

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

SECURELY EXPEDITING CLEARANCES THROUGH REPORTING TRANSPARENCY ACT OF 2017

Mr. RUSSELL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3210) to require the Director of the National Background Investigations Bureau to submit a report on the backlog of personnel security clearance investigations, and for other purposes, with the Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Senate amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Securely Expediting Clearances Through Reporting Transparency Act of 2018" or the "SECRET Act of 2018".

SEC. 2. DEFINITIONS.

In this Act—

(1) the term "Bureau" means the National Background Investigations Bureau of the Office;

(2) the term "Director" means the Director of National Intelligence acting as the Security Executive Agent; and

(3) the term "Office" means the Office of Personnel Management acting as the Suitability and Credentialing Executive Agent.

SEC. 3. REPORT ON BACKLOG OF PERSONNEL SECURITY CLEARANCE INVESTIGATIONS.

Not later than 90 days after the date of enactment of this Act, and quarterly thereafter for 5 years, the Director of the Bureau, in coordination with the Director, shall submit to Congress a report on the backlog of personnel security clearance investigations at the Bureau for the most recent full calendar quarter, which shall include—

(1) the size of the backlog of personnel security clearance investigations of the Bureau, including, for each sensitivity level—

(A) the number of interim clearances granted;

(B) the number of initial investigations for Federal employees;

(C) the number of periodic reinvestigations for Federal employees;

(D) the number of initial investigations for employees of Federal contractors;

(E) the number of periodic reinvestigations for employees of Federal contractors;

(F) the number of initial investigations for employees of, and employees of contractors of, the Department of Defense;

(G) the number of periodic reinvestigations for employees of and employees of contractors of the Department of Defense;

(H) the number of employees of the Bureau conducting background investigations for the Bureau; and

(I) the number of employees of contractors of the Bureau conducting background investigations for the Bureau;

(2) the average length of time, for each sensitivity level, for the Bureau to carry out an initial investigation and a periodic reinvestigation;

(3) a discussion of the factors contributing to the average length of time to carry out an initial investigation and a periodic reinvestigation;

(4) a backlog mitigation plan, which shall include—

(A) the identification of the cause of, and recommendations to remedy, the backlog at the Bureau;

(B) the steps the Director of the Bureau shall take to reduce the backlog;

(C) process reforms to improve efficiencies in, and the quality of, background investigations by the Bureau; and

(D) a projection of when the backlog at the Bureau will be sufficiently reduced to meet required timeliness standards; and

(5) a description of improvements in the information and data security of the Bureau.

SEC. 4. REPORT ON SECURITY CLEARANCE INVESTIGATIONS OF PERSONNEL OF THE EXECUTIVE OFFICE OF THE PRESIDENT.

Not later than 90 days after the date of enactment of this Act, the Director of the Office of Administration of the Executive Office of the President, in coordination with the Director and the Director of the Office, shall submit to Congress a report that explains the process for conducting and adjudicating security clearance investigations for personnel of the Executive Office of the President, including personnel of the White House Office.

SEC. 5. REPORT ON COSTS ASSOCIATED WITH BIFURCATED BACKGROUND INVESTIGATION SYSTEMS.

Not later than 120 days after the date of enactment of this Act, the Director of the Office, in consultation with the other members of the Suitability and Security Clearance Performance Accountability Council established under Executive Order 13467 (73 Fed. Reg. 38103) and the Under Secretary of Defense for Intelligence, shall submit to Congress a report on the cost of maintaining comprehensive background investigations capability within the Office under the control or direction of the Bureau and a background investigations capability for Department of Defense personnel under the control or direction of the Department of Defense for implementation of the plan referenced in section 925 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91), as compared to the cost of sustaining a single Government-wide background investigations enterprise.

SEC. 6. REPORTS ON CONTINUOUS EVALUATION, RECIPROCITY, AND TIMELINESS MEASURES.

Not later than 120 days after the date of enactment of this Act, the Director shall submit to Congress reports that provide—

(1) the status of implementing continuous evaluation Government-wide, including—

(A) the number of agencies with continuous evaluation programs and how many of those programs are currently conducting automated records checks of the required data sources as identified by the Director; and

(B) a discussion of the barriers for agencies to implement continuous evaluation programs, including any requirement under a statute, regulation, Executive Order, or other administrative requirement;

(2) a detailed explanation of efforts by agencies to meet requirements for reciprocal recognition to access classified information, including—

(A) the range of the length of time for agencies to grant reciprocal recognition to access classified information;

(B) additional requirements for reinvestigations or readjudications, by agency; and

(C) any other barriers to the timely granting of reciprocity, by agency, including any requirement under a statute, regulation, Executive Order, or other administrative requirement; and

(3) a review of whether the schedule for processing security clearances under section 3001 of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3341) should be modified.

SEC. 7. REVIEW AND UPDATE OF POSITION DESIGNATION GUIDANCE.

(a) DEFINITIONS.—In this section—

(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 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;

(3) 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; and

(4) the term "covered individual"—

(A) means a person who performs work for or on behalf of the executive branch or seeks to perform work for or on behalf of the executive branch;

(B) is not limited to Federal employees;

(C) includes all persons, not excluded under subparagraph (D), who require eligibility for access to classified information or eligibility to hold a sensitive position, including, but not limited to, contractors, subcontractors, licensees, certificate holders, grantees, experts, consultants, and government employees; and

(D) does not include—

(i) the President;

(ii) employees of the President under section 105 or 107 of title 3, United States Code (except to the extent otherwise directed by the President);

(iii) the Vice President; or

(iv) employees of the Vice President under section 106 of title 3, United States Code, or an annual legislative branch appropriations Act (except to the extent otherwise directed by the Vice President).

(b) REVIEW AND UPDATING.—

(1) INITIAL REVIEW AND UPDATE OF GUIDANCE.—Not later than 180 days after the date of enactment of this Act, the Director and the Director of the Office shall review and make recommendations to Congress and the President as appropriate to issue guidance 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 4 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.

(c) REPORTS TO CONGRESS.—Not later than 30 days after completing a review under subsection (b)(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.

(d) 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. RUSSELL (during the reading). Mr. Speaker, I ask unanimous consent to dispense with the reading of the Senate amendment.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from Oklahoma?

There was no objection.

A motion to reconsider was laid on the table.

AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND FOR COOPERATION IN PEACEFUL USES OF NUCLEAR ENERGY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 115-115)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

I am pleased to transmit to the Congress, pursuant to subsections 123b. and 123d. of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2153(b), (d)) (the "Act"), the text of an Agreement between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland for Cooperation in Peaceful Uses of Nuclear Energy (the "Agreement"). I am also pleased to transmit my written approval, authorization, and determination concerning the Agreement and an unclassified Nuclear Proliferation Assessment Statement (NPAS) concerning the Agreement. In accordance with section 123 of the Act, a classified annex to the NPAS, prepared by the Acting Secretary of State, in consultation with the Director of National Intelligence, summarizing relevant classified information, will be submitted to the Congress separately. A joint memorandum submitted to me by the Acting Secretary of State and the Secretary of Energy and a letter from the Chairman of the Nuclear Regulatory Commission stating the views of the Commission are also enclosed. An addendum to the NPAS containing a comprehensive analysis of the export control system of the United Kingdom with respect to nuclear-related matters, including interactions with other countries of proliferation concern and the actual or suspected nuclear, dual-use, or missile-related transfers to such countries, pursuant to section 102A(w) of the National Security Act of 1947 (50 U.S.C. 3024(w)), is being submitted separately by the Director of National Intelligence. Although not required by the Act, I am also transmitting an analysis and a determination and judgment from the Secretary of Energy concerning the advance, long-term approvals contained in the proposed Agreement.

The Agreement has been negotiated in accordance with the Act and other applicable law. In my judgment, it

meets all applicable statutory requirements and will advance the nonproliferation and other foreign policy interests of the United States.

The Agreement contains all of the provisions required by subsection 123a. of the Act. It provides a comprehensive framework for peaceful nuclear cooperation with the United Kingdom based on a mutual commitment to nuclear nonproliferation. It would permit the transfer of material, equipment (including reactors), components, sensitive nuclear facilities, major critical components, and information for nuclear research and nuclear power production. It also would allow for the transfer of sensitive nuclear technology if the parties later agree on conditions in writing.

The Agreement has a term of 30 years, although it can be terminated by either party on one year's advance written notice. In the event of termination or expiration of the Agreement, key nonproliferation conditions and controls will continue in effect as long as any material, equipment, component, sensitive nuclear facility, or major critical component subject to the Agreement remains in the territory or under the jurisdiction or control of either party, or until such time as the parties agree in writing that such nuclear material or non-nuclear material is no longer usable for any nuclear activity relevant from the point of view of international safeguards or have been practically irrecoverable, or that such equipment, components, sensitive nuclear facilities, or major critical components is no longer usable for nuclear purposes.

As one of the five nuclear weapon states under the Treaty on the Non-Proliferation of Nuclear Weapons, including one of the Treaty's three Depositary States, and one of the five permanent members of the United Nations Security Council, the United Kingdom holds an important leadership role in the global nonproliferation regime and the larger international security architecture. The United Kingdom is a member of the four major multilateral export control regimes: the Nuclear Suppliers Group, the Australia Group, the Missile Technology Control Regime, and the Wassenaar Arrangement. In addition, the United Kingdom has provided financial, technical, and leadership support to key nonproliferation mechanisms such as the Global Threat Reduction Program, the Global Initiative to Combat Nuclear Terrorism, the Elimination of Weapons-Grade Plutonium Production Program, the International Atomic Energy Agency (IAEA) Technical Cooperation Program, the IAEA Department of Safeguards, the G7 Global Partnership against the Spread of Weapons of Mass Destruction, and the Proliferation Security Initiative. A more detailed discussion of the United Kingdom's civil nuclear activities and its nonproliferation policies and practices is in the NPAS and its classified annex.

I have considered the views and recommendations of the interested depart-

ments and agencies in reviewing the Agreement and have determined that its performance will promote, and will not constitute an unreasonable risk to, the common defense and security. Accordingly, I have approved the Agreement and authorized its execution and urge that the Congress give it favorable consideration.

This transmission shall constitute a submittal for purposes of both subsections 123b. and 123d. of the Act. My Administration is prepared to begin immediately consultations with the Senate Foreign Relations Committee and the House Foreign Affairs Committee, as provided in subsection 123b. Upon completion of the 30 days of continuous session review provided for in subsection 123b., the 60 days of continuous session review provided for in subsection 123d. shall commence.

DONALD J. TRUMP.

THE WHITE HOUSE, May 7, 2018.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 5 o'clock and 26 minutes p.m.), the House stood in recess.

□ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. HOLDING) at 6 o'clock and 30 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 4910, by the yeas and nays; and H.R. 4335, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. The remaining electronic vote will be conducted as a 5-minute vote.

VETERANS CEMETERY BENEFIT CORRECTION ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 4910) to amend title 38, United States Code, to provide outer burial receptacles for remains buried in National Parks, and for other purposes, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. ROE) that the House suspend the rules and pass the bill, as amended.