

completely defeat the jihadists, whether they call themselves ISIS or al-Qaida or what. But I know this much: We could not have beaten back ISIS without the help of the Syrian Kurds.

A lot of our other friends said: Yeah, you go get them. You go fight. We will be glad to hold your coat while you fight. That was not the Syrian Kurds. They got in there with us.

The Syrian Kurds have enemies in this world. I am not making any accusations or disparaging comments about our friends in Turkey, but President Erdogan has been very vocal about how he feels about the Kurds, including, but not limited to, the Syrian Kurds. I worry about them if we leave.

I had an amendment that didn't require—it didn't require—anybody to do anything. It just said: Mr. President, if we leave Syria, this will give you the authority to keep our friends, our allies, the Syrian Kurds, from being butchered, from being opened up like a soft peanut.

America's foreign policy has never been just about interests; it has been about values. America's foreign policy has always had a moral component. Part of the moral component in our foreign policy is that we don't leave our friends behind. That is what we are potentially doing with this bill.

It could have been easily fixed. It could have been fixed if the Senate had been allowed to be the U.S. Senate.

I don't hate anyone. I love and respect all of my colleagues, and I mean that—even the jurists and everybody in their own way, especially in this body, and I have gotten to know all of them, and I am so proud to be a Member. But it does bother me sometimes; it seems we are kind of like—it is almost Orwellian. We are all equal, but some of us are more equal than others, and I think that irks the American people. I think had we been able to offer amendments, we could have fixed that problem with the Syrian Kurds.

I hope I don't have to come back and say told you so. I hope after we leave Syria—and I think the President is going to leave Syria—I hope the Syrian Kurds are just fine. I hope they are just fine. But if they are not, I hope we will not look back and say that we had a chance to protect our friends and do the right thing, but we didn't do it.

I yield the floor.

## RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:33 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mrs. CAPITO).

## DESIGNATING THE OUTSTATION OF THE DEPARTMENT OF VETERANS AFFAIRS IN NORTH OGDEN, UTAH, AS THE MAJOR BRENT TAYLOR VET CENTER OUTSTATION

The PRESIDING OFFICER. The Senator from Utah.

Mr. LEE. Madam President, on November 3, 2018, this country lost a true American hero: MAJ Brent Taylor of Ogden, UT, who gave the ultimate sacrifice while deployed in Afghanistan.

As North Ogden's mayor, Major Taylor died as he lived: going above and beyond the call of duty to his country, to his State, and his family.

Major Taylor, who is pictured here with his family, began his military service in 2003, following the attacks of September 11. He joined the Army National Guard just 3 days after becoming engaged to his wife Jennie.

During his time in the National Guard, Major Taylor distinguished himself in multiple specialties, including intelligence and military police. In 2006, he received a commission as a second lieutenant from the Brigham Young University ROTC, while graduating as a member of the National Society of Collegiate Scholars. Major Taylor was continuously ready to take up the call to arms and deployed four times on missions to Iraq and to Afghanistan. He held a variety of roles in those deployments, including platoon leader, combat adviser, and chief of staff to the Special Operations Advisory Group.

Throughout his distinguished tours of service, he also received several awards for courage and for leadership, including a Bronze Star in honor of his ability to calmly and safely lead those he was assigned to lead through multiple miles of treacherous territory and a Purple Heart for the wounds he received during an explosives attack on his vehicle.

His love of his country and his State was also very evident, perhaps most evident beyond the circumstance in which he wore the uniform. Major Taylor gave his time and his energy to his community, serving tirelessly as a member of the North Ogden City Council, from 2010 to 2013, and then as the mayor of North Ogden, after being elected to that post in 2013. He was known for being a hands-on leader and someone who was attentive to and constantly beloved by every member of his community.

After being reelected as the mayor of North Ogden in 2017, Major Taylor took a leave of absence from the mayor's office and headed back to the battlefield, deploying once again to Afghanistan. When he announced his leave of absence to the people of North Ogden, he told them he felt called to serve his country and that "service is what leadership is all about."

Major Taylor faithfully served his church and his family too. He had a deep love of God and of his church. He was a devoted husband to Jennie and a

loving father to their seven children, pictured here: Megan, Lincoln, Alex, Jacob, Ellie, Jonathan, and Caroline.

Following his tragic passing, in an attack on November 3 of this last year, Major Abdul Rahmani, an Afghani pilot with whom Major Taylor worked, sent a letter to Major Taylor's wife Jennie, describing the great impact Major Taylor had on his life. He said: "Your husband taught me to love my wife [Hamida] as an equal and treat my children as treasured gifts, to be a better father, to be a better husband, and to be a better man."

Further, he said: Major Taylor "died on our soil, but he died for the success of freedom and democracy in both our countries."

In every aspect of his life, Major Taylor was a shining example of patriotism, of sacrifice, and of service. It is only right that we honor his extraordinary life. To that end, it would only be a fitting tribute to rename the Ogden Veterans Center in Utah as the Major Brent Taylor Vet Center Outstation.

Today Jennie Taylor is joining Congressman ROB BISHOP as his honored guest for the State of the Union Address tonight, to honor Major Taylor's life and to honor his great legacy—the legacy he leaves behind to his family, to his community, and to all who knew him and served with him. I urge my colleagues to pass legislation commemorating that.

Madam President, I ask unanimous consent that the Committee on Veterans' Affairs be discharged from further consideration of S. 49 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 49) to designate the outstation of the Department of Veterans Affairs in North Ogden, Utah, as the Major Brent Taylor Vet Center Outstation.

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

Thereupon, the committee was discharged, and the Senate proceeded to consider the bill.

Mr. LEE. Madam President, I ask unanimous consent that the bill be considered read a third time and passed and that the motion to reconsider be considered made and laid upon the table.

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

The bill (S. 49) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 49

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## SECTION 1. FINDINGS.

Congress finds the following:

(1) Major Brent Taylor began his military service following the attacks of September 11, 2001. He joined the Army National Guard in 2003, three days after his engagement to

his wife, Jennie. Five of his brothers would eventually serve in the Armed Forces following the deadly attacks.

(2) During his time in the Army National Guard, Major Taylor distinguished himself in service to the United States and the State of Utah. He received a commission as a second lieutenant from the Brigham Young University Reserve Officer Training Corps in 2006, while graduating as a member of the National Society of Collegiate Scholars.

(3) During his impressive career with the Utah National Guard, Major Taylor distinguished himself in multiple specialties, including Intelligence and Military Police. One of his earliest assignments included analyzing foreign language documents in support of the Defense Intelligence Agency. He also led document exploitation efforts in multiple European and South American languages for a variety of intelligence community customers. Major Taylor also managed a team that assessed security vulnerabilities at high-profile facilities across the United States, all while maintaining a successful private sector career in Utah.

(4) Major Taylor was continuously ready to take up a call to arms from the United States and deployed four times in support of operations in Iraq and Afghanistan. His deployed duties varied from Platoon Leader and Combat Advisor to Chief of Staff to the Special Operations Advisory Group, responsible for leading a joint task force advising and assisting an elite Afghan special operations unit.

(5) Throughout his deployments, Major Taylor distinguished himself on several occasions, earning a multitude of awards including the Bronze Star. The citation credits the ability of Major Taylor to think calmly and decisively to keep his subordinates safe while traversing 600,000 miles of roads in Iraq, laden with improvised explosive devices (commonly referred to as “IED”) and ripe for ambush.

(6) During one particularly harrowing mission, Major Taylor's vehicle was struck by an IED. Although he survived the attack, the wounds he received earned him the Purple Heart.

(7) Major Taylor's amazing record of service was not limited to the battlefield. In 2010, he served as a member of the North Ogden City Council and, in 2013, Major Taylor was elected mayor. His steadfast leadership led to the city being recognized as “Business Friendly” by the Governor of Utah, and as one of the safest, freest cities in the United States by several organizations. His initiatives included improvements to public works and infrastructure, attracting businesses to the area, developing a local community center, and increasing transparency. His action led his constituents to reelect Major Taylor in 2017.

(8) In 2018, Major Taylor placed himself on a leave of absence from his mayoral duties in order to deploy to Afghanistan, explaining to his constituents, “Service is what leadership is all about.”

(9) While serving in Afghanistan, a dear colleague, Afghani Lieutenant Kefayatullah, was killed shortly before the Afghan elections. Major Taylor wrote, “The strong turnout at that election, despite the attacks and challenges, was a success for the long-suffering people of Afghanistan, and for the cause of human freedom. I am proud of the brave Afghan and U.S. soldiers I serve with. Many American, NATO and Afghan troops have died to make moments like this election possible.” He also extolled the American public to embrace its civic duty, stating, “I hope everyone back home exercises their precious right to vote. And that whether the Republicans or Democrats win, that

we all remember that we have far more as Americans that unites us than divides us.”

(10) Tragically, on Saturday, November 3, 2018, Major Taylor was killed in an attack in Afghanistan. He was survived by his wife, Jennie, and his seven children, Megan, Lincoln, Alex, Jacob, Ellie, Jonathan, and Caroline.

(11) The impression that Major Taylor left was indelible. An Afghan officer who had served with Major Taylor penned a letter to his wife, stating, “Your husband taught me to love my wife Hamida as an equal and treat my children as treasured gifts, to be a better father, to be a better husband, and to be a better man.” That officer further commented that, “He died on our soil but he died for the success of freedom and democracy in both of our countries.”

(12) It is only well and fitting that, as a tribute to the amazing life of Major Taylor, Congress name a facility in honor of Major Taylor's shining example of service and sacrifice.

## **SEC. 2. DESIGNATION OF MAJOR BRENT TAYLOR VET CENTER OUTSTATION IN NORTH OGDEN, UTAH.**

(a) DESIGNATION.—The outstation of the Department of Veterans Affairs located at 2357 North 400 East Washington Boulevard, North Ogden, Utah, shall after the date of the enactment of this Act be known and designated as the “Major Brent Taylor Vet Center Outstation”.

(b) REFERENCE.—Any reference in any law, regulation, map, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be considered to be a reference to the Major Brent Taylor Vet Center Outstation.

The PRESIDING OFFICER. The Senator from Kentucky.

S.1.

Mr. PAUL. Madam President, our country was founded upon the concept and in the midst of a great boycott. At the time, we were boycotting British goods and, most specifically, British tea. There is likely nothing more American than to protest, to dissent, and to boycott.

In fact, our Founding Fathers—many of them, including Sam Adams and the Sons of Liberty—gathered in 1773, dressed as Indians, and dumped 90,000 pounds of British tea into the harbor. Some of our Founding Fathers were actually involved with trying to smuggle and import Dutch tea to get around the rules and to get around having to be so dependent on England.

But this was a boycott. The sad thing today is that we will be debating whether or not to place limitations on the First Amendment right to boycott, and we will do it because the vast majority of this body disagrees with the concept of what the people are boycotting over.

I would argue that it doesn't matter what the issue is. In fact, the First Amendment is to protect issues of speech and issues of boycott that you may disagree with.

I am not particularly enamored with—in fact, I don't favor—the boycott of Israel. I think Israel has been a good ally. Yet the freedom of speech, the freedom of the press, the freedom to protest, and the freedom to boycott are fundamentally American. How can we give that up so easily? How can we

just say: Oh, well, it is a good ally, and we don't want anybody boycotting them. We are just going to amend the First Amendment because we don't like this boycott.

Our Founding Fathers would roll over in their graves if they knew what we were doing today.

I stand today at Henry Clay's desk. This desk has been passed down to the Senator from Kentucky ever since he left the Senate in 1850. In 1809, before he arrived here, there was a boycott of British goods. In fact, there was an official embargo that Jefferson had put on when we were upset with what the British were doing on the high seas with confiscating our ships, and we decided to have an organized embargo, a boycott.

In Kentucky, Henry Clay was still in the State legislature, and he proposed a rule saying that the legislators themselves should not wear British clothing. It was opposed by a guy named Humphrey Marshall, who was a cousin of the fourth Chief Justice John Marshall. They got into heated words, at which time Henry Clay, wearing his American homespun clothing, was confronted by Humphrey Marshall, who came in wearing what was described as garish English imports, and he called Henry Clay a demagogue for passing this legislation.

Well, Henry Clay gave it right back and called him a liar, at which point the words accelerated, and they were about to come to blows when a massive 6-foot-6-inch German-American legislator jumped in between them and stopped the fight from ensuing on the floor.

Henry cooled down. Henry Clay decided to apologize. He apologizes to the body and gives his apology, and Marshall jumps up and shouts back, “It is the apology of a poltroon,” which is an old-fashioned word for coward.

Things didn't get much better after that, and Henry Clay challenged him to a duel. It was illegal—and still is illegal—to have a duel in Kentucky. So they went across the river in Louisville and fought a duel, at which time Henry Clay was wounded in the thigh.

In those days, even though the laws were against dueling, you were often rewarded for dueling by getting a promotion. So the State legislature, within a week or two, elected Henry Clay to go to the U.S. Senate to represent them.

So not only are boycotts a big part of our history, but this particular boycott actually elevated Henry Clay to the U.S. Senate to become one of the most famous Senators in our history.

As for other famous boycotts, there was a boycott of the buses in Montgomery in 1955 and 1956. The boycott went on for 382 days. It was set off, as you will recall, by Rosa Parks' refusing to be seated in the back of the bus. But this boycott was about speech, and it was about law, and it was about justice.

Now, people would say: Well, I agreed with that boycott. That is OK. It is OK

to have good boycotts that I agree with, but it is not OK to have boycotts I disagree with.

I will make this argument. If today this body votes to encourage this idea that legislatively we should penalize people who boycott, I will argue today that—guess what—if you can penalize boycotts you disagree with, you may well find some day that people are penalizing boycotts that you agree with. If you have the power to disallow boycotts you don't like, you are now granting to the government the power to ban boycotts that you may well like.

The thing is this: Should the majority get to decide, well, that is a good boycott and that is a bad boycott, and you can say certain types of speech as long as I agree with you?

No, the freedom of speech—the First Amendment—is about allowing language you don't like. It is about allowing boycotts you may not like.

If you go through our history, our history is replete with boycotts, from the Boston Tea Party to the boycott around the War of 1812 of British goods, to the bus boycott in Montgomery—boycott after boycott. It is a fundamental aspect of the First Amendment.

You don't believe me? Listen to the Supreme Court. In *NAACP vs. Claiborne Hardware*, Blacks were protesting a Whites-only store that wouldn't allow service or allow sales to Blacks. They boycotted the store, and guess what. The Supreme Court said, 8 to 0, that you can boycott, particularly if your boycott is based on speech or it is based on a political viewpoint.

Now, while I don't agree with people who want to boycott Israel, if you live in our country, or wherever you live, and you don't like their policies, do you not have a right to boycott? Are we somehow going to take away your right to boycott because we disagree with what you are boycotting over?

I have a short list here of a few different things that we have boycotted over, and they range, interestingly, on both sides of the coin. Most recently, people on the left who don't like President Trump have boycotted Ivanka Trump's fashion brand.

A year or two ago, Christians boycotted Disney over what they considered to be liberal movies or movies they didn't appreciate because of the families depicted.

In North Carolina, liberals boycotted the North Carolina transgender bathroom law.

People have boycotted Chick-fil-A because the CEO was opposed to same-sex marriage.

The Dixie Chicks criticized George W. Bush, and they were boycotted.

It doesn't matter whether you agree with any of these boycotts. Boycotts are speech. How could we possibly boycott someone's speech? But that is what is going on.

About 20 States have passed these laws, and what we are now considering before our body is putting our impri-

matur—our stamp of approval—which we are going to put on these States that are penalizing boycotts.

So who are some of the people that we are going to penalize?

In Texas, there is a speech pathologist who has lost her job. She was working for the school system. She has been in this country 30 years. Her name is Bahia Amawai. She has been here 30 years. She is a U.S. citizen. She speaks three languages. She works with children with autism, disabilities, and speech impediments.

Her contract was not renewed because they told her she had to sign a pledge that she will not boycott Israel. She also had to sign a pledge that she would never do anything economically or refrain from any action—buying a product—with anyone who does business in Israel or does business in an area they call the Israeli-controlled territory.

There has been a dispute for 30 or 40 years over the West Bank, whether the Palestinians should have more autonomy, whether it should be a country, whether it should be a province of Israel, whether they should vote, whether they should not vote. This is a political debate.

This woman has an opinion that she doesn't want to sign this pledge. She no longer works.

We heard on the floor from one of my colleagues yesterday. He said: Well, it is the government's money. The government's money shouldn't be used to allow a boycott.

Well, if you are a teacher and you get a salary, is that still the government's money after you have done your job and you have your paycheck? Should a teacher be prevented from boycotting or expressing their speech through an economic action or, really, through an economic inaction by not buying something?

It is the whole idea of “not.” A boycott is not even doing anything. A boycott is refusing to buy someone's product.

How could we possibly be in favor of that? How could we have such clouded judgment that this body, which has such historic importance, is going to vote to place a ban on freedom of speech? How could that possibly happen in our country?

This woman has been denied her job. It is her main job. She worked for the school district. She had a contract. Her contract has been denied because she refuses to sign a pledge saying she will not buy a product from somebody that she disagrees with politically.

How did we get here? How can we possibly even be considering such absurd limitations on the First Amendment?

This one is even worse. In Arkansas, the newspaper, the *Arkansas Times*, routinely takes ads. That is how newspapers make money. One of the groups that advertises with them is the State university. The State university will no longer advertise with this news-

paper unless they fine them first or give them some kind of penalty. They will not advertise with them unless the newspaper signs a statement saying that they will not be critical of policies in Israel.

How could we possibly say to a newspaper that you can't do business with the State if you criticize a policy in Israel? How could that possibly be the American way?

The vast majority of the people here, like sheep, will fall all over themselves today to vote to try to limit your right to boycott.

People say you don't have a right to a job, but what if you are with a State? What if you are a teacher and that is whom you have always worked for and you have worked for the government? Can we start placing rules because the government pays you on what your political viewpoint is?

Arkansas says: Well, the newspaper can do it, but they would have to pay a 20-percent penalty.

So if you have certain viewpoints or you refuse to bow down to the government and bow down to the opinion the government tells you is appropriate, we will let you work for the government, but you get penalized 20 percent.

Imagine when this becomes another view, when this becomes some other issue you are interested in. Probably the most famous boycott in history other than the Montgomery bus boycott over segregation was the anti-apartheid boycott that ultimately led to a change of government and a change of policy. That wasn't done with automatic weapons. That wasn't done with tanks. That wasn't done with planes and bombs. That was done by good old-fashioned protest, peaceful protest, by agreeing not to buy something.

Can you imagine the State is putting into place laws that punish you for not buying something, for refusing to buy something from someone? It is galling. Will this be declared unconstitutional? Nobody knows for sure other than the men and women of the Supreme Court, but in *NAACP v. Claiborne Hardware*, eight to zero they said it was unconstitutional to ban or limit any boycott if that boycott is about speech or political views. Well, clearly that is what this is about—political views.

In two of the States that have passed these laws—Kansas and Arizona—there have already been protests and court cases.

In Kansas, there is a woman by the name of Esther Koontz. She is a Menonite, and she is a math teacher. She has been a math teacher for about a decade. She has a contract with the school system to teach other teachers about teaching math and science. She said she couldn't in good conscience sign a pledge saying she would never boycott any group who originated out of Israel. What happened to her? She was fired or she couldn't continue in the job she had been in for I think a decade. Her case went to court. Guess

what. The court said it is unconstitutional. You cannot limit behavior. You cannot limit employment with the government based on one's political views. So on the first challenge, it was struck down as unconstitutional.

We go to Arizona. For political reasons, Mikkel Jordahl boycotts consumer goods made in Israel. This is America. You don't have to agree with what he is doing, but in America, you have the right to protest. You have the right to boycott. For 12 years, he has been doing legal services for the local county jail. They brought in his contract, and in his contract, they said: You have to pledge that you will no longer support any activities that agree with your political viewpoint that you don't like Israel's policy. He went to court. Guess what the court said. The law is unconstitutional.

These laws have gone to Federal court twice—once in Kansas and once in Arizona—and have been struck down. So what is this august body going to do? We are going to take it right up, and we are going to say: By golly, keep passing these unconstitutional laws in the States. We got your back.

It has already been struck down twice by two Federal district courts. The Supreme Court has said that the concept of limiting boycotts is unconstitutional. The First Amendment says that Congress can't pass a law limiting speech, and here, we are going to pass a law encouraging the limitation of speech.

One of the famous boycotts was obviously the Montgomery bus boycott. The anti-apartheid boycotts were famous as well, but even if you go further back in our history to about the time of the Boston Tea Party and beyond—another boycott—you find that people were boycotting the slave trade. There were people boycotting buying sugar out of the Caribbean because they didn't want to have any of that money going to supporting the slave trade.

I would argue that the right to boycott is about as fundamental a right as we have in America. It is a big part of the First Amendment. It is an important part of the First Amendment. It is a fundamental aspect of freedom to be able to dissent, to protest, even when everybody thinks you are wrong. That is what America is about—that you have the right to protest and that the government will not squelch your speech.

How did we get to this point where flippantly today we are going to encourage States to put limitations on the First Amendment? I don't know how we got here.

When we look at the First Amendment—and some will say: Well, you know, this is just the State government. We are just allowing States' rights.

Well, here is the thing about States' rights: Ever since the civil rights era, we have decided that the Bill of Rights

applies to the States. The 14th Amendment, going all the way back to the time of the Civil War, incorporated the 1st Amendment. Many of the boycotts have actually been in favor of civil rights. Just because this one is a boycott about something else that you may or may not like or may or may not support doesn't mean we should place limitations on it.

If we begin to do this—it is a road that some may say is paved with good intentions—we will be headed toward a time where speech will be regulated by our government, where the idea of dissent and the idea of protest will be judged on whether people think or the majority of the body thinks that the protest is in order, whether the majority of the body thinks you should be allowed to protest. How un-American. I can't think of anything more un-American than trying to limit the ideas and actions of a boycott.

I remember when I was in college, the women of the Southern Baptist Convention said they didn't like pornographic magazines out in the open where kids could see them. They didn't even ask the legislature for a law. They actually did better than asking the legislature for a law; they simply marched out in front of all the convenience stores. They did it for about a month. Guess what. Convenience stores decided they didn't like people protesting and everybody talking about them, so they put the magazines behind the counter. That is the American way. Nobody forced them to do it; they did it under public protest and public pressure.

The idea that we want to pass a law today that says to the States: Oh, we like the First Amendment, but if we don't like what they are saying and we don't like what they are protesting, it is OK to punish these people. It is OK to say to the woman in Texas who feels very strongly about this issue in Israel that she can't be employed anymore by the school district because of her political views.

I can't imagine that this is isn't going to be struck down by the Supreme Court. In *NAACP v. Claiborne Hardware*, the Supreme Court was unanimous—eight to zero.

How did we get here?

I would say that I hope my colleagues will listen to the debate and that there will be a spirited debate on the First Amendment, but don't hold your breath. You can see there is no one here other than me. They won't listen. The hope is that the American people will listen and say: How did we vote to send people to Washington who are so careless with the Constitution that they are willing to vote to ban boycotting, that they are willing to vote for something that has already been struck down by two Federal district courts, something that has already been ruled on by the U.S. Supreme Court, and they are going to go ahead and vote anyway because they don't like this particular boycott?

The First Amendment isn't about popular speech; the First Amendment is about protecting unpopular speech.

My hope is that across America, people are listening and that they will call their representatives today, call their Senators and say: How could you? How dare you take the First Amendment, crumple it up, and say "Oh, today we are going to limit the First Amendment to only boycotts we approve of. We are going to limit it to speech we approve of." What a disgrace. What a terrible day in our history, that we are going to take the First Amendment, crumple it up, stomp on it, and simply say: Oh, we are afraid of that speech, so we are going to ban it.

I think it has the opposite effect. I think it only encourages the protest.

What I would say to my colleagues is, think long and hard today before you vote to place limitations on the First Amendment.

The PRESIDING OFFICER (Mrs. BLACKBURN). The Senator from Michigan.

UNANIMOUS CONSENT REQUEST—AMENDMENT  
NO. 103

Mr. PETERS. Madam President, in a few moments, the Senate will vote on S. 1, the Strengthening America's Security in the Middle East Act.

This legislation contains several important bills to enhance defense cooperation with our partners who share the goal of fighting terrorism and promoting peace and prosperity.

For example, the bill includes the U.S.-Jordan Defense Cooperation Extension Act, which extends an existing defense cooperation program with Jordan that is set to expire later this year.

In the Senate Armed Services Committee this morning, we heard from the Commander of U.S. Central Command responsible for the Middle East, GEN Joseph Votel. He testified:

Jordan is one of our most committed partners in the Middle East and one of the most critical voices of modern Islam in the region. We must be careful to not take this vital partnership for granted.

Jordan hosts over 750,000 refugees and contributes to the fight against ISIS. This bill will enhance our cooperation, while enhancing security and supporting vital humanitarian efforts being conducted by this very important American ally.

The legislation also includes the Caesar Syria Civilian Protection Act. This bill is named after a Syrian Army defector who exposed photographs of torture and execution by the Syrian regime. His photos are evidence of the war crimes and extensive human rights abuses committed by Bashar al-Assad.

The Caesar bill will impose sanctions on individuals who support Assad. These sanctions will limit the ability of the Assad government to attack innocent civilians.

However, the bill before us is not perfect. I am concerned by title IV of this package. Title IV should have had a full debate in the Banking Committee before it ever reached the floor.

I believe there are serious questions about how this bill will impact the First Amendment rights of individuals who contract with State or local governments in a professional capacity but choose to boycott Israel in their personal capacity. These questions are even more complicated when the individual in question is a sole proprietor, a member of a small firm, or is receiving a small State contract.

Many of these questions are the result of the manner in which State and local governments have designed and implemented disclosure requirements. That is why I have introduced an amendment, Peters No. 103, which would limit application of State and local government laws related to contracting.

This amendment would not allow a State or local government to enforce measures to restrict contracting with firms of 10 or fewer employees, contracts with a value of \$100,000 or less, or any contract with a sole proprietor.

This amendment would clarify that it is not the intention of the bill to restrict the First Amendment right of any individual to protest—including through boycott—in their personal capacity.

Madam President, I ask unanimous consent to set aside the pending amendment, that amendment No. 103 be reported by number, and that the amendment be agreed to without intervening action or debate.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. RISCH. Madam President, reserving the right to object, first of all, I want to agree with my distinguished colleague and friend from Michigan as to almost everything he said, with the exception of article IV.

This BDS provision is a really important provision, and I understand what he is attempting to do with the exemptions. I understand he is putting them in for the small businesses, but having said that, we really believe this should apply across the board. Once we start the exempting process, it is going to be very difficult to stop. So given that, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. PETERS. Madam President, I am incredibly disappointed that we could not include my amendment today.

I believe this is an important issue and that it must be clarified. Ultimately, because of the many other critical provisions included in this bill related to foreign policy in the Middle East, I will support this bill today, but I also understand it is unlikely that the House of Representatives will address this bill in its current form.

I am sending a letter to the House of Representatives explaining my concerns with title IV, and I encourage them to adopt the provisions of my amendment that I attempted to put forward today.

With that, I would also like to yield some time to my colleague from Michigan.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Madam President, I am very proud to be a cosponsor of the Peters amendment, as well as other amendments that Senator PETERS has put forward, and I thank him very much for his leadership.

To me, this is common sense. I am very disappointed that this will not be included in this bill. I will join Senator PETERS in advocating in the House for this clarification and other changes that will make it very clear about an individual's right to be able to have freedom of speech in all of its forms.

It is very unfortunate today that we could not have adopted this common-sense approach that would have made this bill, I think, stronger than it is now.

I thank Senator PETERS for his hard work on this.

Mr. PETERS. Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. RISCH. Madam President, I rise to complete, I hope, the lengthy work we have done on S. 1—the first bill we introduced this year.

It is from the Foreign Relations Committee, and it is a bipartisan piece of legislation which many people have had input into. It is a conglomerate of several pieces of legislation that we have worked on for a considerable period of time, and all of those I know are supported in a bipartisan way.

I would like to walk through the five parts of this very briefly. The first one, of course, is the United States-Israel Security Authorization Assistance Act of 2019. That is one we spent a considerable period of time on.

Without a doubt, Israel is one of the best friends we have in the world. Certainly, in the neighborhood they live in, which is a very dangerous neighborhood, they need our help. We work with them very closely in many respects—in many national security respects, with people who aren't out in the public realm and who will probably never be out in the public realm, but they are important for the security of Israel.

The second is the Jordan Defense Authorization Act. I think all of us are aware, again, that Jordan is a great friend to have in the Middle East. Like Israel, it lives in a very dangerous neighborhood. Jordan has stood by us through thick and thin and through many challenges we have had. Jordan also has, in its great humanitarian view, taken in a number of refugees there.

As we work with Jordan, it is a cooperative effort to help them as they sustain these populations of displaced people who hopefully will be able to return at some point in time.

Thirdly, the Caesar Syria Civilian Protection Act of 2019 is also included in this piece of legislation. This is a piece of legislation that I think my friend from Michigan described quite aptly. It is named after an individual

who is very brave and who brought out a lot of evidence of acts that people knew and suspected were happening. He brought them out into the public.

This is a bill that will use America's power to sanction, and it will refresh some of the sanctions we have already put in place. It is just an excellent way to attempt to persuade Bashar al-Assad that he is going in a very wrong direction, hurting his people as he is.

The Combating BDS Act of 2019 is an act that has some controversy to it. Again, the goals have already been discussed on the floor for many days and at considerable length. Without going into all of the details, it is designed to see that the BDS activity is tamped down and that it is not appropriate to use against our friend Israel.

Lastly, the most recent addition, of course, was the McConnell amendment that has been added. This amendment has been badly mischaracterized by the national media for a number of days now.

I keep reading where the national media writes that the U.S. Senate rebuked—they used the word “rebuked”—President Trump. Nothing could be further from the truth.

In fact, when President Trump was running for office, he said his bottom line was to attempt to get us out of some of these entanglements that we have had.

One, of course, is Afghanistan, which has been on our mind for 17 years. The other was Syria. He rolled out the idea that we shouldn't be considering that. This system worked exactly the way the Founding Fathers intended for it to work. When it comes to foreign relations, when it comes to these kind of matters, it is a joint operation between the first and the second branches of government—between the legislative and the executive branches of government.

After the President put this on the table as the leader of the Nation, people began to talk. It was greatly debated both in this body—in the U.S. Senate—in the House of Representatives, and within the administration itself. What has happened with this piece of legislation is, first of all, it commends the President for all of the things he has been able to do in Syria and getting ISIS contained to a very small area that remains. It also lays out the challenges we face and commits to joining the President as we go forward and as we continue the work that is ahead of us in the Middle East.

This is a great piece of legislation. I commend it to my fellow Senators.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, all postcloture time has expired.

VOTE ON AMENDMENT NO. 98

The PRESIDING OFFICER. The question is on agreeing to amendment No. 98 offered by the Senator from New Jersey (Mr. MENENDEZ).

The amendment (No. 98) was agreed to.

## VOTE ON AMENDMENT NO. 97

The PRESIDING OFFICER. The question is on agreeing to amendment No. 97 offered by the Senator from Idaho (Mr. RISCH), as amended.

The amendment (No. 97), as amended, was agreed to.

The PRESIDING OFFICER. The question occurs on the passage of S. 1, as amended.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. RISCH. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The bill having been read the third time, the question is, Shall the bill pass?

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 77, nays 23, as follows:

[Rollcall Vote No. 16 Leg.]

## YEAS—77

Alexander	Fischer	Portman
Barrasso	Gardner	Risch
Bennet	Graham	Roberts
Blackburn	Grassley	Romney
Blumenthal	Hassan	Rosen
Blunt	Hawley	Rounds
Boozman	Hoeben	Rubio
Braun	Hyde-Smith	Sasse
Burr	Inhofe	Schumer
Cantwell	Isakson	Scott (FL)
Capito	Johnson	Scott (SC)
Cardin	Jones	Shelby
Casey	Kennedy	Sinema
Cassidy	King	Smith
Collins	Klobuchar	Stabenow
Coons	Lankford	Sullivan
Cornyn	Lee	Tester
Cortez Masto	Manchin	Thune
Cotton	McConnell	Tillis
Cramer	McSally	Toomey
Crapo	Menendez	Warner
Cruz	Moran	Whitehouse
Daines	Murkowski	Wicker
Duckworth	Murray	Wyden
Enzi	Perdue	Young
Ernst	Peters	

## NAYS—23

Baldwin	Heinrich	Reed
Booker	Hirono	Sanders
Brown	Kaine	Schatz
Carper	Leahy	Shaheen
Durbin	Markey	Udall
Feinstein	Merkley	Van Hollen
Gillibrand	Murphy	Warren
Harris	Paul	

The bill (S. 1), as amended, was passed, as follows:

## S. 1

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) **SHORT TITLE.**—This Act may be cited as the “Strengthening America’s Security in the Middle East Act of 2019”.

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

**TITLE I—ILEANA ROS-LEHTINEN UNITED STATES-ISRAEL SECURITY ASSISTANCE AUTHORIZATION ACT OF 2019**

Sec. 101. Short title.

Sec. 102. Appropriate congressional committees defined.

Subtitle A—Security Assistance for Israel

Sec. 111. Findings.

Sec. 112. Statement of policy regarding Israel’s defense systems.

Sec. 113. Assistance for Israel.

Sec. 114. Extension of war reserves stockpile authority.

Sec. 115. Extension of loan guarantees to Israel.

Sec. 116. Transfer of precision guided munitions to Israel.

Sec. 117. Sense of Congress on rapid acquisition and deployment procedures.

Sec. 118. Eligibility of Israel for the strategic trade authorization exception to certain export control licensing requirements.

Subtitle B—Enhanced United States-Israel Cooperation

Sec. 121. United States-Israel space cooperation.

Sec. 122. United States-Israel enhanced partnership for development cooperation in developing nations.

Sec. 123. Authority to enter into a cooperative project agreement with Israel to counter unmanned aerial vehicles that threaten the United States or Israel.

Subtitle C—Ensuring Israel’s Qualitative Military Edge

Sec. 131. Statement of policy.

**TITLE II—UNITED STATES-JORDAN DEFENSE COOPERATION EXTENSION ACT**

Sec. 201. Short title.

Sec. 202. Findings.

Sec. 203. Sense of Congress.

Sec. 204. Reauthorization of United States-Jordan Defense Cooperation Act of 2015.

Sec. 205. Report on establishing an enterprise fund for Jordan.

**TITLE III—CAESAR SYRIA CIVILIAN PROTECTION ACT OF 2019**

Sec. 301. Short title.

Subtitle A—Additional Actions in Connection With the National Emergency With Respect to Syria

Sec. 311. Measures with respect to Central Bank of Syria.

Sec. 312. Sanctions with respect to foreign persons that engage in certain transactions.

Subtitle B—Assistance for the People of Syria

Sec. 321. Codification of certain services in support of nongovernmental organizations’ activities authorized.

Sec. 322. Briefing on strategy to facilitate humanitarian assistance.

Subtitle C—General Provisions

Sec. 331. Suspension of sanctions.

Sec. 332. Waivers and exemptions.

Sec. 333. Implementation and regulatory authorities.

Sec. 334. Rule of construction.

Sec. 335. Sunset.

**TITLE IV—COMBATING BDS ACT OF 2019**

Sec. 401. Short title.

Sec. 402. Nonpreemption of measures by State and local governments to divest from entities that engage in certain boycott, divestment, or sanctions activities targeting Israel or persons doing business in Israel or Israeli-controlled territories.

Sec. 403. Safe harbor for changes of investment policies by asset managers.

Sec. 404. Sense of congress regarding certain ERISA plan investments.

Sec. 405. Rule of construction.

Sec. 406. Clarification of deadline for report on establishing an enterprise fund for Jordan.

Sec. 407. Form of report on the cooperation of the United States and Israel with respect to countering unmanned aerial systems.

Sec. 408. Sense of Senate on withdrawals of United States forces from Syria and Afghanistan.

**TITLE I—ILEANA ROS-LEHTINEN UNITED STATES-ISRAEL SECURITY ASSISTANCE AUTHORIZATION ACT OF 2019****SEC. 101. SHORT TITLE.**

This title may be cited as the “Ileana Ros-Lehtinen United States-Israel Security Assistance Authorization Act of 2019”.

**SEC. 102. APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**

In this title, the term “appropriate congressional committees” means—

(1) the Committee on Foreign Relations and the Committee on Armed Services of the Senate; and

(2) the Committee on Foreign Affairs and the Committee on Armed Services of the House of Representatives.

**Subtitle A—Security Assistance for Israel****SEC. 111. FINDINGS.**

Congress makes the following findings:

(1) In February 1987, the United States granted Israel major non-NATO ally status.

(2) On August 16, 2007, the United States and Israel signed a 10-year Memorandum of Understanding on United States military assistance to Israel. The total assistance over the course of this understanding would equal \$30 billion.

(3) On July 27, 2012, the United States-Israel Enhanced Security Cooperation Act of 2012 (Public Law 112-150; 22 U.S.C. 8601 et seq.) declared it to be the policy of the United States “to help the Government of Israel preserve its qualitative military edge amid rapid and uncertain regional political transformation” and stated the sense of Congress that the United States Government should “provide the Government of Israel defense articles and defense services through such mechanisms as appropriate, to include air refueling tankers, missile defense capabilities, and specialized munitions”.

(4) On December 19, 2014, President Barack Obama signed into law the United States-Israel Strategic Partnership Act of 2014 (Public Law 113-296) which stated the sense of Congress that Israel is a major strategic partner of the United States and declared it to be the policy of the United States “to continue to provide Israel with robust security assistance, including for the procurement of the Iron Dome Missile Defense System”.

(5) Section 1679 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 129 Stat. 1135) authorized funds to be appropriated for Israeli cooperative missile defense program codevelopment and coproduction, including funds to be provided to the Government of Israel to procure the David’s Sling weapon system as well as the Arrow 3 Upper Tier Interceptor Program.

(6) On September 14, 2016, the United States and Israel signed a 10-year Memorandum of Understanding reaffirming the importance of continuing annual United States military assistance to Israel and cooperative missile defense programs in a way that enhances Israel’s security and strengthens the bilateral relationship between the two countries.

(7) The 2016 Memorandum of Understanding reflected United States support of Foreign Military Financing (FMF) grant assistance to Israel over the 10-year period beginning in fiscal year 2019 and ending in fiscal year 2028. FMF grant assistance would be at a level of



\$3,300,000,000 annually, totaling \$33 billion, the largest single pledge of military assistance ever and a reiteration of the seven-decade, unshakeable, bipartisan commitment of the United States to Israel's security.

(8) The Memorandum of Understanding also reflected United States support for funding for cooperative programs to develop, produce, and procure missile, rocket, and projectile defense capabilities over a 10-year period beginning in fiscal year 2019 and ending in fiscal year 2028 at a level of \$500 million per year, totaling \$5 billion.

#### **SEC. 112. STATEMENT OF POLICY REGARDING ISRAEL'S DEFENSE SYSTEMS.**

It shall be the policy of the United States to provide assistance to the Government of Israel in order to support funding for cooperative programs to develop, produce, and procure missile, rocket, projectile, and other defense capabilities to help Israel meet its security needs and to help develop and enhance United States defense capabilities.

#### **SEC. 113. ASSISTANCE FOR ISRAEL.**

Section 513(c) of the Security Assistance Act of 2000 (Public Law 106-280; 114 Stat. 856) is amended—

(1) in paragraph (1), by striking “2002 and 2003” and inserting “2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, and 2028”; and

(2) in paragraph (2)—

(A) by striking “equal to—” and inserting “not less than \$3,300,000,000.”; and

(B) by striking subparagraphs (A) and (B).

#### **SEC. 114. EXTENSION OF WAR RESERVES STOCKPILE AUTHORITY.**

Section 514(b)(2)(A) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h(b)(2)(A)) is amended by striking “2013, 2014, 2015, 2016, 2017, 2018, and 2019” and inserting “2019, 2020, 2021, 2022, and 2023”.

#### **SEC. 115. EXTENSION OF LOAN GUARANTEES TO ISRAEL.**

Chapter 5 of title I of the Emergency War-time Supplemental Appropriations Act, 2003 (Public Law 108-11; 117 Stat. 576) is amended under the heading “LOAN GUARANTEES TO ISRAEL”—

(1) in the matter preceding the first proviso, by striking “September 30, 2019” and inserting “September 30, 2023”; and

(2) in the second proviso, by striking “September 30, 2019” and inserting “September 30, 2023”.

#### **SEC. 116. TRANSFER OF PRECISION GUIDED MUNITIONS TO ISRAEL.**

(a) IN GENERAL.—Notwithstanding section 514 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h), the President is authorized to transfer such quantities of precision guided munitions from reserve stocks to Israel as necessary for legitimate self-defense and otherwise consistent with the purposes and conditions for such transfers under the Arms Export Control Act (22 U.S.C. 2751 et seq.).

(b) CERTIFICATIONS.—Except in case of emergency, not later than 5 days before making a transfer under this section, the President shall certify in an unclassified notification to the appropriate congressional committees that the transfer of the precision guided munitions—

(1) does not affect the ability of the United States to maintain a sufficient supply of precision guided munitions;

(2) does not harm the combat readiness of the United States or the ability of the United States to meet its commitment to allies for the transfer of such munitions;

(3) is necessary for Israel to counter the threat of rockets in a timely fashion; and

(4) is in the national security interest of the United States.

#### **SEC. 117. SENSE OF CONGRESS ON RAPID ACQUISITION AND DEPLOYMENT PROCEDURES.**

It is the sense of Congress that the President should prescribe procedures for the

rapid acquisition and deployment of precision guided munitions for United States counterterrorism missions, or to assist an ally of the United States, including Israel, that is subject to direct missile threat.

#### **SEC. 118. ELIGIBILITY OF ISRAEL FOR THE STRATEGIC TRADE AUTHORIZATION EXCEPTION TO CERTAIN EXPORT CONTROL LICENSING REQUIREMENTS.**

(a) FINDINGS.—Congress makes the following findings:

(1) Israel has adopted high standards in the field of export controls.

(2) Israel has declared its unilateral adherence to the Missile Technology Control Regime, the Australia Group, and the Nuclear Suppliers Group.

(3) Israel is a party to—

(A) the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which may be Deemed to be Excessively Injurious or to Have Indiscriminate Effects, signed at Geneva October 10, 1980;

(B) the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva June 17, 1925; and

(C) the Convention on the Physical Protection of Nuclear Material, adopted at Vienna October 26, 1979.

(4) Section 6(b) of the United States-Israel Strategic Partnership Act of 2014 (22 U.S.C. 8603 note) directs the President, consistent with the commitments of the United States under international agreements, to take steps so that Israel may be included in the list of countries eligible for the strategic trade authorization exception under section 740.20(c)(1) of title 15, Code of Federal Regulations, to the requirement for a license for the export, reexport, or in-country transfer of an item subject to controls under the Export Administration Regulations.

(b) REPORT ON ELIGIBILITY FOR STRATEGIC TRADE AUTHORIZATION EXCEPTION.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report that describes the steps taken pursuant to section 6(b) of the United States-Israel Strategic Partnership Act of 2014 (22 U.S.C. 8603 note).

(2) FORM.—The report required under paragraph (1) shall be provided in unclassified form, but may contain a classified portion.

#### **Subtitle B—Enhanced United States-Israel Cooperation**

#### **SEC. 121. UNITED STATES-ISRAEL SPACE COOPERATION.**

(a) FINDINGS.—Congress makes the following findings:

(1) Authorized in 1958, the National Aeronautics and Space Administration (NASA) supports and coordinates United States Government research in aeronautics, human exploration and operations, science, and space technology.

(2) Established in 1983, the Israel Space Agency (ISA) supports the growth of Israel's space industry by supporting academic research, technological innovation, and educational activities.

(3) The mutual interest of the United States and Israel in space exploration affords both nations an opportunity to leverage their unique abilities to advance scientific discovery.

(4) In 1996, NASA and the ISA entered into an agreement outlining areas of mutual cooperation, which remained in force until 2005.

(5) Since 1996, NASA and the ISA have successfully cooperated on many space programs supporting the Global Positioning

System and research related to the sun, earth science, and the environment.

(6) The bond between NASA and the ISA was permanently forged on February 1, 2003, with the loss of the crew of STS-107, including Israeli Astronaut Ilan Ramon.

(7) On October 13, 2015, the United States and Israel signed the Framework Agreement between the National Aeronautics and Space Administration of the United States of America and the Israel Space Agency for Cooperation in Aeronautics and the Exploration and Use of Airspace and Outer Space for Peaceful Purposes.

(b) CONTINUING COOPERATION.—The Administrator of the National Aeronautics and Space Administration shall continue to work with the Israel Space Agency to identify and cooperatively pursue peaceful space exploration and science initiatives in areas of mutual interest, taking all appropriate measures to protect sensitive information, intellectual property, trade secrets, and economic interests of the United States.

#### **SEC. 122. UNITED STATES-ISRAEL ENHANCED PARTNERSHIP FOR DEVELOPMENT COOPERATION IN DEVELOPING NATIONS.**

(a) STATEMENT OF POLICY.—It should be the policy of the United States to partner with Israel in order to advance common goals across a wide variety of sectors, including energy, agriculture and food security, democracy, human rights and governance, economic growth and trade, education, environment, global health, and water and sanitation.

(b) MEMORANDUM OF UNDERSTANDING.—The Secretary of State, acting through the Administrator of the United States Agency for International Development in accordance with established procedures, is authorized to enter into memoranda of understanding with Israel in order to enhance coordination on advancing common goals on energy, agriculture and food security, democracy, human rights and governance, economic growth and trade, education, environment, global health, and water and sanitation with a focus on strengthening mutual ties and cooperation with nations throughout the world.

#### **SEC. 123. AUTHORITY TO ENTER INTO A COOPERATIVE PROJECT AGREEMENT WITH ISRAEL TO COUNTER UNMANNED AERIAL VEHICLES THAT THREATEN THE UNITED STATES OR ISRAEL.**

(a) FINDINGS.—Congress makes the following findings:

(1) On February 10, 2018, Iran launched from Syria an unmanned aerial vehicle (commonly known as a “drone”) that penetrated Israeli airspace.

(2) According to a press report, the unmanned aerial vehicle was in Israeli airspace for a minute and a half before being shot down by its air force.

(3) Senior Israeli officials stated that the unmanned aerial vehicle was an advanced piece of technology.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) joint research and development to counter unmanned aerial vehicles will serve the national security interests of the United States and Israel;

(2) Israel faces urgent and emerging threats from unmanned aerial vehicles, and other unmanned vehicles, launched from Lebanon by Hezbollah, from Syria by Iran's Revolutionary Guard Corps, or from others seeking to attack Israel;

(3) efforts to counter unmanned aerial vehicles should include the feasibility of utilizing directed energy and high powered microwave technologies, which can disable vehicles without kinetic destruction; and

(4) the United States and Israel should continue to work together to defend against all

threats to the safety, security, and national interests of both countries.

(c) **AUTHORITY TO ENTER INTO AGREEMENT.**—

(1) **IN GENERAL.**—The President is authorized to enter into a cooperative project agreement with Israel under the authority of section 27 of the Arms Export Control Act (22 U.S.C. 2767), to carry out research on, and development, testing, evaluation, and joint production (including follow-on support) of, defense articles and defense services, such as the use of directed energy or high powered microwave technology, to detect, track, and destroy unmanned aerial vehicles that threaten the United States or Israel.

(2) **APPLICABLE REQUIREMENTS.**—The cooperative project agreement described in paragraph (1) shall—

(A) provide that any activities carried out pursuant to the agreement are subject to—

(i) the applicable requirements described in subparagraphs (A), (B), and (C) of section 27(b)(2) of the Arms Export Control Act (22 U.S.C. 2767(b)(2)); and

(ii) any other applicable requirements of the Arms Export Control Act (22 U.S.C. 2751 et seq.) with respect to the use, transfers, and security of such defense articles and defense services under that Act;

(B) establish a framework to negotiate the rights to intellectual property developed under the agreement; and

(C) include appropriate protections for sensitive technology.

(d) **REPORT ON COOPERATION.**—

(1) **REPORT REQUIRED.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees (as that term is defined in section 101(a) of title 10, United States Code), the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives a report describing the cooperation of the United States with Israel with respect to countering unmanned aerial systems that includes each of the following:

(A) An identification of specific capability gaps of the United States and Israel with respect to countering unmanned aerial systems.

(B) An identification of cooperative projects that would address those capability gaps and mutually benefit and strengthen the security of the United States and Israel.

(C) An assessment of the projected cost for research and development efforts for such cooperative projects, including an identification of those to be conducted in the United States, and the timeline for the completion of each such project.

(D) An assessment of the extent to which the capability gaps of the United States identified pursuant to subparagraph (A) are not likely to be addressed through the cooperative projects identified pursuant to subparagraph (B).

(E) An assessment of the projected costs for procurement and fielding of any capabilities developed jointly pursuant to an agreement described in subsection (c).

(2) **LIMITATION.**—No activities may be conducted pursuant to an agreement described in subsection (c) until the date that is 15 days after the date on which the Secretary of Defense submits the report required under paragraph (1).

#### **Subtitle C—Ensuring Israel's Qualitative Military Edge**

#### **SEC. 131. STATEMENT OF POLICY.**

It is the policy of the United States to ensure that Israel maintains its ability to counter and defeat any credible conventional military, or emerging, threat from any individual state or possible coalition of states or from non-state actors, while sustaining

minimal damages and casualties, through the use of superior military means, possessed in sufficient quantity, including weapons, command, control, communication, intelligence, surveillance, and reconnaissance capabilities that in their technical characteristics are superior in capability to those of such other individual or possible coalition states or non-state actors.

#### **TITLE II—UNITED STATES-JORDAN DEFENSE COOPERATION EXTENSION ACT**

##### **SEC. 201. SHORT TITLE.**

This title may be cited as the “United States-Jordan Defense Cooperation Extension Act”.

##### **SEC. 202. FINDINGS.**

Congress finds the following:

(1) In December 2011, Congress passed section 7041(b) of the Consolidated Appropriations Act, 2012 (Public Law 112-74; 125 Stat. 1223), which appropriated funds made available under the heading “Economic Support Fund” to establish an enterprise fund for Jordan.

(2) The intent of an enterprise fund is to attract private investment to help entrepreneurs and small businesses create jobs and to achieve sustainable economic development.

(3) Jordan is an instrumental partner in the fight against terrorism, including as a member of the Global Coalition To Counter ISIS and the Combined Joint Task Force - Operation Inherent Resolve.

(4) In 2014, His Majesty King Abdullah stated that “Jordanians and Americans have been standing shoulder to shoulder against extremism for many years, but to a new level with this coalition against ISIL”.

(5) On February 3, 2015, the United States signed a 3-year memorandum of understanding with Jordan, pledging to provide the kingdom with \$1,000,000,000 annually in United States foreign assistance, subject to the approval of Congress.

##### **SEC. 203. SENSE OF CONGRESS.**

It is the sense of Congress that—

(1) Jordan plays a critical role in responding to the overwhelming humanitarian needs created by the conflict in Syria; and

(2) Jordan, the United States, and other partners should continue working together to address this humanitarian crisis and promote regional stability, including through support for refugees in Jordan and internally displaced people along the Jordan-Syria border and the creation of conditions inside Syria that will allow for the secure, dignified, and voluntary return of people displaced by the crisis.

##### **SEC. 204. REAUTHORIZATION OF UNITED STATES-JORDAN DEFENSE COOPERATION ACT OF 2015.**

Section 5(a) of the United States-Jordan Defense Cooperation Act of 2015 (22 U.S.C. 2753 note) is amended—

(1) by striking “During the 3-year period” and inserting “During the period”; and

(2) by inserting “and ending on December 31, 2022” after “enactment of this Act”.

##### **SEC. 205. REPORT ON ESTABLISHING AN ENTERPRISE FUND FOR JORDAN.**

(a) **IN GENERAL.**—Not later than 180 days after the establishment of the United States Development Finance Corporation, the President shall submit to the appropriate congressional committees a detailed report assessing the costs and benefits of the United States Development Finance Corporation establishing a Jordan Enterprise Fund.

(b) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Foreign Relations and the Committee on Appropriations of the Senate; and

(2) the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives.

#### **TITLE III—CAESAR SYRIA CIVILIAN PROTECTION ACT OF 2019**

##### **SEC. 301. SHORT TITLE.**

This title may be cited as the “Caesar Syria Civilian Protection Act of 2019”.

##### **Subtitle A—Additional Actions in Connection With the National Emergency With Respect to Syria**

##### **SEC. 311. MEASURES WITH RESPECT TO CENTRAL BANK OF SYRIA.**

(a) **DETERMINATION REGARDING CENTRAL BANK OF SYRIA.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Treasury shall determine, under section 5318A of title 31, United States Code, whether reasonable grounds exist for concluding that the Central Bank of Syria is a financial institution of primary money laundering concern.

(b) **ENHANCED DUE DILIGENCE AND REPORTING REQUIREMENTS.**—If the Secretary of the Treasury determines under subsection (a) that reasonable grounds exist for concluding that the Central Bank of Syria is a financial institution of primary money laundering concern, the Secretary, in consultation with the Federal functional regulators (as defined in section 509 of the Gramm-Leach-Bliley Act (15 U.S.C. 6809)), shall impose one or more of the special measures described in section 5318A(b) of title 31, United States Code, with respect to the Central Bank of Syria.

(c) **REPORT REQUIRED.**—

(1) **IN GENERAL.**—Not later than 90 days after making a determination under subsection (a) with respect to whether the Central Bank of Syria is a financial institution of primary money laundering concern, the Secretary of the Treasury shall submit to the appropriate congressional committees a report that includes the reasons for the determination.

(2) **FORM.**—A report required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(3) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this subsection, the term “appropriate congressional committees” means—

(A) the Committee on Foreign Affairs, the Committee on Financial Services, and the Committee on Appropriations of the House of Representatives; and

(B) the Committee on Foreign Relations, the Committee on Banking, Housing, and Urban Affairs, and the Committee on Appropriations of the Senate.

##### **SEC. 312. SANCTIONS WITH RESPECT TO FOREIGN PERSONS THAT ENGAGE IN CERTAIN TRANSACTIONS.**

(a) **IMPOSITION OF SANCTIONS.**—

(1) **IN GENERAL.**—On and after the date that is 180 days after the date of the enactment of this Act, the President shall impose the sanctions described in subsection (b) with respect to a foreign person if the President determines that the foreign person, on or after such date of enactment, knowingly engages in an activity described in paragraph (2).

(2) **ACTIVITIES DESCRIBED.**—A foreign person engages in an activity described in this paragraph if the foreign person—

(A) knowingly provides significant financial, material, or technological support to, or knowingly engages in a significant transaction with—

(i) the Government of Syria (including any entity owned or controlled by the Government of Syria) or a senior political figure of the Government of Syria;

(ii) a foreign person that is a military contractor, mercenary, or a paramilitary force knowingly operating in a military capacity



inside Syria for or on behalf of the Government of Syria, the Government of the Russian Federation, or the Government of Iran; or

(iii) a foreign person subject to sanctions pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) with respect to Syria or any other provision of law that imposes sanctions with respect to Syria;

(B) knowingly sells or provides significant goods, services, technology, information, or other support that significantly facilitates the maintenance or expansion of the Government of Syria's domestic production of natural gas, petroleum, or petroleum products;

(C) knowingly sells or provides aircraft or spare aircraft parts that are used for military purposes in Syria for or on behalf of the Government of Syria to any foreign person operating in an area directly or indirectly controlled by the Government of Syria or foreign forces associated with the Government of Syria;

(D) knowingly provides significant goods or services associated with the operation of aircraft that are used for military purposes in Syria for or on behalf of the Government of Syria to any foreign person operating in an area described in subparagraph (C); or

(E) knowingly, directly or indirectly, provides significant construction or engineering services to the Government of Syria.

(3) SENSE OF CONGRESS.—It is the sense of Congress that, in implementing this section, the President should consider financial support under paragraph (2)(A) to include the provision of loans, credits, or export credits.

(b) SANCTIONS DESCRIBED.—

(1) IN GENERAL.—The sanctions to be imposed with respect to a foreign person subject to subsection (a) are the following:

(A) BLOCKING OF PROPERTY.—The President shall exercise all of the powers granted to the President under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) to the extent necessary to block and prohibit all transactions in property and interests in property of the foreign person if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(B) ALIENS INELIGIBLE FOR VISAS, ADMISSION, OR PAROLE.—

(i) VISAS, ADMISSION, OR PAROLE.—An alien who the Secretary of State or the Secretary of Homeland Security (or a designee of one of such Secretaries) knows, or has reason to believe, has knowingly engaged in any activity described in subsection (a)(2) is—

(I) inadmissible to the United States;

(II) ineligible to receive a visa or other documentation to enter the United States; and

(III) otherwise ineligible to be admitted or paroled into the United States or to receive any other benefit under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(ii) CURRENT VISAS REVOKED.—

(I) IN GENERAL.—The issuing consular officer, the Secretary of State, or the Secretary of Homeland Security (or a designee of one of such Secretaries) shall, in accordance with section 221(i) of the Immigration and Nationality Act (8 U.S.C. 1201(i)), revoke any visa or other entry documentation issued to an alien described in clause (i) regardless of when the visa or other entry documentation is issued.

(II) EFFECT OF REVOCATION.—A revocation under subclause (I)—

(aa) shall take effect immediately; and

(bb) shall automatically cancel any other valid visa or entry documentation that is in the alien's possession.

(2) PENALTIES.—The penalties provided for in subsections (b) and (c) of section 206 of the International Emergency Economic Powers

Act (50 U.S.C. 1705) shall apply to a person that violates, attempts to violate, conspires to violate, or causes a violation of regulations promulgated under section 333(b) to carry out paragraph (1)(A) to the same extent that such penalties apply to a person that commits an unlawful act described in section 206(a) of that Act.

(3) EXCEPTION RELATING TO IMPORTATION OF GOODS.—

(A) IN GENERAL.—The requirement to block and prohibit all transactions in all property and interests in property under paragraph (1)(A) shall not include the authority to impose sanctions on the importation of goods.

(B) GOOD DEFINED.—In this paragraph, the term “good” means any article, natural or man-made substance, material, supply or manufactured product, including inspection and test equipment, and excluding technical data.

(c) DEFINITIONS.—In this section:

(1) ADMITTED; ALIEN.—The terms “admitted” and “alien” have the meanings given those terms in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101).

(2) FOREIGN PERSON.—The term “foreign person” means a person that is not a United States person.

(3) KNOWINGLY.—The term “knowingly”, with respect to conduct, a circumstance, or a result, means that a person has actual knowledge, or should have known, of the conduct, the circumstance, or the result.

(4) UNITED STATES PERSON.—The term “United States person” means—

(A) a United States citizen or an alien lawfully admitted for permanent residence to the United States; or

(B) an entity organized under the laws of the United States or any jurisdiction within the United States, including a foreign branch of such an entity.

#### Subtitle B—Assistance for the People of Syria

#### SEC. 321. CODIFICATION OF CERTAIN SERVICES IN SUPPORT OF NONGOVERNMENTAL ORGANIZATIONS' ACTIVITIES AUTHORIZED.

(a) IN GENERAL.—Except as provided in subsection (b), section 542.516 of title 31, Code of Federal Regulations (relating to certain services in support of nongovernmental organizations' activities authorized), as in effect on the day before the date of the enactment of this Act, shall—

(1) remain in effect on and after such date of enactment; and

(2) in the case of a nongovernmental organization that is authorized to export or reexport services to Syria under such section on the day before such date of enactment, apply to such organization on and after such date of enactment to the same extent and in the same manner as such section applied to such organization on the day before such date of enactment.

(b) EXCEPTION.—

(1) IN GENERAL.—Section 542.516 of title 31, Code of Federal Regulations, as codified under subsection (a), shall not apply with respect to a foreign person that has been designated as a foreign terrorist organization under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189), or otherwise designated as a terrorist organization, by the Secretary of State, in consultation with or upon the request of the Attorney General or the Secretary of Homeland Security.

(2) EFFECTIVE DATE.—Paragraph (1) shall apply with respect to a foreign person on and after the date on which the designation of that person as a terrorist organization is published in the Federal Register.

#### SEC. 322. BRIEFING ON STRATEGY TO FACILITATE HUMANITARIAN ASSISTANCE.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act,

the President shall brief the appropriate congressional committees on the strategy of the President to help facilitate the ability of humanitarian organizations to access financial services to help facilitate the safe and timely delivery of assistance to communities in need in Syria.

(b) CONSIDERATION OF DATA FROM OTHER COUNTRIES AND NONGOVERNMENTAL ORGANIZATIONS.—In preparing the strategy required by subsection (a), the President shall consider credible data already obtained by other countries and nongovernmental organizations, including organizations operating in Syria.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Foreign Affairs, the Committee on Financial Services, and the Committee on Appropriations of the House of Representatives; and

(2) the Committee on Foreign Relations, the Committee on Banking, Housing, and Urban Affairs, and the Committee on Appropriations of the Senate.

#### Subtitle C—General Provisions

#### SEC. 331. SUSPENSION OF SANCTIONS.

(a) IN GENERAL.—The President may suspend in whole or in part the imposition of sanctions otherwise required under this title for periods not to exceed 180 days if the President determines that the following criteria have been met in Syria:

(1) The air space over Syria is no longer being utilized by the Government of Syria or the Government of the Russian Federation to target civilian populations through the use of incendiary devices, including barrel bombs, chemical weapons, and conventional arms, including air-delivered missiles and explosives.

(2) Areas besieged by the Government of Syria, the Government of the Russian Federation, the Government of Iran, or a foreign person described in section 312(a)(2)(A)(ii) are no longer cut off from international aid and have regular access to humanitarian assistance, freedom of travel, and medical care.

(3) The Government of Syria is releasing all political prisoners forcibly held within the prison system of the regime of Bashar al-Assad and the Government of Syria is allowing full access to the same facilities for investigations by appropriate international human rights organizations.

(4) The forces of the Government of Syria, the Government of the Russian Federation, the Government of Iran, and any foreign person described in section 312(a)(2)(A)(ii) are no longer engaged in deliberate targeting of medical facilities, schools, residential areas, and community gathering places, including markets, in violation of international norms.

(5) The Government of Syria is—

(A) taking steps to verifiably fulfill its commitments under the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction, done at Geneva September 3, 1992, and entered into force April 29, 1997 (commonly known as the “Chemical Weapons Convention”), and the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow July 1, 1968, and entered into force March 5, 1970 (21 UST 483); and

(B) making tangible progress toward becoming a signatory to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction, done at Washington, London, and Moscow April 10, 1972, and entered into force March 26, 1975 (26 UST 583).

(6) The Government of Syria is permitting the safe, voluntary, and dignified return of Syrians displaced by the conflict.

(7) The Government of Syria is taking verifiable steps to establish meaningful accountability for perpetrators of war crimes in Syria and justice for victims of war crimes committed by the Assad regime, including by participation in a credible and independent truth and reconciliation process.

(b) BRIEFING REQUIRED.—Not later than 30 days after the President makes a determination described in subsection (a), the President shall provide a briefing to the appropriate congressional committees on the determination and the suspension of sanctions pursuant to the determination.

(c) REIMPOSITION OF SANCTIONS.—Any sanctions suspended under subsection (a) shall be reimposed if the President determines that the criteria described in that subsection are no longer being met.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit the authority of the President to terminate the application of sanctions under section 312 with respect to a person that no longer engages in activities described in subsection (a)(2) of that section.

(e) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Foreign Affairs, the Committee on Financial Services, the Committee on Ways and Means, the Committee on the Judiciary, and the Committee on Appropriations of the House of Representatives; and

(2) the Committee on Foreign Relations, the Committee on Banking, Housing, and Urban Affairs, the Committee on the Judiciary, and the Committee on Appropriations of the Senate.

#### SEC. 332. WAIVERS AND EXEMPTIONS.

(a) EXEMPTIONS.—The following activities and transactions shall be exempt from sanctions authorized under this title:

(1) Any activity subject to the reporting requirements under title V of the National Security Act of 1947 (50 U.S.C. 3091 et seq.), or to any authorized law enforcement, national security, or intelligence activities of the United States.

(2) Any transaction necessary to comply with United States obligations under—

(A) the Agreement regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947, between the United Nations and the United States;

(B) the Convention on Consular Relations, done at Vienna April 24, 1963, and entered into force March 19, 1967; or

(C) any other international agreement to which the United States is a party.

(b) WAIVER.—

(1) IN GENERAL.—The President may, for periods not to exceed 180 days, waive the application of any provision of this title with respect to a foreign person if the President certifies to the appropriate congressional committees that such a waiver is in the national security interests of the United States.

(2) BRIEFING.—Not later than 90 days after the issuance of a waiver under paragraph (1), and every 180 days thereafter while the waiver remains in effect, the President shall brief the appropriate congressional committees on the reasons for the waiver.

(c) HUMANITARIAN WAIVER.—

(1) IN GENERAL.—The President may waive, for renewable periods not to exceed 2 years, the application of any provision of this title with respect to a nongovernmental organiza-

tion providing humanitarian assistance not covered by the authorization described in section 321 if the President certifies to the appropriate congressional committees that such a waiver is important to address a humanitarian need and is consistent with the national security interests of the United States.

(2) BRIEFING.—Not later than 90 days after the issuance of a waiver under paragraph (1), and every 180 days thereafter while the waiver remains in effect, the President shall brief the appropriate congressional committees on the reasons for the waiver.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Foreign Affairs, the Committee on Financial Services, the Committee on Ways and Means, the Committee on the Judiciary, and the Committee on Appropriations of the House of Representatives; and

(2) the Committee on Foreign Relations, the Committee on Banking, Housing, and Urban Affairs, the Committee on the Judiciary, and the Committee on Appropriations of the Senate.

#### SEC. 333. IMPLEMENTATION AND REGULATORY AUTHORITIES.

(a) IMPLEMENTATION AUTHORITY.—The President may exercise all authorities provided to the President under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) for purposes of carrying out this title.

(b) REGULATORY AUTHORITY.—The President shall, not later than 180 days after the date of the enactment of this Act, promulgate regulations as necessary for the implementation of this title.

#### SEC. 334. RULE OF CONSTRUCTION.

Nothing in this title shall be construed to limit the authority of the President pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) or any other provision of law.

#### SEC. 335. SUNSET.

This title shall cease to be effective on the date that is 5 years after the date of the enactment of this Act.

### TITLE IV—COMBATING BDS ACT OF 2019

#### SEC. 401. SHORT TITLE.

This title may be cited as the “Combating BDS Act of 2019”.

#### SEC. 402. NONPREEMPTION OF MEASURES BY STATE AND LOCAL GOVERNMENTS TO DIVEST FROM ENTITIES THAT ENGAGE IN CERTAIN BOYCOTT, DIVESTMENT, OR SANCTIONS ACTIVITIES TARGETING ISRAEL OR PERSONS DOING BUSINESS IN ISRAEL OR ISRAELI-CONTROLLED TERRITORIES.

(a) STATE AND LOCAL MEASURES.—Notwithstanding any other provision of law, a State or local government may adopt and enforce measures that meet the requirements of subsection (c) to divest the assets of the State or local government from, prohibit investment of the assets of the State or local government in, or restrict contracting by the State or local government for goods and services with—

(1) an entity that the State or local government determines, using credible information available to the public, knowingly engages in an activity described in subsection (b);

(2) a successor entity or subunit of an entity described in paragraph (1); or

(3) an entity that owns or controls or is owned or controlled by an entity described in paragraph (1).

(b) ACTIVITIES DESCRIBED.—An activity described in this subsection is a commerce-re-

lated or investment-related boycott, divestment, or sanctions activity in the course of interstate or international commerce that is intended to penalize, inflict economic harm on, or otherwise limit commercial relations with Israel or persons doing business in Israel or Israeli-controlled territories for purposes of coercing political action by, or imposing policy positions on, the Government of Israel.

(c) REQUIREMENTS.—A State or local government that seeks to adopt or enforce a measure under subsection (a) shall meet the following requirements:

(1) NOTICE.—The State or local government shall provide written notice—

(A) in the case of a measure relating to divestment or investment, to each entity to which the measure is to be applied; and

(B) in the case of a measure relating to contracting, of the restrictions imposed by the measure to each prospective contractor before entering into a contract.

(2) TIMING.—A measure relating to divestment or investment shall apply to an entity not earlier than the date that is 90 days after the date on which written notice is provided to the entity under paragraph (1).

(3) OPPORTUNITY FOR COMMENT.—In the case of a measure relating to divestment or investment, the State or local government shall provide an opportunity to comment in writing to each entity to which the measure is to be applied. If the entity demonstrates to the State or local government that neither the entity nor any entity related to the entity as described in paragraph (2) or (3) of subsection (a) has knowingly engaged in an activity described in subsection (b), the measure shall not apply to the entity.

(4) DISCLOSURE IN CONTRACTING MEASURES.—The State or local government may require, in a measure relating to contracting, that a prospective contractor disclose whether the prospective contractor or any entity related to the prospective contractor as described in paragraph (2) or (3) of subsection (a) knowingly engages in any activity described in subsection (b) before entering into a contract.

(5) SENSE OF CONGRESS ON AVOIDING ERRONEOUS TARGETING.—It is the sense of Congress that a State or local government should not adopt a measure under subsection (a) with respect to an entity unless the State or local government has made every effort to avoid erroneously targeting the entity and has verified that the entity engages in an activity described in subsection (b).

(d) NOTICE TO DEPARTMENT OF JUSTICE.—

(1) IN GENERAL.—Except as provided in paragraph (2), not later than 30 days after adopting a measure described in subsection (a), the State or local government that adopted the measure shall submit written notice to the Attorney General describing the measure.

(2) EXISTING MEASURES.—With respect to measures described in subsection (a) adopted before the date of the enactment of this Act, the State or local government that adopted the measure shall submit written notice to the Attorney General describing the measure not later than 30 days after the date of the enactment of this Act.

(e) NONPREEMPTION.—A measure of a State or local government that is consistent with subsection (a) is not preempted by any Federal law.

(f) PRIOR ENACTED MEASURES.—

(1) IN GENERAL.—Notwithstanding any other provision of this section or any other provision of law, and except as provided in paragraph (2), a State or local government may enforce a measure described in subsection (a) adopted by the State or local government before the date of the enactment of

this Act without regard to the requirements of subsection (c).

(2) APPLICATION OF NOTICE AND OPPORTUNITY FOR COMMENT.—Enforcement of a measure described in paragraph (1) shall be subject to the requirements of subsection (c) on and after the date that is 2 years after the date of the enactment of this Act.

(g) RULES OF CONSTRUCTION.—

(1) AUTHORITY OF STATES.—Nothing in this section shall be construed to abridge the authority of a State to issue and enforce rules governing the safety, soundness, and solvency of a financial institution subject to its jurisdiction or the business of insurance pursuant to the Act of March 9, 1945 (59 Stat. 33, chapter 20; 15 U.S.C. 1011 et seq.) (commonly known as the “McCarran-Ferguson Act”).

(2) POLICY OF THE UNITED STATES.—Nothing in this section shall be construed to alter the established policy of the United States concerning final status issues associated with the Arab-Israeli conflict, including border delineation, that can only be resolved through direct negotiations between the parties.

(h) DEFINITIONS.—In this section:

(1) ASSETS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term “assets” means any pension, retirement, annuity, or endowment fund, or similar instrument, that is controlled by a State or local government.

(B) EXCEPTION.—The term “assets” does not include employee benefit plans covered by title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 et seq.).

(2) ENTITY.—The term “entity” includes—

(A) any corporation, company, business association, partnership, or trust; and

(B) any governmental entity or instrumentality of a government, including a multilateral development institution (as defined in section 1701(c)(3) of the International Financial Institutions Act (22 U.S.C. 262r(c)(3))).

(3) INVESTMENT.—The term “investment” includes—

(A) a commitment or contribution of funds or property;

(B) a loan or other extension of credit; and

(C) the entry into or renewal of a contract for goods or services.

(4) KNOWINGLY.—The term “knowingly”, with respect to conduct, a circumstance, or a result, means that a person has actual knowledge, or should have known, of the conduct, the circumstance, or the result.

(5) STATE.—The term “State” means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, the United States Virgin Islands, and any other territory or possession of the United States.

(6) STATE OR LOCAL GOVERNMENT.—The term “State or local government” includes—

(A) any State and any agency or instrumentality thereof;

(B) any local government within a State and any agency or instrumentality thereof; and

(C) any other governmental instrumentality of a State or locality.

#### SEC. 403. SAFE HARBOR FOR CHANGES OF INVESTMENT POLICIES BY ASSET MANAGERS.

Section 13(c)(1) of the Investment Company Act of 1940 (15 U.S.C. 80a-13(c)(1)) is amended—

(1) in subparagraph (A), by striking “; or” and inserting a semicolon;

(2) in subparagraph (B), by striking the period at the end and inserting “; or”; and

(3) by adding at the end the following:

“(C) knowingly engage in any activity described in section 402(b) of the Combating BDS Act of 2019.”.

#### SEC. 404. SENSE OF CONGRESS REGARDING CERTAIN ERISA PLAN INVESTMENTS.

It is the sense of Congress that—

(1) a fiduciary of an employee benefit plan, as defined in section 3(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(3)), may divest plan assets from, or avoid investing plan assets in, any person the fiduciary determines knowingly engages in any activity described in section 2(b), if—

(A) the fiduciary makes that determination using credible information that is available to the public; and

(B) the fiduciary prudently determines that the result of that divestment or avoidance of investment would not be expected to provide the employee benefit plan with—

(i) a lower rate of return than alternative investments with commensurate degrees of risk; or

(ii) a higher degree of risk than alternative investments with commensurate rates of return; and

(2) by divesting assets or avoiding the investment of assets as described in paragraph (1), the fiduciary is not breaching the responsibilities, obligations, or duties imposed upon the fiduciary by subparagraph (A) or (B) of section 404(a)(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1104(a)(1)).

#### SEC. 405. RULE OF CONSTRUCTION.

Nothing in this title shall be construed to infringe upon any right protected under the First Amendment to the Constitution of the United States.

#### SEC. 406. CLARIFICATION OF DEADLINE FOR REPORT ON ESTABLISHING AN ENTERPRISE FUND FOR JORDAN.

For purposes of section 205(a), the term “establishment of the United States Development Finance Corporation” means the end of the transition period, as defined in section 1461 of the Better Utilization of Investments Leading to Development Act of 2018 (division F of Public Law 115-254).

#### SEC. 407. FORM OF REPORT ON THE COOPERATION OF THE UNITED STATES AND ISRAEL WITH RESPECT TO COUNTERING UNMANNED AERIAL SYSTEMS.

The report required under section 123(d) shall be submitted in unclassified form, but may include a classified annex.

#### SEC. 408. SENSE OF SENATE ON WITHDRAWALS OF UNITED STATES FORCES FROM SYRIA AND AFGHANISTAN.

(a) FINDINGS.—The Senate makes the following findings:

(1) The foreign terrorist organization al Qaeda, responsible for the attacks of September 11, 2001, maintains a presence in Afghanistan.

(2) The Islamic State of Iraq and al Sham, better known by its acronym ISIS, flourished in the chaos unleashed by the civil war in Syria and at one point controlled extensive territory in Iraq and Syria.

(3) Al Qaeda, ISIS, and their affiliates have murdered thousands of innocent civilians.

(4) Al Qaeda, ISIS, and their affiliates have proven resilient and have regrouped when the United States and its partners have withdrawn from the fight against them.

(b) SENSE OF SENATE.—The Senate—

(1) acknowledges that the United States military and our partners have made significant progress in the campaign against al Qaeda and the Islamic State of Iraq and al Sham (ISIS), and honors the contributions and sacrifice of the members of the United States Armed Forces who have served on the front lines of this fight;

(2) recognizes the continuing threat to the homeland and our allies posed by al Qaeda and ISIS, which maintain an ability to operate in Syria and Afghanistan;

(3) expresses concern that Iran has supported the Taliban in Afghanistan and

Hizbullah and the Assad regime in Syria, and has sought to frustrate diplomatic efforts to resolve conflicts in these two countries;

(4) recognizes the positive role the United States and its partners have played in Syria and Afghanistan fighting terrorist groups, countering Iranian aggression, deterring the further use of chemical weapons, and protecting human rights;

(5) warns that a precipitous withdrawal of United States forces from the on-going fight against these groups, without effective, countervailing efforts to secure gains in Syria and Afghanistan, could allow terrorists to regroup, destabilize critical regions, and create vacuums that could be filled by Iran or Russia, to the detriment of United States interests and those of our allies;

(6) recognizes that al Qaeda and ISIS pose a global threat, which merits increased international contributions to the counterterrorism, diplomatic, and stabilization efforts underway in Syria and Afghanistan;

(7) recognizes that diplomatic efforts to secure peaceful, negotiated solutions to the conflicts in Syria and Afghanistan are necessary to long-term stability and counterterrorism efforts in the Middle East and South Asia;

(8) acknowledges the progress made by Special Representative Khalilzad in his efforts to promote reconciliation in Afghanistan;

(9) calls upon the Administration to conduct a thorough review of the military and diplomatic strategies in Syria and Afghanistan, including an assessment of the risk that withdrawal from those countries could strengthen the power and influence of Russia and Iran in the Middle East and South Asia and undermine diplomatic efforts toward negotiated, peaceful solutions;

(10) requests that the Administration, as part of this review, solicit the views of Israel, our regional partners, and other key troop-contributing nations in the fight against al Qaeda and ISIS;

(11) reiterates support for international diplomatic efforts to facilitate peaceful, negotiated resolutions to the on-going conflicts in Syria and Afghanistan on terms that respect the rights of innocent civilians and deny safe havens to terrorists;

(12) calls upon the Administration to pursue a strategy that sets the conditions for the long-term defeat of al Qaeda and ISIS, as well as the protection of regional partners and allies, while ensuring that Iran cannot dominate the region or threaten Israel;

(13) encourages close collaboration between the Executive Branch and the Legislative Branch to ensure continuing strong, bipartisan support for United States military operations in Syria and Afghanistan; and

(14) calls upon the Administration to certify that conditions have been met for the enduring defeat of al Qaeda and ISIS before initiating any significant withdrawal of United States forces from Syria or Afghanistan.

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as a declaration of war or an authorization of the use of military force.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. Madam President, I request permission to speak for up to 1 minute regarding this vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

## NATURAL RESOURCES MANAGEMENT ACT—MOTION TO PROCEED

Ms. MURKOWSKI. Madam President, this next vote is one to invoke cloture on the motion to proceed to S. 47. This is the Natural Resources Management Act. This is our long-talked-about bipartisan lands package.

We have a measure in front of us that is composed of over 100 smaller lands, resources, and water bills. We have included priorities from up to 50 Senators here in this body; 90 of you have cosponsored.

We reauthorized the Land and Water Conservation Fund. We addressed sportsmen's priorities. We have a wide range of land exchanges and conveyances and boundary modifications, water provisions. It creates new economic opportunities and improves the management of our Federal lands.

We will be talking more about this in the next couple of days, but I encourage all Members to support us on this very, very important lands package.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. MANCHIN. Madam President, first of all, I want to echo what my colleague said. Senator CANTWELL has worked hard the last 2 years or 3 years on this process.

The lands bill was recently—

The PRESIDING OFFICER. All time has expired.

Mr. MANCHIN. Madam President, I ask unanimous consent to speak for 1 minute.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. MANCHIN. I am just saying that this is a piece of legislation that has been worked on for quite some time. It is a piece of legislation that basically does an awful lot for an awful lot of people all over this country.

Every one of us has something in this that is good. Land and water conservation is basically reauthorized permanently. It is something that we worked hard on.

I appreciate all of the hard work, and thank you so much, Madam President.

## 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 assistant bill 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 motion to proceed to Calendar No. 7, S. 47, a bill to provide for the management of the natural resources of the United States, and for other purposes.

Mitch McConnell, Pat Roberts, Shelley Moore Capito, Mitt Romney, Richard Burr, John Cornyn, Rick Scott, Mike Crapo, Cindy Hyde-Smith, Michael B. Enzi, Kevin Cramer, Mike Braun, John Boozman, Steve Daines, James M. Inhofe, Thom Tillis, Joni Ernst.

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 motion to proceed to S. 47, an act to provide for the management of the natural resources of the United States, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

The yeas and nays resulted—yeas 99, nays 1, as follows:

[Rollcall Vote No. 17 Leg.]

## YEAS—99

Alexander	Gardner	Peters
Baldwin	Gillibrand	Portman
Barrasso	Graham	Reed
Bennet	Grassley	Risch
Blackburn	Harris	Roberts
Blumenthal	Hassan	Romney
Blunt	Hawley	Rosen
Booker	Heinrich	Rounds
Boozman	Hirono	Rubio
Braun	Hoeven	Sanders
Brown	Hyde-Smith	Sasse
Burr	Inhofe	Schatz
Cantwell	Isakson	Schumer
Capito	Johnson	Scott (FL)
Cardin	Jones	Scott (SC)
Carper	Kaine	Shaheen
Casey	Kennedy	Shelby
Cassidy	King	Sinema
Collins	Klobuchar	Smith
Cooms	Lankford	Stabenow
Cornyn	Leahy	Sullivan
Cortez Masto	Lee	Tester
Cotton	Manchin	Thune
Cramer	Markey	Tillis
Crapo	McConnell	Toomey
Cruz	McSally	Udall
Daines	Menendez	Van Hollen
Duckworth	Merkley	Warner
Durbin	Moran	Warren
Enzi	Murkowski	Whitehouse
Ernst	Murphy	Wicker
Feinstein	Murray	Wyden
Fischer	Perdue	Young

## NAYS—1

Paul

The PRESIDING OFFICER (Mr. CASSIDY). On this vote, the yeas are 99, the nays are 1.

Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The clerk will report the motion to proceed.

The senior assistant legislative clerk read as follows:

Motion to proceed to the consideration of S. 47, a bill to provide for the management of the natural resources of the United States, and for other purposes.

The PRESIDING OFFICER. The majority leader.

## EXECUTIVE SESSION

## EXECUTIVE CALENDAR

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to executive session for the consideration of Calendar Nos. 1 through 4 and all nominations on the Secretary's desk; that the nominations be confirmed; that the motions to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order; that any statements related to the nominations be printed in

the RECORD; that the President be immediately notified of the Senate's action; and that the Senate then resume legislative session.

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

The nominations considered and confirmed are as follows:

## IN THE AIR FORCE

The following named Air National Guard of the United States officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., sections 12203 and 12212:

*To be brigadier general*

Col. Frank A. Rodman

## IN THE ARMY

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

*To be major general*

Brig. Gen. Robert D. Harter

The following named Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., sections 12203 and 12211:

*To be brigadier general*

Col. Charles M. Schoening

The following named officers for appointment in the Reserve of the Army to the grades indicated under title 10, U.S.C., section 12203:

*To be major general*

Brig. Gen. David W. Ling

*To be brigadier general*

Col. Joseph F. Dziezynski

Col. Rodney J. Fischer

## NOMINATIONS PLACED ON THE SECRETARY'S DESK

## IN THE MARINE CORPS

PN35 MARINE CORPS nominations (4) beginning SALEH P. DAGHER, and ending NEVILLE A. WELCH, which nominations were received by the Senate and appeared in the Congressional Record of January 15, 2019.

PN36 MARINE CORPS nominations (375) beginning RICO ACOSTA, and ending CHRISTINA F. ZIMMERMAN, which nominations were received by the Senate and appeared in the Congressional Record of January 15, 2019.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume 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.

SENATE COMMITTEE ON FINANCE  
RULES OF PROCEDURE

Mr. GRASSLEY. Mr. President, the Committee on Finance has adopted rules governing its procedures for the 116th Congress. Pursuant to rule XXVI, paragraph 2, of the Standing Rules of the Senate, I ask unanimous consent