

against diversion that have been raised in hearings, roundtables, and in the news over the last several years.

The example most often cited is that of Kermit, West Virginia, where, over a two year period nine million opioids were delivered to a single pharmacy. Between 2007 and 2012, 780 million oxycodone and hydrocodone pills were delivered to pharmacies throughout that state. This resulted in 1,728 fatal overdoses that were largely preventable.

We cannot allow this to happen again.

The bill Senator CAPITO and I are introducing today will strengthen current law by providing law enforcement with the additional tools it needs to better and more proactively combat the opioid epidemic and hold bad actors accountable.

I hope my colleagues will join us in supporting this important legislation.

Thank you, Mr. President. I yield the floor.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2210. Mr. McCONNELL (for Mr. JOHNSON (for himself and Mrs. McCASKILL)) proposed an amendment to 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.

SA 2211. Mr. McCONNELL (for Mr. GRASSLEY) proposed an amendment to the bill S. 1869, to reauthorize and rename the position of Whistleblower Ombudsman to be the Whistleblower Protection Coordinator.

TEXT OF AMENDMENTS

SA 2210. Mr. McCONNELL (for Mr. JOHNSON (for himself and Mrs. McCASKILL)) proposed an amendment to 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; as follows:

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 per-

sonnel 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.

SA 2211. Mr. McCONNELL (for Mr. GRASSLEY) proposed an amendment to the bill S. 1869, to reauthorize and rename the position of Whistleblower Ombudsman to be the Whistleblower Protection Coordinator; as follows:

On page 6, strike lines 1 through 3 and insert the following:

(d) REPEAL OF SUNSET.—

(1) IN GENERAL.—Subsection (c) of section 117 of the Whistleblower Protection Enhancement Act of 2012 (Public Law 112–199; 126 Stat. 1475) is repealed.

(2) RETROACTIVE EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on November 26, 2017.

AUTHORITY FOR COMMITTEES TO MEET

Mrs. FISCHER. Mr. President, I have 7 requests for committees to meet during today's session of the Senate. They have the approval of the Majority and Minority leaders.

Pursuant to rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committees are authorized to meet during today's session of the Senate:

COMMITTEE ON ARMED SERVICES

The Committee on Armed Services is authorized to meet during the session of the Senate on Thursday, March 15, 2018, at 9:30 a.m. to conduct a hearing.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

The Committee on Energy and Natural Resources is authorized to meet during the session of the Senate on

Thursday, March 15, 2018, at 10 a.m. to conduct a hearing.

COMMITTEE ON FOREIGN RELATIONS

The Committee on Foreign Relations is authorized to meet during the session of the Senate on Wednesday, March 14, 2018, at 10 a.m. to conduct a hearing entitled, "Review of the FY 2019 State Department Budget."

THE COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

The Committee on Health, Education, Labor, and Pensions is authorized to meet during the session of the Senate on Thursday, March 15, 2018, at 10 a.m. to conduct a hearing entitled "Perspective on the 340B Drug Pricing Program."

COMMITTEE ON THE JUDICIARY

The Committee on the Judiciary is authorized to meet during the session of the Senate on Thursday, March 15, 2018, at 9:30 a.m., to conduct a hearing.

COMMITTEE ON VETERANS' AFFAIRS

The Committee on Veterans' Affairs is authorized to meet during the session of the Senate on Wednesday, March 14, 2018, at 10 a.m. to conduct a joint hearing.

SELECT COMMITTEE ON INTELLIGENCE

The Select Committee on Intelligence is authorized to meet during the session of the Senate on Wednesday, March 14, 2018, at 10 a.m. to conduct a hearing on nomination of Lieutenant General Paul M. Nakasone, to be Director of the National Security Agency, Department of Defense.

PRIVILEGES OF THE FLOOR

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that Kennis Brady, a member of my staff, be granted floor privileges for the remainder of the day.

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

SECURELY EXPEDITING CLEARANCES THROUGH REPORTING TRANSPARENCY ACT OF 2017

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 264, H.R. 3210.

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

The legislative clerk read as follows:

A 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.

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 to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Securely Expediting Clearances Through Reporting Transparency Act of 2017" or the "SECRET Act of 2017".

SEC. 2. 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 National Background Investigations Bureau of the Office of Personnel Management shall submit to Congress a report on the backlog of security clearance investigations that includes, for the most recent full calendar quarter—

(1) the size of the personnel security clearance investigation process backlog, 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 Federal employees conducting background investigations; and

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

(2) the average length of time, for each sensitivity level, 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;

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

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

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

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

SEC. 3. 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 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 White House personnel.

SEC. 4. REPORT ON DUPLICATIVE COSTS.

Not later than 120 days after the date of enactment of this Act, the Director of the Office of Management and Budget, in consultation with the other members of the Suitability and Security Clearance Performance Accountability Council established under Executive Order 13467 (73 Fed. Reg. 38103), shall submit to Congress a report on the cost of duplicating resources under the control or direction of the National Background Investigations Bureau for implementation of the plan referenced in section 951(a)(1) of the National Defense Authorization Act for Fiscal Year 2017 (10 U.S.C. 1564 note).

SEC. 5. REPORT ON CONTINUOUS EVALUATION AND RECIPROCITY.

Not later than 120 days after the date of enactment of this Act, the Director of National Intelligence and the Director of the Office of Personnel Management shall submit to Congress a report that provides—

(1) the status of implementing continuous evaluation Governmentwide, including—