

made and laid upon the table with no intervening action or debate; that no further motions be in order to any of the nominations; that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

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

The nominations considered and confirmed en bloc are as follows:

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE FOREIGN SERVICE

PN1377—3 FOREIGN SERVICE nomination of Sharon Lee Cromer, which was received by the Senate and appeared in the Congressional Record of January 30, 2014.

PN1567 FOREIGN SERVICE nominations (4) beginning Michael A. Lally, and ending John E. Simmons, which nominations were received by the Senate and appeared in the Congressional Record of April 10, 2014.

PN1568 FOREIGN SERVICE nominations (11) beginning Andrew J. Billard, and ending Brenda Vanhorn, which nominations were received by the Senate and appeared in the Congressional Record of April 10, 2014.

PN1569 FOREIGN SERVICE nominations (456) beginning Melinda Masonis, and ending Jeffrey R. Zihlman, which nominations were received by the Senate and appeared in the Congressional Record of April 10, 2014.

PN2137 FOREIGN SERVICE nomination of James D. Lindley, which was received by the Senate and appeared in the Congressional Record of November 13, 2014.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

SECURITY CLEARANCE ACCOUNTABILITY, REFORM, AND ENHANCEMENT ACT

Mr. WALSH. I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 606, S. 1744.

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

The legislative clerk read as follows:

A bill (S. 1744) to strengthen the accountability of individuals involved in misconduct affecting the integrity of background investigations, to update guidelines for security clearances, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Homeland Security and Governmental Affairs, with an amendment and an amendment to the title.

(Strike out all after the enacting clause and insert the part printed in italic.)

SECTION 1. SHORT TITLE.

This Act may be cited as the "Security Clearance Accountability, Reform, and Enhancement Act".

SEC. 2. DEFINITIONS.

In this Act—

(1) the term "agency" has the meaning given the term in Executive Order 13467 (73 Fed. Reg. 38103);

(2) the term "appropriate agency" means—

(A) in the case of a prime contractor for a covered contract, the agency with which the prime contractor entered the covered contract; or

(B) in the case of a subcontractor for a covered contract, any agency on whose behalf the subcontractor is performing work under the covered contract;

(3) the term "appropriate congressional committees" means—

(A) the Committee on Homeland Security and Governmental Affairs and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Oversight and Government Reform and the Permanent Select Committee on Intelligence of the House of Representatives;

(4) the term "background investigation" means any investigation required for the purpose of determining the—

(A) eligibility of a covered individual for logical and physical access to federally controlled facilities or information systems;

(B) suitability or fitness of a covered individual for Federal employment;

(C) eligibility of a covered individual for access to classified information or to hold a national security sensitive position; or

(D) fitness of a covered individual to perform work for or on behalf of the United States Government as a contractor employee;

(5) the term "covered contract" means a contract to conduct background investigations—

(A) between an agency and a prime contractor;

(B) between a prime contractor and a subcontractor, if the prime contractor has a contract with an agency; or

(C) between subcontractors, if one of the subcontractors has a contract with a prime contractor that has a contract with an agency;

(6) the term "covered individual" means an individual who—

(A) performs work for or on behalf of an agency; or

(B) seeks to perform work for or on behalf of an agency;

(7) the term "covered misconduct" means misconduct affecting the integrity of a background investigation conducted by or for an agency with investigative authority to conduct background investigations, including—

(A) falsification of any information relating to a background investigation; or

(B) other serious misconduct that compromises the integrity of a background investigation;

(8) the term "prime contractor" means an individual who enters into a contract with an agency; and

(9) the term "subcontractor" means an individual who has contracted with a prime contractor or with another subcontractor to perform a contract on behalf of an agency.

SEC. 3. ACCOUNTABILITY OF INDIVIDUALS INVOLVED IN MISCONDUCT AFFECTING THE INTEGRITY OF AGENCY BACKGROUND INVESTIGATIONS.

(a) MISCONDUCT BY FEDERAL EMPLOYEES.—

(1) UNFIT FOR FEDERAL EMPLOYMENT.—If an agency determines that an employee of the agency has engaged in covered misconduct, the employee shall be found unfit for Federal employment.

(2) FITNESS DETERMINATIONS.—An agency shall make a determination under paragraph (1) in accordance with any statutory, regulatory, or internal agency procedures applicable to investigating alleged misconduct by employees of the agency.

(3) PROHIBITION ON REEMPLOYMENT TO CONDUCT BACKGROUND INVESTIGATIONS.—If an agency determines under paragraph (1) that an individual is unfit for Federal employment, the individual shall not be appointed to or continue to occupy a position, as an employee of any agency, that requires its occupant to perform background investigations.

(b) MISCONDUCT BY EMPLOYEES UNDER CONTRACT.—

(1) INELIGIBILITY FOR PERFORMANCE OF WORK UNDER A COVERED CONTRACT.—If an appropriate agency, prime contractor, or subcontractor de-

termines that an individual performing work under a covered contract has engaged in covered misconduct, the individual shall be ineligible to perform background investigations under a covered contract.

(2) MANDATORY DISCLOSURE.—A covered contract shall include a provision requiring a prime contractor or subcontractor to disclose to each appropriate agency any allegation of covered misconduct by an employee of the prime contractor or subcontractor not later than 24 hours after the prime contractor or subcontractor discovers the alleged covered misconduct.

(3) INVESTIGATION OF COVERED MISCONDUCT.—

(A) CONTRACTOR INVESTIGATION.—A covered contract shall include a provision requiring that, not later than 5 business days after the date on which a prime contractor or subcontractor discloses an allegation under paragraph (2), the prime contractor or subcontractor shall refer the allegation of covered misconduct to the agency for investigation.

(B) AGENCY INVESTIGATION.—Nothing in subparagraph (A) shall be construed to prohibit an appropriate agency from conducting its own investigation into an allegation of covered misconduct.

(4) PROHIBITION ON REEMPLOYMENT TO CONDUCT BACKGROUND INVESTIGATIONS.—If an appropriate agency determines, based on an investigation conducted under paragraph (3), that an individual is ineligible to perform work under a covered contract under paragraph (1), the individual shall be prohibited from performing background investigations under any covered contract.

(5) MODIFICATION OF EXISTING CONTRACTS.—Not later than 30 days after the date of enactment of this Act, any covered contract that is in effect and was entered into before the date of enactment of this Act shall be modified to include the provisions required under paragraphs (2) and (3).

(c) REPORTING.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the President shall submit to the appropriate congressional committees a report providing—

(1) the number of individuals determined to be—

(A) unfit for Federal employment under subsection (a); or

(B) ineligible to perform work under a covered contract under subsection (b); and

(2) details of the covered misconduct that resulted in each determination described in paragraph (1).

SEC. 4. REVIEW AND UPDATE OF POSITION DESIGNATION GUIDANCE.

(a) GUIDELINES.—

(1) INITIAL REVIEW AND UPDATE OF GUIDANCE.—Not later than 180 days after the date of enactment of this Act, the President shall review and, if appropriate, update the guidance the President issues to assist agencies in determining—

(A) position sensitivity designation; and

(B) the appropriate background investigation to initiate for each position designation.

(2) REVIEWS AND REVISIONS OF POSITION DESIGNATIONS.—Not less frequently than every 5 years, the President, acting through relevant agencies (as determined by the President) and in accordance with the guidance described in paragraph (1), shall review and, if necessary, revise the position designation of positions within agencies.

(b) REPORTS TO CONGRESS.—Not later than 30 days after completing a review under subsection (a)(2), the President shall submit to the appropriate congressional committees a report on—

(1) any issues identified in the review; and

(2) the number of position designations revised as a result of the review.

(c) NO CHANGE IN AUTHORITY.—Nothing in this section limits or expands the authority of any agency to designate a position as sensitive or as requiring its occupant to have access to classified information.

Mr. WALSH. I ask unanimous consent that the committee-reported substitute amendment be agreed to, the bill, as amended, be read a third time, and the Senate proceed to vote on passage of the bill, as amended.

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

The committee-reported amendment in the nature of a substitute was agreed to.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The bill (S. 1744), as amended, was passed.

Mr. WALSH. I ask unanimous consent that the committee-reported title amendment 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 committee-reported title amendment was agreed to, as follows:

Amend the title so as to read: "A bill to strengthen the accountability of individuals involved in misconduct affecting the integrity of background investigations, to update guidelines for position designation, and for other purposes."

#### SENATOR PAUL SIMON WATER FOR THE WORLD ACT OF 2014

Mr. WALSH. Madam President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 2901, which was received from the House and is at the desk.

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

The legislative clerk read as follows:

A bill (H.R. 2901) to strengthen implementation of the Senator Paul Simon Water for the Poor Act of 2005 by improving the capacity of the United States Government to implement, leverage, and monitor and evaluate programs to provide first-time or improved access to safe drinking water, sanitation, and hygiene to the world's poorest on an equitable and sustainable basis, and for other purpose.

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

Mr. WALSH. I ask unanimous consent that the bill be considered read a third time and the Senate proceed to vote on passage of the bill.

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

The bill was ordered to a third reading and was read the third time.

The PRESIDING OFFICER. Hearing no further debate, the bill having been read the third time, the question is, Shall the bill pass?

The bill (H.R. 2901) was passed.

Mr. WALSH. I ask unanimous consent that 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.

#### ENACTING TITLE 54, UNITED STATES CODE, AS POSITIVE LAW

Mr. WALSH. Madam President, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of H.R. 1068 and the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1068) to enact title 54, United States Code, "National Park Service and Related Programs," as positive law.

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

Mr. WALSH. I ask unanimous consent that the bill be 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 (H.R. 1068) was ordered to a third reading, was read the third time, and passed.

#### BOYS TOWN CENTENNIAL COMMEMORATIVE COIN ACT

Mr. WALSH. Madam President, I ask unanimous consent that the committee on banking be discharged from further consideration of H.R. 2866 and the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2866) to require the Secretary of the Treasury to mint coins in commemoration of the centennial of Boys Town, and for other purposes.

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

Mr. WALSH. I ask unanimous consent that the Johannis amendment, which is at the desk, be agreed to, the bill, as amended, be 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 amendment (No. 4120) was agreed to, as follows:

(Purpose: To provide that surcharges received from the sale of coins under the Act are used to reduce the national debt)

On page 7, strike lines 8 through 10, and insert the following: "shall be paid to the United States Treasury for the purpose of reducing the national debt."

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

The bill (H.R. 2866), as amended, was passed.

#### ORDERS FOR TUESDAY, DECEMBER 16, 2014

Mr. WALSH. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. on Tuesday, December 16, 2014; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate resume executive session as provided for under the previous order.

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

#### PROGRAM

Mr. WALSH. For the information of all Senators, the 10 a.m. confirmation votes on the Santos and Rose nominations are expected to be voice votes. There will be up to two rollcall votes at 2:30 p.m. on cloture and confirmation of the Saldana nomination. Additional rollcall votes will occur at 6 p.m.

We anticipate recessing for the purpose of the weekly caucus meetings following the use or yielding back of time on the Saldana nomination.

#### ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. WALSH. If there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 8:09 p.m., adjourned until Tuesday, December 16, 2014, at 10 a.m.

#### CONFIRMATIONS

Executive nominations confirmed by the Senate December 15, 2014:

##### PUBLIC HEALTH SERVICE

VIVEK HALLEGGERE MURTHY, OF MASSACHUSETTS, TO BE MEDICAL DIRECTOR IN THE REGULAR CORPS OF THE PUBLIC HEALTH SERVICE, SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW AND REGULATIONS, AND TO BE SURGEON GENERAL OF THE PUBLIC HEALTH SERVICE FOR A TERM OF FOUR YEARS.

##### FOREIGN SERVICE

FOREIGN SERVICE NOMINATION OF SHARON LEE CROMER.

FOREIGN SERVICE NOMINATIONS BEGINNING WITH MICHAEL A. LALLY AND ENDING WITH JOHN E. SIMMONS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 10, 2014.

FOREIGN SERVICE NOMINATIONS BEGINNING WITH ANDREW J. BILLARD AND ENDING WITH BRENDA VANHORN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 10, 2014.

FOREIGN SERVICE NOMINATIONS BEGINNING WITH MELINDA MASONIS AND ENDING WITH JEFFREY R. ZIHLMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 10, 2014.

FOREIGN SERVICE NOMINATION OF JAMES D. LINDLEY.