

111TH CONGRESS
1ST SESSION

H. R. 1939

To direct the Attorney General to establish a system of background checks for employers and employees of the electronic life safety and security system installation and monitoring industry, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 2, 2009

Mr. LUETKEMEYER introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To direct the Attorney General to establish a system of background checks for employers and employees of the electronic life safety and security system installation and monitoring industry, 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 “Electronic Life Safety
5 and Security Systems Federal Background Check Act of
6 2009”.

7 **SEC. 2. FINDINGS.**

8 Congress finds—

1 (1) the electronic life safety and security sys-
2 tems industry performs critical security installation
3 and protection for much of the infrastructure in the
4 United States and provides commercial buildings,
5 public agencies and residences with alarm and secu-
6 rity systems that are an important part of homeland
7 security and anti-crime and terrorist prevention;

8 (2) these systems include central monitoring
9 stations and individual employer-owned companies
10 and other private sector businesses that install sys-
11 tems in these structures;

12 (3) some States do not provide for any licencing
13 or regulation requirement that includes a State or
14 Federal background check on employers and employ-
15 ees of these companies;

16 (4) many employers and their employees in the
17 industry travel across State lines to install their sys-
18 tems and may or may not be required to undergo
19 Federal background checks as a condition of employ-
20 ment and in some cases there may be background
21 check requirements at the State level or duplicated
22 background checks at the county or city levels; and

23 (5) many employers and their employees in the
24 industry have access to public and private structures

1 and should undergo a Federal background check to
2 protect lives and property.

3 **SEC. 3. ESTABLISHMENT OF BACKGROUND CHECK.**

4 Not later than 180 days after the date of the enact-
5 ment of this Act, the Attorney General shall establish a
6 method to permit employers in the electronic life safety
7 and security systems installation and monitoring industry
8 to access the information contained in appropriate records
9 acquired under section 534 of title 28, United States
10 Code, to provide the employers with any resulting relevant
11 criminal history record information in accordance with the
12 following goals and standards:

13 (1) Employers should be able to discover if em-
14 ployees or prospective employees have been convicted
15 of a felony or of an offense involving dishonesty or
16 false statement or the use of force against the per-
17 son of another within the 10 years prior to the
18 check.

19 (2) Employers should be able to obtain access
20 to Federal criminal history record information by
21 the Attorney General designating, the National Bur-
22 glar and Fire Alarm Association, as the channeling
23 organization representing the electronic life safety
24 and security systems industry.

1 (3) The access provided under this Act should
2 not duplicate access by an employer regarding an
3 employee working only within one State where the
4 State licensing and regulation of that employee al-
5 ready requires a Federal background check.

6 (4) Each employee for whom a background
7 check is provided under this Act should be issued a
8 Federal Background Check Completion identification
9 card by the Department of Justice for an appro-
10 prium period of time up to two years, indicating that
11 the check was made with no adverse results. During
12 that period of time, an employer or prospective em-
13 ployer may rely on this card instead of seeking a
14 new Federal background check.

15 (5) The Federal Background Check Completion
16 ID card should receive reciprocity from States, in-
17 cluding those without a requirement for a Federal
18 background check for this industry or without any
19 requirement for background checks for this industry.

20 (6) The Attorney General may set reasonable
21 fees to be charged in connection with the method for
22 background checks authorized under this Act.

23 (7) The Attorney General, in establishing the
24 method for background checks, shall give due con-

1 sideration to privacy protections and employee
2 rights.

3 **SEC. 4. DEFINITION.**

4 As used in this Act, the term “electronic life safety
5 and security systems industry” means businesses that pro-
6 vide installation and central monitoring of fire and burglar
7 alarm systems to public or private entities including but
8 not limited to fire alarms, burglar alarms, closed-circuit
9 TV, biometric systems, access control systems and other
10 crime prevention systems.

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