

that are made available to natives of the country of the alien's birth under section 202(e) of such Act.

(e) **EFFECTIVE DATE OF IMMIGRANT STATUS.**—Upon the granting of the status of an alien lawfully admitted for permanent residence to Richi James Lesley under this Act, the Attorney General shall make a record of lawful admission for permanent residence in the case of Richi James Lesley as of the date of the alien's arrival in the United States.

#### RELIEF OF SUNG JUN OH

The bill (S. 209) for the relief of Sung Jun Oh was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 209

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

#### SECTION 1. PERMANENT RESIDENCE.

Notwithstanding any other provision of law, for purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), Sung Jun Oh shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of any necessary visa fees.

#### SEC. 2. REDUCTION OF NUMBER OF AVAILABLE VISAS.

Upon the granting of permanent residence to Sung Jun Oh, as provided in this Act, the Secretary of State shall instruct the proper officer to reduce by one number during the current fiscal year the total number of immigrant visas available to natives of the country of the alien's birth under section 202(e) of the Immigration and Nationality Act (8 U.S.C. 1152(e)).

#### RELIEF OF ANISH GOVEAS FOTI

The bill (H.R. 2245) for the relief of Anisha Goveas Foti was considered, ordered to a third reading, read the third time, and passed.

#### NATIONAL CHILD PROTECTION IMPROVEMENT ACT

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 386, S. 1868.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1868) to establish a national center on volunteer and provider screening to reduce sexual and other abuse of children, the elderly, and individuals with disabilities.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

[Strike the part shown in black brackets and insert the part shown in italic.]

S. 1868

*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 "National Child Protection Improvement Act".

#### [SEC. 2. ESTABLISHMENT OF A NATIONAL CENTER ON VOLUNTEER AND PROVIDER SCREENING.

[The Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.) is amended by adding at the end the following:

#### ["TITLE VI—NATIONAL CENTER ON VOLUNTEER AND PROVIDER SCREENING

##### ["SEC. 601. SHORT TITLE.

["This title may be cited as the 'National Child Protection Improvement Act'.

##### ["SEC. 602. FINDINGS.

["Congress finds the following:

["(1) More than 87,000,000 children are involved each year in activities provided by child and youth organizations which depend heavily on volunteers to deliver their services.

["(2) Millions more adults, both the elderly and individuals with disabilities, are served by public and private voluntary organizations.

["(3) The vast majority of activities provided to children, the elderly, and individuals with disabilities by public and private nonprofit agencies and organizations result in the delivery of much needed services in safe environments that could not be provided without the assistance of virtually millions of volunteers, but abuses do occur.

["(4) Estimates of the incidence of child sexual abuse in child care settings, foster care homes, and schools, range from 1 to 7 percent.

["(5) Abuse traumatizes the victims and shakes public trust in care providers and organizations serving vulnerable populations.

["(6) Congress has acted to address concerns about this type of abuse through the National Child Protection Act of 1993 and the Violent Crime Control Act of 1994 to set forth a framework for screening through criminal record checks of care providers, including volunteers who work with children, the elderly, and individuals with disabilities. Unfortunately, problems regarding the safety of these vulnerable groups still remain.

["(7) While State screening is sometimes adequate to conduct volunteer background checks, more extensive national criminal history checks using fingerprints or other means of positive identification are often advisable, as a prospective volunteer or nonvolunteer provider may have lived in more than one State.

["(8) The high cost of fingerprint background checks is unaffordable for organizations that use a large number of volunteers and, if passed on to volunteers, often discourages their participation.

["(9) The current system of retrieving national criminal background information on volunteers through an authorized agency of the State is cumbersome and often requires months before vital results are returned.

["(10) In order to protect children, volunteer agencies must currently depend on a convoluted, disconnected, and sometimes duplicative series of checks that leave children at risk.

["(11) A national volunteer and provider screening center is needed to protect vulnerable groups by providing effective, efficient national criminal history background checks of volunteer providers at no-cost, and at minimal-cost for employed care providers.

##### ["SEC. 603. DEFINITIONS.

["In this Act—

["(1) the term 'qualified entity' means a business or organization, whether public, private, for-profit, not-for-profit, or voluntary, that provides care or care placement services, including a business or organization that licenses or certifies others to provide care or care placement services designated by the National Task Force;

["(2) the term 'volunteer provider' means a person who volunteers or seeks to volunteer with a qualified entity;

["(3) the term 'provider' means a person who is employed by or volunteers or who seeks to be employed by or volunteer with a qualified entity, who owns or operates a qualified entity, or who has or may have unsupervised access to a child to whom the qualified entity provides care;

["(4) the term 'national criminal background check system' means the criminal history record system maintained by the Federal Bureau of Investigation based on fingerprint identification or any other method of positive identification;

["(5) the term 'child' means a person who is under the age of 18;

["(6) the term 'individuals with disabilities' has the same meaning as that provided in section 5(7) of the National Child Protection Act of 1993;

["(7) the term 'State' has the same meaning as that provided in section 5(11) of the National Child Protection Act of 1993; and

["(8) the term 'care' means the provision of care, treatment, education, training, instruction, supervision, or recreation to children, the elderly, or individuals with disabilities.

##### ["SEC. 604. ESTABLISHMENT OF A NATIONAL CENTER FOR VOLUNTEER AND PROVIDER SCREENING.

["(a) IN GENERAL.—The Attorney General, by agreement with a national nonprofit organization or by designating an agency within the Department of Justice, shall—

["(1) establish a national center for volunteer and provider screening designed—

["(A) to serve as a point of contact for qualified entities to request a nationwide background check for the purpose of determining whether a volunteer provider or provider has been arrested for or convicted of a crime that renders the provider unfit to have responsibilities for the safety and well-being of children, the elderly, or individuals with disabilities;

["(B) to promptly access and review Federal and State criminal history records and registries through the national criminal history background check system—

["(i) at no cost to a qualified entity for checks on volunteer providers; and

["(ii) at minimal cost to qualified entities for checks on non-volunteer providers; with cost for screening non-volunteer providers will be determined by the National Task Force;

["(C) to provide the determination of the criminal background check to the qualified entity requesting a nationwide background check after not more than 15 business days after the request;

["(D) to serve as a national resource center and clearinghouse to provide State and local governments, public and private nonprofit agencies and individuals with information regarding volunteer screening; and

["(2) establish a National Volunteer Screening Task Force (referred to in this title as the 'Task Force') to be chaired by the Attorney General which shall—

["(A) include—

["(i) 2 members each of—

["(I) the Federal Bureau of Investigation;

["(II) the Department of Justice;

["(III) the Department of Health and Human Services;

["(IV) representatives of State Law Enforcement organizations;

["(V) national organizations representing private nonprofit qualified entities using volunteers to serve the elderly; and

["(VI) national organizations representing private nonprofit qualified entities using volunteers to serve individuals with disabilities; and

["(ii) 4 members of national organizations representing private nonprofit qualified entities using volunteers to serve children;

to be appointed by the Attorney General; and

["(B) oversee the work of the Center and report at least annually to the President and Congress with regard to the work of the Center and the progress of the States in complying with the provisions of the National Child Protection Act of 1993.

**["SEC. 605. AUTHORIZATION OF APPROPRIATIONS.**

["(a) IN GENERAL.—To carry out the provisions of this title, there are authorized to be appropriated \$80,000,000 for fiscal year 2003 and \$25,000,000 for each of the fiscal years 2004, 2005, 2006, and 2007, sufficient to provide no-cost background checks of volunteers working with children, the elderly, and individuals with disabilities.

["(b) AVAILABILITY.—Sums appropriated under this section shall remain available until expended."

**["SEC. 3. STRENGTHENING AND ENFORCING THE NATIONAL CHILD PROTECTION ACT OF 1993.**

[Section 3 of the National Child Protection Act of 1993 (42 U.S.C. 5119 et seq.) is amended to read as follows:

**["SEC. 3. NATIONAL BACKGROUND CHECKS.**

["(a) IN GENERAL.—Requests for national background checks under this section shall be submitted to the National Center for Volunteer Screening which shall conduct a search using the Integrated Automated Fingerprint Identification System, or other criminal record checks using reliable means of positive identification subject to the following conditions:

["(1) A qualified entity requesting a national criminal history background check under this section shall forward to the National Center the provider's fingerprints or other identifying information, and shall obtain a statement completed and signed by the provider that—

["(A) sets out the provider or volunteer's name, address, date of birth appearing on a valid identification document as defined in section 1028 of title 18, United States Code, and a photocopy of the valid identifying document;

["(B) states whether the provider or volunteer has a criminal record, and, if so, sets out the particulars of such record;

["(C) notifies the provider or volunteer that the National Center for Volunteer Screening may perform a criminal history background check and that the provider's signature to the statement constitutes an acknowledgement that such a check may be conducted;

["(D) notifies the provider or volunteer that prior to and after the completion of the background check, the qualified entity may choose to deny the provider access to children or elderly or persons with disabilities; and

["(E) notifies the provider or volunteer of his right to correct an erroneous record held by the FBI or the National Center.

["(2) Statements obtained pursuant to paragraph (1) and forwarded to the National Center shall be retained by the qualified entity or the National Center for at least 2 years.

["(3) Each provider or volunteer who is the subject of a criminal history background check under this section is entitled to contact the National Center to initiate procedures to—

["(A) obtain a copy of their criminal history record report; and

["(B) challenge the accuracy and completeness of the criminal history record information in the report.

["(4) The National Center receiving a criminal history record information that lacks disposition information shall, to the extent possible, contact State and local recordkeeping systems to obtain complete information.

["(5) The National Center shall make a determination whether the criminal history record information received in response to the national background check indicates that the provider has a criminal history record that renders the provider unfit to provide care to children, the elderly, or individuals with disabilities based upon criteria established by the National Task Force on Volunteer Screening, and will convey that determination to the qualified entity.

["(b) GUIDANCE BY THE NATIONAL TASK FORCE.—The National Task Force, chaired by the Attorney General shall—

["(1) encourage the use, to the maximum extent possible, of the best technology available in conducting criminal background checks; and

["(2) provide guidelines concerning standards to guide the National Center in making fitness determinations concerning care providers based upon criminal history record information.

["(c) LIMITATIONS OF LIABILITY.—

["(1) IN GENERAL.—A qualified entity shall not be liable in an action for damages solely for failure to request a criminal history background check on a provider, nor shall a State or political subdivision thereof nor any agency, officer or employee thereof, be liable in an action for damages for the failure of a qualified entity (other than itself) to take action adverse to a provider who was the subject of a criminal background check.

["(2) RELIANCE.—The National Center or a qualified entity that reasonably relies on criminal history record information received in response to a background check pursuant to this section shall not be liable in an action for damages based upon the inaccuracy or incompleteness of the information.

["(d) FEES.—In the case of a background check pursuant to a State requirement adopted after December 20, 1993, conducted through the National Center using the fingerprints or other identifying information of a person who volunteers with a qualified entity shall be free of charge. This subsection shall not affect the authority of the FBI, the National Center, or the States to collect reasonable fees for conducting criminal history background checks of providers who are employed as or apply for positions as paid employees."

**["SEC. 4. ESTABLISHMENT OF A MODEL PROGRAM IN EACH STATE TO STRENGTHEN CRIMINAL DATA REPOSITORIES AND FINGERPRINT TECHNOLOGY.**

["(a) ESTABLISHMENT.—A model program shall be established in each State and the District of Columbia for the purpose of improving fingerprinting technology which shall grant to each State \$50,000 to either—

["(1) purchase Live-Scan fingerprint technology and a State-vehicle to make such technology mobile and these mobile units shall be used to travel within the State to assist in the processing of fingerprint background checks; or

["(2) purchase electric fingerprint imaging machines for use throughout the State to send fingerprint images to the National Center to conduct background checks.

["(b) ADDITIONAL FUNDS.—In addition to funds provided in subsection (a), \$50,000 shall be provided to each State and the District of Columbia to hire personnel to—

["(1) provide information and training to each county law enforcement agency within the State regarding all National Child Protection Act requirements for input of criminal and disposition data into the national

criminal history background check system; and

["(2) provide an annual summary to the National Task Force of the State's progress in complying with the criminal data entry provisions of the National Child Protection Act of 1993 which shall include information about the input of criminal data, child abuse crime information, domestic violence arrests and stay-away orders of protection.

["(c) AUTHORIZATION OF APPROPRIATIONS.—

["(1) IN GENERAL.—To carry out the provisions of this section, there are authorized to be appropriated a total of \$5,100,000 for fiscal year 2003 and such sums as may be necessary for each of the fiscal years 2004, 2005, 2006, and 2007, sufficient to improve fingerprint technology units and hire data entry improvement personnel in each of the 50 States and the District of Columbia.

["(2) AVAILABILITY.—Sums appropriated under this section shall remain available until expended.】

**SECTION 1. SHORT TITLE.**

*This Act may be cited as the "National Child Protection Improvement Act".*

**SEC. 2. ESTABLISHMENT OF A NATIONAL CENTER ON VOLUNTEER AND PROVIDER SCREENING.**

*The Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.) is amended by adding at the end the following:*

**"TITLE VI—NATIONAL CENTER ON VOLUNTEER AND PROVIDER SCREENING**

**"SEC. 601. SHORT TITLE.**

*"This title may be cited as the 'National Child Protection Improvement Act'.*

**"SEC. 602. FINDINGS.**

*"Congress finds the following:*

*"(1) More than 87,000,000 children are involved each year in activities provided by child and youth organizations which depend heavily on volunteers to deliver their services.*

*"(2) Millions more adults, both the elderly and individuals with disabilities, are served by public and private voluntary organizations.*

*"(3) The vast majority of activities provided to children, the elderly, and individuals with disabilities by public and private nonprofit agencies and organizations result in the delivery of much needed services in safe environments that could not be provided without the assistance of virtually millions of volunteers, but abuses do occur.*

*"(4) Estimates of the incidence of child sexual abuse in child care settings, foster care homes, and schools, range from 1 to 7 percent.*

*"(5) Abuse traumatizes the victims and shakes public trust in care providers and organizations serving vulnerable populations.*

*"(6) Congress has acted to address concerns about this type of abuse through the National Child Protection Act of 1993 and the Violent Crime Control Act of 1994 to set forth a framework for screening through criminal record checks of care providers, including volunteers who work with children, the elderly, and individuals with disabilities. Unfortunately, problems regarding the safety of these vulnerable groups still remain.*

*"(7) While State screening is sometimes adequate to conduct volunteer background checks, more extensive national criminal history checks using fingerprints are often advisable, as a prospective volunteer or nonvolunteer provider may have lived in more than one State.*

*"(8) The high cost of fingerprint background checks is unaffordable for organizations that use a large number of volunteers and, if passed on to volunteers, often discourages their participation.*

*"(9) A national volunteer and provider screening center is needed to protect vulnerable groups by providing effective, efficient national criminal history background checks of volunteer providers at no-cost, and at minimal-cost for employed care providers.*

**“SEC. 603. DEFINITIONS.**

“In this Act—

“(1) the term ‘qualified entity’ means a business or organization, whether public, private, for-profit, not-for-profit, or voluntary, that provides care or care placement services, including a business or organization that licenses or certifies others to provide care or care placement services designated by the National Task Force;

“(2) the term ‘volunteer provider’ means a person who volunteers or seeks to volunteer with a qualified entity;

“(3) the term ‘provider’ means a person who is employed by or volunteers or who seeks to be employed by or volunteer with a qualified entity, who owns or operates a qualified entity, or who has or may have unsupervised access to a child to whom the qualified entity provides care;

“(4) the term ‘national criminal background check system’ means the criminal history record system maintained by the States and the Federal Bureau of Investigation based on fingerprint identification or any other method of positive identification;

“(5) the term ‘child’ means a person who is under the age of 18;

“(6) the term ‘individuals with disabilities’ has the same meaning as that provided in section 5(7) of the National Child Protection Act of 1993;

“(7) the term ‘State’ has the same meaning as that provided in section 5(11) of the National Child Protection Act of 1993; and

“(8) the term ‘care’ means the provision of care, treatment, education, training, instruction, supervision, or recreation to children, the elderly, or individuals with disabilities.

**“SEC. 604. ESTABLISHMENT OF A NATIONAL CENTER FOR VOLUNTEER AND PROVIDER SCREENING.**

“(a) IN GENERAL.—The Attorney General shall—

“(1) establish a national center for volunteer and provider screening which shall—

“(A) serve as a point of contact for qualified entities to request a nationwide background check for the purpose of determining whether a volunteer provider or provider has been arrested for or convicted of a crime that renders the provider unfit to have responsibilities for the safety and well-being of children, the elderly, or individuals with disabilities;

“(B) promptly access and review Federal and State criminal history records and registries through the national criminal history background check system—

“(i) at no cost to a qualified entity for checks on volunteer providers; and

“(ii) at minimal cost to qualified entities for checks on nonvolunteer providers, to be determined by the National Task Force, although fees for checks on nonvolunteer providers should not be less than the actual cost, including disposition location, not to exceed \$18;

“(C) provide the determination of the criminal background check to the qualified entity requesting a nationwide background check after not more than 15 business days after the request;

“(D) serve as a national resource center and clearinghouse to provide State and local governments, public and private nonprofit agencies and individuals with information regarding volunteer screening; and

“(E) establish and publicize a toll-free telephone number for qualified entities to call to determine which governmental agency processes background check requests in their jurisdiction; and

“(2) establish a National Volunteer Screening Task Force (referred to in this title as the ‘Task Force’) to be a committee of the Compact Council to be chaired by a member determined by the Task Force which shall—

“(A) include—

“(i) 1 member of the Federal Bureau of Investigation;

“(ii) 1 member of the Department of Justice;

“(iii) 1 member of the Department of Health and Human Services;

“(iv) 2 representatives of State identification bureaus;

“(v) 2 members of national organizations representing private nonprofit qualified entities using volunteers to serve the elderly;

“(vi) 2 members of national organizations representing private nonprofit qualified entities using volunteers to serve individuals with disabilities;

“(vii) 4 members of national organizations representing private nonprofit qualified entities using volunteers to serve children; and

“(viii) 1 member of national organizations representing local law enforcement agencies; to be appointed by the Attorney General; and

“(B) oversee the work of the Center and report at least annually to the President and Congress with regard to the work of the Center and the progress of the States in complying with the provisions of the National Child Protection Act of 1993.

**“SEC. 605. AUTHORIZATION OF APPROPRIATIONS.**

“(a) IN GENERAL.—To carry out the provisions of this title, there are authorized to be appropriated \$80,000,000 for fiscal year 2003 and \$25,000,000 for each of the fiscal years 2004, 2005, 2006, and 2007, sufficient to provide no-cost background checks of volunteers working with children, the elderly, and individuals with disabilities.

“(b) AVAILABILITY.—Sums appropriated under this section shall remain available until expended.”.

**SEC. 3. CERTIFICATION REVIEW BY THE NATIONAL CENTER.**

The National Child Protection Act of 1993 (42 U.S.C. 5119 et seq.) is amended—

(1) by redesignating sections 3 through 5 as sections 4 through 6, respectively; and

(2) by adding after section 2 the following:

**“SEC. 3. CERTIFICATION REVIEW BY THE NATIONAL CENTER.**

“(a) IN GENERAL.—Six months after the date of enactment of this section, the National Center shall issue a certification review that—

“(1) measures the extent of State participation in the national background check procedures governed by the National Child Protection Act and the Volunteers for Children Act; and

“(2) designates States either as participating or not participating for certain purposes in these procedures.

“(b) QUALIFIED ENTITIES.—A qualified entity doing business in a State and for purposes designated as not participating by the National Center may request nationwide background checks directly from the National Center.

“(c) UPDATING AND REVIEW.—

“(1) UPDATING.—The certification review required by this section shall be updated and issued annually.

“(2) REVIEW.—A State that has been designated as not participating for certain purposes may apply to the National Center, for purposes of a subsequent certification review, to be designated as participating for those purposes based on new State law, practices, or procedures.

“(d) DEFINITIONS.—In this section:

“(1) NOT PARTICIPATING.—The term ‘not participating’ means a State where—

“(A) requests for nationwide background checks are routinely not returned to the qualified entity within 15 business days;

“(B) authorized agencies charge more than \$18 for State background checks;

“(C) authorized agencies have not been designated to receive nationwide background checks from qualified entities; or

“(D) qualified entities have not been designated to submit background check requests to authorized agencies.

“(2) ROUTINELY.—The term ‘routinely’ means instances where 15 percent or more of nationwide background check requests are not returned within 15 business days.”.

**SEC. 4. STRENGTHENING AND ENFORCING THE NATIONAL CHILD PROTECTION ACT OF 1993.**

Section 4 of the National Child Protection Act of 1993 (42 U.S.C. 5119a), as redesignated by section 3 of this Act, is amended to read as follows:

**“SEC. 3. NATIONAL BACKGROUND CHECKS.**

“(a) IN GENERAL.—Requests for national background checks under this section shall be submitted to the National Center for Volunteer Screening which shall conduct a search using the Integrated Automated Fingerprint Identification System, or other criminal record checks using reliable means of positive identification subject to the following conditions:

“(1) A qualified entity requesting a national criminal history background check under this section shall forward to the National Center the provider’s fingerprints and other identifying information, and shall obtain a statement completed and signed by the provider that—

“(A) sets out the provider or volunteer’s name, address, date of birth appearing on a valid identification document as defined in section 1028 of title 18, United States Code, and a photocopy of the valid identifying document;

“(B) states whether the provider or volunteer has a criminal record, and, if so, sets out the particulars of such record;

“(C) notifies the provider or volunteer that the National Center for Volunteer screening may perform a criminal history background check and that the provider’s signature to the statement constitutes an acknowledgement that such a check may be conducted;

“(D) notifies the provider or volunteer that prior to and after the completion of the background check, the qualified entity may choose to deny the provider access to children or elderly or persons with disabilities; and

“(E) notifies the provider or volunteer of his right to correct an erroneous record held by the FBI or the National Center.

“(2) Statements obtained pursuant to paragraph (1) and forwarded to the National Center shall be retained by the qualified entity or the National Center for at least 2 years.

“(3) Each provider or volunteer who is the subject of a criminal history background check under this section is entitled to contact the National Center to obtain a copy of the criminal history record report for the sole purpose of challenging the accuracy and completeness of the report.

“(4) The National Center receiving a criminal history record information that lacks disposition information shall, to the extent possible, contact State and local recordkeeping systems to obtain complete information. The National Center shall forward this complete information to the FBI.

“(5) The National Center shall make a determination whether the criminal history record information received in response to the national background check indicates that the provider has a criminal history record that renders the provider unfit to provide care to children, the elderly, or individuals with disabilities based upon criteria established by the National Task Force on Volunteer Screening, and will convey that determination to the qualified entity.

“(b) GUIDANCE BY THE NATIONAL TASK FORCE.—The National Task Force, chaired by the Attorney General shall—

“(1) encourage the use, to the maximum extent possible, of the best technology available in conducting criminal background checks; and

“(2) provide guidelines concerning standards to guide the National Center in making fitness determinations concerning care providers based upon criminal history record information.

“(c) LIMITATIONS OF LIABILITY.—

“(1) IN GENERAL.—A qualified entity shall not be liable in an action for damages solely for failure to request a criminal history background check on a provider, nor shall a State or political subdivision thereof nor any agency, officer or employee thereof, be liable in an action for damages for the failure of a qualified entity

(other than itself) to take action adverse or favorable to a provider who was the subject of a criminal background check.

“(2) **RELIANCE.**—The National Center or a qualified entity that reasonably relies on criminal history record information received in response to a background check pursuant to this section shall not be liable in an action for damages based upon the accuracy, inaccuracy, completeness, or incompleteness of the information.

“(d) **FEES.**—

“(1) **PARTICIPATING JURISDICTION.**—In a State designated as a participating jurisdiction pursuant to the certification review conducted by the National Center under section 3, the National Center shall not collect a fee for conducting nationwide criminal history background checks on—

“(A) a person who volunteers with a qualified entity; or

“(B) a person who is employed by a qualified entity that provides care, treatment, education, training, instruction, supervision, or recreation to children, the elderly, or individuals with disabilities.

“(2) **VOLUNTEERS.**—In the case of a background check pursuant to a State requirement adopted after December 20, 1993, conducted through the National Center using the fingerprints or other identifying information of a person who volunteers with a qualified entity shall be free of charge. This paragraph shall not affect the authority of the FBI, the National Center, or the States to collect reasonable fees for conducting criminal history background checks of providers who are employed as or apply for positions as paid employees.”

#### **SEC. 5. ESTABLISHMENT OF A MODEL PROGRAM IN EACH STATE TO STRENGTHEN CRIMINAL DATA REPOSITORIES AND FINGERPRINT TECHNOLOGY.**

(a) **ESTABLISHMENT.**—The Attorney General shall establish a model program in each State and the District of Columbia for the purpose of improving fingerprinting technology which shall grant to each State \$50,000 to either—

(1) purchase Live-Scan fingerprint technology and a State-vehicle to make such technology mobile and these mobile units shall be used to travel within the State to assist in the processing of fingerprint background checks; or

(2) purchase electric fingerprint imaging machines for use throughout the State to send fingerprint images to the National Center to conduct background checks.

(b) **ADDITIONAL FUNDS.**—In addition to funds provided in subsection (a), \$50,000 shall be provided to each State and the District of Columbia to hire personnel to—

(1) provide information and training to each county law enforcement agency within the State regarding all National Child Protection Act requirements for input of criminal and disposition data into the national criminal history background check system; and

(2) provide an annual summary to the National Task Force of the State's progress in complying with the criminal data entry provisions of the National Child Protection Act of 1993 which shall include information about the input of criminal data, child abuse crime information, domestic violence arrests and stay-away orders of protection.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **IN GENERAL.**—To carry out the provisions of this section, there are authorized to be appropriated a total of \$5,100,000 for fiscal year 2003 and such sums as may be necessary for each of the fiscal years 2004, 2005, 2006, and 2007, sufficient to improve fingerprint technology units and hire data entry improvement personnel in each of the 50 States and the District of Columbia.

(2) **AVAILABILITY.**—Sums appropriated under this section shall remain available until expended.

#### **SEC. 6. AMENDMENT TO NATIONAL CRIMINAL HISTORY ACCESS AND CHILD PROTECTION ACT.**

Section 215 of the National Criminal History Access and Child Protection Act is amended by—

(1) striking subsection (b) and inserting the following:

“(b) **DIRECT ACCESS TO CERTAIN RECORDS NOT AFFECTED.**—Nothing in the Compact shall affect any direct terminal access to the III System provided prior to the effective date of the Compact under the following:

“(1) Section 9101 of title 5, United States Code.

“(2) The Brady Handgun Violence Prevention Act (Public Law 103-159; 107 Stat. 1536).

“(3) The Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322; 108 Stat. 2074) or any amendments made by that Act.

“(4) The United States Housing Act of 1937 (42 U.S.C. 1437 et seq.).

“(5) The Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.).

“(6) Any direct terminal access to Federal criminal history records authorized by law.”;

and

(2) in subsection (c) by inserting after the period at the end thereof the following: “Criminal history records disseminated by the FBI pursuant to such Act by means of the III System shall be subject to the Compact.”.

#### **SEC. 7. FUNDING FOR COMPACT COUNCIL.**

There are authorized to be appropriated to the Federal Bureau of Investigation, to support the activities of the National Crime Prevention and Privacy Compact Council—

(1) \$1,000,000 for fiscal year 2003; and

(2) such sums as may be necessary for fiscal years 2004, 2005, 2006, and 2007.

Mr. THURMOND. Mr. President, I rise today to express my strong support for S. 1868, the National Child Protection and Volunteers for Children Improvement Act of 2002. This bill will help protect children, seniors, and the disabled by making criminal background checks more accessible to care-providing and mentoring organizations. I am pleased that the Senate has approved this important piece of legislation.

In May of this year, S. 1868 was favorably reported by the Judiciary Committee. Since that time, Senator BIDEN and I have worked to refine this bill. I want to thank him for his tireless efforts to improve this legislation. We have produced a bill that will greatly improve the background check process, thereby reducing the possibility that dangerous individuals will interact with children and other vulnerable people.

S. 1868 is critically necessary because of the serious problems that plague the current scheme for conducting background checks. The current system is governed primarily by the National Child Protection Act of 1993, NCPA, and the Volunteers for Children Act, VCA. These Acts were designed to encourage states to develop background check procedures for volunteers and employees who interact with children. In addition, the Violent Crime Control and Law Enforcement Act of 1994 expanded the reach of the NCPA to the elderly and those with disabilities.

While these Acts were significant milestones, we have learned that the

process must be improved. First of all, many states are returning background checks after significant time has passed. In 1998, the FBI's Criminal Justice Information Services, CJIS, Division performed a study on the amount of time it took states to process fingerprint checks. The results were troublesome. On average, it took states an average of 117.6 days to perform a state check and forward the fingerprint to the FBI for a national check. This time lag is obviously a problem for organizations that rely heavily on volunteers.

Additionally, some states charge very high prices for background checks. Organizations that have a large number of volunteers are often forced to spend a lot of money on these checks. In addition to discouraging volunteerism, the high costs dissuade organizations from performing background checks on their volunteers and employees.

S. 1868 helps to solve these problems by making background checks under the NCPA more readily available. As amended, S. 1868 permits the states to retain their crucial role in performing background checks, but also provides a role for the Federal government. If a state complies with the NCPA, returns background checks in a timely fashion, and charges no more than \$18, the state will remain the sole government entity that can perform a background check in that jurisdiction. However, it a states does not develop a qualifying program within a year of enactment, care-providing and mentoring organizations in that state will have the option of requesting background checks directly from the Federal government.

This bill would create an office within the Department of Justice that would receive requests for background checks. The results of background checks would then be returned to the entities, enabling them to make informed decisions. The office would also be required to develop model standards to guide entities in making fitness determinations.

I would like to point out that some states may have established qualified state programs in some areas but not in other areas. This legislation does nothing to prevent the Attorney General from designating a state as having a qualified program for some NCPA purposes, but not for others. Therefore, if background checks are performed adequately for those who work with the elderly, but not for those who work in other areas, the Attorney General would have the authority to designate a qualified state program for the particular purpose of working with the elderly.

Senator BIDEN and I have developed a good bill. We have streamlined this legislation and removed many of the provisions objected to by the Department of Justice. We have developed a background check scheme that will preserve the role of the states in the background check process. We have also provided organizations with the ability to ask the Federal government for a

background check if the state fails to develop an adequate system.

This bill is important for the well-being of our children and is a proper use of Federal resources. The Congress should use all reasonable means to ensure that criminals do not have access to children, seniors, and the disabled. I am proud to support this legislation, and I am pleased that the Senate has approved these significant protections for the most vulnerable in our society.

Mr. REID. Mr. President, Senators BIDEN and THURMOND have an amendment at the desk. I ask unanimous consent that the amendment be considered and agreed to, the motion to reconsider be laid upon the table; the committee reported substitute amendment, as amended, be agreed to; the bill, as amended, be read a third time, passed, the motion to reconsider be laid on the table; and that any statements relating thereto be printed in the RECORD with no intervening action or debate, and that the title amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4896) was agreed to.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The committee amendment in the nature of a substitute, as amended, was agreed to.

The title amendment was agreed to.

The bill (S. 1868), as amended, was read the third time and passed.

#### ACCOUNTABILITY OF TAX DOLLARS ACT OF 2002

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 4685.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4685) to amend title 31, United States Code, to expand the types of Federal agencies that are required to prepare audited financial statements.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent the bill be read a third time, passed, the motion to reconsider be laid on the table, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4685) was read the third time and passed.

#### EXPRESSING SUPPORT FOR A DAY OF TRIBUTE TO ALL FIRE- FIGHTERS AND THE FALLEN FIREFIGHTERS FOUNDATION

Mr. REID. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration and the Senate proceed to the immediate consideration of S. Con. Res. 142.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 142) expressing support for the goals and ideas of a day of tribute to all firefighters who have died in the line of duty and recognizing the important mission of the Fallen Firefighters Foundation in assisting family members to overcome the loss of their fallen heroes.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. Mr. President, I ask unanimous consent the concurrent resolution and preamble be agreed to en bloc, the motion to reconsider be laid on the table, and that any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 142) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 142

Whereas for over 350 years the Nation's firefighters have dedicated their lives to the safety of their fellow Americans;

Whereas throughout the Nation's history many firefighters have fallen in the line of duty, leaving behind family members and friends who have grieved their untimely losses;

Whereas these individuals served with pride and honor as volunteer and career firefighters;

Whereas until 1980 there was not a tribute to honor these heroes for their acts of valor or a support system to help the families of these heroes rebuild their lives;

Whereas in 1992 Congress created the National Fallen Firefighters Foundation to lead a nationwide effort to remember the Nation's fallen firefighters through a variety of activities;

Whereas each year the National Fallen Firefighters Foundation hosts an annual memorial service to honor the memory of all firefighters who die in the line of duty and to bring support and counseling to their families;

Whereas in 2002 the memorial service will take place on October 5 and 6;

Whereas 445 fallen firefighters, including firefighters from nearly every State, will be honored in 2002; and

Whereas many of the family members of these firefighters are expected to attend the memorial service: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring),* That Congress supports the goals and ideas of a day of tribute to all firefighters who have died in the line of duty and recognizes the important mission of the Fallen Firefighters Foundation in assisting family members to overcome the loss of their fallen heroes.

#### HONORING AND COMMENDING THE LAO VETERANS OF AMERICA

Mr. REID. Mr. President, I ask unanimous consent that we now proceed to the consideration of H. Con. Res. 406.

The PRESIDING OFFICER. The clerk will state the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 406) honoring and commending the Lao Veterans

of America, Laotian and Hmong veterans of the Vietnam War, and their families, for their historic contributions to the United States.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD, including the statement of Senator WELLSTONE.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 406) was agreed to.

The preamble was agreed to.

Mr. WELLSTONE. Mr. President, I want to take a moment to thank my colleagues for passing H. Con. Res. 406. This resolution commemorates the tremendous sacrifice made by so many Lao-Hmong during the Vietnam War.

As a Senator from Minnesota, I am proud to represent one of the largest Hmong populations in America. My experience as a Senator has become so much greater as a result of coming to know the noble history and rich culture of the Hmong people in Minnesota. I am in awe of their sacrifice for the American people.

Hmong soldiers died at ten times the rate of American soldiers in the Vietnam War. Yet, because America's war effort in Laos was covert, the sacrifices and service of the Hmong and Lao veterans is still largely untold. The legislation we passed today is a tribute to the Hmong people's sacrifice for our country. It is a small but meaningful step in honoring and fulfilling our debt to the Hmong and Lao veterans and their families.

This resolution also commends the leadership of the Lao Veterans of America for its work in passing several pieces of legislation I introduced with Congressman Vento that would expedite citizenship for Hmong veterans and their wives. In addition, they led the fight to erect a monument in Arlington National Cemetery in honor of the Hmong who died in the Vietnam War. The Lao Veterans of America, including Chertzong Vang, in Minnesota, and Colonel Vang Yee Vang, Executive Director of the organization, has worked tirelessly to educate Congress and the public about the history and contributions of the Hmong people in our country. This resolution is a fitting response to this important work.

Again, I thank my colleagues for passing this excellent and overdue legislation.

#### DESIGNATING OCTOBER 10, 2002, AS "PUT THE BRAKES ON FATALI- TIES DAY"

Mr. REID. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 266 and the Senate