

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

R.E. THOMASON FEDERAL BUILDING AND UNITED STATES COURTHOUSE

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on the Environment and Public Works be discharged from further consideration of H.R. 5873 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 senior assistant legislative clerk read as follows:

A bill (H.R. 5873) to designate the Federal building and United States courthouse located at 511 East San Antonio Avenue in El Paso, Texas, as the "R.E. Thomason Federal Building and United States Courthouse."

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

Mr. MCCONNELL. Mr. President, 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. 5873) was ordered to a third reading, was read the third time, and passed.

PRESCRIBED BURN APPROVAL ACT OF 2016

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be discharged from further consideration of S. 3395 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 senior assistant legislative clerk read as follows:

A bill (S. 3395) to require limitations on prescribed burns.

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

Mr. MCCONNELL. Mr. President, 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 (S. 3395) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3395

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 "Prescribed Burn Approval Act of 2016".

SEC. 2. DEFINITIONS.

In this Act:

(1) NATIONAL FIRE DANGER RATING SYSTEM.—The term "national fire danger rating system" means the national system used to

provide a measure of fire danger according to a range of low to moderate to high to very high to extreme.

(2) PRESCRIBED BURN.—The term "prescribed burn" means a planned fire intentionally ignited.

(3) SECRETARY.—The term "Secretary" means the Secretary of Agriculture, acting through the Chief of the Forest Service.

SEC. 3. LIMITATIONS ON PRESCRIBED BURNS.

(a) IN GENERAL.—Except as provided in subsection (b), the Secretary shall not authorize a prescribed burn on Forest Service land if, for the county or contiguous county in which the land is located, the national fire danger rating system indicates an extreme fire danger level.

(b) EXCEPTION.—The Secretary may authorize a prescribed burn under a condition described in subsection (a) if the Secretary coordinates with the applicable State government and local fire officials.

(c) REPORT.—At the end of each fiscal year, the Secretary shall submit to Congress a report describing—

(1) the number and locations of prescribed burns during that fiscal year; and

(2) each prescribed burn during that fiscal year that was authorized by the Secretary pursuant to subsection (b).

VETERANS MOBILITY SAFETY ACT OF 2016

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be discharged from further consideration of H.R. 3471 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 senior assistant legislative clerk read as follows:

A bill (H.R. 3471) to amend title 38, United States Code, to make certain improvements in the provision of automobiles and adaptive equipment by the Department of Veterans Affairs.

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

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Moran amendment 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. 5111) in the nature of a substitute was agreed to.

(The amendment is printed in today's RECORD under "Text of Amendments.")

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. 3471), as amended, was passed.

AMENDING TITLE 5, UNITED STATES CODE, TO EXPAND LAW ENFORCEMENT AVAILABILITY PAY TO EMPLOYEES OF U.S. CUSTOMS AND BORDER PROTECTION'S AIR AND MARINE OPERATIONS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Com-

mittee on Homeland Security and Governmental Affairs be discharged from further consideration of H.R. 4902 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 senior assistant legislative clerk read as follows:

A bill (H.R. 4902) to amend title 5, United States Code, to expand law enforcement availability pay to employees of U.S. Customs and Border Protection's Air and Marine Operations.

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

Mr. MCCONNELL. Mr. President, 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. 4902) was ordered to a third reading, was read the third time, and passed.

SECURITY CLEARANCE ACCOUNTABILITY, REFORM, AND ENHANCEMENT ACT OF 2015

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 453, S. 434.

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

The senior assistant legislative clerk read as follows:

A bill (S. 434) to strengthen the accountability of individuals involved in misconduct affecting the integrity of background investigations, to update guidelines for security clearances, to prevent conflicts of interest relating to contractors providing background investigation fieldwork services and investigative support services, and for other purposes.

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

Mr. MCCONNELL. Mr. President, I further 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 with no intervening action or debate.

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

The bill (S. 434) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 434

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 "Security Clearance Accountability, Reform, and Enhancement Act of 2015".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

TITLE I—SECURITY CLEARANCE ACCOUNTABILITY, REFORM, AND ENHANCEMENT

Sec. 101. Definitions.

Sec. 102. Accountability of individuals involved in misconduct affecting the integrity of agency background investigations.

Sec. 103. Review and update of position designation guidance.

TITLE II—PREVENTING CONFLICTS OF INTEREST WITH CONTRACTORS

Sec. 201. Definitions.

Sec. 202. Limitation on contracting to prevent organizational conflicts of interest.

TITLE I—SECURITY CLEARANCE ACCOUNTABILITY, REFORM, AND ENHANCEMENT

SEC. 101. DEFINITIONS.

In this title—

(1) the term “agency” has the meaning given the term in Executive Order 13467 (73 Fed. Reg. 38103), or any successor thereto;

(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. 102. 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 determines 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. 103. 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.

TITLE II—PREVENTING CONFLICTS OF INTEREST WITH CONTRACTORS

SEC. 201. DEFINITIONS.

In this title—

(1) the term “agency” means—

(A) an Executive agency (as defined in section 105 of title 5, United States Code);

(B) a military department (as defined in section 102 of title 5, United States Code);

(C) an element of the intelligence community (as that term is defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003));

(D) the United States Postal Service; and

(E) the Postal Regulatory Commission;

(2) the term “background investigation fieldwork services” means the investigatory fieldwork conducted to determine the eligibility of an individual for logical and physical access to federally controlled facilities or information systems, suitability or fitness for Federal employment, eligibility for access to classified information or to hold a national security sensitive position, or fitness to perform work for or on behalf of the Federal Government as a contractor or employee, including—

(A) interviews of the individual, the employer of the individual, former employers of the individual, and friends, family, and other sources who might have relevant knowledge of the individual; and

(B) reviews of—

(i) educational and employment records;

(ii) criminal and other legal records; and

(iii) credit history;

(3) the term “background investigation support services” means the clerical, administrative, and technical support services provided to various functions critical to the background investigation process, including—

(A) initial processing and scheduling of investigative requests;

(B) information technology and information technology support;

(C) file maintenance;

(D) imaging or copying of investigation documents; and

(E) mail processing; and

(4) the term “quality review process” means performing the final quality review of a background investigation to ensure investigative, administrative, and other required standards have been met before the completed background investigation is delivered to the adjudicating agency.

SEC. 202. LIMITATION ON CONTRACTING TO PREVENT ORGANIZATIONAL CONFLICTS OF INTEREST.

Notwithstanding any other provision of law, after the date of enactment of this Act, a contract may not be entered into, and an extension of or option on a contract may not be exercised, with a contractor to conduct a quality review process relating to background investigation fieldwork services or background investigation support services if the contractor is performing the services to be reviewed.

EXPRESSING SUPPORT FOR THE DESIGNATION OF NOVEMBER 2016 AS “NATIONAL BLADDER HEALTH MONTH”

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Health, Education, Labor, and Pensions Committee be discharged from further consideration of and the Senate now proceed to the consideration of S. Res. 604.

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

The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 604) expressing support for the designation of November 2016 as “National Bladder Health Month.”

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.

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

The resolution (S. Res. 604) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in the RECORD of September 29, 2016, under “Submitted Resolutions.”)

DRIVE SAFER SUNDAY

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 617, 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. 617) designating November 27, 2016, as “Drive Safer Sunday.”

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. 617) was agreed to.

The preamble was agreed to.

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

COMMENDING AND CONGRATULATING THE CHICAGO CUBS ON THEIR 2016 WORLD SERIES VICTORY

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 618, 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. 618) commending and congratulating the Chicago Cubs on their 2016 World Series victory.

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

Mr. MCCONNELL. 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. 618) was agreed to.

The preamble was agreed to.

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

APPOINTMENTS AUTHORITY

Mr. MCCONNELL. Mr. President, I ask unanimous consent that notwithstanding the upcoming adjournment of the Senate, the President of the Senate, the President Pro Tempore, and the majority and minority leaders be authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate.

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

ORDERS FOR FRIDAY, NOVEMBER 18, 2016, THROUGH MONDAY, NOVEMBER 28, 2016

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, November 18, at 9:30 a.m.; Tuesday, November 22, at 11 a.m.; Friday, Novem-

ber 25, at 11 a.m. I further ask that when the Senate adjourns on Friday, November 25, it next convene at 3 p.m., Monday, November 28; 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; finally, that following leader remarks, the Senate 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.

PROGRAM

Mr. MCCONNELL. Mr. President, for the information of all Senators, the first rollcall vote following the Thanksgiving recess will occur at 11:30 a.m., Tuesday, November 29, on passage of S. 2873, the ECHO Act.

ORDER FOR ADJOURNMENT

Mr. MCCONNELL. Mr. President, 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 PORTMAN.

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

The Senator from Ohio.

HEROIN AND PRESCRIPTION DRUG EPIDEMIC

Mr. PORTMAN. Mr. President, I thank the majority leader for allowing me to speak briefly. I rise to talk about an issue that is affecting every State represented in this body; that is, this heroin and prescription drug epidemic.

Unfortunately, opioids is an issue that is very much present in my home State of Ohio right now. We have seen over the last 48 hours, 10 overdoses in one rural county in North Central Ohio, Seneca County. We are told that already in Lucas County in the Toledo area there have been 150 overdoses in the last few weeks of this month, heading toward, unfortunately, what will be a record.

This issue is affecting families, it is tearing apart families, it is affecting communities, it is causing crime. Pretty much every county in Ohio tells me that the No. 1 cause of crime now is the heroin, prescription drug, opioid issue. A lot of thefts are being reported because of it but also other crimes which result from people being torn apart from their families, from their community, from their jobs based on this addiction.

I come to the floor to talk about a report that was issued today by the U.S. Surgeon General. This report is about addiction in America. I applaud the Surgeon General for putting it out there. It is an 11-page report. If you