

threat even after they may have served their prison sentences. The scientific community has concluded that most pedophiles can not control themselves. Some have even admitted it themselves. Their whereabouts after the leave prison therefore needs to be tracked to safeguard the children in the communities where they live.

This bill amends the 1994 crime law which now allows for the registration and tracking of offenders who have committed such crimes against children or sexually violent crimes. The bill would expand the tracking of those individuals by establishing a nationwide system managed by the FBI. That system would be made available for access by Federal, State, and local law enforcement officials.

These sexual offenders will be required to register with this nationwide system. If they moved, they would be again required to notify the system of their whereabouts. And if they fail to do so, they face stiff punishment.

Thus, the database would track all intrastate and interstate movements of sex offenders, even into States that have no offender registration. These offenders would provide the system with their fingerprints and photographs. The FBI can then release the information to local authorities where the offenders live.

Violent sexual predators, repeat child abusers and repeat sex offenders will be in the system for life under this act. That only makes sense in light of the facts before us. This is an important piece of legislation that can directly protect innocent lives and I urge my colleagues to vote for H.R. 3456.

Ms. LOFGREN. Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

Mr. MCCOLLUM. Mr. Speaker, I have no further requests for the time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. DICKEY). The question is on the motion offered by the gentleman from Florida [Mr. MCCOLLUM] that the House suspend the rules and pass the bill, H.R. 3456, as amended.

The question was taken.

Mr. ZIMMER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5, rule 1, and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### PRIVATE SECURITY OFFICER QUALITY ASSURANCE ACT OF 1996

Mr. BARR of Georgia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2092) to expedite State reviews of criminal records of applicants for private security officer employment, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2092

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Private Security Officer Quality Assurance Act of 1996".

#### SEC. 2. FINDINGS.

Congress finds that—

(1) employment of private security officers in the United States is growing rapidly;

(2) the private security industry provides numerous opportunities for entry-level job applicants, including individuals suffering from unemployment due to economic conditions or dislocations;

(3) sworn law enforcement officers provide significant services to the citizens of the United States in its public areas, and are only supplemented by private security officers who provide prevention and reporting services in support of, but not in place of, regular sworn police;

(4) given the growth of large private shopping malls, and the consequent reduction in the number of public shopping streets, the American public is more likely to have contact with private security personnel in the course of a day than with sworn law enforcement officers;

(5) regardless of the differences in their duties, skill, and responsibilities, the public has difficulty in discerning the difference between sworn law enforcement officers and private security personnel; and

(6) the American public demands the employment of qualified, well-trained private security personnel as an adjunct, but not a replacement for sworn law enforcement officers.

#### SEC. 3. BACKGROUND CHECKS.

(A) IN GENERAL.—An association of employers of private security officers, designated for the purpose of this section by the Attorney General, may submit fingerprints or other methods of positive identification approved by the Attorney General, to the Attorney General on behalf of any applicant for a State license or certificate or registration as a private security officer or employer of private security officers. In response to such a submission, the Attorney General may, to the extent provided by State law conforming to the requirements of the second paragraph under the heading "Federal Bureau of Investigation" and the subheading "Salaries and Expenses" in title II of Public Law 92-544 (86 Stat. 1115), exchange, for licensing and employment purposes, identification and criminal history records with the State governmental agencies to which such applicant has applied.

(b) REGULATIONS.—The Attorney General may prescribe such regulations as may be necessary to carry out this section, including measures relating to the security, confidentiality, accuracy, use, and dissemination of information and audits and record-keeping and the imposition of fees necessary for the recovery of costs.

(c) REPORT.—The Attorney General shall report to the Senate and House Committees on the Judiciary 2 years after the date of enactment of this bill on the number of inquiries made by the association of employers under this section and their disposition.

#### SEC. 4 SENSE OF CONGRESS.

It is the sense of Congress that States should participate in the background check system established under section 3.

#### SEC. 5. DEFINITIONS.

As used in this Act—

(1) the term "employee" includes an applicant for employment;

(2) the term "employer" means any person that—

(A) employs one or more private security officers; or

(B) provides, as an independent contractor, for consideration, the services of one or more private security officers (possibly including oneself);

(3) the term "private security officer"—

(A) means—

(i) an individual who performs security services, full or part time, for consideration

as an independent contractor or an employee, whether armed or unarmed and in uniform or plain clothes whose primary duty is to perform security services, or

(ii) an individual who is an employee of an electronic security system company who is engaged in one or more of the following activities in the State: burglar alarm technician, fire alarm technician, closed circuit television technician, access control technician, or security system monitor; but

(B) does not include—

(i) sworn police officers who have law enforcement powers in the State,

(ii) attorneys, accountants, and other professionals who are otherwise licensed in the State,

(iii) employees whose duties are primarily internal audit or credit functions,

(iv) persons whose duties may incidentally include the reporting or apprehension of shoplifters or trespassers, or

(v) an individual on active duty in the military service;

(4) the term "certificate of registration" means a license, permit, certificate, registration card, or other formal written permission from the State for the person to engage in providing security services;

(5) the term "security services" means the performance of one or more of the following:

(A) the observation or reporting of intrusion, larceny, vandalism, fire or trespass;

(B) the deterrence of theft or misappropriation of any goods, money, or other item of value;

(C) the observation or reporting of any unlawful activity;

(D) the protection of individuals or property, including proprietary information, from harm or misappropriation;

(E) the control of access to premises being protected;

(F) the secure movement of prisoners;

(G) the maintenance of order and safety at athletic, entertainment, or other public activities;

(H) the provision of canine services for protecting premises or for the detection of any unlawful device or substance; and

(I) the transportation of money or other valuables by armored vehicle; and

(6) the term "State" means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia [Mr. BARR] and the gentleman from North Carolina [Mr. WATT] each will control 20 minutes.

The Chair recognizes the gentleman from Georgia [Mr. BARR].

GENERAL LEAVE

Mr. BARR of Georgia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2092.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. BARR of Georgia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in this great body in support of passage of the Private Security Officer Quality Assurance Act. I introduced this legislation in the first session of this Congress along with our colleague, the gentleman from California [Mr. MARTINEZ]

who could not be here this evening, but has championed this bill not only in this Congress but in the previous Congress as well.

This bill will help ensure that private security officers undergo thorough and timely criminal background checks. The bill is straightforward and simple. It proposes an expedited procedure similar to those in use by the financial and parimutuel industries today to match the fingerprints of job applicants against records maintained by the Federal Bureau of Investigation's Criminal Justice Services Division.

Mr. Speaker, there are more than 1.5 million private security officers in the United States. The security industry is dynamic, and there is great pressure to meet ongoing need to hire qualified personnel as vacancies occur. Thorough reviews of job applicants' backgrounds are critical to employers, both to protect assets and to ensure protection for the public. Employers must depend on State and Federal agencies for criminal history information. They need this information promptly, but under existing law, Mr. Speaker, this process can take from 3 to 18 months.

Thirty-nine States now require security contractors to conduct background checks of their personnel, usually requiring fingerprint matches. To obtain a review of FBI records, a cumbersome, unwieldy process is used, leading to lengthy delays. Today an employer must submit prints to the State police agency which forwards them to the bureau where they are processed. The so-called rap sheet is then sent back to the police agency, which then sends these results to the State's agency charged with regulating the industry. That agency then must judge the fitness of the applicant for employment and a decision is made. At that point, if a permit is issued, it is sent to the applicant.

The existing system for private security employers to learn whether an applicant's criminal history disqualifies that person is often cumbersome and time consuming. The typical transaction provides many opportunities for the process to bog down. With State agencies commonly stretched thin by tight budgets, the time required for staff to forward an applicant's fingerprints to the FBI sometimes consumes months.

Still further delays can and do occur after the FBI completes the check and returns the results to the State. As I stated earlier, in many States the results of the background check review then go to a law enforcement agency, then to a separate regulatory agency responsible for security officers, thereby lengthening the process. The bottom line is that in some instances an employer may wait more than a year before learning whether an applicant has a serious criminal record.

Financial institutions were authorized by Congress under Public Law 92-544 to obtain criminal records directly from the FBI. Under that system,

which needs to be authorized by law and was authorized by law, the American Bankers Association screens fingerprint cards received from banks for legibility and then forwards them to the FBI for analysis. The rap sheet is then returned directly to the bank. Under this system, the ABA has indicated the process is reduced to about 20 business days.

Congress created another so-called express lane for obtaining criminal record information with the enactment of Public Law 100-413, the Parimutuel Licensing Simplification Act of 1988. This is a similar process to the one used by the ABA, but the rap sheet is sent back to the State regulatory agency, not to the employer. This system approximates that proposed in H.R. 2092.

This bill will authorize the Attorney General to name an association to aggregate fingerprint cards, screen them for legibility, and then forward them to the FBI. The results of the record search would then be forwarded back to the appropriate State officials. By sending the records to State officials rather than to employers, we avoid potential concerns about privacy rights of job applicants. By eliminating several steps from the process, this system should result in a far more efficient system of background checks.

This system has been endorsed by the National Association of State Security and Investigative Regulators. As under current law, fees will be assessed to compensate the FBI for their costs, and there will be no net cost to the Government for this expedited procedure. We have made that clear in the language of the bill, Mr. Speaker.

The bill contains absolutely no mandates for the States. The States are not required to participate in any part of the proposed bill if they elect not to.

I strongly urge this Congress to join in support of H.R. 2092, the Private Security Officer Quality Assurance Act. In so doing, we will be filling in one small but important chink in the armor against terrorism and other crimes that plague us. As the bombing incident in Atlanta recently made very clear, though a small chink in the armor, this is indeed an important one to fill.

Mr. Speaker, I reserve the balance of my time.

Mr. WATT of North Carolina. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman for yielding me time.

This bill falls into the category of lukewarm ideas that may come back to haunt us. It is strongly, strongly opposed by every major rank and file police organization in the country. The police do not like the bill because they believe it is a further step in the creeping legitimization of private uniform security forces that look like real police, but are not.

They raise a concern that all of us ought to ponder. When you go to a mall or into an office building or into an airport parking lot these days, you see a lot of uniformed police that look like policemen and policewomen, but in fact many of these police are not sworn officers of the law. They do not have the same restraints that Government imposes on sworn officers, they are not backed up by the same system of checks and balances and public liabilities that uniform officers carry and they often are not professionally trained. Yet all too often not one of us here could tell the real cop from the uniformed cop. That is a reason for caution, Mr. Speaker, and it is a reason that a measure very similar to this was soundly defeated in the last Congress when it was offered as an amendment of the 1994 crime bill. That vote was 340 "noes" and only 80 "ayes."

Additionally, the Justice Department has expressed reservations that the bill would institute procedures that would initially bypass the State criminal record system in favor of direct access to the FBI. The Justice Department believes that this procedure may inhibit the FBI from making the most efficient use of its resources.

Although there are some positive efforts behind this legislation, I think it is important that my colleagues carefully consider the views of the national police organizations when they decide how they wish to vote on this measure. I believe that we can provide guidance to our private security firms and individuals without some of the major obstacles that this legislation imposes.

Mr. Speaker, the goal of H.R. 2092, the Private Security Officer Quality Assurance Act, is to improve the oversight and regulation of private security officers. This is a laudable goal that most Members would support.

Currently, it generally takes up to 18 months for private security companies to get background checks completed. This legislation will enable State regulatory agencies to obtain easy access to the criminal histories of security guard applicants and contains a sense of the Congress provision that encourages States to develop standards for private security officers.

There are some concerns, however, which we must consider as we vote on this bill. Most police organizations have strong reservations about this bill because it seems to blur the distinctions between sworn police officers and private uniformed security guards. Private security guards do not have the same restraints that governments impose on sworn officers. In many cases, they have not been professionally trained and have not been subject to the same system of checks and balances of uniformed police officers.

Some Members of the House may also have concerns about permitting an association of employers of private security guards to conduct criminal history record checks directly with the Federal Bureau of Investigation.

Additionally, the Justice Department has expressed reservations that the bill would institute procedures that would initially bypass the State criminal records system in favor of direct access to the FBI. The Justice Department believes that this procedure may inhibit the FBI

from making the most efficient use of its resources.

I urge my colleagues to carefully review the provisions of this bill and make an informed choice.

Mr. GOODLING. Mr. Speaker, I rise today in support of H.R. 2092, the Private Security Officer Quality Assurance Act. Modest though it may be, I believe this legislation can provide a valuable first step toward assuring that only qualified individuals are hired as private security officers.

H.R. 2092 would accomplish two basic goals. First, it would allow the Attorney General to establish an association of private security guard employers that would, in turn, serve as a clearinghouse for submitting applicant information to the Federal Bureau of Investigation for purposes of doing individual background checks. This would help ensure that both the States and employers would more quickly receive important background information concerning individuals seeking to become private security officers. Second, the bill includes a Sense of the Congress that simply says that the States should participate in the background check system noted above.

I would note, Mr. Speaker, that the legislation we are considering today is a vast improvement from the bill as originally introduced. In its original form, H.R. 2092 addressed a broad range of employment issues, including a Sense of the Congress that the States should enact statutes imposing potentially onerous registration and training requirements on employers of private security officers. While I strongly support the notion of thoroughly checking the background of all private security officer job applicants, and of assuring an adequate level of training for such applicants, I found the proscriptive nature of the bill's original language—and, its suggestion that these requirements be mandated upon either the States or employers—troubling. For that reason, I am pleased that the bill before us today no longer includes those particular provisions.

Finally, Mr. Speaker, I would note that H.R. 2092 was originally introduced by Representative BARR of Georgia, and was referred to the Committee on Economic and Educational Opportunities, and in addition, to the Committee on the Judiciary. While the Committee on Economic and Educational Opportunities has not reported H.R. 2092, the Judiciary Committee ordered the bill favorably reported by a voice vote on September 18, 1996. Given Congress' impending adjournment, I saw no reason to slow the legislative process; however, these actions should hold no precedence regarding the interest that the Committee on Economic and Educational Opportunities has regarding our jurisdiction with respect to issues raised in the bill.

Mr. FAWELL. Mr. Speaker, I rise today in support of H.R. 2092, the Private Security Officer Quality Assurance Act. I believe this legislation will help ensure that only qualified individuals are hired as private security officers, thereby improving the important public service these individuals provide.

H.R. 2092 is not broad in scope; rather, it seeks modest changes that would simply expedite the process by which States and employers can check the backgrounds of individuals applying for private security officer jobs. The bill would accomplish this in two basic ways. First, it would allow the Attorney Gen-

eral to establish an association of private security guard employers. This association would, in turn, serve as an industry clearinghouse that could submit applicant information to the Federal Bureau of Investigation for purposes of doing individual background checks. This would help ensure that both the States and employers would quickly receive important background information concerning individuals seeking to become private security officers. Second, the bill includes provisions expressing the Sense of the Congress that the States should participate in the background check system noted above.

It is important to note, Mr. Speaker, that the legislation we are considering today is very different—and, much improved—than the bill that was originally introduced. In its original form, H.R. 2092 included lengthy provisions declaring the Sense of the Congress that the States should enact statutes imposing numerous certification and training requirements on employers of private security officers. Although I support the concept of improving efforts to screen and adequately train private security officer job applicants, the bill's focus on achieving these improvements through proscriptive and cumbersome mandates—imposed on either the States or employers—was troubling to me as well as to other Members of our Committee. For that reason, I am pleased that the bill that we take up today no longer includes those particular provisions.

Finally, Mr. Speaker, I would note that H.R. 2092, which was originally introduced by Representative BARR of Georgia, was referred to the Committee on Economic and Educational Opportunities, and in addition, to the Committee on the Judiciary. While the Committee on Economic and Educational Opportunities has not reported H.R. 2092, the Judiciary Committee did, in fact, order the bill favorably reported by a voice vote on September 18, 1996. Given Congress' impending adjournment, I agree with my committee chairman, Mr. GOODLING, that there is no reason to slow the legislative process; however, I also share his view that these actions should hold no precedence regarding the interest that the Committee on Economic and Educational Opportunities has regarding our jurisdiction with respect to issues raised in the bill.

Mr. WATT of North Carolina. Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

Mr. BARR of Georgia. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia [Mr. BARR] that the House suspend the rules and pass the bill, H.R. 2092, as amended.

The question was taken.

Mr. WATT of North Carolina. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

## GOVERNMENT ACCOUNTABILITY ACT OF 1996

Mr. MCCOLLUM. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 535) providing for the concurrence of the House, with an amendment, in the amendments of the Senate to the bill H.R. 3166.

The Clerk read as follows:

H. RES. 535

*Resolved*, That upon adoption of this resolution, the bill H.R. 3166, to amend title 18, United States Code, with respect to the crime of false statement in a Government matter, with the Senate amendments thereto, shall be considered to have been taken from the Speaker's table and the same are agreed to with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment to the text of the bill, insert the following:

### SECTION 1. SHORT TITLE.

This Act may be cited as the "False Statements Accountability Act of 1996".

### SEC. 2. RESTORING FALSE STATEMENTS PROHIBITION.

Section 1001 of title 18, United States Code, is amended to read as follows:

#### "§ 1001. Statements or entries generally

"(a) Except as otherwise provided in this section, whoever, in any matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, knowingly and willfully—

"(1) falsifies, conceals, or covers up by any trick, scheme, or device a material fact;

"(2) makes any materially false, fictitious, or fraudulent statement or representation;

or

"(3) makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry;

shall be fined under this title or imprisoned not more than 5 years, or both

"(b) Subsection (a) does not apply to a party to a judicial proceeding, or that party's counsel, for statements, representations, writings or documents submitted by such party or counsel to a judge or magistrate in that proceeding.

"(c) With respect to any matter within the jurisdiction of the legislative branch, subsection (a) shall apply only to—

"(1) administrative matters, including a claim for payment, a matter related to the procurement of property or services, personnel or employment practices, or support services, or a document required by law, rule, or regulation to be submitted to the Congress or any office or officer within the legislative branch; or

"(2) any investigation or review, conducted pursuant to the authority of any committee, subcommittee, commission or office of the Congress, consistent with the applicable rules of the House or Senate."

### SEC. 3. CLARIFYING PROHIBITION ON OBSTRUCTING CONGRESS.

Section 1515 of title 18, United States Code, is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following new subsection:

"(b) As used in section 1505, the term 'corruptly' means acting with an improper purpose, personally or by influencing another, including making a false or misleading statement, or withholding, concealing, altering, or destroying a document or other information."

### SEC. 4. ENFORCING SENATE SUBPOENA.

Section 1365(a) of title 28, United States Code, is amended in the second sentence, by