

It was decided in the affirmative { Yeas ..... 250 Nays ..... 174

¶36.26 [Roll No. 138] AYES—250

Table of names for yeas and nays: Abercrombie, Ackerman, Andrews (ME), Andrews (NJ), Andrews (TX), Applegate, Bacchus (FL), Barca, Barcia, Barlow, Barrett (WI), Bateman, Beilenson, Bentley, Berman, Beville, Bilbray, Bishop, Blackwell, Bonior, Borski, Boucher, Brewster, Browder, Brown (CA), Brown (FL), Brown (OH), Bryant, Byrne, Calvert, Camp, Cantwell, Cardin, Carr, Chapman, Clayton, Clement, Clinger, Clyburn, Coleman, Condit, Cooper, Coppersmith, Costello, Cramer, Danner, Darden, de la Garza, de Lugo (VI), Deal, DeFazio, DeLauro, Derrick, Deutsch, Diaz-Balart, Dixon, Dornan, Durbin, Edwards (TX), Emerson, Engel, Eshoo, Evans, Faleomavaega (AS), Farr, Fazio, Fields (LA), Filner, Fingerhut, Flake, Foglietta, Frank (MA), Frost, Furse, Gallegly, Gejdenson, Gephardt, Geren, Gillmor, Gilman, Gingrich, Gonzalez, Gordon, Gutierrez

NOES—174

Table of names for noes: Allard, Archer, Army, Bachus (AL), Baesler, Baker (CA), Baker (LA), Ballenger, Barrett (NE), Bartlett, Barton, Becerra, Bereuter, Bilirakis

Table of names: Burton, Buyer, Callahan, Canady, Castle, Clay, Coble, Collins (GA), Collins (IL), Collins (MI), Combust, Conyers, Cox, Coyne, Crapo, Cunningham, DeLay, Dellums, Dickey, Dicks, Dingell, Dooley, Doolittle, Dreier, Duncan, Dunn, Edwards (CA), Ehlers, English, Everett, Ewing, Fawell, Fields (TX), Ford (MI), Fowler, Franks (CT), Franks (NJ), Gilchrist, Glickman, Goodlatte, Goodling, Goss, Grams, Green, Greenwood, Gunderson, Hall (TX), Hamburg, Hancock, Hansen, Harman, Hefley, Herger, Hilliard, Hoagland, Hoekstra, Hoke, Horn, Hughes, Hutchinson, Inglis, Istook, Jacobs, Johnson (CT), Johnson, E. B., Johnson, Sam, Kasich, Kim, King, Kingston, Klug, Knollenberg, Kolbe, Kopetski, Kyl, Levy, Lewis (CA), Lewis (FL), Linder, Livingston, Mann, Manzullo, McCandless, McCollum, McCreary, McDermott, McHugh, McInnis, McKeon, Mica, Miller (FL), Minge, Moorhead, Murtha, Nussle, Oberstar, Packard, Paxon, Porter, Portman, Pryce (OH), Quillen, Quinn, Ramstad, Ravenel, Reed, Ridge, Roberts, Rogers, Rohrabacher, Roth, Royce, Sabo, Saxton, Schaefer, Sensenbrenner, Serrano, Shaw, Shays, Skaggs, Slattery, Smith (IA), Smith (MI), Smith (TX), Snowe, Solomon, Spence, Stark, Stearns, Stokes, Stump, Sundquist, Synar, Talent, Tauzin, Taylor (NC), Thomas (CA), Thomas (WY), Torkildsen, Traficant, Underwood (GU), Visclosky, Walker, Walsh, Williams, Wilson, Wolf, Yates, Young (AK), Young (FL), Zeliff, Zimmer

NOT VOTING—13

Table of names for not voting: Crane, Fish, Ford (TN), Gallo, Gibbons, Grandy, Matsui, McDade, McNulty, Rostenkowski, Washington, Waters, Whitten

So the amendment was agreed to.

¶36.27 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. MARTINEZ:

At the end of title X, add the following:

Subtitle —Private Security Officers

SEC. 1. SHORT TITLE.

This subtitle may be cited as the "Private Security Officers Quality Assurance Act of 1994".

SEC. 2. FINDINGS.

Congress finds the following:

- (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) The American public is more likely to have contact with private security officers in the course of a day than with law enforcement officers. (4) Juveniles in the United States, including those at risk of delinquency, are most likely to have their earliest contact with private security officers because of the significant presence of such officers in schools, shopping malls, and retail establishments. (5) The American public demands the employment of qualified, well-trained private security officers.

(6) The States and employers should be required to determine the qualifications of applicants for employment as private security officers.

(7) Employers should be required to ensure at least minimum training for newly hired private security officers and refresher training for experienced private security officers, based on State-imposed standards.

(8) State requirements, if any, for screening and training private security officers vary widely.

(9) Public safety would be improved if all States required appropriate screening and training of private security officers.

(10) States should enact laws imposing minimum standards that are uniform nationwide for the screening and training of private security officers.

(11) State law applicable to private security officers should apply to all private security personnel.

SEC. 3. DEFINITIONS.

As used in this subtitle:

(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 (including oneself).

(3) The term "felony" means an offense for which a term of imprisonment exceeding 1 year may be imposed.

(4) The term "misdemeanor" means an offense for which a maximum term of imprisonment of 1 year or less may be imposed.

(5) The term "person" shall have the meaning given it in section 1 of title 1 of the United States Code.

(6) The term "private security officer" means—

(A) an individual (other than an individual while on active duty as a member of the military service or while performing official duties as a law enforcement officer) who performs security services, full time or part time, for consideration as an independent contractor or an employee, whether armed or unarmed and in uniform or plain clothes,

(B) an individual who is the immediate supervisor of an individual described in subparagraph (A), or

(C) an individual who—

(i) is employed by an electronic alarm company and whose duties include servicing or installing alarm systems, or

(ii) monitors electronic alarm systems from a location in the State in which such systems are situated.

(7) The term "registration permit" means a license, permit, certificate, registration card, or other formal written permission, to provide security services.

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

(A) The observation and reporting of intrusion, larceny, vandalism, fire, or trespass.

(B) The prevention 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) Providing canine services for guarding premises or for the detection of any unlawful device or substance.

(I) The transportation of money or other valuables by armored vehicle.

(9) 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, or the Commonwealth of the Northern Mariana Islands.

(10) The term "State regulatory agency" means an appropriate State regulatory entity.

**SEC. 4. STUDY, REPORT, AND RECOMMENDATIONS REQUIRED.**

The Attorney General of each State shall report the provisions of the State's program to the Attorney General of the United States on or before December 31, 1996. If a State fails to report that it has established a program in accordance with the provisions of this Act, the Attorney General shall: (1) notify the Judiciary Committee of the Senate and the Judiciary Committee of the House of Representatives of such failure, and (2) notify the Chief Executive Officer of the State of such failure and propose appropriate action to encourage or compel the State to comply with this Act. If no further action is taken by the State within 1 year of the issuance of such notice by the Attorney General may reduce the State's share of funding appropriated for the fiscal year in which such determination of failure to comply is made under the provisions of title I of the Omnibus Crime Control and Safe Streets Act of 1968. In no event shall such reduction exceed 10 percent of such appropriated funding.

**SEC. 5. ISSUANCE OF STATE LICENSES TO EMPLOYERS; REGULATION OF PRIVATE SECURITY SERVICES.**

(a) REQUIREMENTS.—A State shall have in effect requirements and procedures for issuing licenses to, and reviewing security services of, employers. A State may require that an employer name an individual to serve as the designated holder of the license issued under this subsection.

(b) LIMITATION ON FEES FOR ISSUANCE OF LICENSES.—A State may not impose on an employer a license issuance fee in excess of the prorated direct costs of administering the requirements and procedures described in subsection (a).

(c) ASSIGNMENT OF PRIVATE SECURITY OFFICERS.—(1) Except as provided in paragraphs (2) and (3), and subject to section 9, the requirements and procedures described in subsection (a) shall provide, at a minimum, that an employer may not permanently assign an employee to duty as a private security officer until such employee obtains a security officer's registration permit as provided in section 8(a).

(2) An employer may assign an employee to duty as an unarmed private security officer pending the results of the preassignment check of records described in section 6 and the issuance of such permit if, before the assignment—

(A) such employer—

(i) submitted an application as required by section 6(a)(1), and

(ii) verified the employee's personal references and the 5-year employment history as required by section 6(a)(2), and

(B) such employee completed the classroom training required by section 7(a)(1).

(3) An employer may assign an employee to duty as an armed private security officer pending the results of the preassignment check of records described in section 6 and the issuance of a security officer's registration permit if, before the assignment—

(A) such employer—

(i) submits an application as required by section 6(a)(1), and

(ii) verifies the employee's personal references and the 5-year employment history as required by section 7(a), and

(B) such employee—

(i) completes the training required by section 7(a), and

(ii) has been issued a valid firearm permit or license to a criminal justice agency in the State in which such individual is assigned, following a national criminal history record check.

(3) If an individual is employed by an employer in a State with respect to which such individual holds a valid private security officer's registration permit, then such employer may assign such individual to duty as a private security officer (including an armed private security officer) for a period not to exceed 90 days in a State with respect to which such individual does not hold a valid private security officer's registration permit if such individual satisfies the training requirements, and complies with the restrictions on the type of weapon such individual uses, in effect in the State to which such individual is so assigned.

**SEC. 6. PREASSIGNMENT SCREENING.**

Each State shall have in effect a program for issuing registration permits to private security officers that requires at a minimum, and except as provided in section 5(c) and subject to section 9, that an employer not permanently assign an employee to duty as a private security officer until—

(1) such employer submits to the State regulatory agency—

(A) the employee's application for employment, including a history of employment and military service, personal references, and a description of such employee's criminal history,

(B) a certification that such employer verified—

(i) such employee's employment history for the 5-year period ending on the date of application for employment, and

(ii) such personal references, and

(2) the State regulatory agency obtains the results of a fingerprint check of criminal history records conducted through the Federal Bureau of Investigation pursuant to a State law conforming to Public Law 92-544. An association of employers of security officers, designated for the purpose of this section by the Attorney General of the United States, may submit fingerprints to the Attorney General on behalf of any applicant for a state private security officer registration permit. In response to such a submission, the Attorney General may, to the extent provided by law, exchange for permit and employment purposes, identification and criminal history records with the state regulatory agency to which such applicant has applied. Such review shall be conducted, and the results of the search shall be handled in accordance with the procedures in Public Law 103-209.

**SEC. 7. PRIVATE SECURITY OFFICER TRAINING.**

(a) TRAINING.—Each State shall have in effect training requirements for private security officers that consist of the following, at a minimum:

(1) For unarmed private security officers, the following:

(A) Eight hours of basic classroom instruction, successful completion of a written examination, and 4 hours of on-the-job training.

(B) Such classroom instruction shall include the following:

(i) The legal powers and limitations of a private security officer, including instruction in the law of arrest, search, and seizure, and the use of force as related to security services.

(ii) Safety and fire detection and reporting.

(iii) When and how to notify public authorities.

(iv) The techniques of observation and reporting of incidents and how to prepare an incident report.

(v) The fundamentals of patrolling.

(vi) Department and ethics.

(2) For armored car personnel and electronic alarm company personnel, the State shall have in effect classroom training and testing that appropriately reflects the nature of their duties rather than the classroom instruction required by paragraph (1).

(2) For armed private security officers, in addition to the training required by paragraph (1) or (2), the following:

(A) Fifteen hours of weapons instruction (including marksmanship described in subparagraph (B)) and successful completion of a written examination on—

(i) the legal limitations on the use of weapons,

(ii) weapons handling, and

(iii) safety and maintenance.

(B) A minimum marksmanship qualification of 70 percent attained on any silhouette target course approved by the State regulatory agency.

(b) ANNUAL TRAINING.—Each State shall have in effect requirements, at a minimum, that—

(1) unarmed private security officers complete annually a 4-hour refresher course in the subjects listed in clauses (i) through (vi) of subsection (a)(1)(B), and

(2) armed private security officers annually, in addition to satisfying the requirement described in paragraph (1)—

(A) complete a refresher course in the subjects listed in clauses (i) through (iii) of subsection (a)(2)(A), and

(B) be requalified in the use of weapons as described in subsection (a)(2)(B).

(c) CERTIFICATION.—Each State shall have in effect requirements that a private security officer, or such officer's employer (if any), certify to the State regulatory agency completion of the training required by subsections (a) and (b).

(d) INSTRUCTIONAL AND RANGE-TRAINING PROGRAM.—Each State shall have in effect a program that requires that all instruction and range training required by this section be administered by an instructor whose qualifications meet standards established by the State regulatory agency.

**SEC. 8. STATE ISSUANCE OF REGISTRATION PERMITS TO PRIVATE SECURITY OFFICERS.**

(a) REQUIREMENTS FOR ISSUANCE OF REGISTRATION PERMITS.—A State shall have in effect requirements for issuing and renewing, upon application, a private security officer's registration permit for a 2-year period. Such requirements shall include—

(1) methods for a private security officer, or such officer's employer (if any) to comply with sections 6 and 7,

(2) a requirement that the certification required by section 7(c) be included in the application for the issuance or renewal of such permit, and

(3) a requirement that an individual not be issued a private security officer's registration permit, or assigned by an employer to duty, as a private security officer if, within the 10-year period ending on the date of application for such permit or the date of such assignment, as the case may be, such individual was—

(A) convicted of a felony,

(B) incarcerated, placed on probation, or paroled as a result of conviction of a felony, or

(C) convicted of a misdemeanor that, in the discretion of the State regulatory agency, bears such a relationship to the performance of security services as to constitute a disqualification for a private security officer's registration permit.

(b) LIMITATION ON FEES FOR ISSUANCE OF REGISTRATION PERMITS.—A State may not impose on private security officers a registration permit issuance fee in excess of the

prorated direct costs of administering the requirements described in subsection (a).

(c) DENIAL OF REGISTRATION PERMIT.—If a State denies, for any reason, an application for the issuance or renewal of a private security officer's registration permit, then, not later than 10 days after denial of such application, the State regulatory agency shall give written notice to the applicant and the applicant's employer (if any) specifying the reasons for denial.

SEC. 9. WAIVER.

On the request of an employer, a State shall waive the preassignment screening requirements described in section 6(a), and the training requirements described in section 7(a), with respect to a private security officer if—

(1)(A) such officer holds a valid security officer's registration permit issued or renewed by the State in which such officer will perform security services for such employer, and

(B) the immediately preceding employer of such officer satisfied all such requirements with respect to the most recent application for the issuance or renewal of such permit, or

(2) such officer is a law enforcement officer employed by a governmental entity that allows such law enforcement officer to serve off-duty as a private security officer.

SEC. 10. GRACE PERIOD FOR ISSUANCE OF NEW REGISTRATION PERMITS TO PRIVATE SECURITY OFFICERS WHO HOLD CURRENT PERMITS.

Until—

(1) January 1, 1997, or

(2) the expiration of the 2-year period beginning on the date a State initially puts into effect a program that satisfies the requirements of sections 6, 7, and 8, whichever is later, such sections shall not apply with respect to the issuance of a registration permit to a private security officer who holds a private security officer's registration permit that is valid without regard to the operation of this subtitle.

SEC. 11. EMPLOYEE PROTECTION.

A State shall have in effect a law that makes invalid and unenforceable any limitation imposed by an employer on the right of an employee to seek or obtain subsequent employment as a private security officer after voluntary or involuntary termination of employment by such employer.

SEC. 12. NOTICE OF CRIMINAL CHARGE.

A State shall have in effect requirements regarding criminal charges made against a private security officer, including the following, at a minimum:

(1) If a private security officer is charged with a felony or misdemeanor, such officer shall notify such officer's employer (if any) not later than 48 hours after the charge is made.

(2) An employer who has knowledge that its employee has been so charged shall report the fact of such charge to the State regulatory agency not later than 2 business days after acquiring such knowledge.

(3) The registration permit of such officer may be suspended by such agency pending disposition of the charge.

(4) Upon conviction of a felony, the State shall revoke the registration permit of such officer.

(5) Upon conviction of such misdemeanor, such State may revoke such permit.

SEC. 13. PENALTIES.

A State shall have in effect a law that authorizes the imposition of a penalty for each violation of the requirement imposed by the State to satisfy a condition of eligibility specified in section 4(a), including the following, at a minimum:

(1) After notice, and a public hearing if requested by an employer charged with such

violation, a daily monetary penalty for each day on which violation continues.

(2) If such violation continues after imposition of a monetary penalty described in paragraph (1), and after notice and a hearing described in such paragraph, suspension or revocation of a registration permit issued as described in section 5(a).

(3) Prosecution of an individual of a misdemeanor for submitting an application for employment as a private security officer, for the issuance of a private security officer's registration permit, or for renewal of such permit, if such individual knowingly included false information in such application.

(4) After notice, and a public hearing if requested by a private security officer, suspension or revocation of such officer's registration permit issued or renewed as a result of application if such officer knowingly included false information in such application.

(5) Administrative or judicial review of each penalty imposed under paragraphs (1) through (4).

SEC. 14. MORE STRINGENT REQUIREMENTS.

This subtitle shall not preclude or limit the authority of a State to establish or maintain requirements that are more stringent than the requirements described in this subtitle.

It was decided in the { Yeas ..... 80 negative ..... } Nays ..... 340

36.28 [Roll No. 139] AYES—80

- Abercrombie, Andrews (NJ), Applegate, Bacchus (FL), Berman, Billbray, Blackwell, Borski, Collins (IL), Collins (MI), de la Garza, de Lugo (VI), DeFazio, DeLauro, Dixon, Durbin, Engel, Faleomavaega (AS), Farr, Fazio, Foglietta, Ford (MI), Ford (TN), Furse, Gejdenson, Gephardt, Gonzalez, Gutierrez, Hall (OH), Hinchev, Hochbrueckner, Holden, Johnson (CT), Johnston, Kanjorski, Kennedy, Kennelly, Klink, Kopetski, Kreidler, Lancaster, Lantos, Lewis (GA), Martinez, McCloskey, McHale, McKinney, Menendez, Mfume, Mink, Mollohan, Moran, Murphy, Nadler, Norton (DC), Ortiz, Owens, Pastor, Payne (NJ), Pickle, Rangel, Reynolds, Roukema, Roybal-Allard, Sarपाल, Scott, Serrano, Sundquist, Swift, Tanner, Tejada, Torricelli, Towns, Traficant, Underwood (GU), Velazquez, Vento, Waxman, Wolsey, Young (AK)

NOES—340

- Allard, Andrews (ME), Andrews (TX), Archer, Armev, Baesler, Baker (CA), Baker (LA), Ballenger, Barca, Barcia, Barlow, Barrett (NE), Barrett (WI), Bartlett, Barton, Bateman, Becerra, Beilenson, Bentley, Bereuter, Beville, Bilirakis, Bishop, Biley, Blute, Boehlert, Boehner, Bonilla, Bonior, Boucher, Brewster, Brooks, Browder, Brown (CA), Brown (FL), Brown (OH), Bryant, Bunning, Burton, Buyer, Byrne, Callahan, Calvert, Camp, Canady, Cantwell, Cardin, Carr, Castle, Chapman, Clay, Clayton, Clement, Clinger, Clyburn, Coble, Coleman, Collins (GA), Combust, Condit, Conyers, Cooper, Coppersmith, Costello, Cox, Coyne, Cramer, Crapo, Cunningham, Danner, Darden, Deal, DeLay, Dellums, Derrick, Deutsch, Diaz-Balart, Dickey, Dicks, Dingell, Dooley, Doolittle, Dornan, Dreier, Duncan, Dunn, Edwards (CA), Edwards (TX), Ehlers

- Emerson, English, Eshoo, Evans, Everett, Ewing, Fawell, Fields (LA), Fields (TX), Filner, Fingerhut, Flake, Long, Fowler, Frank (MA), Franks (CT), Franks (NJ), Frost, Gallegly, Gekas, Gilchrest, Gillmor, Gilman, Gingrich, Glickman, Goodlatte, Goodling, Gordon, Goss, Grams, Green, Greenwood, Gunderson, Hall (TX), Hamburg, Hamilton, Hancock, Hansen, Harman, Hastert, Hastings, Hayes, Hefley, Hefner, Herger, Hilliard, Hoagland, Hobson, Hoekstra, Hoke, Horn, Houghton, Hoyer, Huffington, Hughes, Hunter, Hutchinson, Hutto, Inglis, Inhofe, Inslee, Istook, Jacobs, Jefferson, Johnson (GA), Johnson (SD), Johnson, E.B., Johnson, Sam, Kaptur, Kasich, Kildee, Kim, King, Kingston, Kleczka, Klein, Klug, Knollenberg, Kolbe, Kyl, LaFalce, Lambert, LaRocco, LaRouhl, Lazio, Leach, Lehman, Levin, Levy, Lewis (CA), Lewis (FL), Lightfoot, Linder, Lipinski, Livingston, Lloyd, Lowey, Machtley, Maloney, Mann, Manton, Manullo, Margolis, Mezvinsky, Markey, Mazzoli, McCandless, McCollum, McCrery, McCurdy, McDermott, McHugh, McInnis, McKeon, McMillan, Meehan, Meek, Meyers, Mica, Michel, Miller (CA), Miller (FL), Mineta, Minge, Moakley, Molinari, Montgomery, Moorhead, Morella, Murtha, Myers, Neal (MA), Neal (NC), Nussle, Oberstar, Obey, Olver, Orton, Oxley, Packard, Pallone, Parker, Paxon, Payne (VA), Pelosi, Peterson (FL), Peterson (MN), Petri, Pickett, Pombo, Pomeroy, Porter, Portman, Poshard, Price (NC), Pryce (OH), Quillen, Quinn, Rahall, Ramstad, Ravenel, Reed, Regula, Richardson, Ridge, Roberts, Roemer, Rogers, Rohrabacher, Romero-Barcelo (PR), Ros-Lehtinen, Rose, Roth, Rowland, Royce, Rush, Sabo, Sanders, Sangmeister, Santorum, Sawyer, Saxton, Schaefer, Schenk, Schiff, Schroeder, Schumer, Sensenbrenner, Sharp, Shaw, Shays, Shepherd, Shuster, Siskisky, Skaggs, Skeen, Skelton, Slaughter, Smith (IA), Smith (MI), Smith (NJ), Smith (OR), Smith (TX), Snowe, Solomon, Spence, Spratt, Stark, Stearns, Stenholm, Stokes, Strickland, Studds, Stump, Stupak, Sweet, Synar, Talent, Tauzin, Taylor (MS), Taylor (NC), Thomas (CA), Thomas (WY), Thompson, Thornton, Thurman, Torkildsen, Torres, Tucker, Unsoeld, Upton, Valentine, Visclosky, Volkmer, Vucanovich, Walker, Walsh, Watt, Weldon, Wheat, Williams, Wilson, Wise, Wolf, Wyden, Wynn, Yates, Young (FL), Zeff, Zimmer

NOT VOTING—17

- Ackerman, Bachus (AL), Crane, Fish, Gallo, Geren, Gibbons, Grandy, Hyde, Matsui, McDade, McNulty, Rostenkowski, Slattery, Washington, Waters, Whitten

So the amendment was not agreed to. After some further time, The SPEAKER pro tempore, Mr. DARDEN, assumed the Chair. When Mr. TORRICELLI, Chairman, reported that the Committee, having