

I would like to thank Senator MENENDEZ for working with me on this legislation. I also thank Public Citizen, Americans for Financial Reform, and the Consumer Federation of America for their support, and I urge our colleagues to join us in supporting the Stop Illegal Insider Trading Act.

AMENDMENTS SUBMITTED AND PROPOSED

SA 285. Mr. TOOMEY (for himself and Mr. MANCHIN) submitted an amendment intended to be proposed by him to the bill S. 178, to provide justice for the victims of trafficking; which was ordered to lie on the table.

SA 286. Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 178, supra; which was ordered to lie on the table.

SA 287. Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 178, supra; which was ordered to lie on the table.

SA 288. Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 178, supra; which was ordered to lie on the table.

SA 289. Mr. ROBERTS (for himself and Mr. MORAN) submitted an amendment intended to be proposed by him to the bill S. 178, supra; which was ordered to lie on the table.

SA 290. Mr. LEAHY (for himself, Ms. COLLINS, Ms. MURKOWSKI, Ms. BALDWIN, Ms. AYOTTE, Ms. HEITKAMP, Mrs. SHAHEEN, Mr. BENNET, Mr. MURPHY, and Mr. MERKLEY) submitted an amendment intended to be proposed by him to the bill S. 178, supra; which was ordered to lie on the table.

SA 291. Mr. TOOMEY (for himself and Mr. MANCHIN) submitted an amendment intended to be proposed by him to the bill S. 178, supra; which was ordered to lie on the table.

SA 292. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill S. 178, supra; which was ordered to lie on the table.

SA 293. Ms. HIRONO submitted an amendment intended to be proposed by her to the bill S. 178, supra; which was ordered to lie on the table.

SA 294. Mr. FLAKE submitted an amendment intended to be proposed by him to the bill S. 178, supra; which was ordered to lie on the table.

SA 295. Mr. FLAKE submitted an amendment intended to be proposed by him to the bill S. 178, supra; which was ordered to lie on the table.

SA 296. Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the bill S. 178, supra; which was ordered to lie on the table.

SA 297. Mr. ALEXANDER (for himself and Mr. KIRK) submitted an amendment intended to be proposed by him to the bill S. 178, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 285. Mr. TOOMEY (for himself and Mr. MANCHIN) submitted an amendment intended to be proposed by him to the bill S. 178, to provide justice for the victims of trafficking; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE —SCHOOL EMPLOYEE BACKGROUND CHECKS

SEC. 01. SHORT TITLE.

This title may be cited as the “Protecting Students from Sexual and Violent Predators Act”.

SEC. 02. BACKGROUND CHECKS.

(a) BACKGROUND CHECKS.—Not later than 2 years after the date of enactment of this Act, each State educational agency, or local educational agency in the case of a local educational agency designated under State law, 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 119 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) murder;

(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 State educational agency, or local educational agency in the case of a local educational agency designated under State law, that receives funds under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) shall be subject to a State or local law (including regulations), or have a regulation or policy, that prohibits the transfer, or facilitation of 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, attorney general of a State, or other State law enforcement official may charge reasonable fees for conducting a criminal background check under subsection (a)(1), but such fees shall not exceed the actual costs for the processing and administration of the criminal background check.

(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.

(3) FEDERAL FUNDS TO SUPPLEMENT, NOT SUPPLANT, NON-FEDERAL FUNDS.—A State educational agency or local educational agency using Federal funds in accordance with paragraph (2) shall use such Federal funds only to supplement the funds that would, in the absence of such Federal funds, be made available from non-Federal sources for the purposes of this title, and not to supplant such funds.

(d) PROHIBITION.—Nothing in this title, or any other Federal law, regulation, policy, or directive, shall authorize the Secretary, or any other employee of the Federal Government, to regulate, provide guidance, or otherwise direct the State or local policies or procedures required under this title.

(e) DEFINITIONS.—In this title:

(1) IN GENERAL.—The terms “elementary school”, “secondary school”, “local educational 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) a person who—

(i) is an employee of, or is seeking employment with, a local educational agency, or State educational agency, that receives Federal funds under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.); and

(ii) as a result of such employment, has (or will have) a job duty that results in unsupervised access to public elementary school or public secondary school students; or

(B)(i) any person, or an employee of any person, who has a contract or agreement to provide services with a public elementary school, public secondary school, local educational agency, or State educational agency, that receives Federal funds under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.); and

(ii) such person or employee, as a result of such contract or agreement, has a job duty that results in unsupervised access to public elementary school or public secondary school students.

SA 286. Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 178, to provide justice