

## EXECUTIVE CALENDAR

Mr. BENNET. Mr. President, I ask unanimous consent that the Senate consider the following nomination: Calendar No. 515, Cara L. Abercrombie to be an Assistant Secretary of Defense; that the Senate vote on the nomination without intervening action or debate; that the motion to reconsider be considered made and laid upon the table; and that the President be immediately notified of the Senate's action.

The PRESIDING OFFICER (Mr. KELLY). Without objection, it is so ordered.

The clerk will report.

The senior assistant legislative clerk read the nomination of Cara L. Abercrombie, of Virginia, to be an Assistant Secretary of Defense.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the Abercrombie nomination?

The nomination was confirmed.

## LEGISLATIVE SESSION

## MORNING BUSINESS

Mr. BENNET. Mr. President, I ask unanimous consent that the Senate proceed to legislative session and 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.

## ARMS SALES NOTIFICATION

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

In keeping with the committee's intention to see that relevant information is available to the full Senate, I ask unanimous consent to have printed in the RECORD the notifications that have been received. If the cover letter references a classified annex, then such an 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. BENJAMIN L. CARDIN,  
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. 24-09, concerning the Navy's proposed Let-

ter(s) of Offer and Acceptance to the Taipei Economic and Cultural Representative Office in the United States (TECRO) for defense articles and services estimated to cost \$75 million. 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. 24-09

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: Taipei Economic and Cultural Representative Office in the United States (TECRO).

(ii) Total Estimated Value:  
Major Defense Equipment \* \$0.  
Other \$75 million.  
Total \$75 million.

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

Major Defense Equipment (MDE): None.

Non-MDE: Foreign Military Sales (FMS) Cross Domain Solutions (CDS); High Assurance Internet Protocol Encryptor (HAIPE) devices; Global Positioning System (GPS) receivers; communications equipment; requirements analysis; engineering; technical services; and other related elements of logistics and program support.

(iv) Military Department: Navy (TW-P-GQD).

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

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

(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: February 21, 2024.

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

## POLICY JUSTIFICATION

Taipei Economic and Cultural Representative Office in the United States—Taiwan Advanced Tactical Data Link System Upgrade Planning

The Taipei Economic and Cultural Representative Office in the United States (TECRO) has requested to buy Foreign Military Sales (FMS) Cross Domain Solutions (CDS); High Assurance devices; Global Positioning System (GPS) receivers; communications equipment; requirements analysis; engineering; technical services; and other related elements of logistics and program support. The estimated total cost is \$75 million.

This proposed sale is consistent with U.S. law and policy as expressed in Public Law 96-8.

This proposed sale serves U.S. national, economic, and security interests by supporting the recipient's continuing efforts to modernize its armed forces and maintain a credible defensive capability. The proposed sale will help improve the security of the recipient and assist in maintaining political stability, military balance, and economic progress in the region.

The proposed sale will improve the recipient's ability to meet current and future threats by enhancing communications and network security, and providing infrastructure to allow the secure flow of tactical information. The recipient will have no difficulty absorbing this support and equipment into its armed forces.

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

The principal contractor(s) will be determined through U.S. Government competitive

processes. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will require an estimated 200 U.S. Government personnel and 200 U.S. contractor representatives to travel to the recipient, as required, to provide engineering and technical support services as well as program and technical reviews.

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

TRANSMITTAL NO. 24-09

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 Foreign Military Sales (FMS) Cross Domain Solution (CDS) provides a gateway that allows for secure exchange of information between networks.

2. The High Assurance Internet Protocol Encryptor (HAIPE) devices provide a gateway that allows two enclaves to securely exchange data over a network.

3. The Global Positioning System (GPS) Precise Positioning System (PPS) Host Application Equipment (HAE) OPS/Inertial Navigation System (INS) with chipset to receive the M-code signal is a self-contained navigation system that provides the following: acceleration, velocity, position, attitude, platform azimuth, magnetic and true heading, altitude, body angular rates time tags, and coordinated universal time (UTC) synchronized time. The M-code chipset enables the GPS receiver access to the encrypted M-code signal providing protection against active spoofing attacks and improved jamming resistance.

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

5. 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.

6. A determination has been made that the recipient 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.

7. All defense articles and services listed in this transmittal have been authorized for release and export to the recipient.

## ARMS SALES NOTIFICATION

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

In keeping with the committee's intention to see that relevant information is available to the full Senate, I ask unanimous consent to have printed in the RECORD the notifications which

have been received. If the cover letter references a classified annex, then such annex is available to all Senators in the office of the Foreign Relations Committee, room SD-423.

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

DEFENSE SECURITY  
COOPERATION AGENCY,  
Washington, DC.

Hon. BENJAMIN L. CARDIN,  
*Chairman, Committee on Foreign Relations,  
U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b)(5)(C) of the Arms Export Control Act (AECA), as amended, we are forwarding Transmittal No. 23-0T. This notification relates to enhancements or upgrades from the level of sensitivity of technology or capability described in the Section 36(b)(1) AECA certification 08-19 of September 8, 2008.

Sincerely,

JAMES A. HURSCH,  
*Director.*

Enclosure.

TRANSMITTAL NO. 23-0T

Report of Enhancement or Upgrade of Sensitivity of Technology or Capability (Sec. 36(b)(5)(C), AECA)

(i) Purchaser: Government of the United Arab Emirates.

(ii) Sec. 36(b)(1), AECA Transmittal No.: 08-19; Date: September 8, 2008; Implementing Agency: Missile Defense Agency.

Funding Source: National Funds.

(iii) Description: On September 8, 2008, Congress was notified by Congressional certification transmittal number 08-19 of the possible sale, under Section 36(b)(1) of the Arms Export Control Act, to the United Arab Emirates of 3 Terminal High Altitude Air Defense (THAAD) Fire Units with 147 THAAD missiles, 4 THAAD radar sets (3 tactical and one maintenance float), 6 THAAD fire and control communication stations, and 9 THAAD launchers. Also included are fire unit maintenance equipment, prime movers (trucks), generators, electrical power units, trailers, communications equipment, tools, test and maintenance equipment, repair and return, system integration and checkout, spare/repair parts, publications, documentation, personnel services, and other related support elements. The estimated total cost was \$6.95 billion. Major Defense Equipment (MDE) constituted \$4.20 billion of this total.

On August 7, 2012, Congress was notified by Congressional certification transmittal number 0D-12 of the upgrade of the 3 THAAD Fire Units previously notified but not yet delivered, with the addition of 7 Multifunctional Information Distribution System Low Volume Terminals (MIDS-LVTs). The total net cost of MDE increased by \$2.8 million to \$4.203 billion. The estimated total case value remained \$6.95 billion.

This transmittal notifies the possible sale of an additional twelve (12) THAAD launchers. Also included is five (5) years of sustainment support for both the THAAD ground equipment and the THAAD radar sets, consisting of: system software maintenance and upgrade; test components; repair and return; support equipment; spare and repair parts; personnel training and training equipment; publications and technical data; U.S. Government and contractor technical assistance; and other related elements of logistical and program support. The total value of the new items and services is \$1.163 billion. The net cost of MDE will increase by \$120 million, resulting in a revised MDE value of \$4.323 billion. The net cost of non-

MDE will increase by \$1.043 billion. The total estimated case value will increase by \$1.163 billion to \$8.113 billion.

(iv) Significance: The proposed sale will improve UAE's capability to counter current and future threats in the region.

(v) Justification: This proposed sale will support the foreign policy and national security of the United States by helping to improve the security of an important regional partner. The UAE is a vital U.S. partner for political stability and economic progress in the Middle East.

(vi) Sensitivity of Technology: The Sensitivity of Technology Statement contained in the original notification applies to items reported here.

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

(vii) Date Report Delivered to Congress: February 15, 2024.

#### NOMINATION OF MOSHE Z. MARVIT

Mr. CASSIDY. Mr. President, I ask unanimous consent that the following letter be printed in the CONGRESSIONAL RECORD.

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

NATIONAL STONE, SAND  
& GRAVEL ASSOCIATION,  
February 22, 2024.

Hon. BERNIE SANDERS,  
*Chairman, Committee on Health, Education,  
Labor, and Pensions, U.S. Senate, Wash-  
ington, DC.*

Hon. BILL CASSIDY,  
*Ranking Member, Committee on Health, Edu-  
cation, Labor, and Pensions, U.S. Senate,  
Washington, DC.*

DEAR CHAIRMAN SANDERS AND RANKING MEMBER CASSIDY: On behalf of the 450 members of the National Stone, Sand & Gravel Association (NSSGA). I write to express our strong opposition of Moshe Marvit's nomination for the open seat on the Federal Mine Safety and Health Review Commission. Having failed to be approved for this seat twice previously, and with a biased track record against industry operators, we do not believe Mr. Marvit is fit to serve in this position.

NSSGA represents the aggregates industry, and the equipment manufacturers and service providers who support them. Our industry has 9,000 facilities and well over 100,000 employees in high-paying jobs. The industry produces 2.5 billion tons of aggregates annually, which is crucial for sustaining our lifestyle and constructing the nation's infrastructure and communities. These products are fundamental components required for building communities, roads, airports, transit, rail, ports, providing clean water and energy networks.

We recognize the critical role of the Federal Mine Safety and Health Review Commission, as an independent agency charged with the review of legal disputes arising under the Federal Mine Safety and Health Act of 1977 (Mine Act). As you may know, the Commission was established under the Mine Act to ensure fair and impartial adjudication. Unfortunately, Mr. Marvit, a former union attorney, has a long, documented history as a labor activist showing a personal bias against industrial operators. This bias would prevent him from serving as an impartial member of the Commission and his confirmation would pose a significant threat to our industry, companies and employees.

We strongly urge you to reject Mr. Marvit's nomination and work to fill this

key position with an individual who will serve impartially, as intended.

Sincerely,

MICHAEL W. JOHNSON,  
PRESIDENT & CEO,  
National Stone, Sand & Gravel Association.

#### ADDITIONAL STATEMENTS

##### RECOGNIZING MERRILL MANUFACTURING

• Ms. ERNST. Mr. President, as ranking member of the Senate Committee on Small Business and Entrepreneurship, each week I recognize an outstanding Iowa small business that exemplifies the American entrepreneurial spirit. This week, it is my privilege to recognize Merrill Manufacturing of Storm Lake, IA as the Senate Small Business of the Week.

In 1949, Noel Merrill Anderson invented the Any Flow Yard Hydrant out of his garage in Clive, IA. The Any Flow Yard Hydrant is a freeze resistant water tap, which serves the agriculture needs of farms in colder weather climates. With a revolutionary product in hand, Merrill Manufacturing was established. In 1957, the company moved to Storm Lake and expanded by offering the Merrill Pitless Units and Merrill Tank Floats in the following years. In 1975, Noel's son Stephen joined the company and shortly after became president in 1981, while Noel served as chairman of the board. In 2005, Noel Merrill Anderson passed away, leaving behind a legacy of hard work, service, and dedication to entrepreneurial and manufacturing excellence. The third generation of the Anderson family continued this legacy when Stephen's sons Joel and Matt joined Merrill Manufacturing in 2011 and 2016, respectively.

Today, Merrill Manufacturing sells their yard pumps for rural, farm, and livestock properties all over the world. Since their humble beginnings in a garage outside of Des Moines, they have grown to employ 65 individuals. Merrill Manufacturing's core values include inspiring messages and mission commitment that transcend to all of their employees including: "Do the right thing," "we before me," and "be part of the solution." Merrill Manufacturing is also dedicated to providing wells to communities that need clean drinking water. Stephen Anderson previously served as president and currently serves on the board of the Water Well Trust, a nonprofit that aims to provide water to Americans without water access.

Merrill Manufacturing and the Anderson family have also been recognized for their hard work. Both Stephen and Noel Merrill Anderson are members of the Iowa Inventors Hall of Fame. In 2009, the Iowa Economic Development Authority awarded Merrill Manufacturing the Global Iowa Export Award. In 2024, Merrill Manufacturing was awarded the Excellence Award by the Iowa Lakes Corridor Development Corporation. Due to their team's hard