

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 non-volunteer 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