

115TH CONGRESS
1ST SESSION

H. R. 695

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:

Clerk.

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