

[DISCUSSION DRAFT]

117TH CONGRESS
1ST SESSION

H. R. _____

To make certain improvements in the conduct of background checks with respect to employees and contractor employees of the Department of Veterans Affairs, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

M. _____ introduced the following bill; which was referred to the
Committee on _____

A BILL

To make certain improvements in the conduct of background checks with respect to employees and contractor employees of the Department of Veterans Affairs, 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 “Strengthening VA
5 Background Checks Act”.

1 **SEC. 2. DEPARTMENT OF VETERANS AFFAIRS EMPLOYEE**
2 **BACKGROUND CHECKS.**

3 (a) PREREQUISITE FOR ISSUING FLASH BADGES TO
4 CERTAIN CONTRACTOR PERSONNEL.—The Secretary of
5 Veterans Affairs shall not issue a flash badge to a covered
6 contractor employee unless a Special Agreement Check of
7 the employee has been conducted.

8 (b) PROCESS FOR REPETITION OF BACKGROUND
9 CHECKS.—

10 (1) IN GENERAL.—The Secretary of Veterans
11 Affairs shall establish a process under which the
12 Secretary shall periodically update suitability deter-
13 minations made with respect to employees and con-
14 tractor employees of the Department of Veterans Af-
15 fairs. Such process may include repeating Special
16 Agreement Checks, National Agency Checks with In-
17 quiries, and other means of vetting, after initial suit-
18 ability determinations are made.

19 (2) DETERMINATIONS.—In establishing the
20 process described in paragraph (1), the Secretary
21 shall determine—

22 (A) the number of employees and con-
23 tractor employees of the Department who are
24 not subject to updated, recurring, or repeated
25 suitability determinations as of the date of the
26 enactment of this Act;

1 (B) the frequency with which suitability
2 determinations and information informing suit-
3 ability determinations should be updated; and

4 (C) the categories of employees and con-
5 tractor employees that should be given priority
6 in updating suitability determinations.

7 (c) REPORT.—Not later than 180 days after the date
8 of the enactment of this Act, the Secretary shall submit
9 to the Committees on Veterans' Affairs of the Senate and
10 House of Representatives a report containing each of the
11 following:

12 (1) The number of employees and contractor
13 employees of the Department of Veterans Affairs
14 who hold flash badges.

15 (2) The number of employees for whom Special
16 Agreement Checks have been performed under the
17 process established under subsection (a).

18 (3) The number of employees and contractor
19 employees who hold credentials meeting the stand-
20 ards prescribed by Homeland Security Presidential
21 Directive 12 for whom Special Agreement Checks or
22 National Agency Checks with Inquiries have not
23 been completed.

24 (4) An assessment of the policies and practices
25 of the Department pertaining to suitability deter-

1 minations and vetting of employees and contractors,
2 including an identification of situations in which an
3 employee or contractor employee may be permitted
4 unescorted access to facilities of the Veterans Health
5 Administration without undergoing a Special Agree-
6 ment Check.

7 (d) DEFINITIONS.—In this section:

8 (1) The term “flash badge” means an identi-
9 fication document or proximity pass that does not
10 meet the standards prescribed by Homeland Security
11 Presidential Directive 12.

12 (2) The term “Special Agreement Check”
13 means a personnel screening process performed by
14 the Office of Personnel Management consisting of
15 fingerprinting and querying criminal databases.

16 (3) The term “National Agency Check with In-
17 quiries”—

18 (A) means a personnel screening process
19 performed by the Office of Personnel Manage-
20 ment consisting of fingerprinting, querying a
21 greater number of criminal databases than re-
22 quired under a Special Agreement Check, per-
23 forming written inquiries of information pro-
24 vided by the applicant, and querying credit bu-
25 reau reporting; and

1 (B) includes a Special Agreement Check.

2 (4) The term “covered contractor employee”
3 means a permanent or temporary employee of a con-
4 tractor or subcontractor of the Department of Vet-
5 erans Affairs who—

6 (A) has or will be permitted to have
7 unescorted access to facilities of the Veterans
8 Health Administration; or

9 (B) has or will be permitted to have reg-
10 ular or frequent interactions with veterans,
11 family members of veterans, or employees or
12 contractor employees of the Department in fa-
13 cilities of the Veterans Health Administration.