

By Mr. CORKER, from the Committee on Foreign Relations:

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

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

Resolved, (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to Understandings and Declarations.

The Senate advises and consents to the ratification of the United Nations Convention on the Assignment of Receivables in International Trade, done at New York on December 12, 2001, and signed by the United States on December 30, 2003 (the "Convention") (Treaty Doc. 114-7), subject to the understandings of section 2 and the declarations of sections 3 and 4.

Sec. 2. Understandings.

The Senate's advice and consent under section 1 is subject to the following understandings, which shall be included in the instrument of ratification:

(1) It is the understanding of the United States that paragraph (2)(e) of Article 4 excludes from the scope of the Convention the assignment of—

(A) receivables that are securities, regardless of whether such securities are held with an intermediary; and

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

(2) It is the understanding of the United States that the phrase "that place where the central administration of the assignor or the assignee is exercised," as 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 assignee is located."

(3) It is the understanding of the United States that the reference, in the definition of "financial contract" in Article 5(k), to "any other transaction similar to any transaction referred to above entered into in financial markets" is intended to include transactions that are or become the subject of recurrent dealings in financial markets and under which payment rights are determined by reference to—

(A) underlying asset classes; or

(B) quantitative measures of economic or financial risk or value associated with an occurrence 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 because 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 other types of interests that are not a contractual right to payment of a monetary sum.

(5) The United States understands that, with respect to Article 24 of 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 prohibit Contracting States from providing additional rights in such proceeds to such an assignee.

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

The Senate's advice and consent under section 1 is subject to the following declara-

tions, which shall be included in the instrument of ratification:

(1) Pursuant to Article 23(3), the United States declares that, in an insolvency proceeding of the assignor, the insolvency laws of the United States or its territorial units may under some circumstances—

(A) result in priority over the rights of an assignee being given to a lender 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 (see, 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 those dealing with preferences, undervalued transactions and transactions intended to defeat, delay, or hinder creditors of the assignor.

(2) Pursuant to Article 36 of the Convention, the United States declares that, with respect to an assignment of receivables governed by enactments of Article 9 of the Uniform Commercial Code, as adopted in one of 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 contained in section 9-307 of the Uniform Commercial Code, as adopted in that territorial unit, the assignor is located in a territorial unit of the United States, that territorial unit is the location of the assignor for purposes of this Convention.

(3) Pursuant to Article 37 of the Convention, the United States declares that any reference in the Convention to the law of the United States means the law in force in the territorial unit thereof determined in accordance 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 of 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 Convention, the United States declares that it will not be bound by chapter V of the Convention.

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

Sec. 4. Self-Execution Declaration.

The Senate's advice and consent under section 1 is subject to the following declaration: This Convention is self-executing.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. MERKLEY (for himself, Mr. WYDEN, Mr. BLUMENTHAL, Mr. BENNET, Mr. VAN HOLLEN, and Mr. KING):

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 on Health, Education, Labor, and Pensions.

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

S. 3428. A bill to amend the Controlled Substances Act to require warning labels for pre-

scription opioids, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MENENDEZ (for himself, Mr. CARPER, Mr. NELSON, and Mr. CASEY):

S. 3429. A bill to require the Secretary of Health and Human Services to issue guidance 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. TESTER):

S. 3430. A bill to amend title 49, United States Code, to provide for the treatment of certain seasonal airports; to the Committee on Commerce, Science, and Transportation.

By Mr. PERDUE (for himself, Mr. CRUZ, and Mr. RUBIO):

S. 3431. A bill to impose sanctions with respect 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 Committee on Commerce, Science, and Transportation.

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 Committee on Finance.

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

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

By Mr. SCHATZ (for himself, Mr. DURBIN, Mr. BOOKER, Mr. VAN HOLLEN, Mr. MURPHY, Ms. WARREN, Ms. BALDWIN, Ms. HARRIS, and Ms. CORTEZ MASTO):

S. 3435. A bill to amend the Higher Education Act of 1965 to direct the Secretary of Education to issue guidance and recommendations for institutions of higher education on removing criminal and juvenile justice questions from their application for admissions process; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. MURRAY (for herself, Ms. WARREN, Mrs. SHAHEEN, Ms. BALDWIN, Ms. HEITKAMP, Ms. HIRONO, Ms. STABENOW, Ms. CANTWELL, Ms. KLOBUCHAR, Ms. HASSAN, Ms. CORTEZ MASTO, Ms. DUCKWORTH, Ms. SMITH, Mrs. MCCASKILL, and Mrs. FEINSTEIN):

S. 3436. A bill to amend the Employee Retirement Income Security Act of 1974 to provide for greater spousal protection under defined contribution plans, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

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

S. 3437. A bill to establish a Federal rotational cyber workforce program for the Federal cyber workforce; 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

public that allows the public to obtain electronic copies of all congressionally mandated reports in one place, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. GRAHAM (for himself and Mr. SCOTT):

S. 3439. A bill to redesignate the Reconstruction Era National Monument as the Reconstruction Era National Historical Park, and for other purposes; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CARDIN (for himself, Ms. COLLINS, Mr. KING, Mr. BROWN, Mr. MARKEY, Mr. MURPHY, Mr. MENENDEZ, Mr. WARREN, Ms. KLOBUCHAR, Mr. BLUMENTHAL, Ms. HASSAN, Mr. JONES, Mr. VAN HOLLEN, Mr. CASEY, Ms. BALDWIN, and Mr. DONNELLY):

S. Res. 625. A resolution designating the week beginning September 9, 2018, as "National Direct Support Professionals Recognition Week"; to the Committee on the Judiciary.

By Mr. WYDEN (for himself, Mrs. MURRAY, Ms. HARRIS, Mr. UDALL, Mr. COONS, Ms. HIRONO, Mr. MARKEY, Mr. SANDERS, Mr. BROWN, Ms. WARREN, Mr. BENNET, Mr. DURBIN, Mr. VAN HOLLEN, Mr. MERKLEY, Mr. CARPER, Ms. SMITH, and Mr. BOOKER):

S. Res. 626. A resolution designating September 2018 as "National Voting Rights Month"; to the Committee on Rules and Administration.

By Mr. RUBIO (for himself and Mr. NELSON):

S. Res. 627. A resolution designating September 2018 as "National Spinal Cord Injury Awareness Month"; considered and agreed to.

By Mr. MCCONNELL (for himself and Mr. SCHUMER):

S. Res. 628. A resolution to authorize document production by the Select Committee on Intelligence in United States v. Paul J. Manafort, Jr. (D.D.C.); considered and agreed to.

By Mr. SHELBY:

S. Con. Res. 46. A concurrent resolution directing the Clerk of the House of Representatives to make a correction in the enrollment of H.R. 5895; considered and agreed to.

ADDITIONAL COSPONSORS

S. 635

At the request of Mrs. SHAHEEN, the names of the Senator from Nevada (Ms. CORTEZ MASTO), the Senator from Washington (Ms. CANTWELL), the Senator from Illinois (Mr. DURBIN), the Senator from New York (Mrs. GILLIBRAND), the Senator from Vermont (Mr. SANDERS) and the Senator from Delaware (Mr. CARPER) were added as cosponsors of S. 635, a bill to amend title 28, United States Code, to prohibit the exclusion of individuals from service on a Federal jury on account of sexual orientation or gender identity.

S. 732

At the request of Mr. BOOZMAN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 732, a bill to amend the

Internal Revenue Code of 1986 to allow a refundable tax credit against income tax for the purchase of qualified access technology for the blind.

S. 796

At the request of Mr. WARNER, the names of the Senator from New Mexico (Mr. HEINRICH), the Senator from Massachusetts (Mr. MARKEY) and the Senator from New Mexico (Mr. UDALL) were added as cosponsors of S. 796, a bill to amend the Internal Revenue Code of 1986 to extend the exclusion for employer-provided education assistance to employer payments of student loans.

S. 797

At the request of Mr. BROWN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 797, a bill to amend the Internal Revenue Code of 1986 to make permanent the Volunteer Income Tax Assistance matching grant program.

S. 835

At the request of Mr. MURPHY, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 835, a bill to require the Supreme Court of the United States to promulgate a code of ethics.

S. 1112

At the request of Ms. HEITKAMP, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 1112, a bill to support States in their work to save and sustain the health of mothers during pregnancy, childbirth, and in the postpartum period, to eliminate disparities in maternal health outcomes for pregnancy-related and pregnancy-associated deaths, to identify solutions to improve health care quality and health outcomes for mothers, and for other purposes.

S. 1143

At the request of Mrs. MURRAY, the names of the Senator from Nevada (Ms. CORTEZ MASTO), the Senator from Illinois (Mr. DURBIN), the Senator from Wisconsin (Ms. BALDWIN), the Senator from Maine (Ms. COLLINS) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. 1143, a bill to amend the Equal Credit Opportunity Act to prohibit discrimination on account of sexual orientation or gender identity when extending credit.

S. 1164

At the request of Mr. DAINES, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1164, a bill to protect consumers from deceptive practices with respect to online booking of hotel reservations, and for other purposes.

S. 1328

At the request of Mr. KAINE, the names of the Senator from Washington (Ms. CANTWELL), the Senator from Maine (Ms. COLLINS), the Senator from Illinois (Mr. DURBIN), the Senator from Washington (Mrs. MURRAY) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. 1328, a

bill to extend the protections of the Fair Housing Act to persons suffering discrimination on the basis of sexual orientation or gender identity, and for other purposes.

S. 1503

At the request of Ms. WARREN, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 1503, a bill to require the Secretary of the Treasury to mint coins in recognition of the 60th anniversary of the Naismith Memorial Basketball Hall of Fame.

S. 1539

At the request of Ms. KLOBUCHAR, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1539, a bill to protect victims of stalking from gun violence.

S. 2006

At the request of Mrs. FEINSTEIN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2006, a bill to require breast density reporting to physicians and patients by facilities that perform mammograms, and for other purposes.

S. 2038

At the request of Mr. MORAN, the name of the Senator from Wisconsin (Ms. BALDWIN) was added as a cosponsor of S. 2038, a bill to amend title 38, United States Code, to provide for a presumption of herbicide exposure for certain veterans who served in Korea, and for other purposes.

S. 2072

At the request of Mr. MERKLEY, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 2072, a bill to amend the Toxic Substances Control Act to require the Administrator of the Environmental Protection Agency to take action to eliminate human exposure to asbestos, and for other purposes.

S. 2076

At the request of Ms. COLLINS, the name of the Senator from New Mexico (Mr. HEINRICH) was added as a cosponsor of S. 2076, a bill to amend the Public Health Service Act to authorize the expansion of activities related to Alzheimer's disease, cognitive decline, and brain health under the Alzheimer's Disease and Healthy Aging Program, and for other purposes.

S. 2164

At the request of Mr. CARDIN, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 2164, a bill to amend the Congressional Budget Act of 1974 respecting the scoring of preventive health savings.

S. 2208

At the request of Mr. MARKEY, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 2208, a bill to provide for the issuance of an Alzheimer's Disease Research Semipostal Stamp.

S. 2313

At the request of Mr. VAN HOLLEN, the names of the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from Indiana (Mr. DONNELLY) were