

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-1900 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 HETKAMP 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

the military and served honorably for several years. Ultimately, the ranch lifestyle called him home and he returned to Wyoming to take over the family operation. Peter John has said the sheep business was thriving upon his return and fondly remembers the community support and good times.

Fortunately for Wyoming, Peter John not only stuck with the agriculture industry during the good times, but took on leadership positions and persevered through the hard times as well. Peter John served as president of the Wyoming Wool Growers Association and played a crucial role in strengthening the organization. He has been described by coworkers and friends as a courageous leader who would always take time to listen to members of the organization. As president, he guided the sheep industry through some tough times and advocated for its cause at the local and Federal levels.

Leadership, courage, and collaboration are only some of the admirable qualities Peter John possesses. He has also shown dedication and selflessness while volunteering in his community and passing on his knowledge of the agriculture industry to younger generations. In addition to volunteering with his church and Knights of Columbus, serving on the board for Johnson County Fire District, and advising the University of Wyoming's Sheep Program, he also serves as sheep superintendent for the Johnson County Fair and often invites schoolkids to his ranch to teach them about ranching, the sheep industry, and the value of wool.

I want to extend my congratulations to Mr. Camino and thank him for his service and years of hard work. Peter John truly lives the "Code of the West," and I am proud to have the opportunity to recognize his achievements as an inductee into the Wyoming Agriculture Hall of Fame. Wyoming is well served by his lasting and continuing contributions to our State.

ADDITIONAL STATEMENTS

TRIBUTE TO MARIDI CHOMA

• Mr. BARRASSO. Mr. President, I would like to take the opportunity to express my appreciation to Maridi for her hard work as an intern in my Washington, DC, office. I recognize her efforts and contributions to my office, as well as to the State of Wyoming.

Maridi is a native of Casper, WY. She currently attends the University of Wyoming, where she is studying international studies and French. She has demonstrated a strong work ethic, which has made her an invaluable asset to our office. The quality of her work is reflected in her great efforts over the last several months.

I want to thank Maridi for the dedication she has shown while working for me and my staff. It was a pleasure to have her as part of our team. I know

she will have continued success with all of her future endeavors. I wish her all my best on her next journey.●

TRIBUTE TO ELIZABETH DUNCAN

• Mr. BARRASSO. Mr. President, I would like to take the opportunity to express my appreciation to Elizabeth for her hard work as an intern in the Senate Committee on Environment and Public Works. I recognize her efforts and contributions to my office, as well as to the State of Wyoming.

Elizabeth is a native of California. She currently attends Johns Hopkins University, where she is studying international studies and history. She has demonstrated a strong work ethic, which has made her an invaluable asset to our office. The quality of her work is reflected in her great efforts over the last several months.

I want to thank Elizabeth for the dedication she has shown while working for me and my staff. It was a pleasure to have her as part of our team. I know she will have continued success with all of her future endeavors. I wish her all my best on her next journey.●

TRIBUTE TO KAITLYN FINLEY

• Mr. BARRASSO. Mr. President, I would like to take the opportunity to express my appreciation to Kaitlyn for her hard work as an intern in the Senate Committee on Environment and Public Works. I recognize her efforts and contributions to my office, as well as to the State of Wyoming.

Kaitlyn is a native of Oklahoma. She currently attends the University of Oklahoma, where she is studying political science and history. She has demonstrated a strong work ethic, which has made her an invaluable asset to our office. The quality of her work is reflected in her great efforts over the last several months.

I want to thank Kaitlyn for the dedication she has shown while working for me and my staff. It was a pleasure to have her as part of our team. I know she will have continued success with all of her future endeavors. I wish her all my best on her next journey.●

TRIBUTE TO SAMUEL FRENCH

• Mr. BARRASSO. Mr. President, I would like to take the opportunity to express my appreciation to Samuel for his hard work as an intern in the Senate Committee on Environment and Public Works. I recognize his efforts and contributions to my office, as well as to the State of Wyoming.

Samuel is a native of Wilson, WY, and a graduate of Boston College. He studied environmental studies. He has demonstrated a strong work ethic, which has made him an invaluable asset to our office. The quality of his work is reflected in his great efforts over the last several months.

I want to thank Samuel for the dedication he has shown while working for

me and my staff. It is a pleasure to have him as part of our team. I know he will have continued success with all of his future endeavors. I wish him all my best on his journey.●

TRIBUTE TO ELIZABETH GREGORY

• Mr. BARRASSO. Mr. President, I would like to take the opportunity to express my appreciation to Elizabeth for her hard work as an intern in the Senate Republican Policy Committee. I recognize her efforts and contributions to my office, as well as to the State of Wyoming.

Elizabeth is a native of New Jersey. She currently attends Villanova University, where she is studying political science. She has demonstrated a strong work ethic, which has made her an invaluable asset to our office. The quality of her work is reflected in her great efforts over the last several months.

I want to thank Elizabeth for the dedication she has shown while working for me and my staff. It was a pleasure to have her as part of our team. I know she will have continued success with all of her future endeavors. I wish her all my best on her next journey.●

TRIBUTE TO CONNOR HIGGINS

• Mr. BARRASSO. Mr. President, I would like to take the opportunity to express my appreciation to Connor for his hard work as an intern in the Senate Committee on Environment and Public Works. I recognize his efforts and contributions to my office, as well as to the State of Wyoming.

Connor is a native of Nevada. He currently attends Linfield College, where he is studying political science. He has demonstrated a strong work ethic, which has made him an invaluable asset to our office. The quality of his work is reflected in his great efforts over the last several months.

I want to thank Connor for the dedication he has shown while working for me and my staff. It is a pleasure to have him as part of our team. I know he will have continued success with all of his future endeavors. I wish him all my best on his journey.●

TRIBUTE TO AMANDA HINCHEY

• Mr. BARRASSO. Mr. President, I would like to take the opportunity to express my appreciation to Amanda for her hard work as an intern in my Washington, DC, office. I recognize her efforts and contributions to my office, as well as to the State of Wyoming.

Amanda is a native of Casper, WY. She currently attends the University of Wyoming, where she is studying business management and Spanish. She has demonstrated a strong work ethic, which has made her an invaluable asset to our office. The quality of her work is reflected in her great efforts over the last several months.

I want to thank Amanda for the dedication she has shown while working for