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

Mr. TERRY. At this time I yield 3 minutes to the gentleman from Virginia (Mr. RIGELL), who’s the lead Republican sponsor. His dogged leadership on this is why it’s back on the House floor again.

Mr. RIGELL. I thank Chairman TERRY very much for yielding and my friend and colleague, the gentledlady from New York, for your support of this good bill.

Mr. Speaker, I rise in strong support of the Drywall Safety Act of 2012, as amended. I urge my colleagues to vote “yes” on really what is much-needed and commonsense legislation that’s going to come before the House tonight.

For nearly 4 years, families across the country have suffered from the harmful effects of defective Chinese-manufactured drywall. They’re friends and neighbors, and they’re families. Mr. Speaker, who worked hard and saved and really set out for that classic American Dream to own their own home or to finish their retirement years in a home, and yet that dream turned into a literal nightmare when their home was filled with a mysterious and foul rotten egg type of odor. I’ve been in these homes. It completely makes the home uninhabitable. It takes all the copper wiring in the home and makes it turn into soot. They have to replace the compressors on the air conditioners. And even worse is that their health deteriorates.

They turn first to the builders. The builders are not covered by their insurance. Some were able to help out the homeowners and renovate the home on their own, but many are not able to do that, and some builders have gone out of business. They turned then to the manufacturer. The contaminated drywall in China, but really have no recourse there. It’s a profoundly sad situation where Americans, through no fault of their own, are experiencing bankruptcy and terrible financial problems.

But tonight we have an opportunity to do what’s right and to stand with our friends and neighbors and pass this legislation. It will hold China responsible in no uncertain terms for failing to make sure that what they’ve done here. It requires labeling on all the drywall products to make sure that we can find out who’s responsible. Manufacturer of each and every piece of drywall that’s manufactured; it will limit the amount of sulfur in the drywall, which was the cause of all of this; and, as has been pointed out by my colleague from New York, it’s a VOR. I stand as opposed to just more massive government intervention. I think that’s the right path to go.

So I thank my friends and colleagues from both sides of the aisle for making this possible. The underlying legislation passed the House unanimously in September. The amendment that has been made, I think, is very modest. I especially want to thank my friend and colleague from Florida, Mr. Deutch, for working with me as cochair of the Chinese Drywall Caucus. I thank the chairman for yielding and for your support on this piece of legislation.

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

Mr. TERRY. Mr. Speaker, in closing, let me make one very important point. Republicans and Democrats alike are united on this important health and safety issue. I urge all Members to pass this amendment today and get the needed consumer protections in place.

I yield back the balance of my time.

The SPEAKER pro tempore. The gentleman from Nebraska (Mr. RIGELL) that the House suspend the rules and proceed with the consideration of H.R. 4212.

The SPEAKER pro tempore. The question was taken.

The point of no quorum is considered terminated.

The Chair recognizes the gentleman from Tennessee.

Mr. ROE of Tennessee. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on S. 3472.

The Speaker recognizes the gentleman from Tennessee.

Mr. ROE of Tennessee. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of S. 3472, the Uninterrupted Scholars Act. The bill amends the Family Educational Rights and Privacy Act of 1974, better known as FERPA, to give child welfare agency caseworkers access to the educational records of foster children. This is an important bill that will help improve the quality of education for children in foster care.

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

SEC. 2. FAMILY EDUCATIONAL RIGHTS AND PRIVACY.

Section 444(b) of the General Education Provisions Act (20 U.S.C. 1232g(b)) (commonly known as the Family Educational Rights and Privacy Act of 1974) is amended—

(1) in paragraph (1)—

(A) in subparagraph (J)(ii), by striking “and” after the semicolon in the section and inserting “, and”; and

(B) in subparagraph (K)(ii), by striking the period at the end and inserting “,” and

(2) in paragraph (2)(B), by inserting “, except when a parent is a party to a court proceeding involving child abuse and neglect (as defined in section 3 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 note)) or dependency matters, and the order is issued in the context of such proceeding, shall notify the student or the parents in writing of the order as a matter of record of the court proceeding, and any additional notice to the parent by the educational agency or institution is not required”, after “educational institution or agency”.

The Speaker pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. ROE) and the gentleman from California (Mr. George Miller) each will control 20 minutes.

The Speaker recognizes the gentleman from Tennessee.

Mr. ROE of Tennessee. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on S. 3472.

The Speaker recognizes the gentleman from Tennessee.

Mr. ROE of Tennessee. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of S. 3472, the Uninterrupted Scholars Act. The bill amends the Family Educational Rights and Privacy Act of 1974, better known as FERPA, to give child welfare agency caseworkers access to the educational records of foster children. This is an important bill that will help improve the quality of education for children in foster care.

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

SEC. 1. SHORT TITLE.

This Act may be cited as the “Uninterrupted Scholars Act (USA)”.

UNINTERRUPTED SCHOLARS ACT

Mr. ROE of Tennessee. Mr. Speaker, I move to suspend the rules and pass the bill (S. 3472) to amend the Family Educational Rights and Privacy Act of 1974 to provide improvements to such Act. The Clerk read the title of the bill.

The text of the bill is as follows:

S. 3472

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 “Uninterrupted Scholars Act (USA)”.

In 2008, Congress passed the Fostering Connections to Success and Increasing Adoptions Act, which tasked...
child welfare agencies with ensuring that children in foster care are enrolled in school. In carrying out this important mission, agencies are required to consider educational stability when identifying foster care placements and coordinate with local school districts to ensure that young people stay in their current school when placed in foster care or are immediately enrolled in a new school if that is in their best interest.

Over the last 4 years, student privacy laws have made it difficult to properly implement the educational stability provisions of the Fostering Connections law. For example, child welfare agents are unable to access student education records in a timely manner, if at all, to properly monitor student progress and coursework, or to get students enrolled in the proper courses if a transfer of schools is necessary.

The Uninterrupted Scholars Act will correct these challenges. By allowing direct—and limited—access to the education records of foster kids, caseworkers can follow the students’ education in a timely manner and help ensure greater success in school.

The Committee on Education and the Workforce understands the importance of maintaining strong student privacy protections and supports the provisions included in FERPA. It is our responsibility to ensure a student’s personal information, such as academic progress, placement or enrollment delays, is not shared with anyone other than officials directly involved in the student’s education.

For children in foster care, child welfare agencies have a responsibility to look out for the education of their students and have a direct need to have access to these important records. The bill before us today narrowly grants caseworkers access to these important records:

Mr. Speaker, S. 3472 is a narrow, but critical, step in helping children in foster care receive a better education. I urge my colleagues to support this bill and reserve the balance of my time.

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

Mr. Speaker, in strong support of this bipartisan legislation to help foster children succeed in school.

The Uninterrupted Scholars Act will make a real and immediate difference in the lives of foster children across this country.

I want to thank Congresswoman Bass and Senator Landrieu for their support of this legislation, the Senate for sending this legislation back to the House, Chairman Roe for managing this on the floor, and Chairman Kline for agreeing to have this legislation come to the House today.

In thanking Congresswoman Bass, I want to thank her not only as the author of this legislation, but for her leadership both here in Washington and in the State legislature in our State of California when she served there on behalf of these young people to make sure that they would have a better opportunity at success.

Foster children are some of the most at-risk students. As a group, they miss more school and are more likely to drop out, and take longer to finish when they do graduate. Throughout their young lives, they may change care placements multiple times. Each placement means adjusting to a new family and environment, new friends, and a new school. Each move can put their educational success in jeopardy. That’s because the caseworkers who advocate for them as they move from one school to another often do so without critical information.

Though current law rightly requires foster care caseworkers to include children’s education records in their case plans, another Federal law limits the ability of caseworkers to access these records in a timely manner.

Without access to a foster child’s school records, caseworkers are limited in their ability to advocate for the child’s educational needs, especially as they move from one foster home to another or from one family to another. Without these records, caseworkers don’t have the necessary information to make important and informed decisions about placement, wraparound services, and credit transfers among schools. That means that vulnerable children do not get the services that they need.

This red tape creates unnecessary hurdles for educational successes for many foster children. And if there’s one thing foster children don’t need in life, it’s additional hurdles to jump. They have plenty of hurdles confronting them every day as they try to succeed within the system.

This legislation before us today makes narrow changes to FERPA to allow foster care caseworkers to do a better job on behalf of these young people. I urge my colleagues to support this legislation, and I reserve the balance of my time.

Mr. ROE of Tennessee. I have no objections at this time. I continue to reserve the balance of my time.

Mr. GEORGE MILLER of California. With that, I yield 5 minutes to Congresswoman Bass of California, one of the authors of this legislation, and again thank her for her advocacy on behalf of foster children and foster families.

Ms. BASS of California. Mr. Speaker, I rise today in strong support of S. 3472, the Uninterrupted Scholars Act, a bill that will help foster children achieve educational success.

First, I want to thank Chairman KLINE and Ranking Member MILLER for their support of this bill and their ongoing dedication to improving outcomes for foster youth throughout the Nation. I would also like to extend my sincere appreciation and respect to Senator Landrieu. I am proud to work alongside the Senator, who is a tireless advocate for foster youth and families both domestic and worldwide.
She fell a full year behind and eventually dropped out of the school.

In my district, the Los Angeles Department of Children and Family Services is currently responsible for the placement and care of over 15,000 foster youth. The sheer size of this youth population makes it difficult for the States—as well as the 82 different school districts within L.A. County, make it particularly challenging to proactively address student needs without direct access to educational records.

Another example from the listening tour when we were in L.A. is Vanessa, a fifth grader who has a similar story. She was transferred from L.A. Unified to another school district over 50 miles away while relocating to a new foster home. Her records did not follow. Therefore, she was placed in a fourth grade classroom, a full grade level below her actual skill level and age. She consistently cried at meetings with teachers. She eventually advocated for herself, but was transferred, but in the meantime she missed 2 months of fifth grade. The Uninterrupted Scholars Act would help avoid situations faced by young Jasmine and Vanessa by allowing child welfare caseworkers, who have the legal responsibility for a foster child’s care and welfare, timely access to their educational records. □

At the same time, this bill protects and preserves the educational privacy rights of students and parents that we all want to safeguard. In the words of Mary Cagle, the director of Legal Services at the Florida Department of Child Welfare, many children who have had hearings and hearings and hearings and hearings. And that brought about the bill that passed in 1980. It was called the Adoption Assistance and Child Welfare Act of 1980.

Now when we were in L.A. is Vanessa, a child psychologist. I looked around and saw there was some stuff to do, and I wrote the Fostering Connections Act, which I authored and passed in the 2008 Congress with strong bipartisan support with the intent of improving the lives of kids in foster care. We continued to look for a way to make this system really function. And through the 1980 act, the law gave the power to shift resources from temporary out-of-home care to foster care. The Uninterrupted Scholars Act is on the bipartisan legislation that the Uninterrupted Scholars Act is to foster care children, particularly as they near the age of majority and need to transition to the work world.

Now, with Fostering Connections, it says that a State welfare agency must coordinate with educational agencies to ensure that a child remains in the school in which he or she is enrolled at the time of placement. If remaining in the child’s school of origin is not in his or her best interest, that State must ensure the child is immediately enrolled in a new school without waiting weeks or months for paperwork. Now, with Fostering Connections, it seems like a simple thing to say that kids ought to continue in the same school. As with any law we pass, there is always this implementation period. As a result, it has taken us several years to figure out the problems and the barriers to successfully implementing this particular provision.

Many teachers and school administrations still wonder about the legal responsibility for a foster child’s care and welfare. The Uninterrupted Scholars Act will help ensure that needed coordination and help to ensure foster care youth succeed academically. This bill will have enormous positive impact for thousands of children in the foster care system. I encourage my colleagues to support it.

Mr. GEORGE MILLER of California. I yield the gentleman an additional 1 minute.

Mr. McDERMOTT. In addition, we have evidence that the Family Education Rights and Privacy Act currently hinders child welfare agencies in their efforts to meet the educational needs of kids in their care. Child welfare agencies have difficulty in obtaining the school records of foster kids. The Uninterrupted Scholars Act will help ensure that needed coordination and help to ensure foster care youth succeed academically. This bill will have enormous positive impact for thousands of children in the foster care system. I encourage my colleagues to support it.

Mr. GEORGE MILLER of California. I want to thank the gentleman from Washington for his leadership. I would like to yield 4 minutes to the gentleman from Texas.

Mr. JOSKSON LEE of Texas. I want to thank the gentleman from California both for his longstanding leadership and the history of his emphasis on how important our children are.

As a founder and chair of the Congressional Children’s Caucus, I’m delighted to have joined with my colleagues, Congresswoman Bass, and various cochairs of the Foster Care Caucus on the bipartisan legislation that the Uninterrupted Scholars Act is on the bipartisan legislation, and to also add appreciation to Chairman KLINE of Minnesota and to Senator LANDRIEU for her leadership and partnership. I know of her great interest on the issues of both domestic adoption and international adoption.

Certainly, unfortunately, the system of foster care has many times, when it has not been intended to, been, if you will, a place of hopelessness. This legislation wants to provide a lifeline to foster care children, particularly as they near the age of majority and need to transition to the work world.

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I've had the opportunity, of course, to be able to meet with foster care children both in my district and here when they've lobbied on the Hill, and their stories are both of passion and commitment to having a future, a commitment to serving the Nation, a commitment to making a difference. Why shouldn't they have the opportunity to make a difference? Why can't they be considered just like those who have different lifestyles, if you will, in terms of a family situation?

This legislation says that they should have, as well, that kind of orderliness. And if their orderliness comes through a social worker or a caseworker who will have access to their records to be able to plan for them the best format, whether it is to remain in a school, to transfer to a school, when they cannot access that natural parent or any other relative that would stand in for that child. There's nothing more, if you will, despicable than the thought that you can't be able to find a child that has no hope, no one to turn to, and really wants to do, wants to accomplish, wants to graduate from high school.

So I believe that the Uninterrupted Scholars Act is a very important provision in the laws that we've been passed dealing with privacy as it relates to records of children in post-secondary school and the protection of those school records. This, in particular, allows, let me say, an exception to a student's education records to a caseworker, State or local child welfare representative, or tribal organization that has a right to access that student's case plans. Again, that helps those students be able to have a lifetime.

Just a week or so ago, there was an article in The New York Times on three young people from Galveston, Texas. They were not necessarily foster care children, but it is indicative of what happens to children of less means. Part of their lack of success was their inability to access the Internet, to get timely notices that they were supposed to apply for a scholarship, to have their parents know that they were supposed to modify their income sheet.

If you can imagine, we just went through Hurricane Ike, and this one child who parents had received aid through Hurricane Ike. Well, they were told that they didn't meet the scholarship standards because they made too much money, and they didn't modify it to say that it wasn't money that we made; it was aid because we were victims of Hurricane Ike.

This is similar to what happens to foster care children, and I am very delighted that we have legislation that is common sense and that we can attribute to the Foster Care Caucus, which we work closely with as a Congressional Children's Caucus.

I want to thank Mr. MILLER and Mr. KLINE for their dedication and commitment to the Nation's children. They are, in fact, a precious resource, and the Uninterrupted Scholars Act is one element of saying that they are important to us.

Let me again thank Congresswoman BASS and Senator LANDRIEU for their leadership, as well.

Mr. ROE of Tennessee, I continue to reserve the balance of my time.

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

The care and concern for foster children has been a bit of a relay race for myself back in the late seventies and eighties, to Senator Russell Long, to former Congressman Tom Downey, to Majority Leader Tom DeLay, to Senator LANDRIEU, now KAREN BASS from my State of California, and Congressman McDermott before her.

We've tried to make sure that these young people, with a lot of chaos in their life, far beyond any of their own doing, have a chance to succeed. Clearly, the best chance to succeed is to see that they get a good education and an opportunity to participate in American society and in America's economy. This act, the Uninterrupted Scholars Act, is to simply helping their advocates make sure that they get the best shot at the best education.

So I want to thank all the supporters of this legislation, Congressman ROE and Congressman KLINE, for their support of the Minority, as well as the majority helping their advocates make sure that they get the best shot at the best education.

Just before I conclude my remarks, Mr. Speaker, I want to take a moment to recognize a cherished member of my staff who will be leaving the committee at the beginning of January.

Ruth Friedman began her career with me as a fellow in my personal office more than a decade ago. Because of her hard work and dedication and unparalleled expertise, she rose to become my education policy director on the committee.

Ruth holds a Ph.D. in clinical psychology and is one of the foremost experts in early childhood policy. I can tell you that the children of this country benefited every day from her work on the Education Committee.

Ruth has spent her career fighting for the most vulnerable children on issues like child welfare, juvenile justice, child care, abuse prevention and treatment. She has worked on countless pieces of legislation successfully, including today's bill, and was instrumental in passing the 2007 Head Start Reauthorization Act.

I want to thank Ruth for her extraordinary service to me, to the committee, to the Nation, and to the Nation's children. Her advice and counsel have been invaluable, and she will be sorely missed, but we know that she has great accomplishments ahead of her.

Ruth, I want to wish you, Pete, and Dylan all of the best. Thank you so much for all of your service to our committee on both sides of the aisle, and certainly to this Nation's children.

With that, Mr. Speaker, I ask my colleagues to support this legislation, thank Congressman ROE for managing this bill on the floor, and I yield back the balance of my time.

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

I wish to conclude by saying, Ruth, congratulations, and thank you for all the hard work that you have done for both sides of the aisle and for the work you've done for the children of this Nation.

I also want to thank Senator LANDRIEU and Congresswoman BASS, who is my next-door neighbor in the Cannon Office Building, and Ranking Member MILLER for the work you've done for many decades for the children of this country, and Chairman KLINE.

I will conclude by just saying I'm proud to sponsor the Uninterrupted Scholars Act, and I urge my colleagues a "yes" vote.

With that, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. ROE) that the House suspend the rules and pass the bill. S. 3472.

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. ROE of Tennessee. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

FOREIGN AND ECONOMIC ESPIONAGE PENALTY ENHANCEMENT ACT OF 2012

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 6029) to amend title 18, United States Code, to provide for increased penalties for foreign and economic espionage, and for other purposes.

The Clerk read the title of the bill.

The text of the Senate amendment is as follows:

Senate amendment: Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Foreign and Economic Espionage Penalty Enhancement Act of 2012."

SEC. 2. PROTECTING U.S. BUSINESSES FROM FOREIGN ESPIONAGE.

(a) FOR OFFENSES COMMITTED BY INDIVIDUALS.—Section 1831(a) of title 18, United States Code, is amended, in the matter after paragraph (3), by striking "not more than $500,000" and inserting "not more than $5,000,000."

(b) FOR OFFENSES COMMITTED BY ORGANIZATIONS.—Section 1831(b) of such title is amended