

116TH CONGRESS
1ST SESSION

S. 3012

To amend the Private Security Officer Employment Authorization Act of 2004 to establish a national criminal history background check system and criminal history review program for private security officers.

IN THE SENATE OF THE UNITED STATES

DECEMBER 10, 2019

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

A BILL

To amend the Private Security Officer Employment Authorization Act of 2004 to establish a national criminal history background check system and criminal history review program for private security officers.

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 “Private Security Offi-
5 cer Screening Improvement Act of 2019”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) There are close to 1,000,000 private secu-
2 rity officers in the United States, both contract and
3 proprietary. Private security officers are considered
4 persons of trust by the public. They are entrusted to
5 safeguard and protect people and property, including
6 nuclear power plants, schools, hospitals, banks,
7 places of worship, living communities, shopping
8 malls, and entertainment venues.

9 (2) The Integrated Automated Fingerprint
10 Identification System of the Federal Bureau of In-
11 vestigation (referred to in this section as the “FBI”)
12 maintains fingerprints and criminal history records
13 on more than 70,000,000 individuals. FBI criminal
14 history background checks on private security offi-
15 cers have uncovered serious criminal convictions that
16 did not show up in State and commercial criminal
17 history background checks. Accordingly, it is clearly
18 in the public interest for private security officers and
19 applicants to be subject to FBI criminal history
20 background checks.

21 (3) Congress has worked with the States to
22 make FBI criminal history background checks avail-
23 able to employers of private security officers through
24 the Private Security Officer Employment Authoriza-
25 tion Act of 2004 (34 U.S.C. 41106) (referred to in

1 this section as the “PSOEAA”) and statutes enacted
 2 by dozens of States in compliance with Public Law
 3 92–544. The PSOEAA authorized employers of pri-
 4 vate security officers to request FBI criminal history
 5 background checks on their officers and applicants
 6 through a State agency. However, since the enact-
 7 ment of the PSOEAA in 2004, not all States have
 8 made FBI criminal history background checks avail-
 9 able to employers of private security officers. As a
 10 result, there are many private security officers and
 11 applicants for which employers are unable to obtain
 12 FBI criminal history background checks as author-
 13 ized by the PSOEAA.

14 **SEC. 3. NATIONAL CRIMINAL HISTORY BACKGROUND**
 15 **CHECK AND CRIMINAL HISTORY REVIEW**
 16 **PROGRAM.**

17 The Private Security Officer Employment Authoriza-
 18 tion Act of 2004 (34 U.S.C. 41106) is amended—

19 (1) in subsection (c)—

20 (A) in paragraph (2)(B), by inserting “or
 21 a designated entity” after “a State identifica-
 22 tion bureau”;

23 (B) by redesignating paragraph (5) as
 24 paragraph (7);

1 (C) by redesignating paragraphs (3) and
 2 (4) as paragraphs (4) and (5), respectively;

3 (D) by inserting after paragraph (2) the
 4 following:

5 “(3) DESIGNATED ENTITY.—The term ‘des-
 6 ignated entity’ means an entity designated by the
 7 Attorney General, which may not be a Federal agen-
 8 cy, to receive and process requests under subsection
 9 (d).”; and

10 (E) by inserting after paragraph (5), as so
 11 redesignated, the following:

12 “(6) STATE.—The term ‘State’ means a State,
 13 the District of Columbia, the Commonwealth of
 14 Puerto Rico, American Samoa, the Virgin Islands,
 15 Guam, and the Trust Territories of the Pacific.”;
 16 and

17 (2) in subsection (d)—

18 (A) in paragraph (1)—

19 (i) in subparagraph (A), by striking
 20 “the State identification bureau of a par-
 21 ticipating State” and inserting “a State
 22 identification bureau or a designated enti-
 23 ty”;

24 (ii) in subparagraph (B)(i), by strik-
 25 ing “to the State identification bureau of

the participating State the” and inserting
“a”;

(iii) in subparagraph (C)—

(I) in the heading—

(aa) by striking “THE
STATE” and inserting “A STATE”;
and

(bb) by inserting “OR DES-
IGNATED ENTITY” after “BU-
REAU”;

(II) in the matter preceding
clause (i), by striking “the State iden-
tification bureau of a participating
State” and inserting “a State identi-
fication bureau or a designated enti-
ty”; and

(III) in clause (ii), by inserting
“or designated entity” after “State
identification bureau”;

(iv) in subparagraph (D)—

(I) in clause (i), by striking “the
State identification bureau” and in-
serting “a State identification bureau
or a designated entity”; and

(II) in clause (ii)—

1 (aa) in subclause (I), in the
 2 matter preceding item (aa)—

3 (AA) by striking “a
 4 participating” and inserting
 5 “employment in a”; and

6 (BB) by inserting
 7 “identification bureau or a
 8 designated entity” after “the
 9 State”; and

10 (bb) in subclause (II)—

11 (AA) by striking “a
 12 participating” and inserting
 13 “employment in a”; and

14 (BB) by inserting
 15 “identification bureau or a
 16 designated entity” after “the
 17 State”; and

18 (v) by adding at the end the following:

19 “(F) STATE CRIMINAL HISTORY CHECK.—

20 A designated entity may, upon request from an
 21 authorized employer, complete a check of a
 22 State criminal history database.

23 “(G) DESIGNATED ENTITIES.—The Attor-
 24 ney General shall designate, and enter into an
 25 agreement with, one or more entities to receive

1 and process requests under this subsection.”;
2 and

3 (B) in paragraph (4), by adding at the end
4 the following:

5 “(D) FEDERAL PROGRAM COSTS.—

6 “(i) IN GENERAL.—In the case of a
7 criminal history record information search
8 submitted through a designated entity in
9 accordance with this subsection, the fees
10 collected by the designated entity shall be
11 set at a level that will ensure the recovery
12 of the full costs of providing all such serv-
13 ices.

14 “(ii) REQUIREMENT.—The designated
15 entity shall remit the appropriate portion
16 of the fees collected under clause (i) to the
17 Attorney General, which amount is in ac-
18 cordance with the amount published in the
19 Federal Register to be collected for the
20 provision of a criminal history background
21 check by the Federal Bureau of Investiga-
22 tion.”.

23 **SEC. 4. REGULATIONS.**

24 Not later than 180 days after the date of enactment
25 of this Act, the Attorney General shall issue such regula-

1 tions as may be necessary to carry out the amendments
2 made by this Act.

