

113TH CONGRESS
2^D SESSION

S. 2061

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 19, 2014

Referred to the Committee on Oversight and Government Reform

AN ACT

To prevent conflicts of interest relating to contractors providing background investigation fieldwork services and investigative support services.

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 “Preventing Conflicts
3 of Interest with Contractors Act”.

4 **SEC. 2. DEFINITIONS.**

5 In this Act—

6 (1) the term “agency” means—

7 (A) an Executive agency (as defined in sec-
8 tion 105 of title 5, United States Code);

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

11 (C) an element of the intelligence commu-
12 nity (as that term is defined in section 3 of the
13 National Security Act of 1947 (50 U.S.C.
14 3003));

15 (D) the United States Postal Service; and

16 (E) the Postal Regulatory Commission;

17 (2) the term “background investigation
18 fieldwork services” means the investigatory fieldwork
19 conducted to determine the eligibility of an indi-
20 vidual for logical and physical access to Federally-
21 controlled facilities or information systems, suit-
22 ability or fitness for Federal employment, eligibility
23 for access to classified information or to hold a na-
24 tional security sensitive position, or fitness to per-
25 form work for or on behalf of the Federal Govern-
26 ment as a contractor or employee, including—

1 (A) interviews of the individual, the em-
2 ployer of the individual, former employers of
3 the individual, and friends, family, and other
4 sources who might have relevant knowledge of
5 the individual; and

6 (B) reviews of—

7 (i) educational and employment
8 records;

9 (ii) criminal and other legal records;
10 and

11 (iii) credit history;

12 (3) the term “background investigation support
13 services” means the clerical, administrative, and
14 technical support services provided to various func-
15 tions critical to the background investigation proc-
16 ess, including—

17 (A) initial processing and scheduling of in-
18 vestigative requests;

19 (B) information technology and informa-
20 tion technology support;

21 (C) file maintenance;

22 (D) imaging or copying of investigation
23 documents; and

24 (E) mail processing; and

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

7 **SEC. 3. LIMITATION ON CONTRACTING TO PREVENT ORGA-**
8 **NIZATIONAL CONFLICTS OF INTEREST.**

9 Notwithstanding any other provision of law, after the
10 date of enactment of this Act, a contract may not be en-
11 tered into, and an extension of or option on a contract
12 may not be exercised, with a contractor to conduct a qual-
13 ity review process relating to background investigation
14 fieldwork services or background investigation support
15 services if the contractor is performing the services to be
16 reviewed.

Passed the Senate September 18, 2014.

Attest: NANCY ERICKSON,
Secretary.