

and also to talk about reform legislation that relates to his new area of responsibility. I was pleased to support Mr. Tarbert's nomination, along with the vast majority of my Senate colleagues. He has held a number of important positions in all three branches of the Federal Government, including his service as a special counsel to the Senate Banking Committee during the negotiations leading to the Dodd-Frank Wall Street Reform and Consumer Protection Act; an associate counsel to the President of the United States during the global financial crisis; and a law clerk for the Supreme Court of the United States. He is an experienced lawyer and financial expert who will be a valuable asset to the Treasury Department. While his new position may not be well known to many outside of the Beltway, it is vitally important to safeguarding our national security interests, as Chairman Crapo of the Senate Banking Committee attested to when Mr. Tarbert was voted out of committee in near-unanimous fashion in May. I have no doubt of Mr. Tarbert's qualifications to take on this key role, and given that only one Member voted against his nomination, it is clear that there is a bipartisan consensus on that point.

With that being said, I look forward to working closely with him on some important reforms that are desperately needed to protect our national security and modernize the way we screen foreign investment deals for those risks. Specifically I am referring to the Committee on Foreign Investment in the United States, better known as CFIUS. As you may know, Mr. Tarbert will now be charged with overseeing the vetting of hundreds of proposed investments annually. I am confident that Mr. Tarbert will make effective use of the tools and authorities that CFIUS has. Unfortunately, those current tools and authorities are not adequate, in light of the changing national security landscape. There are clear gaps in the CFIUS process, which nations such as China are exploiting on a daily basis. The reason for this is simple: CFIUS was not designed to stop investment-driven technology transfers, and unfortunately, many such transactions are occurring today that are carefully designed to sidestep CFIUS's limited jurisdiction.

The need to close these gaps has garnered support from Republicans and Democrats alike, something that is seemingly rare in Washington these days. In fact, there is a bipartisan effort coming together right now to introduce legislation that would modernize the CFIUS process for the first time in a decade. Such commonsense reforms should be made to heighten scrutiny on certain types of investments, especially from countries such as China that pose a potential threat to U.S. national security interests. At a minimum, we should expand the types of transactions that fall under CFIUS jurisdiction, including joint

ventures and minority-position investments, as well as certain real estate transactions in close proximity to military bases and other sensitive national security facilities.

My legislation, the Foreign Investment Risk Review Modernization Act, or FIRRMA, will do just that, and I intend to file it in the next few weeks. It will address the aforementioned gaps in the current CFIUS process and will help protect our national security. I urge my colleagues to cosponsor this legislation and support these commonsense reforms for the sake of our long-term national security.

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

• Mr. HELLER. Mr. President, today I want to express my sincere condolences to the victims of the shooting in Las Vegas, NV.

As a lifelong Nevadan, I am overcome with sadness and grief by this senseless massacre, in which a gunman opened fire on more than 22,000 innocent concertgoers, killing more than 50 people and injuring more than 500 individuals.

Nevada's communities are all in mourning, and some of our loved ones and friends have been personally impacted by this carnage.

I stand beside Nevada as they reel from this heinous, wide-scale tragedy, working to ensure that my State has the resources it needs to recover from this senseless act of violence. For these reasons, I must be with the people of Nevada right now.

I have a commitment to serve my constituents and will continue to work tirelessly on the ground with the people of Las Vegas ensuring that they have resources to recover and rebuild as a community.

My sincerest gratitude goes out to our first responders, local medical staff, and police officers for their swift actions and efforts that without a doubt, saved numerous lives. I also would like to recognize the countless Nevadans at the show who aided strangers in need and the wounded, using tourniquets and carrying people to safety, as the shooting continued.

I have been in contact with the White House, Governor Sandoval, Mayor Carolyn Goodman, and Sheriff Joseph Lombardo and stand ready to assist Clark County Commission Chair Steve Sisolak and the Las Vegas Metropolitan Police Department. I will continue to monitor the situation as this horrific event unfolds.

Lynne and I are praying for all of the victims and their families who are experiencing immense pain and grave, shocking loss that cannot be measured.

Nevada is our home, and I know it will rise again from this perilous day.●

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

#### VOTE EXPLANATION

• Mr. MENENDEZ. Mr. President, I was unavoidably absent for rollcall

vote No. 209, on the nomination of Ajit Varadaraj Pai, of Kansas, to be a member of the Federal Communications Commission. Had I been present, I would have voted nay.●

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

#### CONFIRMATION OF AJIT PAI

• Ms. CORTEZ MASTO. Mr. President, I had every intention of ably performing my duty as Senator and voting today on the confirmation of Mr. Ajit Pai to be a member of the Federal Communications Commission. Unfortunately, the tragic events in Las Vegas last night required me to travel back to my home State. My thought and prayers are with the families of those killed and wounded in the vicious and senseless attack outside the Mandalay Bay Resort.

On the question of Mr. Pai's nomination, I wanted to make my vote in opposition to his confirmation clear. Many of the specific actions taken by Mr. Pai as Chairman of the FCC have raised questions about whether he should garner my support for another term at the Commission. I have come to this decision through a process of reviewing his resume, meeting with him personally to discuss his governing perspective, as well as having questioned him during multiple FCC hearings before the Senate Commerce, Science, and Transportation Committee.

I will continue to keep an open mind in working with Mr. Pai to bridge the digital divide in remote parts of Nevada and for my constituents who simply need more access to complete their homework, apply for jobs, or perform various everyday functions that require quality internet service. At this time, there were too many concerns about actions taken in Mr. Pai's tenure since January, including the process by which he is looking to reform a free and open internet.●

#### 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. 17-44, concerning the Air Force's proposed Letter(s) of Offer and Acceptance to the Commonwealth of Australia for defense articles and services estimated to cost \$815 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,

CHARLES W. HOOPER,  
Lieutenant General, USA, Director.

Enclosures.

TRANSMITTAL NO. 17-44

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

(i) Prospective Purchaser: Government of Australia.

(ii) Total Estimated Value:

Major Defense Equipment\* \$661 million.

Other \$154 million.

Total \$815 million.

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

Major Defense Equipment (MDE):

Up to three thousand nine hundred (3,900) GBU-53/B Small Diameter Bomb Increment II (SDB II).

Up to thirty (30) GBU-53/B Guided Test Vehicles (GTV).

Up to sixty (60) GBU-53/B Captive Carry Reliability Trainers (CCRT).

Non-MDE: Also included in this sale are Weapon Load Crew Trainers (WLCT), Practical Explosive Ordinance Disposal Trainers (PEST), containers, support and ground crew test equipment, site survey, transportation, warranties, repair and return, maintenance, publications and technical documentation, personnel training and training equipment, U.S. Government and contractor representative engineering, logistics, and technical support services, and other related elements of logistics and program support.

(iv) Military Department: Air Force (X7-D-YAH).

(v) Prior Related Cases, if any: None.

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

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

(viii) Date Report Delivered to Congress: September 29, 2017.

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

#### POLICY JUSTIFICATION

Australia—GBU-53/B Small Diameter Bomb Increment II (SDB II)

The Government of Australia has requested a possible sale of up to three thousand nine hundred (3,900) GBU-53/B Small Diameter Bomb Increment II (SDB II), up to thirty (30) GBU-53/B Guided Test Vehicles (GTV), up to sixty (60) GBU-53/B Captive Carry Reliability Trainers (CCRT). Also included in this sale are Weapon Load Crew Trainers (WLCT), Practical Explosive Ordinance Disposal Trainers (PEST), containers, support and ground crew test equipment, site survey, transportation, warranties, repair and return, maintenance, publications and technical documentation, personnel training

and training equipment, U.S. Government and contractor representative engineering, logistics, and technical support services, and other related elements of logistics and program support. The estimated total case value is \$815 million.

This sale will support the foreign policy and national security of the United States by helping to improve the security of a major non-NATO ally that continues to be an important force for political stability and economic progress in the Western Pacific. It is vital to the U.S. national interest to assist our ally in developing and maintaining a strong and ready self-defense capability.

The proposed sale of SDB II supports and complements the ongoing sale of the F-35A to the Royal Australian Air Force (RAAF). This capability will strengthen combined operations, particularly air to ground strike missions in all-weather conditions, and increase interoperability between the United States and the RAAF. Australia will have no difficulty absorbing this equipment into its armed forces.

The proposed sale will improve Australia's F-35 survivability and will enhance its capability to deter global threats, strengthen its homeland defense and cooperate in coalition defense initiatives.

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

The principal contractor will be Raytheon Missile Systems, Tucson, AZ. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will not require the assignment of any additional U.S. Government personnel or contractor representatives to Australia.

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

TRANSMITTAL NO. 17-44

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) Sensitivity of Technology:

1. The GBU-53/B Small Diameter Bomb Increment H (SDB II) is a 250-lb class precision-guided air-to-ground munition used to defeat moving or mobile targets through adverse weather from standoff range. SDB II has deployable wings and fins and uses Inertial Navigation System/Global Positioning System (INS/GPS) guidance, network-enabled datalink, (Link-16 and UHF) and a multi-mode seeker to autonomously search, acquire, track, and defeat targets from a standoff range. SDB II employs a multi-effects warhead for maximum lethality against armored and soft targets. Sensitive areas include operating manuals and maintenance technical orders containing performance information, operating and test procedures, and other information related to support operations and repair. The GBU-53/B SDB II hardware, including guidance, multi-mode seeker, and datalink, is UNCLASSIFIED. The software is UNCLASSIFIED.

a. SDB II Guided Test Vehicles (GTV) are telemetry test vehicles used for land or sea range based testing of the SDB II weapons system. The GTV have common flight characteristics of an SDB H but with an inert warhead. In place of the multi-effects warhead is a Flight Termination, Tracking, and Telemetry (FTTT) subassembly that mirrors the multi-effects warhead's size and mass properties, but provides safety flight termination, free flight tracking and telemetry, and transmission of encrypted data from the vehicle to the ground. The SDB II GTV can have either inert or live fuses. All other flight control, guidance, data-link, and seek-

er functions are representative of the SDB II. The hardware, including guidance, multi-mode seeker, and datalink, is UNCLASSIFIED. The software is UNCLASSIFIED.

b. SDB II Captive Carry Reliability Test (CCRT) vehicles are SDB II variants primarily used for captive flight reliability testing. The CCRT has common characteristics of an SDB II but with an inert warhead and fuze. The CCRT does not have an FTTT subassembly in place of the warhead; it instead uses ballast to mimic the warhead's mass properties. The CCRT is a flight capable representative of the SDB II and, although not its primary objective, could be dropped as a test round on ranges not requiring telemetry, digital tracking, or a Flight Termination System (FTS). All other flight control, guidance, data-link, and seeker functions are representative of the SDB II. The hardware, including guidance, multi-mode seeker, and datalink, is UNCLASSIFIED. The software is UNCLASSIFIED.

2. If a technologically advanced adversary obtains knowledge of the specific hardware and software elements, the information could be used to develop countermeasures or equivalent systems that might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

3. A determination has been made that the Commonwealth of Australia can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This sale is necessary in 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 Commonwealth of Australia.

#### LAS VEGAS MASS SHOOTING

Mrs. FEINSTEIN. Mr. President, today I wish to voice my support for the victims of the horrific mass shooting in Las Vegas.

This mass shooting was the worst in our Nation's history. There are more than 50 dead and more than 500 wounded.

It should shock every American that one individual, with easy access to weapons and ammunition, can inflict such devastation.

Sadly, it was only a little more than a year ago that we also experienced what had then been the worst mass shooting in our Nation's history. That was when 49 people who were enjoying an evening of dancing with friends and loved ones were massacred in Orlando.

Just 6 months before that, 14 people were killed and more than 20 injured in San Bernardino.

Two years ago, on October 1, 2015, an assistant professor and eight students were murdered at Umpqua Community College in Roseburg, OR.

In 2013, 12 people were fatally shot at the Navy Yard, less than 2 miles from where I stand today.

On December 14, 2012, 20 children had their lives taken at Sandy Hook Elementary School.

These massacres have not and will not stop unless we do something. I believe we must acknowledge that these shootings are possible because of our Nation's weak gun laws.