

I am not aware of any controversy with respect to this bill, and I would encourage all Members to support it.

Mr. Speaker, I reserve the balance of my time.

Ms. LOFGREN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I note that H.R. 1437 does indeed, as the chairman has indicated, make technical corrections to the United States Code that were suggested by the Office of Law Revision Counsel. None of the changes are substantive. No one on the Committee on the Judiciary on either side of the aisle had any objections to this bill. I support the legislation and would urge its swift passage.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 1437.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

AMENDING THE PROTECT ACT TO CLARIFY CERTAIN VOLUNTEER LIABILITY

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1280) to amend the PROTECT Act to clarify certain volunteer liability.

The Clerk read as follows:

S. 1280

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

SECTION 1. AMENDMENT TO THE PROTECT ACT.

Section 108 of the PROTECT ACT (Public Law 108-21) is amended by adding at the end the following:

“(e) LIMITATION ON LIABILITY.—In connection with the Pilot Programs established under this section, in reliance upon the fitness criteria established under section 108(a)(3)(G)(i), and except upon proof of actual malice or intentional misconduct, the National Center for Missing and Exploited Children, or a director, officer, employee, or agent of the Center shall not be liable in any civil action for damages—

“(1) arising from any act or communication by the Center, the director, officer, employee, or agent that results in or contributes to a decision that an individual is unfit to serve as a volunteer for any volunteer organization;

“(2) alleging harm arising from a decision based on the information in an individual’s criminal history record that an individual is fit to serve as a volunteer for any volunteer organization unless the Center, the director, officer, employee, or agent is furnished with an individual’s criminal history records which they know to be inaccurate or incomplete, or which they know reflect a lesser

crime than that for which the individual was arrested; and

“(3) alleging harm arising from a decision that, based on the absence of criminal history information, an individual is fit to serve as a volunteer for any volunteer organization unless the Center, the director, officer, employee, or agent knows that criminal history records exist and have not been furnished as required under this section.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentlewoman from California (Ms. LOFGREN) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 1280.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, when the House passed S. 151, the PROTECT Act, which was signed into law by President Bush on April 30, 2003, we directed the Attorney General to establish a pilot program to perform background checks on individuals that volunteered to work with children.

The pilot project, among other things, requires the National Center for Missing and Exploited Children to act as a liaison between several volunteer organizations that work with children in the FBI. Under the pilot project, the Center will receive from the FBI background check information on individuals seeking to volunteer with children and make a determination as to the suitability of those individuals for volunteer organizations.

This legislation seeks to correct an oversight in that pilot project, which is scheduled to begin next week, a week from tomorrow on July 29, 2003. This legislation clarifies the Center’s liability in connection with the pilot program in three specific situations and protects the Center from lawsuits in any one of three different situations except in cases where there is intentional misconduct or actions taken with actual malice.

First, the bill stipulates that the Center shall not be held liable for any act or communication that results in a decision that an individual is unfit to serve as a volunteer for any volunteer organization. The purpose of this program is to keep individuals who are potentially dangerous away from our children, and it needs to be clear that the Center will not be sued as a result of making this determination.

Second, this legislation also addresses the unfortunate situation where an individual with a criminal history may be cleared by the Center due to inaccurate or incomplete records and sub-

sequently commits a crime in their capacity as a volunteer.

The hope is that this program will be 100 percent successful in keeping criminals away from our children. However, we must also acknowledge that the effectiveness of these background checks are predicated on the accuracy and completeness of the records the FBI relies upon. Unless the Center willfully ignores information indicating that an individual might be a potential danger, they should not be responsible for subsequent crimes committed by that individual.

The third and final section of this bill addresses the situation where a decision is made to clear an individual based on the absence of criminal history information. In this case, were the individual to subsequently commit a crime, the Center would be protected unless they knew that criminal history records existed and have not been furnished.

I urge my colleagues to expeditiously vote in favor of this legislation to ensure the smooth operation of this pilot project and the protection of the National Center for Missing and Exploited Children, and would point out that unless this bill is enacted into law by a week from Tuesday, the pilot project will be delayed.

Mr. Speaker, I reserve the balance of my time.

Ms. LOFGREN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is a technical amendment, it seems to me, to the PROTECT Act signed into law, as the chairman said, on April 30, and it merely clarifies the legal liability of the National Center for Missing and Exploited Children when it conducts background checks on volunteers that work with children.

The PROTECT Act, which I and 400 other Members of the House supported, creates this pilot project which the chairman has described; and the National Center for Missing and Exploited Children has been selected to conduct these checks on volunteers who work with children.

I think it is important that the pilot program will provide safeguards that ensure the volunteer consents to the background check and allows the volunteer to correct erroneous information in the criminal history database because we want accurate information and that is part of accuracy. But we also need to establish clear criteria for the circumstances in which an individual could be deemed unfit to volunteer to work with children.

This amendment simply clarifies that absent proof of knowing malicious or intentional conduct, the National Center for Missing and Exploited Children and its employees will not be liable for the actions they take in conducting these background checks in deciding whether an individual is fit to volunteer to work with children.

The other body passed this bill by unanimous consent, and I believe this

is a noncontroversial bill. I support the bill.

Since this is a pilot project, we will know in 18 months' time how things have worked, and we will have an opportunity to make further adjustments should they be warranted. I think it is important that we all support this act today so that we do not disrupt the beginning of the pilot project.

Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the Senate bill, S. 1280.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

□ 1430

POSTMASTERS EQUITY ACT OF
2003

Mr. SHAYS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2249) to amend chapter 10 of title 39, United States Code, to include postmasters and postmasters' organizations in the process for the development and planning of certain personnel policies, schedules, and programs of the United States Postal Service, and for other purposes.

The Clerk read as follows:

H.R. 2249

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 "Postmasters Equity Act of 2003".

SEC. 2. POSTMASTERS AND POSTMASTERS' ORGANIZATIONS.

(a) PERCENTAGE REPRESENTATION REQUIREMENT.—The second sentence of section 1004(b) of title 39, United States Code, is amended—

(1) by inserting "that an organization (other than an organization representing supervisors) represents at least 20 percent of postmasters," after "majority of supervisors,"; and

(2) by striking "supervisors)" and inserting "supervisors or postmasters)".

(b) CONSULTATION AND OTHER RIGHTS.—Section 1004 of title 39, United States Code, is amended—

(1) by redesignating subsection (h) as subsection (i); and

(2) by inserting after subsection (g) the following:

"(h)(1) In order to ensure that postmasters and postmasters' organizations are afforded the same rights under this section as are afforded to supervisors and the supervisors' organization, subsections (c) through (g) shall be applied with respect to postmasters and postmasters' organizations—

"(A) by substituting 'postmasters' organization' for 'supervisors' organization' each place it appears; and

"(B) if 2 or more postmasters' organizations exist, by treating such organizations as

if they constituted a single organization, in accordance with such arrangements as such organizations shall mutually agree to.

"(2) If 2 or more postmasters' organizations exist, such organizations shall, in the case of any factfinding panel convened at the request of such organizations (in accordance with paragraph (1)(B)), be jointly and severally liable for the cost of such panel, apart from the portion to be borne by the Postal Service (as determined under subsection (f)(4))."

(c) DEFINITIONS.—Subsection (i) of section 1004 of title 39, United States Code (as so redesignated by subsection (b)(1)) is amended—

(1) in paragraph (1), by striking "and" after the semicolon;

(2) in paragraph (2), by striking the period and inserting a semicolon; and

(3) by adding after paragraph (2) the following:

"(3) 'postmaster' means an individual who is the manager in charge of the operations of a post office, with or without the assistance of subordinate managers or supervisors;

"(4) 'postmasters' organization' means an organization recognized by the Postal Service under subsection (b) as representing at least 20 percent of postmasters; and

"(5) 'members of the postmasters' organization' shall be considered to mean employees of the Postal Service who are recognized under an agreement—

"(A) between the Postal Service and the postmasters' organization as represented by the organization; or

"(B) in the circumstance described in subsection (h)(1)(B), between the Postal Service and the postmasters' organizations (acting in concert) as represented by either or any of the postmasters' organizations involved."

(d) THRIFT ADVISORY COUNCIL NOT TO BE AFFECTED.—For purposes of section 8473(b)(4) of title 5, United States Code—

(1) each of the 2 or more organizations referred to in section 1004(h)(1)(B) of title 39, United States Code (as amended by subsection (b)) shall be treated as a separate organization; and

(2) any determination of the number of individuals represented by each of those respective organizations shall be made in a manner consistent with the purposes of this subsection.

SEC. 3. EFFECTIVE DATE.

The amendments made by this section shall take effect 60 days after the date of the enactment of this Act.

The SPEAKER pro tempore (Mr. WHITFIELD). Pursuant to the rule, the gentleman from Connecticut (Mr. SHAYS) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentleman from Connecticut (Mr. SHAYS).

GENERAL LEAVE

Mr. SHAYS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. SHAYS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2249, the Postmasters Equity Act, was introduced by my colleague, the gentleman from New York (Mr. MCHUGH). The gentleman chairs the Committee on Government Reform's Special Panel on Postal Re-

form and Oversight and has been a leader in Congress on postal issues. I am proud to support this legislation along with the members of this special panel, as well as the chairman and ranking member of the full committee, the gentleman from Virginia (Mr. TOM DAVIS) and the gentleman from California (Mr. WAXMAN).

Mr. Speaker, H.R. 2249 affords postmasters the same options given to postal supervisors when negotiating pay and benefits with the U.S. Postal Service. This bill would extend to postmasters and nonunion postal employees the fact-finding procedures already established under current law for postal supervisors. The fact-finding process allows for an unbiased review of issues in dispute during negotiations, as well as the ability to issue nonbinding recommendations to resolve those issues. Currently, without this right, postmasters lack any form of recourse when pay talks under the consultation process fail.

Mr. Speaker, this bill is a matter of fairness. Postmasters deserve the same option available to postal supervisors, and the bill would produce an improved and fair consultation process. Frankly, I think it is a change most of us feel is long overdue.

The Committee on Government Reform believes adding a fact-finding option to the consultation process for postmasters will help strengthen their role in improving the quality of mail service for postal patrons and also in managing local post offices. Their role has been eroded over the years, especially for postmasters at small- and medium-sized post offices who serve as front line managers.

The Nation's two postmasters' organizations, the National League of Postmasters and the National Association of Postmasters of the United States, support this legislation.

The Postal Service Reorganization Act of 1970 created a consultative process for postmasters and other nonunion postal employees to negotiate pay and benefits but did not include postmasters in a fact-finding process subsequently provided to other management. Postmasters are often the heart and soul of the community. In many cases, they are the community's only link to the Federal Government.

Mr. Speaker, it is important that we do what we can to support their work in the 38,000 post offices across the country. I am pleased that the House is considering this bill today.

Therefore, Mr. Speaker, I commend the gentleman from New York for introducing H.R. 2249 and urge its passage, and I would also obviously commend the gentlewoman from the District of Columbia (Ms. NORTON), who is a very active person on issues dealing with labor and management issues.

Mr. Speaker, I reserve the balance of my time.

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume.

I want to thank my good friend, the gentleman from Connecticut (Mr.