

115TH CONGRESS  
1ST SESSION

# H. R. 695

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IN THE SENATE OF THE UNITED STATES

MAY 23, 2017

Received; read twice and referred to the Committee on the Judiciary

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## AN ACT

To amend the National Child Protection Act of 1993 to establish a national criminal history background check system and criminal history review program for certain individuals who, related to their employment, have access to children, the elderly, or individuals with disabilities, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Child Protection Im-  
3 provements Act of 2017”.

4 **SEC. 2. NATIONAL CRIMINAL HISTORY BACKGROUND**  
5 **CHECK AND CRIMINAL HISTORY REVIEW**  
6 **PROGRAM.**

7 The National Child Protection Act of 1993 (42  
8 U.S.C. 5119 et seq.) is amended—

9 (1) in section 3—

10 (A) by amending subsection (a)(3) to read  
11 as follows:

12 “(3)(A) The Attorney General shall establish a pro-  
13 gram, in accordance with this section, to provide qualified  
14 entities located in States which do not have in effect proce-  
15 dures described in paragraph (1), or qualified entities lo-  
16 cated in States which do not prohibit the use of the pro-  
17 gram established under this paragraph, with access to na-  
18 tional criminal history background checks on, and criminal  
19 history reviews of, covered individuals.

20 “(B) A qualified entity described in subparagraph  
21 (A) may submit to the appropriate designated entity a re-  
22 quest for a national criminal history background check on,  
23 and a criminal history review of, a covered individual.  
24 Qualified entities making a request under this paragraph  
25 shall comply with the guidelines set forth in subsection  
26 (b), and with any additional applicable procedures set

1 forth by the Attorney General or by the State in which  
2 the entity is located.”;

3 (B) in subsection (b)—

4 (i) in paragraph (1)(E), by striking  
5 “unsupervised”;

6 (ii) in paragraph (2)—

7 (I) by redesignating subpara-  
8 graph (A) as clause (i);

9 (II) in subparagraph (B)—

10 (aa) by adding “and” at the  
11 end; and

12 (bb) by redesignating such  
13 subparagraph as clause (ii);

14 (III) by striking “that each pro-  
15 vider who is the subject of a back-  
16 ground check” and inserting “(A)  
17 that each covered individual who is  
18 the subject of a background check  
19 conducted pursuant to the procedures  
20 established pursuant to subsection  
21 (a)(1)”;

22 (IV) by adding at the end the fol-  
23 lowing:

24 “(B) that each covered individual who is the  
25 subject of a national criminal history background

1 check and criminal history review conducted pursu-  
2 ant to the procedures established pursuant to sub-  
3 section (a)(3) is entitled to challenge the accuracy  
4 and completeness of any information in the criminal  
5 history record of the individual by contacting the  
6 Federal Bureau of Investigation under the procedure  
7 set forth in section 16.34 of title 28, Code of Fed-  
8 eral Regulations, or any successor thereto.”;

9 (iii) in paragraph (3), by inserting  
10 after “authorized agency” the following:

11 “or designated entity, as applicable”; and

12 (iv) in paragraph (4), by inserting  
13 after “authorized agency” the following:

14 “or designated entity, as applicable,”;

15 (C) in subsection (d), by inserting after  
16 “officer or employee thereof,” the following:

17 “nor shall any designated entity nor any officer  
18 or employee thereof,”;

19 (D) by amending subsection (e) to read as  
20 follows:

21 “(e) FEES.—

22 “(1) STATE PROGRAM.—In the case of a back-  
23 ground check conducted pursuant to a State require-  
24 ment adopted after December 20, 1993, conducted  
25 with fingerprints on a covered individual, the fees

1 collected by authorized State agencies and the Fed-  
2 eral Bureau of Investigation may not exceed eight-  
3 een dollars, respectively, or the actual cost, which-  
4 ever is less, of the background check conducted with  
5 fingerprints.

6 “(2) FEDERAL PROGRAM.—In the case of a na-  
7 tional criminal history background check and crimi-  
8 nal history review conducted pursuant to the proce-  
9 dures established pursuant to subsection (a)(3), the  
10 fees collected by a designated entity shall be set at  
11 a level that will ensure the recovery of the full costs  
12 of providing all such services. The designated entity  
13 shall remit the appropriate portion of such fee to the  
14 Attorney General, which amount is in accordance  
15 with the amount published in the Federal Register  
16 to be collected for the provision of a criminal history  
17 background check by the Federal Bureau of Inves-  
18 tigation.

19 “(3) ENSURING FEES DO NOT DISCOURAGE  
20 VOLUNTEERS.—A fee system under this subsection  
21 shall be established in a manner that ensures that  
22 fees to qualified entities for background checks do  
23 not discourage volunteers from participating in pro-  
24 grams to care for children, the elderly, or individuals  
25 with disabilities.”;

1 (E) by inserting after subsection (e) the  
2 following:

3 “(f) NATIONAL CRIMINAL HISTORY BACKGROUND  
4 CHECK AND CRIMINAL HISTORY REVIEW PROGRAM.—

5 “(1) NATIONAL CRIMINAL HISTORY BACK-  
6 GROUND CHECK.—Upon a designated entity receiv-  
7 ing notice of a request submitted by a qualified enti-  
8 ty pursuant to subsection (a)(3), the designated en-  
9 tity shall forward the request to the Attorney Gen-  
10 eral, who shall, acting through the Director of the  
11 Federal Bureau of Investigation, complete a finger-  
12 print-based check of the national criminal history  
13 background check system, and provide the informa-  
14 tion received in response to such national criminal  
15 history background check to the appropriate des-  
16 ignated entity. The designated entity may, upon re-  
17 quest from a qualified entity, complete a check of a  
18 State criminal history database.

19 “(2) CRIMINAL HISTORY REVIEW.—

20 “(A) DESIGNATED ENTITIES.—The Attor-  
21 ney General shall designate, and enter into an  
22 agreement with, one or more entities to make  
23 determinations described in paragraph (2). The  
24 Attorney General may not designate and enter

1 into an agreement with a Federal agency under  
2 this subparagraph.

3 “(B) DETERMINATIONS.—A designated en-  
4 tity shall, upon the receipt of the information  
5 described in paragraph (1), make a determina-  
6 tion of fitness described in subsection (b)(4),  
7 using the criteria described in subparagraph  
8 (C).

9 “(C) CRIMINAL HISTORY REVIEW CRI-  
10 TERIA.—The Attorney General shall, by rule,  
11 establish the criteria for use by designated enti-  
12 ties in making a determination of fitness de-  
13 scribed in subsection (b)(4). Such criteria shall  
14 be based on the criteria established pursuant to  
15 section 108(a)(3)(G)(i) of the Prosecutorial  
16 Remedies and Other Tools to end the Exploi-  
17 tation of Children Today Act of 2003 (42  
18 U.S.C. 5119a note).”; and

19 (F) by striking—

20 (i) “provider” each place it appears,  
21 and inserting “covered individual”; and

22 (ii) “provider’s” each place it appears,  
23 and inserting “covered individual’s”; and

24 (2) in section 5—

1 (A) by amending paragraph (9) to read as  
2 follows:

3 “(9) the term ‘covered individual’ means an in-  
4 dividual—

5 “(A) who has, seeks to have, or may have  
6 access to children, the elderly, or individuals  
7 with disabilities, served by a qualified entity;  
8 and

9 “(B) who—

10 “(i) is employed by or volunteers with,  
11 or seeks to be employed by or volunteer  
12 with, a qualified entity; or

13 “(ii) owns or operates, or seeks to  
14 own or operate, a qualified entity.”;

15 (B) in paragraph (10), by striking “and”  
16 at the end;

17 (C) in paragraph (11), by striking the pe-  
18 riod at the end and inserting “; and”; and

19 (D) by inserting after paragraph (11) the  
20 following:

21 “(12) the term ‘designated entity’ means an en-  
22 tity designated by the Attorney General under sec-  
23 tion 3(f)(2)(A).”.



1 **SEC. 3. EFFECTIVE DATE.**

2       This Act and the amendments made by this Act shall  
3 be fully implemented by not later than 1 year after the  
4 date of enactment of this Act.

Passed the House of Representatives May 22, 2017.

Attest:

KAREN L. HAAS,

*Clerk.*