

part of the reason why his death is so unfathomable. A young man who had done everything right—built an amazing family, gave so much to his country, kept himself physically strong—was stolen from us, in an instant. It gives us all cause to take stock of our own lives, knowing that our time on this Earth can be so cruelly fleeting.

What I know about Shawn Brimley is that he lived 80 years of life in half the time. He didn't want to leave this Earth, but as he told his friends in an email sent just days before he passed, he wouldn't have changed a single thing about his life if he could. That is a standard by which we would all be wise to measure ourselves.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-4102. A communication from the Acting Administrator of the Specialty Crops Program, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Oranges, Grapefruit, Tangerines, and Pummelos Grown in Florida and Imported Grapefruit; Change in Size Requirements for Grapefruit" (Docket No. AMS-SC-17-0063; SC17-905-1 IR) received in the Office of the President of the Senate on January 17, 2018; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4103. A communication from the Acting Administrator of the Specialty Crops Program, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Pecans Grown in the States of Alabama, Arkansas, Arizona, California, Florida, Georgia, Kansas, Louisiana, Mississippi, North Carolina, New Mexico, Oklahoma, South Carolina, and Texas; Establishment of Reporting Requirements and New Information Collection" (Docket No. AMS-SC-17-0032, SC17-986-2 FR) received in the Office of the President of the Senate on January 17, 2018; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4104. A communication from the Acting Administrator of the Specialty Crops Program, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Hazelnuts Grown in Oregon and Washington; Increased Assessment Rate" (Docket

No. AMS-SC-17-0036; SC17-982-1 FR) received in the Office of the President of the Senate on January 17, 2018; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4105. A communication from the Acting Administrator of the Specialty Crops Program, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Walnuts Grown in California; Decreased Assessment Rate" (Docket No. AMS-SC-17-0035; SC17-984-1 FR) received in the Office of the President of the Senate on January 17, 2018; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4106. A communication from the Senior Official performing the duties of the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report entitled "Fiscal Year 2018 Operational Energy Budget Certification Report"; to the Committees on Armed Services; and Appropriations.

EC-4107. A communication from the Alternate Federal Register Liaison Officer, Office of the Secretary, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "End Use Certificates (EUCs)" (RIN0790-AJ05; DOD-2017-OS-0004) received in the Office of the President of the Senate on January 18, 2018; to the Committee on Armed Services.

EC-4108. A communication from the Director of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled "Community Reinvestment Act Regulations" (RIN3064-AE58) received in the Office of the President of the Senate on January 17, 2018; to the Committee on Banking, Housing, and Urban Affairs.

EC-4109. A communication from the Director of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled "Rules of Practice and Procedure (2018 Adjustment to Civil Money Penalties)" (RIN3064-AE71) received in the Office of the President of the Senate on January 18, 2018; to the Committee on Banking, Housing, and Urban Affairs.

EC-4110. A communication from the General Counsel of the National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "Agency Reorganization" (RIN3133-AE81) received in the Office of the President of the Senate on January 18, 2018; to the Committee on Banking, Housing, and Urban Affairs.

EC-4111. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility (New York: Montgomery County, City of Amsterdam)" ((44 CFR Part 64) (Docket No. FEMA-2017-0002)) received in the Office of the President of the Senate on January 18, 2018; to the Committee on Banking, Housing, and Urban Affairs.

EC-4112. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility (Louisiana: Beauregard Parish, Unincorporated Areas)" ((44 CFR Part 64) (Docket No. FEMA-2017-0002)) received in the Office of the President of the Senate on January 18, 2018; to the Committee on Banking, Housing, and Urban Affairs.

EC-4113. A communication from the Secretary of Commerce, transmitting, pursuant to law, the Department of Commerce's "2018 Report on Foreign Policy-Based Export Controls"; to the Committee on Banking, Housing, and Urban Affairs.

EC-4114. A communication from the Chief of the Regulations and Standards Branch,

Bureau of Safety and Environmental Enforcement, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Oil and Gas and Sulphur Operations in the Outer Continental Shelf-Lease Civil Penalty Inflation Adjustment" (RIN1014-AA36) received in the Office of the President of the Senate on January 18, 2018; to the Committee on Energy and Natural Resources.

EC-4115. A communication from the Secretary of the Interior, transmitting, pursuant to law, an annual report related to the Colorado River System Reservoirs for 2018; to the Committee on Energy and Natural Resources.

EC-4116. A communication from the Regulatory Affairs Specialist, Bureau of Ocean Energy Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Oil Spill Financial Responsibility Adjustment of the Limit of Liability for Offshore Facilities" (RIN1010-AD98) received in the Office of the President of the Senate on January 17, 2018; to the Committee on Environment and Public Works.

EC-4117. A communication from the Associate General Counsel for General Law, Department of Homeland Security, transmitting, pursuant to law, a report relative to a vacancy in the position of Commissioner, U.S. Customs and Border Protection, Department of Homeland Security, received in the Office of the President of the Senate on January 17, 2018; to the Committee on Finance.

EC-4118. A communication from the Associate General Counsel for General Law, Department of Homeland Security, transmitting, pursuant to law, a report relative to a vacancy in the position of Commissioner, U.S. Customs and Border Protection, Department of Homeland Security, received in the Office of the President of the Senate on January 18, 2018; to the Committee on Finance.

EC-4119. A communication from the Executive Analyst (Political), Department of Health and Human Services, transmitting, pursuant to law, six (6) reports relative to vacancies in the Department of Health and Human Services, received in the Office of the President of the Senate on January 18, 2018; to the Committee on Finance.

EC-4120. A communication from the Assistant Secretary of State, Bureau of Legislative Affairs, transmitting, pursuant to law, a report relative to the interdiction of aircraft engaged in illicit drug trafficking; to the Committee on Foreign Relations.

EC-4121. A communication from the Acting Assistant Secretary for Legislation, Department of Health and Human Services, transmitting, pursuant to law, a report entitled "Delays in Approvals of Applications Related to Citizen Petitions and Petitions for Stay of Agency Action for Fiscal Year 2016"; to the Committee on Health, Education, Labor, and Pensions.

EC-4122. A communication from the Deputy Assistant Secretary, Employee Benefits Security Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "18-Month Extension of Transition Period and Delay of Applicability Dates; Best Interest Contract Exemption (PTE 2016-01); Class Exemption for Principal Transactions in Certain Assets Between Investment Advice Fiduciaries and Employee Benefit Plans and IRAs (PTE 2016-02); Prohibited Transaction Exemption 84-24 for Certain Transactions Involving Insurance Agents and Brokers, Pension Consultants, Insurance Companies, and Investment Company Principal Underwriters (PTE 84-24); Correction" (ZRN1210-ZA27) received in the Office of the President of the Senate on January 17, 2018; to the Committee on Health, Education, Labor, and Pensions.

EC-4123. A communication from the Executive Analyst (Political), Department of Health and Human Services, transmitting, pursuant to law, two (2) reports relative to a vacancy in the Department of Health and Human Services, received in the Office of the President of the Senate on January 18, 2018; to the Committee on Health, Education, Labor, and Pensions.

EC-4124. A communication from the Deputy Assistant General Counsel for the Division of Regulatory Services, Office of Special Education and Rehabilitative Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled "National Institute on Disability and Rehabilitation Research (NIDRR) and Independent Living Programs, Outdated, Superseded Regulations" (RIN1820-AB76) received in the Office of the President of the Senate on January 19, 2018; to the Committee on Health, Education, Labor, and Pensions.

EC-4125. A communication from the Chief Financial Officer, National Labor Relations Board, transmitting, pursuant to law, a report entitled "Performance and Accountability Report for Fiscal Year 2017"; to the Committee on Homeland Security and Governmental Affairs.

EC-4126. A communication from the Attorney-Advisor, Office of General Counsel, Department of Transportation, transmitting, pursuant to law, a report relative to a vacancy for the position of Administrator, Federal Aviation Administration, Department of Transportation, received in the Office of the President of the Senate on January 19, 2018; to the Committee on Commerce, Science, and Transportation.

EC-4127. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Federal Policy for the Protection of Human Subjects: Delay of the Revisions to the Federal Policy for the Protection of Human Subjects" (40 CFR Part 26) received in the Office of the President of the Senate on January 19, 2018; to the Committee on Environment and Public Works.

EC-4128. A communication from the Regulations Coordinator, Office of the Assistant Secretary for Health, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Federal Policy for the Protection of Human Subjects: Delay of the Revisions to the Federal Policy for the Protection of Human Subjects" (RIN0937-AA06) received in the Office of the President of the Senate on January 22, 2018; to the Committee on Health, Education, Labor, and Pensions.

EC-4129. A communication from the Acting Director, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Federal Employees Health Benefits Program: Removal of Eligible and Ineligible Individuals from Existing Enrollments" (RIN3206-AN09) received in the Office of the President of the Senate on January 22, 2018; to the Committee on Homeland Security and Governmental Affairs.

#### PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-161. A resolution adopted by the City Council of the City of Richmond, California memorializing its support for net neutrality and open Internet access for all; to the Committee on Commerce, Science, and Transportation.

POM-162. A resolution adopted by the City Council of the City of Pascagoula, Mis-

issippi, urging the United States Congress to keep its commitment under the Gulf of Mexico Energy Security Act to share OCS revenues with Gulf producing states and their coastal political subdivisions and to ensure that Jackson County can continue to provide the nation with critical energy supplies and maintain and improve the infrastructure that is necessary to do so; to the Committee on Energy and Natural Resources.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. COCHRAN:

S. Con. Res. 33. A concurrent resolution providing for a correction in the enrollment of H.R. 195; considered and agreed to.

#### ADDITIONAL COSPONSORS

S. 2121

At the request of Mr. HELLER, the name of the Senator from West Virginia (Mrs. CAPITO) was added as a cosponsor of S. 2121, a bill to amend title XVIII of the Social Security Act to require reporting of certain data by providers and suppliers of air ambulance services for purposes of reforming reimbursements for such services under the Medicare program, and for other purposes.

S. 2324

At the request of Mr. HELLER, the name of the Senator from Indiana (Mr. DONNELLY) was added as a cosponsor of S. 2324, a bill to amend the Investment Company Act of 1940 to change certain requirements relating to the capital structure of business development companies, to direct the Securities and Exchange Commission to revise certain rules relating to business development companies, and for other purposes.

S. RES. 368

At the request of Mr. CORKER, the names of the Senator from Oklahoma (Mr. LANKFORD) and the Senator from Nevada (Ms. CORTEZ MASTO) were added as cosponsors of S. Res. 368, a resolution supporting the right of all Iranian citizens to have their voices heard.

#### SUBMITTED RESOLUTIONS

#### SENATE CONCURRENT RESOLUTION 33—PROVIDING FOR A CORRECTION IN THE ENROLLMENT OF H.R. 195

Mr. COCHRAN submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 33

*Resolved by the Senate (the House of Representatives concurring), That in the enrollment of the bill H.R. 195, the Clerk of the House of Representatives shall make the following corrections:*

(1) Insert before section 1 the following:

**"DIVISION A—FEDERAL REGISTER PRINTING SAVINGS ACT OF 2017".**

(2) In section 1, strike "Act" and insert "division".

(3) Insert before section 2002 the following: "SEC. 154 (a) Employees furloughed as a result of any lapse in appropriations which begins on or about January 20, 2018, shall be compensated at their standard rate of compensation, for the period of such lapse in appropriations, as soon as practicable after such lapse in appropriations ends.

"(b) For purposes of this section, 'employee' means:

"(1) a Federal employee;

"(2) an employee of the District of Columbia Courts;

"(3) an employee of the Public Defender Service for the District of Columbia; or

"(4) a District of Columbia Government employee.

"(c) All obligations incurred in anticipation of the appropriations made and authority granted by this division for the purposes of maintaining the essential level of activity to protect life and property and bringing about orderly termination of Government functions, and for purposes as otherwise authorized by law, are hereby ratified and approved if otherwise in accord with the provisions of this division.

"SEC. 155. (a) If a State (or another Federal grantee) used State funds (or the grantee's non-Federal funds) to continue carrying out a Federal program or furloughed State employees (or the grantee's employees) whose compensation is advanced or reimbursed in whole or in part by the Federal Government—

"(1) such furloughed employees shall be compensated at their standard rate of compensation for such period;

"(2) the State (or such other grantee) shall be reimbursed for expenses that would have been paid by the Federal Government during such period had appropriations been available, including the cost of compensating such furloughed employees, together with interest thereon calculated under section 6503(d) of title 31, United States Code; and

"(3) the State (or such other grantee) may use funds available to the State (or the grantee) under such Federal program to reimburse such State (or the grantee), together with interest thereon calculated under section 6503(d) of title 31, United States Code.

"(b) For purposes of this section, the term 'State' and the term 'grantee' shall have the meaning as such term is defined under the applicable Federal program under subsection (a). In addition, 'to continue carrying out a Federal program' means the continued performance by a State or other Federal grantee, during the period of a lapse in appropriations, of a Federal program that the State or such other grantee had been carrying out prior to the period of the lapse in appropriations.

"(c) The authority under this section applies with respect to any period in fiscal year 2018 (not limited to periods beginning or ending after the date of the enactment of this division) during which there occurs a lapse in appropriations with respect to any department or agency of the Federal Government which, but for such lapse in appropriations, would have paid, or made reimbursement relating to, any of the expenses referred to in this section with respect to the program involved. Payments and reimbursements under this authority shall be made only to the extent and in amounts provided in advance in appropriations Acts."

(4) Insert after section 2002 the following:

"SEC. 2003. For the purposes of division D of Public Law 115-56, the time covered by such division shall be considered to include the period which began on or about January 20, 2018, during which there occurred a lapse in appropriations."