

on the Judiciary, with amendments, as follows:

(The part of the bill intended to be stricken is shown in boldface brackets and the parts of the bill intended to be inserted are shown in italics.)

S. 705

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Child Protection Improvements Act of 2017”.

SEC. 2. NATIONAL CRIMINAL HISTORY BACKGROUND CHECK AND CRIMINAL HISTORY REVIEW PROGRAM.

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

(1) in section 3 (42 U.S.C. 5119a)—

(A) by striking “provider” each place it appears and inserting “covered individual”;

(B) by striking “provider’s” each place it appears and inserting “covered individual’s”;

(C) by amending subsection (a)(3) to read as follows:

“(3)(A) The Attorney General shall establish a program, in accordance with this section, to provide qualified entities located in States that do not have in effect procedures described in paragraph (1), or qualified entities located in States that do not prohibit the use of the program established under this paragraph, with access to national criminal history background checks on, and criminal history reviews of, covered individuals.

“(B) A qualified entity described in subparagraph (A) may submit to the appropriate designated entity a request for a national criminal history background check on, and a criminal history review of, a covered individual. Qualified entities making a request under this paragraph shall comply with the guidelines set forth in subsection (b), and with any additional applicable procedures set forth by the Attorney General or by the State in which the entity is located.”;

(D) in subsection (b)—

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

(ii) in paragraph (2)—

(i) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(II) in the matter preceding clause (i), as so redesignated, by striking “that each covered individual who is the subject of a background check” and inserting “(A) that each covered individual who is the subject of a background check conducted pursuant to the procedures established pursuant to subsection (a)(1)”;

(III) by adding at the end the following:

“(B) that each covered individual who is the subject of a national criminal history background check and criminal history review conducted pursuant to the procedures established pursuant to subsection (a)(3) is entitled to challenge the accuracy and completeness of any information in the criminal history record of the individual by contacting the Federal Bureau of Investigation under the procedure set forth in section 16.34 of title 28, Code of Federal Regulations, or any successor thereto.”;

(iii) in paragraph (3), insert after “authorized agency” the following: “or designated entity, as applicable.”;

(iv) in paragraph (4), insert after “authorized agency” the following: “or designated entity, as applicable.”;

(E) in subsection (d), insert after “officer or employee thereof,” the following: “, nor shall any designated entity nor any officer or employee thereof.”;

(F) by amending subsection (e) to read as follows:

“(e) FEES.—

“(1) STATE PROGRAM.—In the case of a background check conducted pursuant to a State requirement adopted after December 20, 1993, conducted with fingerprints on a covered individual, the fees collected by authorized State agencies and the Federal Bureau of Investigation [may not exceed eighteen dollars, respectively, or the actual cost, whichever is less, of the background check conducted with] *may not exceed the actual cost of the background check conducted with fingerprints.*

“(2) FEDERAL PROGRAM.—In the case of a national criminal history background check and criminal history review conducted pursuant to the procedures established pursuant to subsection (a)(3), the fees collected by a designated entity shall be set at a level that will ensure the recovery of the full costs of providing all such services. The designated entity shall remit the appropriate portion of such fee to the Attorney General, which amount is in accordance with the amount published in the Federal Register to be collected for the provision of a criminal history background check by the Federal Bureau of Investigation.

“(3) ENSURING FEES DO NOT DISCOURAGE VOLUNTEERS.—A fee system under this subsection shall be established in a manner that ensures that fees to qualified entities for background checks do not discourage volunteers from participating in programs to care for children, the elderly, or individuals with disabilities. *A fee charged to a qualified entity that is not organized under section 501(c)(3) of the Internal Revenue Code of 1986 may not be less than the total sum of the costs of the Federal Bureau of Investigation and the designated entity.*”;

(G) by inserting after subsection (e) the following:

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

“(1) NATIONAL CRIMINAL HISTORY BACKGROUND CHECK.—Upon a designated entity receiving notice of a request submitted by a qualified entity pursuant to subsection (a)(3), the designated entity shall forward the request to the Attorney General, who shall, acting through the Director of the Federal Bureau of Investigation, complete a fingerprint-based check of the national criminal history background check system, and provide the information received in response to such national criminal history background check to the appropriate designated entity. The designated entity may, upon request from a qualified entity, complete a check of a State criminal history database.

“(2) CRIMINAL HISTORY REVIEW.—

“(A) DESIGNATED ENTITIES.—The Attorney General shall designate, and enter into an agreement with, one or more entities to make determinations described in paragraph (2). The Attorney General may not designate and enter into an agreement with a Federal agency under this subparagraph.

“(B) DETERMINATIONS.—A designated entity shall, upon the receipt of the information described in paragraph (1), make a determination of fitness described in subsection (b)(4), using the criteria described in subparagraph (C).

“(C) CRIMINAL HISTORY REVIEW CRITERIA.—The Attorney General shall, by rule, establish the criteria for use by designated entities in making a determination of fitness described in subsection (b)(4). Such criteria shall be based on the criteria established pursuant to section 108(a)(3)(G)(i) of the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (42 U.S.C. 5119a note).”;

(2) in section 5 (42 U.S.C. 5119c)—

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

“(9) the term ‘covered individual’ means an individual—

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

“(B) who—

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

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

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

(C) in paragraph (11), by striking the period at the end and inserting “; and”;

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

“(12) the term ‘designated entity’ means an entity designated by the Attorney General under section 3(f)(2)(A).”.

SEC. 3. EFFECTIVE DATE.

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

Mr. McCONNELL. Mr. President, I ask unanimous consent that the committee-reported amendments be withdrawn, the Hatch substitute amendment be considered and agreed to, the bill, as amended, be considered read a third time and passed, the title amendment be agreed to, and the motions to reconsider be considered made and laid upon the table.

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

The committee-reported amendments were withdrawn.

The amendment (No. 1112) in the nature of a substitute was agreed to.

(The amendment is printed in today’s RECORD under “Text of Amendments.”)

The bill (S. 705), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

The amendment (No. 1113) was agreed to, as follows:

(Purpose: To amend the title)

Amend the title so as to read: “A bill to amend the National Child Protection Act of 1993 to establish a voluntary 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.”.

CHILD PROTECTION IMPROVEMENTS ACT OF 2017

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of H.R. 695 and the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (H.R. 695) 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.

There being no objection, the Senate proceeded to consider the bill.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Hatch substitute amendment at the desk be considered and agreed to, the bill, as amended, be considered read a third time and passed, the title amendment be agreed to, and the motions to reconsider be considered made and laid upon the table.

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

The amendment (No. 1114) in the nature of a substitute was agreed to.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The bill (H.R. 695), as amended, was passed.

The amendment (No. 1115) was agreed to, as follows:

(Purpose: To amend the title)

Amend the title so as to read: "A bill to amend the National Child Protection Act of 1993 to establish a voluntary 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.".

ORDERS FOR TUESDAY, OCTOBER 17, 2017

Mr. McCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m., Tuesday, October 17; further, that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and morning business be closed; further, that following leader remarks, the Senate proceed to executive session and resume consideration of the Trachtenberg nomination under the previous order; finally, that the Senate recess from 12:30 p.m. until 2:15 p.m. to allow for the weekly conference meetings.

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

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. McCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 6:44 p.m., adjourned until Tuesday, October 17, 2017, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF HOMELAND SECURITY

KIRSTJEN NIELSEN, OF VIRGINIA, TO BE SECRETARY OF HOMELAND SECURITY, VICE JOHN F. KELLY, RESIGNED.

DEPARTMENT OF DEFENSE

ALEX A. BEEHLER, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF THE ARMY, VICE KATHERINE HAMMACK.

JAMES E. MCPHERSON, OF VIRGINIA, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF THE ARMY, VICE ALISSA M. STARZAK.

JOHN C. ROOD, OF ARIZONA, TO BE UNDER SECRETARY OF DEFENSE FOR POLICY, VICE CHRISTINE E. WORMUTH.

DEPARTMENT OF COMMERCE

BARRY LEE MYERS, OF PENNSYLVANIA, TO BE UNDER SECRETARY OF COMMERCE FOR OCEANS AND ATMOSPHERE, VICE KATHRYN D. SULLIVAN, RESIGNED.

SMALL BUSINESS ADMINISTRATION

HANNIBAL WARE, OF THE VIRGIN ISLANDS, TO BE INSPECTOR GENERAL, SMALL BUSINESS ADMINISTRATION, VICE PEGGY E. GUSTAFSON.

EXECUTIVE OFFICE OF THE PRESIDENT

KATHLEEN HARTNETT WHITE, OF TEXAS, TO BE A MEMBER OF THE COUNCIL ON ENVIRONMENTAL QUALITY, VICE NANCY HELEN SUTLEY.

SOCIAL SECURITY ADMINISTRATION

GAIL S. ENNIS, OF MARYLAND, TO BE INSPECTOR GENERAL, SOCIAL SECURITY ADMINISTRATION, VICE PATRICK P. O'CARROLL, JR., RESIGNED.

DEPARTMENT OF STATE

STEPHEN AKARD, OF INDIANA, TO BE DIRECTOR GENERAL OF THE FOREIGN SERVICE, VICE ARNOLD A. CHACON, RESIGNED.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

BROCK D. BIERMAN, OF VIRGINIA, TO BE AN ASSISTANT ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT, VICE THOMAS O. MELIA.

DEPARTMENT OF STATE

YLEEM D. S. POBLETE, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF STATE (VERIFICATION AND COMPLIANCE), VICE FRANK A. ROSE.

DEPARTMENT OF LABOR

PRESTON RUTLEDGE, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF LABOR, VICE PHYLIS CORINNE BORZI, RESIGNED.

OFFICE OF PERSONNEL MANAGEMENT

JOHN EDWARD DUPUY, OF VIRGINIA, TO BE INSPECTOR GENERAL, OFFICE OF PERSONNEL MANAGEMENT, VICE PATRICK E. MCFARLAND, RESIGNED.

THE JUDICIARY

JAMES C. HO, OF TEXAS, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FIFTH CIRCUIT, VICE CAROLYN D. RANDALL, RETIRED.

DEPARTMENT OF VETERANS AFFAIRS

JON J. RYCHALSKI, OF MONTANA, TO BE CHIEF FINANCIAL OFFICER, DEPARTMENT OF VETERANS AFFAIRS, VICE HELEN TIERNEY, RESIGNED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE SURGEON GENERAL OF THE AIR FORCE AND APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 8036 AND 601:

To be lieutenant general

MAJ. GEN. DOROTHY A. HOGG

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. PAUL D. NELSON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. DAVID D. THOMPSON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. ANTHONY J. COTTON

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be brigadier general

COL. RALPH L. SCHWADER

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. DONALD B. ABSHER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. RICHARD E. ANGLE

COL. MILFORD H. BEAGLE, JR.

COL. SEAN C. BERNABE

COL. MARIA A. BLANK

COL. JAMES P. BIENLIEN

COL. BRIAN R. BISACRE

COL. WILLIAM M. BORUFF

COL. RICHARD R. COFFMAN

COL. CHARLES D. COSTANZA

COL. JOY L. CURRIERA

COL. JOHNNY K. DAVIS

COL. ROBERT B. DAVIS

COL. THOMAS R. DREW

COL. MICHAEL R. EASTMAN

COL. BRIAN S. EIPFLER

COL. CHRISTOPHER L. EUBANK

COL. OMUSO D. GEORGE

COL. WILLIAM J. HARTMAN

COL. DARIEN P. HELMINGER

COL. DAVID M. HODNE

COL. JONATHAN E. HOWERTON

COL. HEIDI J. HOYLE

COL. THOMAS L. JAMES

COL. CHRISTOPHER C. LANEVE

COL. OTTO K. LILLER

COL. VINCENT F. MALONE II

COL. CHARLES R. MILLER

COL. JAMES S. MOORE, JR.

COL. MICHAEL T. MORRISSEY

COL. ANTONIO V. MUNERA

COL. FREDERICK M. O'DONNELL

COL. PAUL E. OWEN

COL. WALTER T. RUGEN

COL. MICHELLE A. SCHMIDT

COL. MARK T. SIMERLY

COL. MICHAEL E. SLOANE

COL. DOUGLAS F. STITT

COL. WILLIAM D. TAYLOR

COL. WILLIAM L. THIGPEN

COL. THOMAS J. TICKNER

COL. MATTHEW J. VANWAGENEN

COL. DARREN L. WERNER

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be brigadier general

COL. DIRON J. CRUZ

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be major general

BRIG. GEN. TIMOTHY J. HILTY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. SCOTT D. BERRIER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. ERIC P. WENDT

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

VICE ADM. CHRISTOPHER W. GRADY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. BRUCE H. LINDSEY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624: