhancements to the APG-73 radar; improvements to the F/A-18 Software Configuration Set (SCS) 29C; and sustainment for the ALQ-165 Airborne Self Protection Jammer (ASPJ) system. Operational support for these modifications will be provided through upgrades to the purchaser's unique Mission Data System. Also included are: system integration and testing; software development and integration; support equipment; spare and repair parts; maintenance personnel and pilot familiarization training; software support; publications and technical documents; U.S. Government and contractor technical assistance; and other related elements of logistics and program support. The estimated total case value is \$115 million.

(U) This proposed sale will contribute to the foreign policy and national security objectives of the United States by helping to improve the security of Switzerland which has been, and continues to be an important force for political stability and economic progress in Europe. Switzerland is also a member of the NATO Partnership for Peace (PfP) program.

(U) The proposed sale will allow the Swiss Air Force to extend the useful life of its F/A-18 fighter aircraft and enhance their survivability. Further, the proposed sale will increase Switzerland's tactical aviation operational capabilities. Switzerland will have no difficulty absorbing this equipment and support into its armed forces.

(U) The proposed sale of this equipment and support will not alter the basic military balance in the region.

(U) The principal contractors will be the Boeing Company, McDonnell Douglas Corporation, St. Louis, MO; Data Link Solutions LLC, Wayne, NJ; Rockwell Collins, Cedar Rapids, IA; Rockwell Collins ESA Vision System LLC, Fort Worth, TX. There are no known offset agreements associated with this potential sale.

(U) Implementation of this proposed sale will not require the assignment of any additional U.S. Government personnel or contractor representatives to Switzerland. However, multiple trips to Switzerland involving U.S. Government and contractor representatives will be required for technical reviews/support, and program management.

(U) There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

TRANSMITTAL NO. 17-30

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex Item No. vii

(vii) (U) Sensitivity of Technology:

1. (U) The hardware and software being purchased is being used to upgrade Switzerland's existing F/A-18C/D Hornet aircraft. Description and classification of the hardware and software being purchased are detailed in the following paragraphs.

a. (U) The MIDS/JTRS with CMN-4 is a secure, scalable, modular, wireless, and jam-resistant digital information system currently providing Tactical Air Navigation (TACAN), Link-16, and J-Voice to airborne, ground, and maritime joint and coalition warfighting platforms. MIDS provides real-time and low-

cost information and situational awareness via digital and voice, communications within the JTRS Enterprise. The MIDS/JTRS hardware is UNCLASSIFIED. The MIDS/JTRS software requires a crypto key be loaded in order to function. The crypto key required for operation is a Controlled Cryptographic Item (CCI).

b. (U) The ARC-210 GEN 5 RT-1900A(C) is a digital radio capable of transmit and receipt of Digital Communication System, Variable Message Format (DCS/VMF) encrypted data messages. The RT-1990 hardware is UNCLASSIFIED. The RT 1900 software requires a crypto key be loaded in order to function. The crypto key required for operation is a Controlled Cryptographic Item (CCI).

c. (U) The AN/AVS-11 Night Vision Cueing Device (NVCD) is UNCLASSIFIED but is capable of high resolution imaging. This capability allows reduced visibility weapon delivery using Switzerland's F/A-18C/D aircraft. While the NVCD hardware is UNCLASSIFIED, this item requires Enhanced End Use Monitoring (EEUM).

2. (U) If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures which might reduce weapons systems effectiveness or be used in the development of a system with similar or advanced capabilities.

3. (U) A determination has been made that the Government of Switzerland can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This proposed sale is necessary to the furtherance of the U.S. foreign policy and national security objectives outlined in the policy justification.

4. All defense articles and services listed in this transmittal are authorized for release and export to the Government of Switzerland.

NOMINATION OF KEVIN NEWSOM

Mrs. FEINSTEIN. Mr. President, today I want to speak briefly about the nomination of Kevin Newsom to the Eleventh Circuit Court of Appeals from Alabama.

I intend to support Mr. Newsom's nomination. Mr. Newsom is currently in private practice in Birmingham. He previously served as the solicitor general of Alabama. He also clerked for Justice Souter on the U.S. Supreme Court and graduated from Harvard Law School and Samford University. The American Bar Association has unanimously rated him "well qualified."

My support for Mr. Newsom's nomination does not mean that this is a judicial nominee that I would have necessarily chosen. There are aspects of Mr. Newsom's record that concern me.

For example, in private practice, Mr. Newsom published an article in which he was extremely critical of the doctrine known as substantive due process. This is the doctrine the Supreme Court invoked in protecting the right to use contraception, a women's right to choose, and the right to same-sex marriage.

Additionally, as solicitor general of Alabama, Mr. Newsom filed an amicus brief in the Supreme Court in the case *Rasul v. Bush*, arguing that Federal courts did not have jurisdiction to hear habeas claims from foreign nationals

who were captured overseas and detained at Guantanamo Bay. The Supreme Court ruled against Mr. Newsom's position in a 6-3 decision.

Lastly, while Mr. Newsom was in private practice, he filed an amicus brief in the Supreme Court case *Roper v. Simmons*, where he urged the Court to reject a brightline rule prohibiting capital punishment for children under the age of 18. His work on this case followed several other cases where, as solicitor general of Alabama, he had argued against procedural rights for individuals on death row.

As I consider this nominee, I have to balance these positions—which do concern me—with other aspects of Mr. Newsom's nomination. Here, we have a nominee unanimously rated "well qualified" by the American Bar Association. His home-State Senators have returned blue slips and support his nomination. Although some outside groups have expressed concerns, no outside group has officially opposed his confirmation.

As a result, I voted to invoke cloture on Mr. Newsom's nomination today. My decision on every nominee will be based on that nominee's individual record.

I also want to briefly remind my colleagues why we are even considering Mr. Newsom's nomination in the first place.

In February 2016, President Obama nominated Alabama U.S. District Court Judge Abdul Kallon for this very same vacancy on the Eleventh Circuit.

Today Mr. Newsom was voted on because Senators SHELBY and STRANGE returned blue slips for his nomination.

I would like the Senate to also know that we held a hearing just last week that included Judge Ralph Erickson to be a judge on the Eighth Circuit Court of Appeals because Senators HOEVEN and HEITKAMP returned their blue slips. This shows the importance of the blue slip helping move nominations through the process.

Democratic Senators are conducting their due diligence on these nominees before returning their blue slips, and in the Erickson nomination, the return of the blue slip is bipartisan. Many of the current nominees have voluminous records, and we need to allow home-State Senators to do their work.

Thank you.

TRIBUTE TO PETER JOHN CAMINO

Mr. ENZI. Mr. President, I wish to speak on behalf of Peter John Camino, who is being inducted into the Wyoming Agriculture Hall of Fame. Every year since 1992, Wyoming has recognized individuals who have made substantial contributions to agriculture in our State. As a third-generation rancher dedicating much of his life to Wyoming's agriculture industry, Peter John is well deserving of this honor.

Peter John grew up on his ranch that his grandfather founded near Buffalo, WY. After attending college, he joined