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Measure to Raise Workplace Security, Supported by ASIS International, Passes with 9/11 Implementation Bill

ALEXANDRIA, Va.--(BUSINESS WIRE)--Dec. 9, 2004--An obstacle to the security of America's workplaces was lifted yesterday as Congress passed a measure allowing employers to request FBI criminal background checks on persons applying for or holding positions as private security officers. The measure is part of the National Intelligence Reform Act of 2004 or "9/11 Implementation Bill," and its passage is being hailed by ASIS International, a worldwide organization of 33,000 security professionals that supported the bill and worked toward its enactment.

"As unthinkable as it may be to most Americans, individuals have been able to apply for and hold positions in private security while using a false identity or concealing a criminal history," said Shirley Pierini, CPP, president of ASIS. She explained that security traditionally has been regulated at the state level, with most employers unable to request information from the FBI criminal database. "It often was impossible," she added, "for an employer in one jurisdiction to find out about an applicant's or employee's criminal convictions in other jurisdictions."

Under the new law, which will take effect when signed by the President, employers will not have direct access to the FBI information but will go through state identification agencies that will intercede with the FBI and report back to the employer. Employee rights are protected in that the employer must obtain written approval from the employee to conduct the check, and must share the information received with the employee. There are criminal penalties for misuse of the information.

While the public focus of the heavily debated 9/11 Implementation Bill has been on improvement of the nation's intelligence functions, private security professionals believe that the smaller and less heralded section permitting background checks is of nearly equal importance in protecting against terrorism. "With about 85 percent of our critical infrastructures--including chemical plants, nuclear and other power plants, airports, refineries, and major public venues--in the private sector, it's not difficult to envision a situation where 'trusted insiders' in security positions might be able to commit or aid a terrorist act," said Jack Lichtenstein, ASIS International's director of government affairs and public policy.

"And terrorism aside," Lichtenstein added, "the new law should help reduce more common types of crime in workplaces by ensuring that security officers are, in fact, who they claim to be and are not hiding a criminal past. It will take time to implement the law, but at least now we have it. If employers take advantage of it, it will make our workplaces safer and our nation more secure over time."

The security industry had lobbied Congress vigorously for this legislation, the earliest versions of which date back more than a decade. Legislation languished in committee until Senators Carl Levin (D-MI), Mitch McConnell (R-KY), Joseph Lieberman (D-CT) and Lamar Alexander (R-TN) successfully moved it to Senate passage late in 2003. The legislation was originally aimed at contract security personnel and had been pushed hard by the National Association of Security Companies (NASCO), a trade association of guard companies. ASIS lobbied to have the measure expanded to include "proprietary," or in-house, security personnel and then worked with NASCO and its members to achieve passage.

Former ASIS President Don Walker, CPP, a NASCO board member and chairman of Securitas Security Services USA, Inc. (formerly Pinkerton's), testified last March before the House Committee of the Judiciary in support of the bill. He said that 79,000 persons are hired every month for contract security positions in the U.S., and cited a California finding stating that 13 percent of individuals applying for security officer positions in that state were found to have criminal records or to have been hiding past convictions when checked against the FBI database. Walker said of the legislation, "It would have been a good idea ten years ago, and today's threat of terrorism makes the case even more urgent and compelling. We very much welcome the bill."

ASIS International (ASIS) is the preeminent organization for security professionals, with more than 33,000 members worldwide. Founded in 1955, ASIS is dedicated to increasing the effectiveness and productivity of security professionals by developing educational programs and materials that address broad security interests, such as the ASIS Annual Seminar and Exhibits, as well as specific security topics. ASIS also advocates the role and value of the security management profession to business, the media, government entities, and the public. By providing members and the security community with access to a full range of programs and services, and by publishing the industry's number one magazine -- Security Management -- ASIS leads the way for advanced and improved security performance.

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