

## 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 nomination of Executive Calendar No. 18, Laura Taylor-Kale, of California, to be an Assistant Secretary of Defense. (New Position)

Charles E. Schumer, Jack Reed, Richard J. Durbin, Sheldon Whitehouse, Martin Heinrich, Tim Kaine, Tammy Baldwin, Ben Ray Lujan, Tammy Duckworth, John W. Hickenlooper, Amy Klobuchar, Jeanne Shaheen, Benjamin L. Cardin, Edward J. Markey, Alex Padilla, Margaret Wood Hassan, Catherine Cortez Masto.

Mr. SCHUMER. Finally, I ask unanimous consent that the mandatory quorum calls for the cloture motions filed today, March 9, be waived.

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

## LEGISLATIVE SESSION

## MORNING BUSINESS

Mr. SCHUMER. Madam President, I ask unanimous consent that the Senate proceed to legislative session for 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.

## TRIBUTE TO JAMES L. BUCKLEY

Mr. GRASSLEY. Madam President, today, I would like to extend best wishes to the former Senator from New York, James L. Buckley. One hundred years ago today, on the 9th of March, Jim was born the fourth of 10 children, just as the Roaring '20s were getting underway. As he celebrates his 100th birthday, an impressive milestone by all accounts—I am also told he is the oldest living former U.S. Senator among us—Barbara and I wish Jim and his family a happy celebration.

Jim Buckley was elected to the U.S. Senate in 1970 as a candidate of the Conservative Party, making him the first third party candidate to win election to the U.S. Senate in four decades. Representing the State of New York in the 92nd through 94th sessions of Congress, he served during a rocky period in U.S. history that included the Vietnam and Watergate era. Before ever putting his name on the ballot for public office, Jim enlisted in the U.S. Navy in 1942, serving our country in uniform during World War II. He received his law degree from Yale University in 1949 and, from there, pursued a career in the law as an attorney and in lawmaking as a U.S. Senator.

Our congressional service overlapped during the 94th Congress, when I was a freshman Member of the U.S. House of Representatives. We didn't have the opportunity to serve together here in the upper Chamber. Senator Buckley ran for reelection as a Republican in 1976, losing to Senator Daniel Patrick Moy-

nihan, with whom I served until his retirement in 2001.

As conservatives, Senator Buckley and I share a commitment to shared principles, limited government, sanctity of life, States' rights, and safeguarding constitutional rights, including political free speech. In fact, his name will be attached for posterity to a landmark decision of the U.S. Supreme Court, *Buckley v. Valeo*. Then-Senator Buckley led a coalition of free speech advocates to challenge amendments made to the Federal Election Campaign Act of 1971 because they interfered with First Amendment rights.

Students of history, political junkies, and legal scholars recognize that this case has shaped the landscape of free speech and campaign finance for the last five decades. In 1976, the High Court arrived at two important conclusions regarding campaign finance laws. On the one hand, the Supreme Court found that contribution ceilings on individual contributions did not violate the First Amendment. However, in a vote of 7-1, it struck down restrictions on campaign expenses and found they did violate the First Amendment as an infringement on free expression.

Following his time in the legislative branch, Senator Buckley went on to serve in the Reagan administration in the U.S. State Department. From 1982-1985, Senator Buckley served as president of Radio Free Europe/Radio Liberty in Germany, essentially a clarion of the airwaves fighting communism. From there, he continued his lifelong devotion to public service when he was nominated by President Reagan to the U.S. Court of Appeals for the District of Columbia Circuit.

Judge Buckley was confirmed by the Senate on December 17, 1985. He served for the next 11 years and assumed senior status on August 31, 1996. I have served on the Senate Judiciary committee every year I have been honored to represent Iowa in the Senate, including 6 years as chairman. My colleagues here in the Senate understand that I take seriously my constitutional role to vet nominees to the Federal bench. In our system of checks and balances, I strive to uphold this fundamental cornerstone of our democratic republic. Lawmakers write the laws and set policy. Judges interpret the laws; they don't exercise their value judgments or impose their own policy preferences.

As Judge Buckley himself said at his portrait ceremony in December of 2003: "I hope, though, that my service on this court has been able to establish, if nothing else, that it is possible for a person to have the strongest views on questions of public policy and still understand and observe the sharp distinction between the constitutional role of a legislator and that of a judge."

I couldn't say it better myself. I salute this great American for his public service to our great Nation, from the U.S. military and spanning all three

branches of the Federal Government. Senior statesman, Senator, and judge may not be his most exalted titles. For someone whose humility and commitment to family are well known, those honors are husband, dad and grandfather. I extend my best wishes to Jim for a happy 100th birthday. Thank you for your patriotism, principled leadership, and service to America.

## ARMS SALES NOTIFICATION

Mr. MENENDEZ. Madam President, section 36(b) of the Arms Export Control Act requires that Congress receive prior notification of certain proposed arms sales as defined by that statute. Upon such notification, the Congress has 30 calendar days during which the sale may be reviewed. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Senate Foreign Relations Committee.

In keeping with the committee's intention to see that relevant information is available to the full Senate, I ask unanimous consent to have printed in the RECORD the notifications which have been received. If the cover letter references a classified annex, then such annex is available to all Senators in the office of the Foreign Relations Committee, room SD-423.

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

DEFENSE SECURITY  
COOPERATION AGENCY,  
Washington, DC.

Hon. ROBERT MENENDEZ,  
Chairman, Committee on Foreign Relations,  
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 23-11, concerning the Army's proposed Letter(s) of Offer and Acceptance to the Government of Australia for defense articles and services estimated to cost \$60.18 million. We will issue a news release to notify the public of this proposed sale upon delivery of this letter to your office.

Sincerely,

MIKE MILLER  
(For James A. Hursch, Director).

Enclosures.

## TRANSMITTAL NO. 23-11

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

(i) Prospective Purchaser: Government of Australia.

(ii) Total Estimated Value:  
Major Defense Equipment \* \$60.00 million.  
Other \$.18 million.

Total \$60.18 million.

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

Major Defense Equipment (MDE):

Up to two hundred fifty-five (255) Javelin FGM-148F Missiles (includes five (5) Fly-to-Buy Missiles)

Non-MDE: Also included is U.S. technical assistance, consisting of Tactical Air Ground Missiles (TAGM) Project Office technical assistance and other related elements of logistical and program support.

(iv) Military Department: Army (AT-B-UMX).

(v) Prior Related Cases, if any: (AT-B-ULI).

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

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

(viii) Date Report Delivered to Congress: March 7, 2023.

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

#### POLICY JUSTIFICATION

##### Australia—Javelin FGM-148F Missiles

The Government of Australia has requested to buy up to two hundred fifty-five (255) Javelin FGM-148F missiles (includes five (5) fly-to-buy missiles). Also included is U.S. technical assistance, consisting of Tactical Air Ground Missiles (TAGM) Project Office technical assistance and other related elements of logistical and program support. The estimated total cost is \$60.18 million.

This proposed sale will support the foreign policy and national security objectives of the United States. Australia is one of our most important allies in the Western Pacific. The strategic location of this political and economic power contributes significantly to ensuring peace and economic stability in the region. It is vital to the U.S. national interest to assist our ally in developing and maintaining a strong and ready self-defense capability.

The proposed sale will improve the Australian Army's capability to meet current and future threats by maintaining and increasing its anti-armor capability. Australia will have no difficulty absorbing this equipment into its armed forces.

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

The prime U.S. contractor will be the Javelin Joint Venture between Lockheed Martin in Orlando, FL and Raytheon Missiles and Defense in Tucson, AZ. There are no known offset agreements proposed in connection with this potential sale.

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

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

#### TRANSMITTAL NO. 23-11

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

##### Annex Item No. vii

(vii) Sensitivity of Technology:

1. The Javelin Weapon System is a medium-range, man portable, shoulder-launched, fire and forget, anti-tank system for infantry, scouts, and combat engineers. It may also be mounted on a variety of platforms including vehicles, aircraft, and watercraft. The system weighs 49.5 pounds and has a maximum range in excess of 2,500 meters. They system is highly lethal against tanks and other systems with conventional and reactive armors. The system possesses a secondary capability against bunkers.

2. Javelin's key technical feature is the use of fire-and-forget technology which allows the gunner to fire and immediately relocate or take cover. Additional special features are the top attack and/or direct fire modes, an advanced tandem warhead and imaging infrared seeker, target lock-on before launch, and soft launch from enclosures or covered fighting positions. The Javelin missile also has a minimum smoke motor thus decreasing its detection on the battlefield.

3. The Javelin Weapon System is comprised of two major tactical components,

which are a reusable Light Weight Command Launch Unit (LWCLU) and a round contained in a disposable launch tube assembly. The LWCLU has been identified as Major Defense Equipment (MDE). The LWCLU may also be used in a stand-alone mode for battlefield surveillance and target detection. The LWCLU's thermal sight is a 3rd generation Forward Looking Infrared (FLIR) sensor.

4. The missile is autonomously guided to the target using an imaging infrared seeker and adaptive correlation tracking algorithms. This allows the gunner to take cover or reload and engage another target after firing a missile. The missile has an advanced tandem warhead and can be used in either the top attack or direct fire modes (for target undercover). An onboard flight computer guides the missile to the selected target.

5. The highest level of classification of defense articles, components, and services included in this potential sale is SECRET.

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

7. A determination has been made that Australia can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

8. All defense articles and services listed in this transmittal have been authorized for release and export to Australia.

#### ARMS SALES NOTIFICATION

Mr. MENENDEZ, Madam President, section 36(b) of the Arms Export Control Act requires that Congress receive prior notification of certain proposed arms sales as defined by that statute. Upon such notification, the Congress has 30 calendar days during which the sale may be reviewed. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Senate Foreign Relations Committee.

In keeping with the committee's intention to see that relevant information is available to the full Senate, I ask unanimous consent to have printed in the RECORD the notifications which have been received. If the cover letter references a classified annex, then such annex is available to all Senators in the office of the Foreign Relations Committee, room SD-423.

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

DEFENSE SECURITY  
COOPERATION AGENCY,  
Washington, DC.

Hon. ROBERT MENENDEZ,  
Chairman, Committee on Foreign Relations,  
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 23-14, concerning the Navy's proposed Letter(s) of Offer and Acceptance to the Government of Japan for defense articles and services estimated to cost \$1.381 billion. We will issue a news release to notify the public of

this proposed sale upon delivery of this letter to your office.

Sincerely,

JAMES A. HURSCH,  
Director.

Enclosures.

TRANSMITTAL NO. 23-14

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

(i) Prospective Purchaser: Government of Japan.

(ii) Total Estimated Value:  
Major Defense Equipment \* \$1.125 billion.  
Other \$256 billion.  
Total \$1.381 billion.

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

Major Defense Equipment (MDE):

Five (5) E-2D Advanced Hawkeye (AHE) Airborne Early Warning and Control (AEW&C) Aircraft.

Twelve (12) T56-A-427A Engines (10 installed, 2 spares).

Six (6) Multifunction Information Distribution System Joint Tactical Radio System (MIDS JTRS) Terminals (5 installed, 1 spare).

Five (5) APY-9 Radars (installed).

Five (5) AN/AYK-27 Integrated Navigation Control and Display Systems (INCDS) (installed).

Twelve (12) LN-251 Embedded Global Positioning Systems/Inertial Navigation Systems (EGIs) with Embedded Airborne Selective Availability Anti-Spoofing Module (SAASM) or M-Code Receiver (10 installed, 2 spares).

Six (6) ALQ-217 Electronic Support Measures Systems (5 installed and 1 spare).

Non-MDE: Also included are aircraft ancillary equipment; modifications; spare and repair parts; support equipment; publications and technical documentation; software; personal protective equipment; personnel training and training equipment; ferry services; U.S. Government and contractor logistics, engineering, and technical support services; and other related elements of logistics and program support.

(iv) Military Department: Navy (JA-P-SDF).

(v) Prior Related Cases, if any: JA-P-SCW, JA-P-SCJ, JA-P-SCL, JA-P-SCM, JA-P-SCQ.

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

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

(viii) Date Report Delivered to Congress: March 7, 2023.

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

#### POLICY JUSTIFICATION

Japan—E-2D Advanced Hawkeye Airborne Early Warning and Control Aircraft

The Government of Japan has requested to buy five (5) E-2D Advanced Hawkeye (AHE) Airborne Early Warning and Control (AEW&C) aircraft; twelve (12) T56-A-427A engines (10 installed, 2 spares); six (6) Multifunction Information Distribution System Joint Tactical Radio System (MIDS JTRS) terminals (5 installed, 1 spare); five (5) APY-9 radars (installed); five (5) AN/AYK-27 Integrated Navigation Control and Display Systems (INCDS) (installed); twelve (12) LN-251 Embedded Global Positioning Systems/Inertial Navigation Systems (EGIs) with Embedded Airborne Selective Availability Anti-Spoofing Module (SAASM) or M-Code Receiver (10 installed, 2 spares); and six (6) ALQ-217 Electronic Support Measures Systems (5 installed, 1 spare). Also included are