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## **News and Legislation Relating to Employment and Background Checks**

### **News and Federal Legislation:**

#### **Background Checks**

- On December 24<sup>th</sup>, the Senate passed a bill (H.R. 3590) that would require the Secretary of Health and Human Services to establish a program to identify efficient, effective, and economical procedures for long term care facilities or providers to conduct state-based criminal history background check investigations on prospective direct patient access employees on a nationwide basis.  
([http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=111\\_cong\\_bills&docid=f:h3590eas.txt.pdf](http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=111_cong_bills&docid=f:h3590eas.txt.pdf))
- On December 23<sup>rd</sup>, the Department of State published a proposed rule, in the *Federal Register* (74 FR 68200) that would require all members of foreign exchange student host families who are 18 years or older to undergo an FBI fingerprint-based criminal history background check, a private vendor-conducted basic name and Social Security number check, and a check of the National Sex Offender Registry.  
(<http://www.gpo.gov:80/fdsys/pkg/FR-2009-12-23/pdf/E9-30274.pdf>)
- On December 17<sup>th</sup>, Sen. Richard Burr (R-NC) introduced a bill (S. 2903) that would require criminal history background checks for child care providers including state and federal fingerprint checks, sex offender registry checks, and a check of child abuse and neglect registries for all licensed, regulated, and registered child care providers. Under the bill, the background check process would be repeated every five years. Burr stated that “[c]urrent requirements for background checks do not meet parents’ expectations, and most states fail to ensure that child care providers have undergone a complete and thorough background check.”  
([http://burr.senate.gov/public/index.cfm?FuseAction=PressOffice.PressReleases&ContentRecord\\_id=9e5faea4-0ce6-2cac-6bac-65c70347deb9](http://burr.senate.gov/public/index.cfm?FuseAction=PressOffice.PressReleases&ContentRecord_id=9e5faea4-0ce6-2cac-6bac-65c70347deb9))  
([http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=111\\_cong\\_bills&docid=f:s2903is.txt.pdf](http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=111_cong_bills&docid=f:s2903is.txt.pdf))
- On December 15<sup>th</sup>, Rep. Soloman Ortiz (D-TX) introduced a bill (H.R. 4321) that would require any nonresident alien who applies for conditional nonimmigrant status to be subject to a criminal history background check. Conditional nonimmigrants must also submit biometric information with the Department of Homeland Security. The bill also calls for audits of the E-Verify system to see if employers are using the program in a manner consistent with civil rights and civil liberties.  
([http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=111\\_cong\\_bills&docid=f:h4321ih.txt.pdf](http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=111_cong_bills&docid=f:h4321ih.txt.pdf))
- On December 15<sup>th</sup>, Rep. Joseph Crowley (D-NY) introduced a bill (H.R. 4317) that would require individuals acting as mentors for children to be subject to a criminal history background check.  
([http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=111\\_cong\\_bills&docid=f:h4317ih.txt.pdf](http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=111_cong_bills&docid=f:h4317ih.txt.pdf))
- On December 15<sup>th</sup>, the Department of Housing and Urban Development published a proposed rule in the *Federal Register* (74 FR 66548) that would require applicants for mortgage loan originator licensure to be subject to a criminal history background check.  
(<http://www.gpo.gov:80/fdsys/pkg/FR-2009-12-15/pdf/E9-29708.pdf>)
- On December 15<sup>th</sup>, the Department of Justice published a 60 day notice of information request renewal in



the *Federal Register* (74 FR 66375) seeking comments related to the collection of information on individuals requesting background checks, security clearance, or those individuals who have been arrested for or accused of criminal activities. Entities wishing to submit comments have until February 16, 2010. (<http://www.gpo.gov:80/fdsys/pkg/FR-2009-12-15/pdf/E9-29745.pdf>)

- On December 14<sup>th</sup>, the Nuclear Regulatory Committee published an Increased Control order in the *Federal Register* (74 FR 66164) that requires licensees needing unescorted access to radioactive materials to undergo a criminal history background check. (<http://edocket.access.gpo.gov/2009/pdf/E9-29653.pdf>)
- On December 11<sup>th</sup>, Rep. Carolyn McCarthy (D-NY) introduced a bill (H.R. 4298) that would prohibit the transfer of firearms unless a criminal history background check has been performed for the actual buyer, meaning the person for whom the firearm is being purchased. The bill would also provide that dealers may not complete a firearm sale or transfer until the national instant criminal history background check system (NICS) has informed the dealer that a sale or transfer may proceed. ([http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=111\\_cong\\_bills&docid=f:h4298ih.txt.pdf](http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=111_cong_bills&docid=f:h4298ih.txt.pdf))