

116TH CONGRESS
2D SESSION

H. R. 6186

To facilitate screening and criminal history background checks for individuals seeking access to qualified chemical and refining infrastructure entities, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 10, 2020

Mr. WEBER of Texas introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To facilitate screening and criminal history background checks for individuals seeking access to qualified chemical and refining infrastructure entities, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Expedient Workforce
5 Screening Act of 2020”.

6 **SEC. 2. PURPOSE; FINDINGS.**

7 (a) PURPOSE.—The purpose of this Act is to facili-
8 tate screening for individuals seeking access to qualified

1 chemical and refining infrastructure entities in a manner
2 that promotes public safety while protecting the interests
3 of both individuals and qualified entities.

4 (b) FINDINGS.—Congress finds the following:

5 (1) Federal Criminal History Record Informa-
6 tion (CHRI) is an essential and widely accepted re-
7 source for background screening.

8 (2) The Federal Bureau of Investigation's
9 (FBI) existing CHRI system, the Interstate Identi-
10 fication Index (III), including the National Finger-
11 print File (NFF), is a partnership between the
12 States and the FBI. It is the primary means for ac-
13 cessing and communicating CHRI for criminal jus-
14 tice and certain critical noncriminal justice purposes.

15 (3) The existing CHRI system is built on infor-
16 mation maintained by the States. CHRI available
17 from the States represents 95 percent of the CHRI
18 available for background check decisions.

19 (4) Today, access to a national criminal history
20 background check through the FBI is dependent on
21 a patchwork of legal authorizations, resulting in on-
22 going requests for new Federal or State authorizing
23 legislation by private sector entities that do not cur-
24 rently have a means of access.

1 (5) An enhanced system for facilitating chem-
2 ical and refining infrastructure access to CHRI for
3 venue access should rely upon a user-fee-funded
4 mechanism through which qualified chemical and re-
5 fining infrastructure entities nationwide can obtain
6 fingerprint-based positive identification and national
7 criminal history background checks from the FBI.

8 (6) Qualified chemical and refining infrastruc-
9 ture entities should be free to use either a national
10 criminal history background check through the FBI
11 or a court-sourced history record information
12 through a check using name and other identifiers,
13 fingerprints, or a combination of both.

14 (7) Any national system for qualified chemical
15 and refining infrastructure noncriminal justice back-
16 ground checks must adhere to high standards for
17 privacy and security, including mechanisms for those
18 seeking access to challenge accuracy and complete-
19 ness of the information reported about them.

20 (8) The national criminal history background
21 check system should leverage the most recent tech-
22 nological advances to obtain high speed responses, as
23 well as enhance accuracy and completeness.

24 (9) The national criminal history background
25 check system does not alter the Department of

1 Homeland Security’s responsibilities under the
2 Chemical Facility Anti-Terrorism Act and the per-
3 formance standards for high risk chemical facilities.

4 **SEC. 3. NATIONAL CRIMINAL HISTORY BACKGROUND**
5 **CHECK PROGRAM.**

6 (a) ESTABLISHMENT OF THE PROGRAM.—The Attor-
7 ney General, acting through the Director of the FBI, shall
8 establish and implement a program to be known as the
9 “National Criminal History Chemical and Refining Back-
10 ground Check Program” (referred to in this Act as the
11 “Program”) to permit qualified entities to request na-
12 tional criminal history background checks for the purpose
13 of obtaining identification authentication and criminal his-
14 tory background check information of individuals seeking
15 access to a qualified entity.

16 (b) REQUEST SYSTEM.—The Program shall include
17 a system through which a qualified entity may request a
18 national criminal history background check directly
19 through the FBI, which system shall be fingerprint-sup-
20 ported and maintain appropriate privacy protections.

21 (c) ROLE OF QUALIFIED EDUCATIONAL ENTITIES.—
22 The Program shall include a process through which a
23 qualified educational entity may assist in—

24 (1) identification authentication of individuals
25 seeking access to a qualified entity and may obtain

1 access to the personally identifiable information of
2 such individuals; and

3 (2) setting criminal history record information
4 standards for access to qualified entities.

5 (d) RESPONSE TIME.—To the extent practicable, the
6 FBI shall respond to a request received under the national
7 criminal history background check program under this
8 section not later than two business days after receipt of
9 such request.

10 (e) FEES.—The Attorney General may charge a fee
11 for conducting a national criminal history background
12 check under this section, except that the amount of such
13 fee may not exceed the actual cost of the background
14 check. For purposes of calculating the actual cost of the
15 background check, the Attorney General shall include the
16 cost of building, maintaining, and enhancing an appro-
17 priate Federal and State infrastructure for the national
18 criminal history background check system, technology
19 costs, staffing costs, and administrative costs based on the
20 sum of both State-by-State and Federal costs, and shall
21 review the amount of the fee no less frequently than every
22 two years.

23 **SEC. 4. RULES OF CONSTRUCTION.**

24 Nothing in this Act may be construed to—

1 (1) impose a requirement on a qualified entity,
2 a consumer reporting agency, or a State, to partici-
3 pate in the Program; and

4 (2) limit the authority under any other Federal
5 or State law for a qualified entity, a consumer re-
6 porting agency, or an authorized agency to request
7 or provide criminal history background checks that
8 are independent from the Program.

9 **SEC. 5. REPORT.**

10 Not later than one year after the date of the enact-
11 ment of this Act, the Attorney General shall submit to
12 Congress a report on the Program, including any rec-
13 ommendations for improvements to the Program.

14 **SEC. 6. DEFINITIONS.**

15 In this Act, the following definitions apply:

16 (1) **AUTHORIZED AGENCY.**—The term “author-
17 ized agency” means a division or office of a State
18 designated by a State to collect, maintain, and dis-
19 seminate criminal history record information under
20 this Act.

21 (2) **QUALIFIED ENTITY.**—The term “qualified
22 entity” means an entity that—

23 (A) provides natural gas or petroleum
24 chemical manufacturing or refining-related
25 services, including connecting terminals and

1 pipelines, whether or not regulated under the
2 national critical infrastructure under the Chem-
3 ical Facility Anti-Terrorism Standards Program
4 under title XXI of the Homeland Security Act
5 of 2002 (6 U.S.C. 621 et seq.), or the Maritime
6 Transportation Security Act of 2002 (Public
7 Law 107–295; 116 Stat. 2064); and

8 (B) is approved by the FBI to request, di-
9 rectly or through a consumer reporting agency,
10 to obtain a fingerprint-supported national
11 criminal history background check for chemical
12 or refining infrastructure access.

13 (3) QUALIFIED EDUCATIONAL ENTITY.— The
14 term “qualified educational entity” means school or
15 industrial safety training facility that is—

16 (A) described in section 501(c)(3) of the
17 Internal Revenue Code of 1986;

18 (B) American owned; and

19 (C) recognized by the Attorney General to
20 provide assistance to qualified entities under
21 section 3.

22 (4) CONSUMER REPORTING AGENCY.—The term
23 “consumer reporting agency” has the meaning given
24 that term under section 603(1) of the Fair Credit
25 Reporting Act (15 U.S.C. 1681a(J)).

1 (5) CRIMINAL HISTORY RECORD INFORMA-
2 TION.—The term “criminal history record informa-
3 tion” means information collected by criminal justice
4 agencies on individuals, consisting of identifiable de-
5 scriptions and notations of arrests, detentions, in-
6 dictments, infractions, or other informal criminal
7 charges, and any disposition arising therefrom, in-
8 cluding acquittal, sentencing, correctional super-
9 vision, and release. The term does not include identi-
10 fication information, such as fingerprints, if such in-
11 formation does not indicate the individual’s involve-
12 ment with the criminal justice system.

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