

There being no objection, the committee was discharged and the Senate proceeded to consider the bill.

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

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

The bill (S. 2765) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2765

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “RBIC Advisers Relief Act of 2018”.

SEC. 2. ADVISERS OF RBICS.

Section 203 of the Investment Advisers Act of 1940 (15 U.S.C. 80b-3(b)) is amended—

- (1) in subsection (b)—
- (A) in paragraph (6)(B)—
- (i) by adjusting the margins accordingly; and
- (ii) by striking the period at the end and inserting a semicolon;

(B) in paragraph (7)(C), by striking the period at the end and inserting “; or”; and

(C) by adding at the end the following: “(8) any investment adviser, other than an entity that has elected to be regulated or is regulated as a business development company pursuant to section 54 of the Investment Company Act of 1940 (15 U.S.C. 80a-53), who solely advises—

“(A) rural business investment companies (as defined in section 384A of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009cc)); or

“(B) companies that have submitted to the Secretary of Agriculture an application in accordance with section 384D(b) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009cc-3(b)) that—

“(i) have received from the Secretary of Agriculture a letter of conditions, which has not been revoked; or

“(ii) are affiliated with 1 or more rural business investment companies described in subparagraph (A).”;

(2) in subsection (1), by adding at the end the following:

“(3) ADVISERS OF RBICS.—For purposes of this subsection, a venture capital fund includes an entity described in subparagraph (A) or (B) of subsection (b)(8) (other than an entity that has elected to be regulated as a business development company pursuant to section 54 of the Investment Company Act of 1940 (15 U.S.C. 80a-53)).”;

(3) in subsection (m), by adding at the end the following:

“(4) ADVISERS OF RBICS.—For purposes of this subsection, the assets under management of a private fund that is an entity described in subparagraph (A) or (B) of subsection (b)(8) (other than an entity that has elected to be regulated or is regulated as a business development company pursuant to section 54 of the Investment Company Act of 1940 (15 U.S.C. 80a-53)) shall be excluded from the limit set forth in paragraph (1).”.

SEC. 3. RELATIONSHIP TO STATE LAW.

Section 203A(b)(1) of the Investment Advisers Act of 1940 (15 U.S.C. 80b-3a(b)(1)) is amended—

- (1) in subparagraph (C), by striking the period at the end and inserting “; or”; and
- (2) by adding at the end the following:

“(D) that is not registered under section 203 because that person is exempt from registration as provided in subsection (b)(8) of

such section, or is a supervised person of such person.”.

9/11 HEROES MEDAL OF VALOR ACT OF 2017

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be discharged from further consideration of H.R. 3834 and the Senate proceed to its immediate consideration.

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

The legislative clerk read as follows:

A bill (H.R. 3834) to provide that members of public safety agencies who died of 9/11-related health conditions are eligible for the Presidential 9/11 Heroes Medal of Valor, and for other purposes.

There being no objection, the committee was discharged and the Senate proceeded to consider the bill.

Mr. MCCONNELL. I further ask unanimous consent that the bill be considered read a third time and passed and the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The bill (H.R. 3834) was ordered to a third reading, was read the third time, and passed.

RELATIVE TO THE DEATH OF THE HONORABLE JOSEPH D. “JOE” TYDINGS, FORMER UNITED STATES SENATOR FOR THE STATE OF MARYLAND

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 684, submitted earlier today.

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

The legislative clerk read as follows:

A resolution (S. Res. 684) relative to the death of the Honorable Joseph D. “Joe” Tydings, former United States Senator for the State of Maryland.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MCCONNELL. I further ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The resolution (S. Res. 684) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today’s RECORD under “Submitted Resolutions.”)

ORDERS FOR FRIDAY, OCTOBER 12, THROUGH TUESDAY, NOVEMBER 13, 2018

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the

Senate completes its business today, it adjourn to then convene for pro forma sessions only, with no business being conducted, on the following dates and times and that following each pro forma session, the Senate adjourn until the next pro forma session: Friday, October 12, at 12 noon; Tuesday, October 16, at 12 noon; Friday, October 19, at 10 a.m.; Tuesday, October 23, at 4:30 p.m.; Friday, October 26, at 5 p.m.; Tuesday, October 30, at 1 p.m.; Friday, November 2, at 2:45 p.m.; Tuesday, November 6, at 4 p.m.; Friday, November 9, at 9 a.m. I further ask that when the Senate adjourns on Friday, November 9, it next convene at 3 p.m. on Tuesday, November 13; and that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and morning business be closed; finally, that following leader remarks, the Senate resume consideration of the House message to accompany S. 140 under the previous order.

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

ADJOURNMENT UNTIL TOMORROW

Mr. MCCONNELL. Mr. President, if there is no further business to come before the Senate, I ask that it stand adjourned under the provisions of S. Res. 684 and do so as a further mark of respect for the late Joseph D. “Joe” Tydings, former Senator for the State of Maryland.

There being no objection, the Senate, at 9:39 p.m., adjourned until Friday, October 12, 2018, at 12 noon.

NOMINATIONS

Executive nomination received by the Senate:

DEPARTMENT OF JUSTICE

DOUGLAS J. STRIKE, OF IOWA, TO BE UNITED STATES MARSHAL FOR THE NORTHERN DISTRICT OF IOWA FOR THE TERM OF FOUR YEARS, VICE KENNETH JAMES RUNDE, TERM EXPIRED.

CONFIRMATIONS

Executive nominations confirmed by the Senate October 11, 2018:

THE JUDICIARY

WILLIAM M. RAY II, OF GEORGIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF GEORGIA.

LILES CLIFTON BURKE, OF ALABAMA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF ALABAMA.

MICHAEL JOSEPH JUNEAU, OF LOUISIANA, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF LOUISIANA.

MARK SAALFIELD NORRIS, SR., OF TENNESSEE, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF TENNESSEE.

ELI JEREMY RICHARDSON, OF TENNESSEE, TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF TENNESSEE.

DEPARTMENT OF JUSTICE

JEFFREY BOSSERT CLARK, OF VIRGINIA, TO BE AN ASSISTANT ATTORNEY GENERAL.

ERIC S. DREIBAND, OF MARYLAND, TO BE AN ASSISTANT ATTORNEY GENERAL.

PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD

ADAM I. KLEIN, OF THE DISTRICT OF COLUMBIA, TO BE CHAIRMAN AND MEMBER OF THE PRIVACY AND CIVIL

LIBERTIES OVERSIGHT BOARD FOR A TERM EXPIRING JANUARY 29, 2024.

DEPARTMENT OF DEFENSE

JAMES N. STEWART, OF NORTH CAROLINA, TO BE AN ASSISTANT SECRETARY OF DEFENSE.

THE JUDICIARY

THOMAS S. KLEE, OF WEST VIRGINIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF WEST VIRGINIA.

PETER J. PHIPPS, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF PENNSYLVANIA.

SUSAN BRNOVICH, OF ARIZONA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF ARIZONA.

CHAD F. KENNEY, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA.

JEREMY D. KERNODLE, OF TEXAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF TEXAS.

PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD

EDWARD W. FELTEN, OF NEW JERSEY, TO BE A MEMBER OF THE PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD FOR THE REMAINDER OF THE TERM EXPIRING JANUARY 29, 2019.

JANE NITZE, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD FOR A TERM EXPIRING JANUARY 29, 2023.

THE JUDICIARY

JAMES PATRICK HANLON, OF INDIANA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF INDIANA.

LANCE E. WALKER, OF MAINE, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF MAINE.

DAVID JAMES PORTER, OF PENNSYLVANIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE THIRD CIRCUIT.

DEPARTMENT OF STATE

KIMBERLY BREIER, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF STATE (WESTERN HEMISPHERE AFFAIRS).

DENISE NATALI, OF NEW JERSEY, TO BE AN ASSISTANT SECRETARY OF STATE (CONFLICT AND STABILIZATION OPERATIONS).

JOHN COTTON RICHMOND, OF VIRGINIA, TO BE DIRECTOR OF THE OFFICE TO MONITOR AND COMBAT TRAFFICKING, WITH THE RANK OF AMBASSADOR AT LARGE.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

JAMES MORHARD, OF VIRGINIA, TO BE DEPUTY ADMINISTRATOR OF THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION.

THE JUDICIARY

RYAN DOUGLAS NELSON, OF IDAHO, TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT.

RICHARD J. SULLIVAN, OF NEW YORK, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SECOND CIRCUIT.

DEPARTMENT OF JUSTICE

JASON R. DUNN, OF COLORADO, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF COLORADO FOR THE TERM OF FOUR YEARS.

DALLAS L. CARLSON, OF NORTH DAKOTA, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF NORTH DAKOTA FOR THE TERM OF FOUR YEARS.

DEPARTMENT OF STATE

KAREN L. WILLIAMS, OF MISSOURI, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SURINAME.

KEVIN K. SULLIVAN, OF OHIO, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF NICARAGUA.

DONALD Y. YAMAMOTO, OF WASHINGTON, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE FEDERAL REPUBLIC OF SOMALIA.

EARL ROBERT MILLER, OF MICHIGAN, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE PEOPLE'S REPUBLIC OF BANGLADESH.

NORTHERN BORDER REGIONAL COMMISSION

HAROLD B. PARKER, OF NEW HAMPSHIRE, TO BE FEDERAL COCHAIRPERSON OF THE NORTHERN BORDER REGIONAL COMMISSION.

DEPARTMENT OF DEFENSE

ROBERT H. MCMAHON, OF GEORGIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE.

FEDERAL EMERGENCY MANAGEMENT AGENCY

PETER GAYNOR, OF RHODE ISLAND, TO BE DEPUTY ADMINISTRATOR, FEDERAL EMERGENCY MANAGEMENT AGENCY, DEPARTMENT OF HOMELAND SECURITY.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

GEN. ROBERT B. ABRAMS

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be admiral

VICE ADM. CRAIG S. FALLER

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. JERRY D. HARRIS, JR.

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

VICE ADM. ANDREW L. LEWIS

IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING WITH BRUCE A. ABBOTT AND ENDING WITH SHIRLEY B. ZISER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 18, 2018.

AIR FORCE NOMINATIONS BEGINNING WITH PATRICK C. DEGRAAF AND ENDING WITH CHRISTOPHER L. PRIDGEN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 24, 2018.

IN THE ARMY

ARMY NOMINATIONS BEGINNING WITH GARY W. BROCK, JR. AND ENDING WITH JOHN M. WILSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 20, 2018.

ARMY NOMINATION OF JOHN J. KAIKKONEN, TO BE LIEUTENANT COLONEL.

ARMY NOMINATION OF MARC A. PATTERSON, TO BE COLONEL.

ARMY NOMINATION OF JAMES B. ELLEDGE, TO BE COLONEL.

ARMY NOMINATIONS BEGINNING WITH MICAH B. BELL AND ENDING WITH TANYA R. TROUT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 28, 2018.

IN THE NAVY

NAVY NOMINATIONS BEGINNING WITH CAPT. MARCUS N. FULTON AND ENDING WITH CAPT. FRANK D. HUTCHISON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 11, 2018.

NAVY NOMINATION OF TILFORD L. CLARK, TO BE COMMANDER.

DEPARTMENT OF STATE

MARY ELIZABETH TAYLOR, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF STATE (LEGISLATIVE AFFAIRS).