

105TH CONGRESS
2D SESSION

S. 2294

IN THE HOUSE OF REPRESENTATIVES

JULY 14, 1998

Referred to the Committee on the Judiciary

AN ACT

To facilitate the exchange of criminal history records for noncriminal justice purposes, to provide for the decentralized storage of criminal history records, to amend the National Child Protection Act of 1993 to facilitate the fingerprint checks authorized by that Act, 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “National Criminal History Access and Child Protection
6 Act”.

- 1 (b) TABLE OF CONTENTS.—The table of contents for
 2 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—EXCHANGE OF CRIMINAL HISTORY RECORDS FOR NONCRIMINAL JUSTICE PURPOSES

Sec. 101. Short title.

Sec. 102. Findings.

Sec. 103. Definitions.

Sec. 104. Enactment and consent of the United States.

Sec. 105. Effect on other laws.

Sec. 106. Enforcement and implementation.

Sec. 107. National Crime Prevention and Privacy Compact.

OVERVIEW

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1 **TITLE I—EXCHANGE OF CRIMI-**
2 **NAL HISTORY RECORDS FOR**
3 **NONCRIMINAL JUSTICE PUR-**
4 **POSES**

5 **SEC. 101. SHORT TITLE.**

6 This title may be cited as the “National Crime Pre-
7 vention and Privacy Compact Act of 1998”.

8 **SEC. 102. FINDINGS.**

9 Congress finds that—

10 (1) both the Federal Bureau of Investigation
11 and State criminal history record repositories main-
12 tain fingerprint-based criminal history records;

13 (2) these criminal history records are shared
14 and exchanged for criminal justice purposes through
15 a Federal-State program known as the Interstate
16 Identification Index System;

17 (3) although these records are also exchanged
18 for legally authorized, noncriminal justice uses, such
19 as governmental licensing and employment back-
20 ground checks, the purposes for and procedures by
21 which they are exchanged vary widely from State to
22 State;

23 (4) an interstate and Federal-State compact is
24 necessary to facilitate authorized interstate criminal
25 history record exchanges for noncriminal justice pur-

1 poses on a uniform basis, while permitting each
2 State to effectuate its own dissemination policy with-
3 in its own borders; and

4 (5) such a compact will allow Federal and State
5 records to be provided expeditiously to governmental
6 and nongovernmental agencies that use such records
7 in accordance with pertinent Federal and State law,
8 while simultaneously enhancing the accuracy of the
9 records and safeguarding the information contained
10 therein from unauthorized disclosure or use.

11 **SEC. 103. DEFINITIONS.**

12 In this title:

13 (1) ATTORNEY GENERAL.—The term “Attorney
14 General” means the Attorney General of the United
15 States.

16 (2) COMPACT.—The term “Compact” means
17 the National Crime Prevention and Privacy Compact
18 set forth in section 107.

19 (3) COUNCIL.—The term “Council” means the
20 Compact Council established under Article VI of the
21 Compact.

22 (4) FBI.—The term “FBI” means the Federal
23 Bureau of Investigation.

24 (5) PARTY STATE.—The term “Party State”
25 means a State that has ratified the Compact.

1 (6) STATE.—The term “State” means any
2 State, territory, or possession of the United States,
3 the District of Columbia, and the Commonwealth of
4 Puerto Rico.

5 **SEC. 104. ENACTMENT AND CONSENT OF THE UNITED**
6 **STATES.**

7 The National Crime Prevention and Privacy Com-
8 pact, as set forth in section 107, is enacted into law and
9 entered into by the Federal Government. The consent of
10 Congress is given to States to enter into the Compact.

11 **SEC. 105. EFFECT ON OTHER LAWS.**

12 (a) PRIVACY ACT OF 1974.—Nothing in the Compact
13 shall affect the obligations and responsibilities of the FBI
14 under section 552a of title 5, United States Code (com-
15 monly known as the “Privacy Act of 1974”).

16 (b) ACCESS TO CERTAIN RECORDS NOT AF-
17 FECTED.—Nothing in the Compact shall interfere in any
18 manner with—

19 (1) access, direct or otherwise, to records pur-
20 suant to—

21 (A) section 9101 of title 5, United States
22 Code;

23 (B) the National Child Protection Act;

1 (C) the Brady Handgun Violence Preven-
2 tion Act (Public Law 103–159; 107 Stat.
3 1536);

4 (D) the Violent Crime Control and Law
5 Enforcement Act of 1994 (Public Law 103–
6 322; 108 Stat. 2074) or any amendment made
7 by that Act;

8 (E) the United States Housing Act of
9 1937 (42 U.S.C. 1437 et seq.); or

10 (F) the Native American Housing Assist-
11 ance and Self-Determination Act of 1996 (25
12 U.S.C. 4101 et seq.); or

13 (2) any direct access to Federal criminal history
14 records authorized by law.

15 (c) AUTHORITY OF FBI UNDER DEPARTMENTS OF
16 STATE, JUSTICE, AND COMMERCE, THE JUDICIARY, AND
17 RELATED AGENCIES APPROPRIATION ACT, 1973.—Noth-
18 ing in the Compact shall be construed to affect the author-
19 ity of the FBI under the Departments of State, Justice,
20 and Commerce, the Judiciary, and Related Agencies Ap-
21 propriation Act, 1973 (Public Law 92–544 (86 Stat.
22 1115)).

23 (d) FEDERAL ADVISORY COMMITTEE ACT.—The
24 Council shall not be considered to be a Federal advisory

1 committee for purposes of the Federal Advisory Commit-
2 tee Act (5 U.S.C. App.).

3 (e) MEMBERS OF COUNCIL NOT FEDERAL OFFICERS
4 OR EMPLOYEES.—Members of the Council (other than a
5 member from the FBI or any at-large member who may
6 be a Federal official or employee) shall not, by virtue of
7 such membership, be deemed—

8 (1) to be, for any purpose other than to effect
9 the Compact, officers or employees of the United
10 States (as defined in sections 2104 and 2105 of title
11 5, United States Code); or

12 (2) to become entitled by reason of Council
13 membership to any compensation or benefit payable
14 or made available by the Federal Government to its
15 officers or employees.

16 **SEC. 106. ENFORCEMENT AND IMPLEMENTATION.**

17 All departments, agencies, officers, and employees of
18 the United States shall enforce the Compact and cooperate
19 with one another and with all Party States in enforcing
20 the Compact and effectuating its purposes. For the Fed-
21 eral Government, the Attorney General shall make such
22 rules, prescribe such instructions, and take such other ac-
23 tions as may be necessary to carry out the Compact and
24 this title.

1 **SEC. 107. NATIONAL CRIME PREVENTION AND PRIVACY**
 2 **COMPACT.**

3 The Contracting Parties agree to the following:

4 **OVERVIEW**

5 (a) **IN GENERAL.**—This Compact organizes an elec-
 6 tronic information sharing system among the Federal Gov-
 7 ernment and the States to exchange criminal history
 8 records for noncriminal justice purposes authorized by
 9 Federal or State law, such as background checks for gov-
 10 ernmental licensing and employment.

11 (b) **OBLIGATIONS OF PARTIES.**—Under this Com-
 12 pact, the FBI and the Party States agree to maintain de-
 13 tailed databases of their respective criminal history
 14 records, including arrests and dispositions, and to make
 15 them available to the Federal Government and to Party
 16 States for authorized purposes. The FBI shall also man-
 17 age the Federal data facilities that provide a significant
 18 part of the infrastructure for the system.

19 **ARTICLE I—DEFINITIONS**

20 In this Compact:

21 (1) **ATTORNEY GENERAL.**—The term “Attorney
 22 General” means the Attorney General of the United
 23 States;

24 (2) **COMPACT OFFICER.**—The term “Compact
 25 officer” means—

1 (A) with respect to the Federal Govern-
2 ment, an official so designated by the Director
3 of the FBI; and

4 (B) with respect to a Party State, the chief
5 administrator of the State's criminal history
6 record repository or a designee of the chief ad-
7 ministrator who is a regular full-time employee
8 of the repository.

9 (3) COUNCIL.—The term “Council” means the
10 Compact Council established under Article VI.

11 (4) CRIMINAL HISTORY RECORDS.—The term
12 “criminal history records”—

13 (A) means information collected by crimi-
14 nal justice agencies on individuals consisting of
15 identifiable descriptions and notations of ar-
16 rests, detentions, indictments, or other formal
17 criminal charges, and any disposition arising
18 therefrom, including acquittal, sentencing, cor-
19 rectional supervision, or release; and

20 (B) does not include identification informa-
21 tion such as fingerprint records if such informa-
22 tion does not indicate involvement of the indi-
23 vidual with the criminal justice system.

24 (5) CRIMINAL HISTORY RECORD REPOSITORY.—
25 The term “criminal history record repository” means

1 the State agency designated by the Governor or
 2 other appropriate executive official or the legislature
 3 of a State to perform centralized recordkeeping
 4 functions for criminal history records and services in
 5 the State.

6 (6) CRIMINAL JUSTICE.—The term “criminal
 7 justice” includes activities relating to the detection,
 8 apprehension, detention, pretrial release, post-trial
 9 release, prosecution, adjudication, correctional super-
 10 vision, or rehabilitation of accused persons or crimi-
 11 nal offenders. The administration of criminal justice
 12 includes criminal identification activities and the col-
 13 lection, storage, and dissemination of criminal his-
 14 tory records.

15 (7) CRIMINAL JUSTICE AGENCY.—The term
 16 “criminal justice agency”—

17 (A) means—

18 (i) courts; and

19 (ii) a governmental agency or any
 20 subunit thereof that—

21 (I) performs the administration
 22 of criminal justice pursuant to a stat-
 23 ute or Executive order; and

1 (II) allocates a substantial part
2 of its annual budget to the adminis-
3 tration of criminal justice; and

4 (B) includes Federal and State inspectors
5 general offices.

6 (8) CRIMINAL JUSTICE SERVICES.—The term
7 “criminal justice services” means services provided
8 by the FBI to criminal justice agencies in response
9 to a request for information about a particular indi-
10 vidual or as an update to information previously pro-
11 vided for criminal justice purposes.

12 (9) CRITERION OFFENSE.—The term “criterion
13 offense” means any felony or misdemeanor offense
14 not included on the list of nonserious offenses pub-
15 lished periodically by the FBI.

16 (10) DIRECT ACCESS.—The term “direct ac-
17 cess” means access to the National Identification
18 Index by computer terminal or other automated
19 means not requiring the assistance of or intervention
20 by any other party or agency.

21 (11) EXECUTIVE ORDER.—The term “Executive
22 order” means an order of the President of the
23 United States or the chief executive officer of a
24 State that has the force of law and that is promul-
25 gated in accordance with applicable law.

1 (12) FBI.—The term “FBI” means the Fed-
2 eral Bureau of Investigation.

3 (13) INTERSTATE IDENTIFICATION SYSTEM.—
4 The term “Interstate Identification Index System”
5 or “III System”—

6 (A) means the cooperative Federal-State
7 system for the exchange of criminal history
8 records; and

9 (B) includes the National Identification
10 Index, the National Fingerprint File and, to the
11 extent of their participation in such system, the
12 criminal history record repositories of the
13 States and the FBI.

14 (14) NATIONAL FINGERPRINT FILE.—The term
15 “National Fingerprint File” means a database of
16 fingerprints, or other uniquely personal identifying
17 information, relating to an arrested or charged indi-
18 vidual maintained by the FBI to provide positive
19 identification of record subjects indexed in the III
20 System.

21 (15) NATIONAL IDENTIFICATION INDEX.—The
22 term “National Identification Index” means an
23 index maintained by the FBI consisting of names,
24 identifying numbers, and other descriptive informa-

1 tion relating to record subjects about whom there
2 are criminal history records in the III System.

3 (16) NATIONAL INDICES.—The term “National
4 indices” means the National Identification Index
5 and the National Fingerprint File.

6 (17) NONPARTY STATE.—The term “Nonparty
7 State” means a State that has not ratified this Com-
8 pact.

9 (18) NONCRIMINAL JUSTICE PURPOSES.—The
10 term “noncriminal justice purposes” means uses of
11 criminal history records for purposes authorized by
12 Federal or State law other than purposes relating to
13 criminal justice activities, including employment
14 suitability, licensing determinations, immigration
15 and naturalization matters, and national security
16 clearances.

17 (19) PARTY STATE.—The term “Party State”
18 means a State that has ratified this Compact.

19 (20) POSITIVE IDENTIFICATION.—The term
20 “positive identification” means a determination,
21 based upon a comparison of fingerprints or other
22 equally reliable biometric identification techniques,
23 that the subject of a record search is the same per-
24 son as the subject of a criminal history record or
25 records indexed in the III System. Identifications

1 based solely upon a comparison of subjects' names
2 or other nonunique identification characteristics or
3 numbers, or combinations thereof, shall not con-
4 stitute positive identification.

5 (21) SEALED RECORD INFORMATION.—The
6 term “sealed record information” means—

7 (A) with respect to adults, that portion of
8 a record that is—

9 (i) not available for criminal justice
10 uses;

11 (ii) not supported by fingerprints or
12 other accepted means of positive identifica-
13 tion; or

14 (iii) subject to restrictions on dissemi-
15 nation for noncriminal justice purposes
16 pursuant to a court order related to a par-
17 ticular subject or pursuant to a Federal or
18 State statute that requires action on a
19 sealing petition filed by a particular record
20 subject; and

21 (B) with respect to juveniles, whatever
22 each State determines is a sealed record under
23 its own law and procedure.

24 (22) STATE.—The term “State” means any
25 State, territory, or possession of the United States,

1 the District of Columbia, and the Commonwealth of
2 Puerto Rico.

3 ARTICLE II—PURPOSES

4 The purposes of this Compact are to—

5 (1) provide a legal framework for the establish-
6 ment of a cooperative Federal-State system for the
7 interstate and Federal-State exchange of criminal
8 history records for noncriminal justice uses;

9 (2) require the FBI to permit use of the Na-
10 tional Identification Index and the National Finger-
11 print File by each Party State, and to provide, in a
12 timely fashion, Federal and State criminal history
13 records to requesting States, in accordance with the
14 terms of this Compact and with rules, procedures,
15 and standards established by the Council under Arti-
16 cle VI;

17 (3) require Party States to provide information
18 and records for the National Identification Index
19 and the National Fingerprint File and to provide
20 criminal history records, in a timely fashion, to
21 criminal history record repositories of other States
22 and the Federal Government for noncriminal justice
23 purposes, in accordance with the terms of this Com-
24 pact and with rules, procedures, and standards es-
25 tablished by the Council under Article VI;

1 (4) provide for the establishment of a Council
2 to monitor III System operations and to prescribe
3 system rules and procedures for the effective and
4 proper operation of the III System for noncriminal
5 justice purposes; and

6 (5) require the FBI and each Party State to
7 adhere to III System standards concerning record
8 dissemination and use, response times, system secu-
9 rity, data quality, and other duly established stand-
10 ards, including those that enhance the accuracy and
11 privacy of such records.

12 ARTICLE III—RESPONSIBILITIES OF COMPACT
13 PARTIES

14 (a) FBI RESPONSIBILITIES.—The Director of the
15 FBI shall—

16 (1) appoint an FBI Compact officer who
17 shall—

18 (A) administer this Compact within the
19 Department of Justice and among Federal
20 agencies and other agencies and organizations
21 that submit search requests to the FBI pursu-
22 ant to Article V(c);

23 (B) ensure that Compact provisions and
24 rules, procedures, and standards prescribed by
25 the Council under Article VI are complied with

1 by the Department of Justice and the Federal
2 agencies and other agencies and organizations
3 referred to in Article III(1)(A); and

4 (C) regulate the use of records received by
5 means of the III System from Party States
6 when such records are supplied by the FBI di-
7 rectly to other Federal agencies;

8 (2) provide to Federal agencies and to State
9 criminal history record repositories, criminal history
10 records maintained in its database for the noncrimi-
11 nal justice purposes described in Article IV, includ-
12 ing—

13 (A) information from Nonparty States;

14 and

15 (B) information from Party States that is
16 available from the FBI through the III System,
17 but is not available from the Party State
18 through the III System;

19 (3) provide a telecommunications network and
20 maintain centralized facilities for the exchange of
21 criminal history records for both criminal justice
22 purposes and the noncriminal justice purposes de-
23 scribed in Article IV, and ensure that the exchange
24 of such records for criminal justice purposes has pri-

1 ority over exchange for noncriminal justice purposes;
2 and

3 (4) modify or enter into user agreements with
4 Nonparty State criminal history record repositories
5 to require them to establish record request proce-
6 dures conforming to those prescribed in Article V.

7 (b) STATE RESPONSIBILITIES.—Each Party State
8 shall—

9 (1) appoint a Compact officer who shall—

10 (A) administer this Compact within that
11 State;

12 (B) ensure that Compact provisions and
13 rules, procedures, and standards established by
14 the Council under Article VI are complied with
15 in the State; and

16 (C) regulate the in-State use of records re-
17 ceived by means of the III System from the
18 FBI or from other Party States;

19 (2) establish and maintain a criminal history
20 record repository, which shall provide—

21 (A) information and records for the Na-
22 tional Identification Index and the National
23 Fingerprint File; and

1 (B) the State's III System-indexed crimi-
2 nal history records for noncriminal justice pur-
3 poses described in Article IV;

4 (3) participate in the National Fingerprint File;
5 and

6 (4) provide and maintain telecommunications
7 links and related equipment necessary to support the
8 services set forth in this Compact.

9 (c) COMPLIANCE WITH III SYSTEM STANDARDS.—
10 In carrying out their responsibilities under this Compact,
11 the FBI and each Party State shall comply with III Sys-
12 tem rules, procedures, and standards duly established by
13 the Council concerning record dissemination and use, re-
14 sponse times, data quality, system security, accuracy, pri-
15 vacy protection, and other aspects of III System operation.

16 (d) MAINTENANCE OF RECORD SERVICES.—

17 (1) Use of the III System for noncriminal jus-
18 tice purposes authorized in this Compact shall be
19 managed so as not to diminish the level of services
20 provided in support of criminal justice purposes.

21 (2) Administration of Compact provisions shall
22 not reduce the level of service available to authorized
23 noncriminal justice users on the effective date of this
24 Compact.

ARTICLE IV—AUTHORIZED RECORD

DISCLOSURES

(a) STATE CRIMINAL HISTORY RECORD REPOSITORIES.—To the extent authorized by section 552a of title 5, United States Code (commonly known as the “Privacy Act of 1974”), the FBI shall provide on request criminal history records (excluding sealed records) to State criminal history record repositories for noncriminal justice purposes allowed by Federal statute, Federal Executive order, or a State statute that has been approved by the Attorney General and that authorizes national indices checks.

(b) CRIMINAL JUSTICE AGENCIES AND OTHER GOVERNMENTAL OR NONGOVERNMENTAL AGENCIES.—The FBI, to the extent authorized by section 552a of title 5, United States Code (commonly known as the “Privacy Act of 1974”), and State criminal history record repositories shall provide criminal history records (excluding sealed records) to criminal justice agencies and other governmental or nongovernmental agencies for noncriminal justice purposes allowed by Federal statute, Federal Executive order, or a State statute that has been approved by the Attorney General, that authorizes national indices checks.

(c) PROCEDURES.—Any record obtained under this Compact may be used only for the official purposes for

1 which the record was requested. Each Compact officer
2 shall establish procedures, consistent with this Compact,
3 and with rules, procedures, and standards established by
4 the Council under Article VI, which procedures shall pro-
5 tect the accuracy and privacy of the records, and shall—

6 (1) ensure that records obtained under this
7 Compact are used only by authorized officials for au-
8 thorized purposes;

9 (2) require that subsequent record checks are
10 requested to obtain current information whenever a
11 new need arises; and

12 (3) ensure that record entries that may not le-
13 gally be used for a particular noncriminal justice
14 purpose are deleted from the response and, if no in-
15 formation authorized for release remains, an appro-
16 priate “no record” response is communicated to the
17 requesting official.

18 ARTICLE V—RECORD REQUEST PROCEDURES

19 (a) POSITIVE IDENTIFICATION.—Subject fingerprints
20 or other approved forms of positive identification shall be
21 submitted with all requests for criminal history record
22 checks for noncriminal justice purposes.

23 (b) SUBMISSION OF STATE REQUESTS.—Each re-
24 quest for a criminal history record check utilizing the na-
25 tional indices made under any approved State statute shall

1 be submitted through that State's criminal history record
2 repository. A State criminal history record repository shall
3 process an interstate request for noncriminal justice pur-
4 poses through the national indices only if such request is
5 transmitted through another State criminal history record
6 repository or the FBI.

7 (c) SUBMISSION OF FEDERAL REQUESTS.—Each re-
8 quest for criminal history record checks utilizing the na-
9 tional indices made under Federal authority shall be sub-
10 mitted through the FBI or, if the State criminal history
11 record repository consents to process fingerprint submis-
12 sions, through the criminal history record repository in the
13 State in which such request originated. Direct access to
14 the National Identification Index by entities other than
15 the FBI and State criminal history records repositories
16 shall not be permitted for noncriminal justice purposes.

17 (d) FEES.—A State criminal history record reposi-
18 tory or the FBI—

19 (1) may charge a fee, in accordance with appli-
20 cable law, for handling a request involving finger-
21 print processing for noncriminal justice purposes;
22 and

23 (2) may not charge a fee for providing criminal
24 history records in response to an electronic request

1 for a record that does not involve a request to proc-
2 ess fingerprints.

3 (e) ADDITIONAL SEARCH.—

4 (1) If a State criminal history record repository
5 cannot positively identify the subject of a record re-
6 quest made for noncriminal justice purposes, the re-
7 quest, together with fingerprints or other approved
8 identifying information, shall be forwarded to the
9 FBI for a search of the national indices.

10 (2) If, with respect to an request forwarded by
11 a State criminal history record repository under
12 paragraph (1), the FBI positively identifies the sub-
13 ject as having a III System-indexed record or
14 records—

15 (A) the FBI shall so advise the State
16 criminal history record repository; and

17 (B) the State criminal history record re-
18 pository shall be entitled to obtain the addi-
19 tional criminal history record information from
20 the FBI or other State criminal history record
21 repositories.

22 ARTICLE VI—ESTABLISHMENT OF COMPACT
23 COUNCIL

24 (a) ESTABLISHMENT.—

1 (1) IN GENERAL.—There is established a coun-
2 cil to be known as the “Compact Council”, which
3 shall have the authority to promulgate rules and
4 procedures governing the use of the III System for
5 noncriminal justice purposes, not to conflict with
6 FBI administration of the III System for criminal
7 justice purposes.

8 (2) ORGANIZATION.—The Council shall—

9 (A) continue in existence as long as this
10 Compact remains in effect;

11 (B) be located, for administrative pur-
12 poses, within the FBI; and

13 (C) be organized and hold its first meeting
14 as soon as practicable after the effective date of
15 this Compact.

16 (b) MEMBERSHIP.—The Council shall be composed of
17 15 members, each of whom shall be appointed by the At-
18 torney General, as follows:

19 (1) Nine members, each of whom shall serve a
20 2-year term, who shall be selected from among the
21 Compact officers of Party States based on the rec-
22 ommendation of the Compact officers of all Party
23 States, except that, in the absence of the requisite
24 number of Compact officers available to serve, the
25 chief administrators of the criminal history record

1 repositories of Nonparty States shall be eligible to
2 serve on an interim basis.

3 (2) Two at-large members, nominated by the
4 Director of the FBI, each of whom shall serve a 3-
5 year term, of whom—

6 (A) 1 shall be a representative of the
7 criminal justice agencies of the Federal Govern-
8 ment and may not be an employee of the FBI;
9 and

10 (B) 1 shall be a representative of the non-
11 criminal justice agencies of the Federal Govern-
12 ment.

13 (3) Two at-large members, nominated by the
14 Chairman of the Council, once the Chairman is
15 elected pursuant to Article VI(c), each of whom shall
16 serve a 3-year term, of whom—

17 (A) 1 shall be a representative of State or
18 local criminal justice agencies; and

19 (B) 1 shall be a representative of State or
20 local noncriminal justice agencies.

21 (4) One member, who shall serve a 3-year term,
22 and who shall simultaneously be a member of the
23 FBI's advisory policy board on criminal justice in-
24 formation services, nominated by the membership of
25 that policy board.

1 (5) One member, nominated by the Director of
2 the FBI, who shall serve a 3-year term, and who
3 shall be an employee of the FBI.

4 (c) CHAIRMAN AND VICE CHAIRMAN.—

5 (1) IN GENERAL.—From its membership, the
6 Council shall elect a Chairman and a Vice Chairman
7 of the Council, respectively. Both the Chairman and
8 Vice Chairman of the Council—

9 (A) shall be a Compact officer, unless
10 there is no Compact officer on the Council who
11 is willing to serve, in which case the Chairman
12 may be an at-large member; and

13 (B) shall serve a 2-year term and may be
14 reelected to only 1 additional 2-year term.

15 (2) DUTIES OF VICE CHAIRMAN.—The Vice
16 Chairman of the Council shall serve as the Chair-
17 man of the Council in the absence of the Chairman.

18 (d) MEETINGS.—

19 (1) IN GENERAL.—The Council shall meet a
20 least once each year at the call of the Chairman.
21 Each meeting of the Council shall be open to the
22 public. The Council shall provide prior public notice
23 in the Federal Register of each meeting of the Coun-
24 cil, including the matters to be addressed at such
25 meeting.

1 (2) QUORUM.—A majority of the Council or any
2 committee of the Council shall constitute a quorum
3 of the Council or of such committee, respectively, for
4 the conduct of business. A lesser number may meet
5 to hold hearings, take testimony, or conduct any
6 business not requiring a vote.

7 (e) RULES, PROCEDURES, AND STANDARDS.—The
8 Council shall make available for public inspection and
9 copying at the Council office within the FBI, and shall
10 publish in the Federal Register, any rules, procedures, or
11 standards established by the Council.

12 (f) ASSISTANCE FROM FBI.—The Council may re-
13 quest from the FBI such reports, studies, statistics, or
14 other information or materials as the Council determines
15 to be necessary to enable the Council to perform its duties
16 under this Compact. The FBI, to the extent authorized
17 by law, may provide such assistance or information upon
18 such a request.

19 (g) COMMITTEES.—The Chairman may establish
20 committees as necessary to carry out this Compact and
21 may prescribe their membership, responsibilities, and du-
22 ration.

23 ARTICLE VII—RATIFICATION OF COMPACT

24 This Compact shall take effect upon being entered
25 into by 2 or more States as between those States and the

1 Federal Government. Upon subsequent entering into this
 2 Compact by additional States, it shall become effective
 3 among those States and the Federal Government and each
 4 Party State that has previously ratified it. When ratified,
 5 this Compact shall have the full force and effect of law
 6 within the ratifying jurisdictions. The form of ratification
 7 shall be in accordance with the laws of the executing State.

8 ARTICLE VIII—MISCELLANEOUS PROVISIONS

9 (a) RELATION OF COMPACT TO CERTAIN FBI AC-
 10 TIVITIES.—Administration of this Compact shall not inter-
 11 fere with the management and control of the Director of
 12 the FBI over the FBI's collection and dissemination of
 13 criminal history records and the advisory function of the
 14 FBI's advisory policy board chartered under the Federal
 15 Advisory Committee Act (5 U.S.C. App.) for all purposes
 16 other than noncriminal justice.

17 (b) NO AUTHORITY FOR NONAPPROPRIATED EX-
 18 PENDITURES.—Nothing in this Compact shall require the
 19 FBI to obligate or expend funds beyond those appro-
 20 priated to the FBI.

21 (c) RELATING TO PUBLIC LAW 92-544.—Nothing in
 22 this Compact shall diminish or lessen the obligations, re-
 23 sponsibilities, and authorities of any State, whether a
 24 Party State or a Nonparty State, or of any criminal his-
 25 tory record repository or other subdivision or component

1 thereof, under the Departments of State, Justice, and
 2 Commerce, the Judiciary, and Related Agencies Appro-
 3 priation Act, 1973 (Public Law 92-544), or regulations
 4 and guidelines promulgated thereunder, including the
 5 rules and procedures promulgated by the Council under
 6 Article VI(a), regarding the use and dissemination of
 7 criminal history records and information.

8 ARTICLE IX—RENUNCIATION

9 (a) IN GENERAL.—This Compact shall bind each
 10 Party State until renounced by the Party State.

11 (b) EFFECT.—Any renunciation of this Compact by
 12 a Party State shall—

13 (1) be effected in the same manner by which
 14 the Party State ratified this Compact; and

15 (2) become effective 180 days after written no-
 16 tice of renunciation is provided by the Party State
 17 to each other Party State and to the Federal Gov-
 18 ernment.

19 ARTICLE X—SEVERABILITY

20 The provisions of this Compact shall be severable,
 21 and if any phrase, clause, sentence, or provision of this
 22 Compact is declared to be contrary to the constitution of
 23 any participating State, or to the Constitution of the
 24 United States, or the applicability thereof to any govern-
 25 ment, agency, person, or circumstance is held invalid, the

1 validity of the remainder of this Compact and the applica-
 2 bility thereof to any government, agency, person, or cir-
 3 cumstance shall not be affected thereby. If a portion of
 4 this Compact is held contrary to the constitution of any
 5 Party State, all other portions of this Compact shall re-
 6 main in full force and effect as to the remaining Party
 7 States and in full force and effect as to the Party State
 8 affected, as to all other provisions.

9 ARTICLE XI—ADJUDICATION OF DISPUTES

10 (a) IN GENERAL.—The Council shall—

11 (1) have initial authority to make determina-
 12 tions with respect to any dispute regarding—

13 (A) interpretation of this Compact;

14 (B) any rule or standard established by the
 15 Council pursuant to Article V; and

16 (C) any dispute or controversy between
 17 any parties to this Compact; and

18 (2) hold a hearing concerning any dispute de-
 19 scribed in paragraph (1) at a regularly scheduled
 20 meeting of the Council and only render a decision
 21 based upon a majority vote of the members of the
 22 Council. Such decision shall be published pursuant
 23 to the requirements of Article VI(e).

24 (b) DUTIES OF FBI.—The FBI shall exercise imme-
 25 diate and necessary action to preserve the integrity of the

1 III System, maintain system policy and standards, protect
 2 the accuracy and privacy of records, and to prevent
 3 abuses, until the Council holds a hearing on such matters.

4 (c) RIGHT OF APPEAL.—The FBI or a Party State
 5 may appeal any decision of the Council to the Attorney
 6 General, and thereafter may file suit in the appropriate
 7 district court of the United States, which shall have origi-
 8 nal jurisdiction of all cases or controversies arising under
 9 this Compact. Any suit arising under this Compact and
 10 initiated in a State court shall be removed to the appro-
 11 priate district court of the United States in the manner
 12 provided by section 1446 of title 28, United States Code,
 13 or other statutory authority.

14 **TITLE II—VOLUNTEERS FOR** 15 **CHILDREN ACT**

16 **SEC. 201. SHORT TITLE.**

17 This title may be cited as the “Volunteers for Chil-
 18 dren Act”.

19 **SEC. 202. FACILITATION OF FINGERPRINT CHECKS.**

20 (a) STATE AGENCY.—Section 3(a) of the National
 21 Child Protection Act of 1993 (42 U.S.C. 5119a(a)) is
 22 amended by adding at the end the following:

23 “(3) In the absence of State procedures referred to
 24 in paragraph (1), a qualified entity designated under para-
 25 graph (1) may contact an authorized agency of the State

1 to request national criminal fingerprint background
 2 checks. Qualified entities requesting background checks
 3 under this paragraph shall comply with the guidelines set
 4 forth in subsection (b) and with procedures for requesting
 5 national criminal fingerprint background checks, if any,
 6 established by the State.”.

7 (b) FEDERAL LAW.—Section 3(b)(5) of the National
 8 Child Protection Act of 1993 (42 U.S.C. 5119a(b)(5)) is
 9 amended by inserting before the period at the end the fol-
 10 lowing: “, except that this paragraph does not apply to
 11 any request by a qualified entity for a national criminal
 12 fingerprint background check pursuant to subsection
 13 (a)(3)”.

14 (c) AUTHORIZATION.—Section 4(b)(2) of the Na-
 15 tional Child Protection Act of 1993 (42 U.S.C.
 16 5119b(b)(2)) is amended by striking “1994, 1995, 1996,
 17 and 1997” and inserting “1999, 2000, 2001, and 2002”.

Passed the Senate July 13, 1998.

Attest:

GARY SISCO,
Secretary.