

we made this progress and look forward to working with the committee to ensure it is enacted.

The only language that the committee did not accept, due to jurisdictional concerns raised by Senators BLUMENTHAL and MORAN, was the grant accountability language in the SAFESPORT Act. One section of my bill, which bars nonprofits receiving Justice Department grants from stashing funds in offshore accounts for tax avoidance purposes, among other requirements, has cleared the Judiciary Committee with bipartisan support on multiple occasions. Chairman GRAHAM approved its inclusion in the Commerce package, and Ranking Member FEINSTEIN has cosponsored similar language on multiple occasions. So I am disappointed that these reforms were omitted from S. 2330 today. Senators BLACKBURN and SULLIVAN, who joined with me in seeking the inclusion of that grant accountability language in that Commerce Committee package today, have called for adding it to S. 2330 before its floor consideration.

I look forward to working with the leaders of the Commerce Committee to achieve that goal. The only other key provision of my SAFESPORT Act that was not included in S. 2330 would enable the Attorney General to seek the removal of officers and directors of the Center for SafeSport, in the event these individuals engage in serious misconduct or material violations of the Ted Stevens Act.

I urge my colleagues to join me in cosponsoring S. 2838, the SAFESPORT Act, which is so important to ensure that the organization tasked by Congress with protecting amateur athletes retains its current, high standard of excellence. I, again, thank Senator PETERS as well as my cosponsors, particularly Senators BLACKBURN and SULLIVAN, for helping me negotiate for the inclusion of so many provisions of the SAFESPORT Act in the bipartisan measure that cleared the Commerce Committee. I also want to thank my committee staff, including Kolan Davis, Evelyn Fortier, Rachael Soloway, and Dario Camacho for their hard work on this measure. Finally, I thank the organizations, such as Fairness, Dignity & Respect for Crime Victims & Survivors Project, which endorsed this legislation, as well as the Athletes Advisory Council, which worked with us on the antiretaliation provisions.

#### REMEMBERING THOMAS M. OWENS

Mr. DURBIN. Mr. President, on September 29, Thomas Owens of Chicago passed away, leaving a legacy of faith, philanthropy, and friendship. He was an innovator and an advocate for helping people. Tom was dedicated to the biblical proverb, "To whom much is given, much is expected."

Tom used to joke that he entered philanthropic ventures because he spent too much time hovering around

the kitchen with his wife, Mary. In truth, he just believed in helping those less fortunate. Tom and Mary founded the Owens Foundation in 1985, inspired by the work of Saint Mother Teresa of Calcutta. Tom and Mary enjoyed a friendship with Mother Teresa and were instrumental in supporting Missionary of Charity projects in Chicago, Arizona, and Tijuana, Mexico, to alleviate poverty and provide hope to those in need.

In the early 1990s, Tom retired from a successful business and having spent 20 years as an IBM executive. Many people would have considered slowing down after that, but not Tom. That same year he retired, he founded Cara Chicago.

Tom started Cara out of the back of his car. He drove shelter to shelter, connecting women with business colleagues and contacts he had accumulated over the years. Nearly 30 years later, Cara is a world-class job training and placement program, helping more than 6,000 people into more than 10,000 jobs.

Cara is the Gaelic word for friend, and this program helps give people a professional friend when they need it most.

Tom earned numerous awards like being one of the Streetwise Foundation's 20 Most Inspirational Chicagoans. He also was Leo High School's Lifetime Achievement Award winner in 2018. Leo High School's motto is *Facta non Verba*, meaning Deeds not Words. Tom's work as one of the most caring people I have known speaks for itself.

Tom liked to say, "Don't just make it a good day . . . make it a great day!" Many people have great days because of his work.

Tom is survived by his wife, five children, 22 grandchildren, and the thousands of people who have better days because of Tom.

#### NOMINATION OF STEVEN J. MENASHI

Ms. KLOBUCHAR. Mr. President, I rise today to join many of my colleagues who have come to the floor to express my opposition to the nomination of Steven Menashi to U.S. circuit judge for the Second Circuit.

I am disappointed that Mr. Menashi's nomination has moved forward even though he lacks the support of his home State senators. In the rush to confirm judges like Mr. Menashi, the Senate has chipped away at the traditions that allow us to properly advise and consent on nominations, which is our responsibility under the Constitution.

Today, we are considering a nominee whose record has raised several concerning issues. While working as Principal Deputy General Counsel and as Acting General Counsel at the Department of Education, Menashi advised Secretary DeVos on the Department's efforts to withhold debt relief for stu-

dents who were defrauded by their colleges, reverse the Obama administration's regulations on campus sexual assault, and delay the enforcement of rules designed to ensure that students of color with disabilities are treated fairly. And while at the White House Counsel's Office, Mr. Menashi has advised on the administration's efforts to end the deferred enforced departure program for Liberians and to restrict access to asylum.

I am also concerned that, despite a request from all of the Democratic Senators on the Judiciary Committee, Mr. Menashi has refused to provide information about his knowledge or involvement in the events related to the telephone call between President Trump and Ukrainian President Zelensky on July 25, 2019.

It is for these reasons that I am unable to support Mr. Menashi's confirmation.

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

#### VOTE EXPLANATION

• Ms. HARRIS. Mr. President, I was absent, but had I been present, I would have voted no on rollcall vote No. 352, the confirmation of Executive Calendar No. 464, William Joseph Nardini, of Connecticut, to be U.S. circuit judge for the Second Circuit.

Mr. President, I was absent, but had I been present, I would have voted no on rollcall vote No. 351, the confirmation of Executive Calendar No. 365, Jennifer Philpott Wilson, of Pennsylvania, to be U.S. district judge for the Middle District of Pennsylvania.

Mr. President, I was absent, but had I been present, I would have voted no on rollcall vote No. 355, the motion to invoke cloture on Executive Calendar No. 486, Steven J. Menashi, of New York, to be U.S. circuit judge for the Second Circuit. •

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

#### NATIONAL DEFENSE AUTHORIZATION ACT

• Mr. ROUNDS. Mr. President, today I join my fellow Senate Armed Services Committee subcommittee chairs in expressing my serious concerns with the possibility that congress might not pass a National Defense Authorization Act, NDAA, for fiscal year 2020.

For more than five decades, the NDAA has been signed into law with bipartisan support. We had our differences, but if we fail to pass the NDAA this year, what kind of message does that send to the men and women who, in many cases, are risking their lives for our national security? Further, they will receive this message at a time of heightened strategic competition with China and Russia and a continued need to support our allies and partners. Meanwhile, we must continue

to rebuild the readiness of our Armed Forces and take care of our troops and their families.

With regard to rebuilding our readiness, I remember the recent and significant dip in the readiness of our B-1B bomber fleet at Ellsworth Air Force Base in South Dakota. While the Air Force has reversed that trend, it remains an example of the wear and tear on our forces after 18 years of war. Now is not the time to go backward by failing, for the first time in 58 years, to pass a National Defense Authorization Act.

NDAA is must-pass legislation, as it has been every year for over half a century. That is why Chairman INHOFE introduced his “skinny” NDAA. The NDAA is typically bipartisan, and it should stay that way. I am hopeful we will find a final agreement.

This is about more than the NDAA. It is also about Defense appropriations. In that regard, I will not vote for another continuing resolution with its distinctive impact on our national security.

As chairman of the Cybersecurity Subcommittee of the Senate Armed Services Committee, I am particularly concerned about what failure to enact NDAA 2020 would mean for our cybersecurity. Some vital cybersecurity measures in the NDAA passed by the Senate include the following: critical funding for United States Cyber Command, CYBERCOM, infrastructure development. In a sense, CYBERCOM is at war every day, operating in our enemies’ backyards to negate or at least reduce their ability to attack the United States. It is not a coincidence that there was no successful interference in our 2018 mid-term elections. We can thank the men and women of CYBERCOM for that. Now is not the time to deny them what they need to boost their capabilities. Our adversaries and enemies will surely boost theirs; development of a consistent, comprehensive framework to enhance the cybersecurity of the U.S. defense industrial base after disastrous theft of critical defense information relating to development of an important new weapon system. I am concerned there may be other ongoing such instances of which we are not even aware; a consortium of universities, to include Dakota State University in Madison, SD, to advise and assist the Secretary of Defense on cybersecurity matters; authorization for the armed services to use operation and maintenance funds for the rapid creation testing, fielding, and operation of new cyber capabilities; and completion of the work of the Cyber-space Solarium Commission charged with evaluating divergent approaches to defending the United States in cyberspace and driving consensus toward a comprehensive strategy.

These are just some of the cybersecurity related measures that will have to wait another year, unless Congress passes NDAA 2020. When added to the concerns noted by my fellow chairs, it should be clear to all that now is the time to put aside partisan obstruc-

tionism and enact this must-pass legislation.●

## ARMS EXPORT CONTROL ACT NOTIFICATION

Mr. RISCH. Mr. President, 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 at this point the notifications which have been received.

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

UNITED STATES DEPARTMENT OF STATE,  
Washington, DC.

Hon. JAMES E. RISCH, Chairman,  
Committee on Foreign Relations,  
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to Section 38(f)(1) of the Arms Export Control Act (22 U.S.C. 2778(f)(1)), the Department is transmitting herewith notification of the intention to transfer jurisdictional control of certain classes of item currently on the United States Munitions List (USML) to the Commerce Control List (CCL).

Attached for your reference are the following documents: a summary of the revisions to the USML; the final regulatory text of Categories I, II and III; line-in/line-out comparison of the current and revised USML Categories I, II and III; the Department of Commerce’s revised companion regulatory text; and a summary of the controls for major defense equipment.

Sincerely,  
MARY ELIZABETH TAYLOR,  
Assistant Secretary, Bureau of Legislative  
Affairs.

Enclosures.

**Billing Code 4710-25**  
**DEPARTMENT OF STATE**  
**22 CFR Parts 121, 123, 124, 126, and 129**  
**[Public Notice 10603]**  
**RIN 1400-AE30**  
**International Traffic in Arms Regulations:**  
**U.S. Munitions List**  
**Categories I, II, and III**  
**AGENCY:** Department of State.  
**ACTION:** Final rule.  
**§ 121.1 The United States Munitions List.**  
\* \* \* \* \*

### Category I—Firearms and Related Articles

- \* (a) Firearms using caseless ammunition.
- \* (b) Fully automatic firearms to .50 caliber (12.7 mm) inclusive.
- \* (c) Firearms specially designed to integrate fire control, automatic tracking, or automatic firing (e.g., Precision Guided Firearms).
- Note to paragraph (c): Integration does not include only attaching to the firearm or rail.
- \* (d) Fully automatic shotguns regardless of gauge.
- \* (e) Silencers, mufflers, and sound suppressors.
- (f) [Reserved]
- (g) Barrels, receivers (frames), bolts, bolt carriers, slides, or sears specially designed for the articles in paragraphs (a), (b), and (d) of this category.

(h) Parts, components, accessories, and attachments, as follows:

- (1) Drum and other magazines for firearms to .50 caliber (12.7 mm) inclusive with a capacity greater than 50 rounds, regardless of jurisdiction of the firearm, and specially designed parts and components therefor;
- (2) Parts and components specially designed for conversion of a semiautomatic firearm to a fully automatic firearm;
- (3) Parts and components specially designed for defense articles described in paragraphs (c) and (e); or
- (4) Accessories or attachments specially designed to automatically stabilize aim

(other than gun rests) or for automatic targeting, and specially designed parts and components therefor.

(i) Technical data (see § 120.10 of this subchapter) and defense services (see § 120.9 of this subchapter) directly related to the defense articles described in this category and classified technical data directly related to items controlled in ECCNs 0A501, 0B501, 0D501, and 0E501 and defense services using the classified technical data. (See § 125.4 of this subchapter for exemptions.)

(j)–(w) [Reserved]

(x) Commodities, software, and technology subject to the EAR (see § 120.42 of this subchapter) used in or with defense articles.

Note to paragraph (x): Use of this paragraph is limited to license applications for defense articles where the purchase documentation includes commodities, software, or technology subject to the EAR (see § 123.1(b) of this subchapter).

Note to Category I: The following interpretations explain and amplify the terms used in this category:

(1) A firearm is a weapon not over .50 caliber (12.7 mm) which is designed to expel a projectile by the deflagration of propellant;

(2) A fully automatic firearm or shotgun is any firearm or shotgun that shoots, is designed to shoot, or can readily be restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger; and

(3) Caseless ammunition is firearm ammunition without a cartridge case that holds the primer, propellant, and projectile together as a unit.

### Category II—Guns and Armament

(a) Guns and armament greater than .50 caliber (12.7 mm), as follows:

- \* (1) Guns, howitzers, artillery, and cannons;
- \* (2) Mortars;
- \* (3) Recoilless rifles;
- \* (4) Grenade launchers; or
- (5) Developmental guns and armament greater than .50 caliber (12.7 mm) funded by the Department of Defense and specially designed parts and components therefor.

Note 1 to paragraph (a)(5): This paragraph does not control guns and armament greater than .50 caliber (12.7 mm); (a) in production; (b) determined to be subject to the EAR via a commodity jurisdiction determination (see § 120.4 of this subchapter); or (c) identified in the relevant Department of Defense contract or other funding authorization as being developed for both civil and military applications.

Note 2 to paragraph (a)(5): Note 1 does not apply to defense articles enumerated on the U.S. Munitions List, whether in production or development.

Note 3 to paragraph (a)(5): This provision is applicable to those contracts or other funding authorizations that are dated [INSERT DATE ONE YEAR AFTER PUBLICATION IN THE FEDERAL REGISTER], or later.

Note 1 to paragraph (a): This paragraph does not include: Non-automatic and non-semi-automatic rifles, carbines, and pistols between .50 (12.7 mm) and .72 caliber (18.288 mm) that are controlled on the CCL under ECCN 0A501; shotguns controlled on the CCL under ECCN 0A502; black powder guns and armaments manufactured between 1890 and 1919 controlled on the CCL under ECCN 0A602; or black powder guns and armaments manufactured earlier than 1890.

Note 2 to paragraph (a): Guns and armament when integrated into their carrier (e.g., surface vessels, ground vehicles, or aircraft) are controlled in the category associated with the carrier. Self-propelled guns and armament are controlled in USML Category VII.