

112TH CONGRESS
2D SESSION

S. 3707

To authorize utilities to obtain national criminal history background checks
of certain employees in sensitive positions.

IN THE SENATE OF THE UNITED STATES

DECEMBER 21, 2012

Mr. SCHUMER introduced the following bill; which was read twice and referred
to the Committee on the Judiciary

A BILL

To authorize utilities to obtain national criminal history
background checks of certain employees in sensitive positions.

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 “Utility Employee
5 Background Check Act of 2012”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act—

8 (1) the term “Chemical Facility Anti-Terrorism
9 Standards” means the interim final regulations
10 issued by the Secretary of Homeland Security under

1 section 550 of the Department of Homeland Secu-
2 rity Appropriations Act, 2007 (6 U.S.C. 121 note);
3 and

4 (2) the term “covered entities” means—

5 (A) a regional entity or user, owner, or op-
6 erator of the bulk-power system, as defined in
7 section 215 of the Federal Power Act (16
8 U.S.C. 824(o));

9 (B) a facility licensed pursuant to the
10 Atomic Energy Act of 1954 (42 U.S.C. 2011 et
11 seq.) and covered by the provisions of section
12 170 a. of such Act (42 U.S.C. 2210(a)); and

13 (C) a chemical facility subject to the
14 Chemical Facility Anti-Terrorism Standards.

15 **SEC. 3. ACCESS TO FBI BACKGROUND CHECKS.**

16 (a) IN GENERAL.—The Attorney General, acting
17 through the Director of the Federal Bureau of Investiga-
18 tion, shall establish procedures for owners and operators
19 of covered entities to obtain national criminal history
20 background checks, including a search of the Interstate
21 Identification Index of the National Crime Information
22 Centers, for employees of the covered entities who have
23 access to the most sensitive areas of operation.

24 (b) USER FEES.—The Director of the Federal Bu-
25 reau of Investigation may collect fees for national criminal

1 history background checks provided for under subsection
2 (a).

3 **SEC. 4. MANDATORY BACKGROUND CHECKS.**

4 (a) **ELECTRIC UTILITIES.**—Section 215(d) of the
5 Federal Power Act (16 U.S.C. 824o(d)) is amended by
6 adding at the end the following:

7 “(7) The Commission shall order the Electric Reli-
8 ability Organization to submit to the Commission a pro-
9 posed reliability standard that would require each regional
10 entity and user, owner, and operator of the bulk-power
11 system to obtain a background check authorized under
12 section 3(a) of the Utility Employee Background Check
13 Act of 2012 for every employee of the regional entity, user,
14 owner, or operator of the bulk-power system that has ac-
15 cess to the most sensitive areas of operation of the bulk-
16 power system.”.

17 (b) **NUCLEAR FACILITIES.**—Section 170D of the
18 Atomic Energy Act of 1954 (42 U.S.C. 2210d) is amended
19 by adding at the end the following:

20 “f. **BACKGROUND CHECKS.**—The Commission shall
21 require each licensed facility to obtain a background check
22 authorized under section 3(a) of the Utility Employee
23 Background Check Act of 2012 for every employee of the
24 licensed facility who has access to the most sensitive areas
25 of operation of the licensed facility.”.

1 (c) CHEMICAL FACILITIES.—Not later than 180 days
2 after the date of enactment of this Act, the Secretary of
3 Homeland Security shall promulgate rules that require
4 that each chemical facility subject to the Chemical Facility
5 Anti-Terrorism Standards obtain a background check au-
6 thorized under section 3(a) of this Act for every employee
7 of the chemical facility who has access to the most sen-
8 sitive areas of operation of the chemical facility.

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