

“(I) the registration of the broker or dealer under the Commodity Exchange Act (7 U.S.C. 1 et seq.); or

“(II) the authority of the broker or dealer to engage in any transaction.

“(6) NON-CUSTODY BROKER OR DEALER.—The term ‘non-custody broker or dealer’ means a broker or dealer (as those terms are defined in section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a))), as applicable, that—

“(A) as of the last day of the most recently completed fiscal year of the broker or dealer, has not less than 1 and not more than 150 associated persons of the broker or dealer (as that term is defined in section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a))) that are registered with a self-regulatory organization of which the broker or dealer is a member; and

“(B) throughout the most recently completed fiscal year of the broker or dealer—

“(i) did not, as a matter of ordinary business practice in connection with the activities of the broker or dealer, receive customer checks, drafts, or other evidence of indebtedness made payable to the broker or dealer;

“(ii) promptly forwarded customer securities and customer checks, drafts, or other evidence of indebtedness payable to a third party, including a clearing broker or dealer, in compliance with section 240.15c3-3 of title 17, Code of Federal Regulations, or any successor regulation;

“(iii) did not otherwise hold customer securities or cash;

“(iv) if required under section 3(a)(2) of the Securities Investor Protection Act of 1970 (15 U.S.C. 78cccc(a)(2)), was a member of the Securities Investor Protection Corporation; and

“(v) either—

“(I) claimed exemption from section 240.15c3-3 of title 17, Code of Federal Regulations, or any successor regulation; or

“(II) claimed no exemption from section 240.15c3-3 of title 17, Code of Federal Regulations, or any successor regulation (or was not otherwise subject to that section) because the broker or dealer did not maintain custody over any customer securities or cash.

“(7) PRIVATELY HELD.—The term ‘privately held’ means, with respect to a broker or dealer (as those terms are defined in section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a))), that the broker or dealer, as applicable, is not an issuer.”.

(b) AMENDMENTS TO REGULATIONS.—

(1) DEFINITIONS.—In this subsection, the terms “in good standing”, “non-custody broker or dealer”, and “privately held” have the meanings given those terms in section 110 of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7220), as amended by subsection (a).

(2) REQUIRED AMENDMENTS.—Not later than 180 days after the date of enactment of this Act, the Securities and Exchange Commission shall make any necessary amendments to regulations of the Commission that are in effect as of the date of enactment of this Act in order to—

(A) carry out this Act and the amendments made by this Act; and

(B) exclude the auditors of non-custody brokers or dealers that are privately held and in good standing from the audit requirements of the Public Company Accounting Oversight Board.

(c) EFFECTIVE DATE.—Except as provided in subsection (b), this Act, and the amendments made by this Act, shall take effect on the date that is 180 days after the date of enactment of this Act.

PRIVILEGES OF THE FLOOR

Mrs. MURRAY. Mr. President, I ask unanimous consent that a fellow on my HELP Committee staff, Nikki Meadows, be granted floor privileges until October 1, 2018.

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

CELEBRATING THE TENTH ANNIVERSARY OF THE WOMEN'S CONGRESSIONAL STAFF ASSOCIATION

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 630, submitted earlier today.

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

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 630) celebrating the tenth anniversary of the Women's Congressional Staff Association.

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

Mr. McCONNELL. Mr. President, I 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. 630) was agreed to.

The preamble was agreed to.

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

ORDERS FOR TUESDAY, SEPTEMBER 18, 2018

Mr. McCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m., Tuesday, September 18; further, 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, morning business be closed, and the Senate resume consideration of the conference report to accompany H.R. 6157; finally, that the Senate recess from 12:30 p.m. to 2:15 p.m. to allow for the weekly conference meetings.

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

ORDER FOR ADJOURNMENT

Mr. McCONNELL. If there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order following the remarks of Senator MURRAY and Senator ROUNDS.

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

NOMINATION OF JUDGE KAVANAUGH

Mrs. MURRAY. Mr. President, I come to the floor to speak about the opioid legislation. I will get to that; however, I do wish to briefly comment on another critical issue.

Once again, I want to thank Professor Ford for her bravery. This is not easy for anyone. Nobody asks for this to happen to them, and I can only imagine the trauma and heartache involved in sharing and reliving a sexual assault like this. But she should know that I and millions of people are standing by her side and stand ready to help however we can.

I want to make three points.

First, this nomination needs to be delayed. The idea that this nomination could be jammed through given what we know now is almost unthinkable and would be shameful and wrong. Whatever one may think about the timing of this new information and the process that has taken us to this point, the fact is that Senators now have new information about a potential crime committed by a nominee for the highest Court in the land and an individual who has come forward with details of the alleged criminal act, and we can't simply ignore it.

There is no urgency to fill this seat before October. Republicans held a Supreme Court seat open for more than a year in order to prevent President Obama from fulfilling his constitutional role, so surely we can take the time we need now in order to fulfill our constitutional role. To be very clear, we should have nine Justices on the Supreme Court, but it is more important right now to slow down, make sure we have all of the facts, all the information, and that Senators have a chance to weigh that before casting a vote to a position of such importance.

Secondly, we need a full, fair, and robust investigation into these allegations, and we need this to happen before anyone is brought in to testify or “re-testify” to make sure Senators have the information they need to ask the right questions and to do their jobs.

We saw what happened in 1991 when an accuser was brought in for questioning before the Senators had access to all of the corroborating information, and we cannot allow that to happen again. We saw the way Senators completely mishandled the questioning of Anita Hill when they didn't have access to the facts, hadn't yet heard from all of the witnesses, and didn't have a grasp of the information and her experience. I am very worried this would happen exactly that way again if we don't take the time to do this right. There is no way a thorough investigation can be completed in time for a hearing on Monday.

That brings me to my third and most important point. We cannot allow this to turn into another attack on a woman who has come forward to talk about her experience. We just can't.

The Senate needs to be better than that. And I am going to do everything I can with anyone who is willing to join me to make sure we are.

I joined millions of women in 1991 in watching as Anita Hill was attacked, interrogated, and maligned on national television simply for sharing her experience. A generation of women watched what happened to her and were then less likely to share their own stories and more likely to let their attackers and harassers off the hook because they saw what happened to Anita Hill at the hands of the U.S. Senate, and they didn't want anything like that to happen to them. That cannot happen again. An all-male Judiciary Committee dropped the ball in 1991. We cannot allow an all-male Republican side of the Judiciary Committee to do the same in 2018.

Over the past year, we have made some tremendous strides with the "me too." movement and the understanding more and more that sexual harassment and assault is not OK and cannot be tolerated no matter how powerful the perpetrator. We have made tremendous strides with the understanding more and more that women who have come forward should be listened to, should be heard and believed, and that investigations and all appropriate actions should be taken once they have come forward to share their experience. We have made tremendous strides with the understanding more and more that women who come forward do so at great cost. None of them want to have to do so. All of them wish they had never been through what they went through. And the idea that they are making it up for some personal gain or agenda is as wrong as it is offensive.

We have made progress, but all that progress is at stake if this is now allowed to become a replay of what happened to Anita Hill, and I am already seeing some troubling signs of some people going down that path. Right away, some Republicans have shifted into an attack mode, attacking the process and starting to attack the accuser. I can only imagine Republicans are getting ready to attack and interrogate Professor Ford in a misguided attempt to protect Judge Kavanaugh and put politics ahead of their job as U.S. Senators and their duty to their constituents. We cannot allow attacks like that to happen. I urge all of my colleagues, Democrats and Republicans, to put a stop to it whenever they see it.

Let's look at the facts. Let's investigate the allegations. Let's consider what that means for our view on this nominee, but let's make sure that it doesn't become another 1991, and let's make sure this doesn't become another attack on a woman resulting in another chill on women everywhere.

Mrs. MURRAY. Mr. President, I want to turn to another issue, and I ask unanimous consent that my remarks appear in the RECORD before the vote took place.

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

The PRESIDING OFFICER. The Senator from South Dakota.

REMEMBERING STAFF SERGEANT DAVID FISCHER

Mr. ROUNDS. Mr. President, I rise today to honor a fallen hero, Assistant Fire Chief Dave Fischer of Sturgis, SD.

Dave, a 22-year member of the Sturgis Volunteer Fire Department, also served in the South Dakota National Guard's 82nd Civil Support Team based out of Rapid City.

On Friday, September 7, 2018, Dave dutifully responded to the report of a structure fire in nearby Tilford. Like so many times before, Dave was one of the first Sturgis firefighters to arrive at the scene, where a single-family home was engulfed in flames and beginning to threaten other nearby homes and families.

According to reports, Dave was attempting to move one of the fire department's command vehicles just north of the home when a propane tank exploded, a piece of which struck him and his vehicle, killing him instantly. Both he and the owner of the home, Raymond Bachmeier, perished on that tragic day. We send our sympathies to all of the friends and family members they leave behind.

Dave's death is a tremendous loss for the State of South Dakota, especially the Sturgis area and surrounding communities, where he lived almost his entire life.

Dave exemplified what it meant to serve others. He was a member of the Sturgis Volunteer Fire Department for more than 20 years. He was active in the Sturgis emergency medical service, where his wife still serves as the director. And Dave served in the National Guard for 23 years, serving a tour in Iraq with the 216th Engineer Detachment Firefighting Team in 2004 and 2005. As a soldier, a firefighter, and a first responder, Dave spent over half his life selflessly putting others first, willing to risk his life to keep his fellow neighbors and fellow Americans safe.

By all accounts, Dave was a true hero. His commander in the South Dakota National Guard, LTC Dale Gadbois, called Dave one "of the finest soldiers I knew who would help anyone and everyone in times of need. From the beginning it was obvious he put his service before himself and paid the ultimate price rushing in to help the community in an emergency. It was an honor to have served with him."

Those words are a testament to the kind of person Dave was, always putting others first.

Dave was laid to rest this last Saturday at the Black Hills National Cemetery near Sturgis. He leaves behind his wife and children. We continue to keep them in our thoughts and prayers during this incredibly difficult time. While we can't take away the hurt, please

know that we will never forget the sacrifices that Dave made, and we will not forget the sacrifices that Dave's family has made.

Not everyone is willing to put their life on the line to keep us safe, but Dave did just exactly that. He put others before himself throughout his life. His legacy will not soon be forgotten.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Ms. CANTWELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

NOMINATION OF BRETT KAVANAUGH

Ms. CANTWELL. Mr. President, I just wanted to follow my colleague from Washington with comments about having a hearing in the Judiciary Committee as we proceed to next Monday. I think it is very important that all of our colleagues have all of the information. I also think it is important that an investigation be taken seriously and be underway at the same time. So I hope that my colleagues are not just thinking that we will have a hearing and move forward as quickly as possible but will treat this as the serious investigation that people in the State of Washington and around the country want to see. I so appreciate the fact that this is a very challenging time, but information must be received and a true investigation must also occur.

I thank the President.

I yield the floor.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

The PRESIDING OFFICER. The Senate stands adjourned until 10 a.m. tomorrow.

Thereupon, the Senate, at 7:18 p.m., adjourned until Tuesday, September 18, 2018, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS 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

MAJ. GEN. GEORGE W. SMITH, JR.

IN THE AIR FORCE

THE FOLLOWING NAMED AIR NATIONAL GUARD OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be colonel

DANN S. CARLSON
JOSE I. RUIZ QUINONES

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 531: