

108TH CONGRESS
1ST SESSION

H. R. 2649

To prohibit the Secretary of Education from making any funds available to a State under any program administered by the Department of Education unless the Secretary determines that the State has in place a criminal information sharing system.

IN THE HOUSE OF REPRESENTATIVES

JUNE 26, 2003

Mr. PORTER (for himself, Mr. CARTER, and Mr. COLE) introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To prohibit the Secretary of Education from making any funds available to a State under any program administered by the Department of Education unless the Secretary determines that the State has in place a criminal information sharing system.

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 “Schools Safely Acquir-
5 ing Faculty Excellence Act of 2003”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds as follows:

1 (1) It is necessary to be sure that individuals
2 who interact closely with children in the Nation's
3 schools do not have a criminal history in any State
4 or pose any threat to any child.

5 (2) To meet the needs of growing communities,
6 many school districts rely on recruitment of teachers
7 from other States.

8 (3) To ensure the safety of students, many
9 school districts require prospective personnel who
10 will work with students to be fingerprinted for back-
11 ground checks through the Federal Bureau of Inves-
12 tigations.

13 (4) Unfortunately, not all States submit their
14 criminal records to the Federal Bureau of Investiga-
15 tions for non-criminal justice purposes.

16 (5) The National Crime Prevention and Privacy
17 Compact, enacted in 1998, governs the use of the
18 Interstate Identification Index System for non-crimi-
19 nal justice purposes.

20 (6) As of 2003, only 16 States have ratified the
21 National Crime Prevention and Privacy Compact.

1 **SEC. 3. PROHIBITION AGAINST FEDERAL EDUCATIONAL**
2 **FUNDING FOR STATES WITHOUT A CRIMINAL**
3 **INFORMATION SHARING SYSTEM.**

4 (a) PROHIBITION.—Beginning on the date described
5 in subsection (b)(1), the Secretary of Education (in this
6 section referred to as the “Secretary”) shall not make any
7 funds available to a State under any program adminis-
8 tered by the Department of Education unless the Sec-
9 retary determines under subsection (b) that the State has
10 in place a criminal information sharing system.

11 (b) CRIMINAL INFORMATION SHARING SYSTEM.—

12 (1) IN GENERAL.—Not later than 1 year after
13 the date of the enactment of this Act, the Secretary,
14 in consultation with the Attorney General, shall de-
15 termine whether each State has in place a criminal
16 information sharing system under which the State
17 shares with the Federal Government information
18 (including for non-criminal justice purposes) on each
19 arrest, charge, or conviction (including any no con-
20 test plea) in such State for any offense described in
21 paragraph (2), including—

22 (A) the identity of each individual so ar-
23 rested, charged, or convicted; and

24 (B) the identity of each individual under
25 suspicion for such an offense.

1 (2) OFFENSES.—An offense described in this
2 paragraph is any offense that—

3 (A) is a felony or involves violence, a con-
4 trolled substance, child abuse, statutory rape,
5 rape, molestation, or sexual abuse; and

6 (B) occurs on or after the date that is 15
7 years before the date of the enactment of this
8 Act.

9 (3) REVISION.—The Secretary, in consultation
10 with the Attorney General, may revise a determina-
11 tion made under paragraph (1) as the Secretary de-
12 termines appropriate.

13 (4) STATE DEFINED.—For purposes of this sec-
14 tion, the term “State” includes the several States,
15 the District of Columbia, the Commonwealth of
16 Puerto Rico, the Commonwealth of the Northern
17 Mariana Islands, American Samoa, Guam, the
18 United States Virgin Islands, and any other terri-
19 tory or possession of the United States.

20 (c) AUTHORIZATION OF APPROPRIATIONS.—There
21 are authorized to be appropriated such sums as may be
22 necessary to carry out this section.

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