

1950. In 1953, Mr. Speaker, he was appointed as an assistant United States attorney for the Eastern District of Texas.

In 1959, President Eisenhower appointed Judge Brown as the United States attorney in the Eastern District, where he served until 1961. He returned to private practice in Sherman from 1961 to 1985 and enjoyed a reputation as an outstanding civil litigation lawyer. President Reagan later nominated him to become a Federal judge in the Eastern District of Texas in 1985.

Judge Brown presided over cases that involved bank and savings and loan failures of the 1980s and early 1990s, as well as many intellectual property and patent cases. Judge Brown was also a prominent member of the community, serving as a board member of Medical Plaza Hospital, president of the Sherman School Board, and president of the Optimist Club of Sherman.

Judge Brown assumed senior status in April 2001 and later died in 2006 after 21 years of distinguished service on the Federal bench. This designation is a fitting tribute to his career as a veteran and respected jurist.

I urge my colleagues to join us in supporting H.R. 185.

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

Mr. BARLETTA. Mr. Speaker, I yield 4 minutes to the gentleman from Texas (Mr. HALL).

Mr. HALL. Mr. Speaker, I too rise in support of H.R. 185, as has been stated, a bill designating the United States courthouse located at 101 East Pecan Street in Sherman, Texas, as the Paul Brown United States Courthouse.

Judge Brown was an outstanding Federal judge who passed away on November 26, 2012, after 21 years of very distinguished service. Judge Brown was my good friend, a respected judge, and beloved member of the Sherman, Texas, community.

Judge Brown represented the finest qualities of jurisprudence. Hanging on his wall in the Sherman Federal Courthouse were Socrates' four qualities for a good judge: to hear courteously; to answer wisely; to consider soberly; and to decide impartially. Judge Brown embodied all of these qualities, and he dispensed justice accordingly. He was highly regarded, well-respected, and was a role model for many.

Judge Brown was the youngest of a family of six raised on a farm in Pottsboro, Texas. He graduated from Denison High School and, although underage, he was able to get his parents' consent to join the United States Navy when World War II broke out. He served on a minesweeper in both the Atlantic and Pacific theaters and as a part of the occupation forces in Japan. He was discharged as an electrician's mate 2nd class in June 1946.

He returned to his studies and received a law degree in 1950 from the University of Texas before being recalled to Active Duty in the Korean war. He saw combat aboard a mine-

sweeper which was sunk by mines. He received an honorable discharge in December 1951.

Judge Brown worked as an assistant U.S. attorney in Texarkana under U.S. attorney William Steger, who would become his mentor, good friend, and eventually fellow colleague on the bench. He served as assistant U.S. attorney from 1953 to 1959, and then followed in Judge Steger's footsteps as U.S. district attorney from 1959 to 1961.

While in Texarkana, he met and married Frances Morehead, and the two returned home to Sherman, where he practiced law for a number of years. In 1985, Senator Phil Gramm recommended him to President Reagan for a new judge's position created by the Eastern District of Texas, and he was confirmed that year. He held court in Beaumont, Paris, Sherman, and Texarkana, and as the caseload grew, he eventually presided over the Sherman courthouse exclusively.

Premier cases over the years included intellectual property, patent cases, and criminal cases precipitated by the bank and savings and loan failures of the 1980s and 1990s. In recent years, he noted the increase in drug cases and expressed his regret that in spite of all the efforts that have been made to prosecute drug dealers, the Nation is not making much progress in curtailing the use of drugs. No matter what type of cases came before him, Judge Brown always enjoyed the work and ran an efficient and orderly courtroom. His personal ethics and judicial integrity were remarkable, and his reputation for punctuality is legendary.

Mr. Speaker, I ask my colleagues to join me in celebrating the life of a great American, outstanding public servant, and respected jurist. This bill has the support of the Federal judges in the Eastern District, and I ask for your support of H.R. 185, to designate the United States courthouse in Sherman, Texas, the Paul Brown United States Courthouse.

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

Mr. STOCKMAN. Mr. Speaker, it is my pleasure to rise today in support of H.R. 185 in this 113th United States Congress, being brought before us by the gentleman from Texas, Mr. HALL, which will honor an esteemed gentleman from Sherman, Texas, the Honorable Paul Brown.

Judge Paul Brown was a great Texan and a Great American, having served his country with valor in the U.S. Navy in both World War II and in Korea.

Judge Brown was a civic leader, having served Texas and the United States as Assistant United States Attorney for the Eastern District of Texas. He was nominated by President Eisenhower to serve as U.S. Attorney in Tyler, Texas, and he served his state well on his appointment by President Reagan as Eastern District Judge, where he finished his career after twenty one years of service as a Senior Judge.

His devotion to his community and his faith guided him, as he remained engaged with local, state, and legal initiatives throughout his life.

Judge Brown's life and record of distinguished service to our country and to Texas serves as a textbook example of what it means to have been a member of The Greatest Generation. His long and distinguished service in the courtroom serves as a template for all officers of the court, and his commitment to his family and his community provides a brilliant illustration for all Texans and Americans about what it means to serve one's fellow man.

This courthouse we are naming today will remind us of Judge Brown's loyalty to his country, his community, and to The Great State of Texas, and I urge my colleagues to support this legislation.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. BARLETTA) that the House suspend the rules and pass the bill, H.R. 185.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BARLETTA. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

#### PROTECTING STUDENTS FROM SEXUAL AND VIOLENT PREDATORS ACT

Mr. ROKITA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2083) to amend the Elementary and Secondary Education Act of 1965 to require criminal background checks for school employees, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2083

*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 "Protecting Students from Sexual and Violent Predators Act".

#### SEC. 2. BACKGROUND CHECKS.

(a) BACKGROUND CHECKS.—Not later than 2 years after the date of enactment of this Act, each State educational agency that receives funds under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) shall have in effect policies and procedures that—

(1) require that a criminal background check be conducted for each school employee that includes—

(A) a search of the State criminal registry or repository of the State in which the school employee resides;

(B) a search of State-based child abuse and neglect registries and databases of the State in which the school employee resides;

(C) a Federal Bureau of Investigation fingerprint check using the Integrated Automated Fingerprint Identification System; and

(D) a search of the National Sex Offender Registry established under section 19 of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16919);

(2) prohibit the employment of a school employee as a school employee if such employee—

(A) refuses to consent to a criminal background check under paragraph (1);

(B) makes a false statement in connection with such criminal background check;

(C) has been convicted of a felony consisting of—

- (i) homicide;
- (ii) child abuse or neglect;
- (iii) a crime against children, including child pornography;
- (iv) spousal abuse;
- (v) a crime involving rape or sexual assault;
- (vi) kidnapping;
- (vii) arson; or
- (viii) physical assault, battery, or a drug-related offense, committed on or after the date that is 5 years before the date of such employee's criminal background check under paragraph (1); or

(D) has been convicted of any other crime that is a violent or sexual crime against a minor;

(3) require that each criminal background check conducted under paragraph (1) be periodically repeated or updated in accordance with State law or the policies of local educational agencies served by the State educational agency;

(4) upon request, provide each school employee who has had a criminal background check under paragraph (1) with a copy of the results of the criminal background check;

(5) provide for a timely process by which a school employee may appeal, but which does not permit the employee to be employed as a school employee during such appeal, the results of a criminal background check conducted under paragraph (1) which prohibit the employee from being employed as a school employee under paragraph (2) to—

(A) challenge the accuracy or completeness of the information produced by such criminal background check; and

(B) establish or reestablish eligibility to be hired or reinstated as a school employee by demonstrating that the information is materially inaccurate or incomplete, and has been corrected;

(6) ensure that such policies and procedures are published on the website of the State educational agency and the website of each local educational agency served by the State educational agency; and

(7) allow a local educational agency to share the results of a school employee's criminal background check recently conducted under paragraph (1) with another local educational agency that is considering such school employee for employment as a school employee.

(b) **TRANSFER PROHIBITION.**—A local educational agency or State educational agency that receives funds under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) may not knowingly transfer or facilitate the transfer of any school employee if the agency knows, or has substantive reason to believe, that such employee engaged in sexual misconduct with an elementary school or secondary school student.

(c) **FEES FOR BACKGROUND CHECKS.**—

(1) **CHARGING OF FEES.**—The Attorney General, State Attorney General, or other State law enforcement official may charge reasonable fees for conducting a criminal background check under subsection (a)(1).

(2) **ADMINISTRATIVE FUNDS.**—A local educational agency or State educational agency may use administrative funds received under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) to pay any reasonable fees charged for conducting such criminal background check.

(d) **DEFINITIONS.**—In this Act:

(1) **IN GENERAL.**—The terms “elementary school”, “secondary school”, “local edu-

cational agency”, “State”, and “State educational agency” have the meanings given the terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(2) **SCHOOL EMPLOYEE.**—The term “school employee” means—

(A) an employee of, or a person seeking employment with, a local educational agency or State educational agency, and who, as a result of such employment, has (or will have) a job duty that results in unsupervised access to elementary school or secondary school students; or

(B) any person, or an employee of any person, who has a contract or agreement to provide services with an elementary school or secondary school, local educational agency, or State educational agency, and such person or employee, as a result of such contract or agreement, has a job duty that results in unsupervised access to elementary school or secondary school students.

The **SPEAKER** pro tempore. Pursuant to the rule, the gentleman from Indiana (Mr. **ROKITA**) and the gentleman from California (Mr. **GEORGE MILLER**) each will control 20 minutes.

The Chair recognizes the gentleman from Indiana.

#### GENERAL LEAVE

Mr. **ROKITA**. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 2083.

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

There was no objection.

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

I rise today in strong support of H.R. 2083, the Protecting Students from Sexual and Violent Predators Act.

A report released by the Government Accountability Office in December 2010 examined 15 cases where individuals with histories of sexual misconduct were hired or retained as teachers, support staff, volunteers, and contractors. In 11 of these 15 cases, those individuals had previously targeted children.

Despite the fact that States have varying policies intended to protect children from sexual predators in schools, the GAO determined the policies were largely inconsistent and insufficient. According to the report, States don't consistently perform pre-employment background checks, and when they do conduct these checks, they are not always fingerprinted or connected to the national criminal database.

There is widespread agreement on both sides of this aisle that more must be done to protect students. We have worked with our colleagues to advance legislation that will ensure that every school employee—from the cafeteria workers, Mr. Speaker, to the administrators, to the janitors, to the teachers, principals, and librarians—that everyone is subject to a complete background check that includes the FBI fingerprint identification system and the National Sex Offender Registry.

Today, we have an opportunity to finish the fight by sending this bill, the

Protecting Students From Sexual and Violent Predators Act, to the Senate.

H.R. 2083 will require States that receive funds under the Elementary and Secondary Education Act to have policies and practices in place that ensure each school employee is subject to a complete national criminal background check. Mr. Speaker, a similar provision was offered by two of my colleagues and good friends, both from Pennsylvania, Mr. **FITZPATRICK** and Mr. **MEEHAN**. That provision was included in the House-passed Student Success Act from last month.

□ 1715

The Protecting Students from Sexual and Violent Predators Act is common-sense legislation that will help ensure students in schools across the country are safe from sexual criminals. So all that being said, Mr. Speaker, I simply urge at this time my colleagues to support H.R. 2083.

I reserve the balance of my time.

Mr. **GEORGE MILLER** of California. Mr. Speaker, I yield myself such time as I may consume.

I want to thank Mr. **ROKITA** for presenting the bill and Mr. **FITZPATRICK** for his work on the legislation. I appreciate their assistance.

Mr. Speaker, when parents send their children to school each morning, they expect them to come home safe from harm. Day in and day out, millions of teachers, staff, and administrators do their utmost—sometimes in downright heroic ways—to put their students' safety first. But despite these efforts, there remains a steady stream of stories from across the country involving students who have been abused by someone in a position of trust in their schools.

Just this past summer, a music teacher in a Silver Spring, Maryland, elementary school was found to have sexually abused 15 minors over an 8-year period.

In my home State of California, a teacher was convicted of throwing a 5-year-old boy with a disability onto a classroom floor and kicking him and was transferred to another school for the following year, but was not fired due to legal limitations. The superintendent of the school district acknowledged that police were not informed after that horrible incident. To make matters worse, even after her conviction, this person was allowed to keep a desk job through the rest of the school year, still had her credentials, and could simply move to a new school to teach, putting more children at risk.

We should be doing everything we can to prevent these abuses. A very fundamental place to start is to not employ predators in our schools in the first place.

After I requested an investigation in 2010, the Government Accountability Office uncovered a wide range of cases in numerous States of convicted sex offenders who had previously targeted children, working in schools side by

side with children. In some cases, these schools had unknowingly hired sex offenders. This happened because State laws are inconsistent in how they require schools to conduct background checks of their employees and what types of crimes are covered.

In other cases, the Government Accountability Office found that districts knowingly passed on a potential predator and abuser to another school or school district, allowing the offender to resign instead of reporting him. Although every State requires some background checks, the checks are not always thorough. GAO found that some States only require checks for licensed teachers, but not other employees. And some States don't require criminal history checks for contractors at public schools.

The GAO also found that at least half of the States lack any rules to ensure that child abuse allegations are not suppressed by school officials, and only a few States require schools to conduct recurring background checks on employees.

The significant differences in the ways schools screen prospective employees lead to gaps in student protection, but a child's safety shouldn't depend on the State in which they reside. A patchwork of State laws fails to protect all children, and that simply is not good enough. We need minimum national standards to keep children safe from sexual predators and other violent adults.

That is why I am proud to be the author of the Protecting Students from Sexual and Violent Predators Act, along with my cosponsors.

This bill closes the loopholes. It would create consistency across States in background-check policy, requiring public schools to conduct comprehensive background checks for any employee or applicant for employment with unsupervised access to children, using State criminal and child abuse registries and the FBI's fingerprint database, as well as to periodically update these checks.

Contractors in public schools with unsupervised access to students are also subject to these same background checks under this bill. It would prohibit school districts from hiring or retaining anyone who has been convicted of certain violent crimes, including crimes against children, crimes involving rape or sexual assault, or child pornography.

Schools must be places where faculty and students can focus on teaching and learning, without fear of emotional or physical harm. Keeping students safe requires a coordinated effort from teachers, principals, superintendents, community partners, and parents. The vast majority of school staff is trustworthy and works hard every day to support students' learning needs. I honor and respect their work, which is so central to the success of this Nation.

The criminal background checks required in H.R. 2083 are essential to en-

suring that schools and school districts are doing everything they can to protect children.

Mr. Speaker, keeping children safe isn't a partisan issue; it is a moral obligation. And that is why I am pleased to see the strong bipartisan support from my colleagues on both sides of the aisle for this legislation. I want to thank the cosponsors in particular: Mr. FITZPATRICK, Mr. STIVERS, Mrs. MCCARTHY, Ms. SLAUGHTER, Ms. WILSON, Mr. RANGEL, Mr. HOLT, and Mr. COHEN.

Working with Chairman KLINE's and Mr. ROKITA's staff, we clarified several provisions from the original bill that I introduced in May, including that States must periodically repeat or update background checks on employees, based on State and local policy that is publicly transparent; school districts may share background check results with each other for the same employee; and school employees could appeal the results of a background check if it is inaccurate or incomplete and establish their employment eligibility if the check was corrected.

This bill is only as good as the quality of the background checks, and I will work with my colleagues to address issues related to ensuring that the checks are complete and accurate. Congressman ELLISON and Congressman BOBBY SCOTT have introduced legislation that seeks to support this goal, and I will work with them and others on these important worker protections if the bill moves forward in the Senate.

I want to thank again Chairman KLINE for working with us on sensible solutions that will protect children across the country. I also want to thank the respective staffs for their diligence and thoughtfulness in helping us to develop and move this legislation. I urge my colleagues to support this bill.

I reserve the balance of my time.

Mr. ROKITA. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. FITZPATRICK).

Mr. FITZPATRICK. Mr. Speaker, I thank Chairman ROKITA, and I rise in strong support of the legislation on the floor today. This bill, if passed by the House and Senate and signed by the President, will go a long way toward protecting students in our Nation's schools. I thank the ranking member, Mr. MILLER, for bringing this bill up today and for bringing to light an issue that is compromising student safety throughout our country.

H.R. 2083, the Protecting Students from Sexual and Violent Predators Act of 2013, will ensure consistent and comprehensive school employee background checks in all States. The bill also includes language from a bill that I introduced, the Jeremy Bell Act. This piece of the larger bill blocks Federal funding to schools that knowingly hire or transfer teachers involved in sexual misconduct.

The Jeremy Bell Act is named after a 12-year-old West Virginia elementary

school student who was sexually abused and murdered by his principal, a man that had a long record of sexual misconduct, but who was allowed to transfer and leave schools without punishment and without informing new districts.

In a 2010 Government Accountability Office investigations report, it was found that inconsistent State laws regarding background checks facilitated the hiring and transferring of sexual predators in our schools. If, by cutting off funds to schools that knowingly "pass the trash," we can save one student from Jeremy's fate, then this bill has succeeded. Overall, this bipartisan bill includes student safety measures, including requiring background checks for school employees, a commonsense method to better protect our children in their schools.

In testimony submitted at a field hearing I held in Philadelphia last Congress, Roy Bell, Jeremy's father, expressed his outrage and his sadness that our education system had failed to protect the life and innocence of his 12-year-old son. Unfortunately, Jeremy's father passed away this weekend. It is on his behalf and on behalf of all parents and students that I will continue to work to pass legislation that protects our students.

Today, I ask my colleagues to consider this legislation and its impact on families across our Nation. Mr. Speaker, I encourage quick passage of H.R. 2083 by both Chambers and for it to be signed into law by the President. I thank the chairman and Mr. MILLER for their work on this bill.

Mr. GEORGE MILLER of California. I want to thank the gentleman from Pennsylvania (Mr. FITZPATRICK) for his comments and for his support of this legislation.

I had a couple more speakers who were supposedly coming to the floor, but at this time, I yield back the balance of my time.

Mr. ROKITA. Mr. Speaker, I thank the gentleman.

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

Mr. GEORGE MILLER of California. Mr. Speaker, I ask unanimous consent to reclaim the balance of my time.

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

There was no objection.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota (Mr. ELLISON).

Mr. ELLISON. Mr. Speaker, I think it is important to recognize that all of us who are parents or Members of Congress, no matter what walk of life we may travel in, want to make sure that our children are safe, are well taken care of, and that the people who care for them at their schools are qualified to do so and don't present a danger to them.

At the same time, I think it is important that we recognize that when we

put barriers to employment that are lifetime bans, that are not sensitive to certain realities as relates to people overcoming criminal backgrounds, and when we put prophylactic rules that don't account for particular offenses in a nuanced way, we do run the risk of doing a good thing, but doing too much of a thing, and thereby leading to some unexpected and unwanted results.

I have had the privilege of talking to Ranking Member MILLER about some concerns I have about the bill before us today. I think that the concerns are well within Mr. MILLER's frame of mind, and he and I have talked and he has indicated to me that he is willing to work with me to refine the bill to the degree that we can ensure the protection and safety of our children in school, but at the same time make sure that we don't set up precedents that create unwarranted and unnecessary barriers to employment.

At this time I don't think I need to go into the details of each of those. Suffice it to say that if the gentleman would agree that we did talk and we are going to work together on refining the bill as best we can, I would appreciate that.

Mr. GEORGE MILLER of California. Will the gentleman yield?

Mr. ELLISON. I yield to the gentleman.

Mr. GEORGE MILLER of California. I would say that I spoke to you this morning, and we will obviously continue to work with you. We have tried to draw the line at serious felony violent crimes that people have participated in with respect to the ban. In terms of drug arrests or whatever, there is a 5-year window that we have started, and we will be glad to continue that conversation.

Mr. ELLISON. Thank you very much.

I also just want to point out that we have talked about inaccurate information, and it is important that we make sure that the records that we are using are the right records and accurate records.

Mr. GEORGE MILLER of California. If the gentleman will continue to yield, that is why an appeals process is included in this legislation.

Mr. ELLISON. I thank the gentleman.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield back the balance of my time.

Mr. ROKITA. Mr. Speaker, I yield myself the balance of my time.

Today's debate has only underscored again the importance of moving forward with this sensible and responsible legislation. Not only will the Protecting Students from Sexual and Violent Predators Act ensure all school employees undergo a complete background check; it will also help States implement policies and practices that prohibit the hiring of anyone who refuses to consent to a background check, makes a false statement in connection with the check, or has been convicted of a violent or sexual crime against a child.

There is absolutely no reason we shouldn't all stand united in support of this critical legislation. So once again, I urge my colleagues to vote "yes" on H.R. 2083.

I yield back the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, in 2010, the Government Accountability Office (GAO) found that some school districts had unknowingly hired sex offenders due to inconsistent state laws that do not require comprehensive background checks for all adults who have contact with children in schools. In other cases, the GAO found that districts knowingly passed a potential predator to another school district by allowing the offender to resign instead of reporting him. Significant differences in the ways schools screen prospective employees lead to gaps in student protection. A child's safety should not depend on where that child resides.

The 2010 GAO report investigated a number of cases across the country, including one in my home state of New York. In this case, a public school employed a maintenance worker for five months until the results of a criminal history check conducted after he had already reported to work revealed that he had been convicted of raping a 21-year-old woman at knifepoint behind a school.

In 1982, the offender had been sentenced to 12 to 25 years in prison and classified as a level 3 sex offender, meaning that the offender is at high risk for repeat offenses and is a threat to public safety. In 2008, the school hired him "conditionally," meaning he was allowed to report to work prior to the completion of a state criminal history check. School officials told GAO investigators they do not always perform these checks prior to employment because they considered the process both cost and time prohibitive.

The school fired the offender in November 2008 when the state criminal history check was completed; within two years he was incarcerated for failure to comply with sex offender registration requirements. The Protecting Students from Sexual and Violent Predators Act would have prevented this potentially disastrous hiring from ever taking place thanks to its prohibition of hiring or retaining anyone who has been convicted of certain violent crimes, including crimes against children, crimes involving rape or sexual assault and child pornography.

In many of the cases GAO investigated, previously convicted sex offenders working in schools eventually used their access to children in school to once again commit crimes against children. Although the New York maintenance worker was terminated after five months and did not abuse children in the school during that time, there is no acceptable amount of time for our children to be exposed to such horrific risk.

Children have the right to a safe school environment where they can learn and thrive. There is so much more that this body must do to ensure this right—most importantly the enactment of legislation to prevent gun violence—but passage of the Protecting Students from Sexual and Violent Predators Act is a necessary step towards securing students' safety in school.

I urge my colleagues to join me in support of this legislation.

Ms. JACKSON LEE. Mr. Speaker, as Co-Chair of the Congressional Children's Caucus

and a proud co-sponsor of the legislation, I rise in strong support of H.R. 2083, the "Protecting Students from Sexual and Violent Predators Act."

I support this legislation because it is a focused and targeted measure which ensures student safety in public schools against violent adults by implementing full background checks.

A deficiency in background checks for screening prospective employees poses a threat to the safety of children in schools.

Inconsistent state laws and regulations that do not require comprehensive background checks for all adults who have contact with children in schools has led to some districts unknowingly hiring offenders.

This is unacceptable. As a nation, we owe it to our kids and to ourselves to prevent our children from being exposed to an unsafe learning environment.

This legislation directly affects the communities I represent as 21% of all paroled sex offenders in Texas reside in Harris County. Failure to screen those we permit to interact with our children in schools allows violent or sexual predators the opportunity to abuse our children.

We have a responsibility to protect children and ensure them a safe, healthy learning environment.

Mr. Speaker, H.R. 2083 seeks to reduce the inconsistencies in state laws and regulations by requiring comprehensive background checks for all adults who have contact with children in schools.

The bill makes clear that best practices for reducing the prevalence of sexual and violent predators must include prohibiting public schools from hiring or retaining anyone who has been convicted of certain violent crimes.

Additionally, the bill requires periodic updating of background checks for all current employees, and ensuring that schools report to local law enforcement when offenders apply for a position.

Approximately 1.8 million adolescents in the United States have been victims of sexual assault. Risks posed by predators on campus put children at risk and are barriers to their academic and social growth and development.

Students have a right to feel safe, and parents have a right to expect that the individuals they entrust their children with will protect them from physical harm.

Mr. Speaker, my constituents in the 18th Congressional District of Texas, which I am proud to represent, understand the value and importance of a safe environment for students to learn and grow.

So do I. That is why I strongly support H.R. 2083. I urge my colleagues to join me in support of this important legislation.

[From the Huffington Post, June 3, 2013]

KELLY ANN GARCIA ALLEGEDLY HAD SEX, WENT TO SEX SHOP WITH STUDENT SHE CLAIMED TO BE MENTORING

(By Steven Hoffer)

An English teacher in Texas is accused of having sex with a pupil she claimed to be mentoring.

Kelly Ann Garcia, 29, appeared in court on Thursday to face charges surrounding her alleged sexual relationship with a 16-year-old Hastings High School student, KHOU reports.

Police say Garcia would meet the victim after school dismissal, despite not being her assigned teacher.

On March 21, Garcia allegedly took the victim to Starbucks and revealed an erotic dream she had about her. One week later, the Houston-area teacher texted the teen to say that she had broken up with her boyfriend. The following day, the pair met and “kissed passionately,” according to the New York Daily News.

The intimacy of the alleged relationship escalated over the following weeks. On one day, authorities say Garcia took the student to a sex shop.

“The allegation is that they did in fact drive to a store and purchase a sex toy and drive back to the defendant’s apartment where they engaged in sex,” said prosecutor Markay Stroud, according to KHOU.

The student bragged to classmates about her alleged sexual encounters, which led another student to notify school administrators, according to reports.

“She seemed nice at the time. She said she wanted to mentor my daughter, and I took her for her word. Now I’m just not as trusting in people,” the teen’s mother told KHOU last week.

Garcia is charged with sex assault of a child and indecency with a child, according to CBS Houston.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana (Mr. ROKITA) that the House suspend the rules and pass the bill, H.R. 2083, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: “A bill to require State educational agencies that receive funding under the Elementary and Secondary Education Act of 1965 to have in effect policies and procedures on background checks for school employees.”.

A motion to reconsider was laid on the table.

□ 1730

## PROMOTING ADOPTION AND LEGAL GUARDIANSHIP FOR CHILDREN IN FOSTER CARE ACT

Mr. REICHERT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3205) to reauthorize and restructure the adoption incentives grant program, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3205

*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 “Promoting Adoption and Legal Guardianship for Children in Foster Care Act”.

### SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

Sec. 1. Short title.  
Sec. 2. Table of contents.

### TITLE I—ADOPTION INCENTIVES GRANT PROGRAM

Sec. 101. Extension of program through fiscal year 2016.  
Sec. 102. Improvements to award structure.  
Sec. 103. Renaming of program.  
Sec. 104. Limitation on use of incentive payments.

Sec. 105. Increase in period for which incentive payments are available for expenditure.

Sec. 106. State report on calculation and use of savings resulting from the phase-out of eligibility requirements for adoption assistance; requirement to spend 20 percent of savings on post-adoption services.

Sec. 107. Preservation of eligibility for kinship guardianship assistance payments with a successor guardian.

Sec. 108. Effective dates.

### TITLE II—EXTENSION OF FAMILY CONNECTION GRANT PROGRAM

Sec. 201. Extension of family connection grant program.

### TITLE III—UNEMPLOYMENT COMPENSATION

Sec. 301. Improving the collection of unemployment insurance overpayments through tax refund offset.

### TITLE I—ADOPTION INCENTIVES GRANT PROGRAM

#### SEC. 101. EXTENSION OF PROGRAM THROUGH FISCAL YEAR 2016.

Section 473A of the Social Security Act (42 U.S.C. 673b) is amended—

(1) in subsection (b)(5), by striking “2008 through 2012” and inserting “2013 through 2015”; and

(2) in each of paragraphs (1)(D) and (2) of subsection (h), by striking “2013” and inserting “2016”.

#### SEC. 102. IMPROVEMENTS TO AWARD STRUCTURE.

(a) ELIGIBILITY FOR AWARD.—Section 473A(b) of the Social Security Act (42 U.S.C. 673b(b)) is amended by striking paragraph (2) and redesignating paragraphs (3) through (5) as paragraphs (2) through (4), respectively.

(b) DATA REQUIREMENTS.—Section 473A(c)(2) of such Act (42 U.S.C. 673b(c)(2)) is amended—

(1) in the paragraph heading, by striking “NUMBERS OF ADOPTIONS” and inserting “RATES OF ADOPTIONS AND GUARDIANSHIPS”; and

(2) by striking “the numbers” and all that follows through “section,” and inserting “each of the rates required to be determined under this section with respect to a State and a fiscal year.”.

(c) AWARD AMOUNT.—Section 473A(d) of such Act (42 U.S.C. 673b(d)) is amended—

(1) in paragraph (1)—

(A) by striking “paragraphs (2) and (3)” and inserting “paragraph (2)”; and

(B) by striking subparagraphs (A) through (C) and inserting the following:

“(A) \$2,000, multiplied by the amount (if any) by which—

“(i) the number of foster child adoptions in the State during the fiscal year; exceeds

“(ii) the product (rounded to the nearest whole number) of—

“(I) the base rate of foster child adoptions for the State for the fiscal year; and

“(II) the number of children in foster care under the supervision of the State on the last day of the preceding fiscal year;

“(B) \$4,000, multiplied by the amount (if any) by which—

“(i) the number of pre-adolescent child adoptions in the State during the fiscal year; exceeds

“(ii) the product (rounded to the nearest whole number) of—

“(I) the base rate of pre-adolescent child adoptions for the State for the fiscal year; and

“(II) the number of children in foster care under the supervision of the State on the

last day of the preceding fiscal year who have attained 9 years of age but not 14 years of age; and

“(C) \$8,000, multiplied by the amount (if any) by which—

“(i) the number of older child adoptions in the State during the fiscal year; exceeds

“(ii) the product (rounded to the nearest whole number) of—

“(I) the base rate of older child adoptions for the State for the fiscal year; and

“(II) the number of children in foster care under the supervision of the State on the last day of the preceding fiscal year who have attained 14 years of age; and

“(D) \$1,000, multiplied by the amount (if any) by which—

“(i) the number of foster child guardianships in the State during the fiscal year; exceeds

“(ii) the product (rounded to the nearest whole number) of—

“(I) the base rate of foster child guardianships for the State for the fiscal year; and

“(II) the number of children in foster care under the supervision of the State on the last day of the preceding fiscal year.”; and

(2) by striking paragraph (3).

(d) DEFINITIONS.—Section 473A(g) of such Act (42 U.S.C. 673b(g)) is amended by striking paragraphs (1) through (8) and inserting the following:

“(1) FOSTER CHILD ADOPTION RATE.—The term ‘foster child adoption rate’ means, with respect to a State and a fiscal year, the percentage determined by dividing—

“(A) the number of foster child adoptions finalized in the State during the fiscal year; by

“(B) the number of children in foster care under the supervision of the State on the last day of the preceding fiscal year.

“(2) BASE RATE OF FOSTER CHILD ADOPTIONS.—The term ‘base rate of foster child adoptions’ means, with respect to a State and a fiscal year, the lesser of—

“(A) the foster child adoption rate for the State for fiscal year 2007; or

“(B) the foster child adoption rate for the State for the then preceding fiscal year.

“(3) FOSTER CHILD ADOPTION.—The term ‘foster child adoption’ means the final adoption of a child who, at the time of adoptive placement, was in foster care under the supervision of the State.

“(4) PRE-ADOLESCENT CHILD ADOPTION RATE.—The term ‘pre-adolescent child adoption rate’ means, with respect to a State and a fiscal year, the percentage determined by dividing—

“(A) the number of pre-adolescent child adoptions finalized in the State during the fiscal year; by

“(B) the number of children in foster care under the supervision of the State on the last day of the preceding fiscal year, who have attained 9 years of age but not 14 years of age.

“(5) BASE RATE OF PRE-ADOLESCENT CHILD ADOPTIONS.—The term ‘base rate of pre-adolescent child adoptions’ means, with respect to a State and a fiscal year, the lesser of—

“(A) the pre-adolescent child adoption rate for the State for fiscal year 2007; or

“(B) the pre-adolescent child adoption rate for the State for the then preceding fiscal year.

“(6) PRE-ADOLESCENT CHILD ADOPTION.—The term ‘pre-adolescent child adoption’ means the final adoption of a child who has attained 9 years of age but not 14 years of age if—

“(A) at the time of the adoptive placement, the child was in foster care under the supervision of the State; or