

Testimony of

The Honorable Joseph R. Biden, Jr.

May 23, 2002

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Upon Committee Consideration of S. 1868
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Mr. Chairman, thank you for scheduling a vote on this bill today.

Today, 87 million of our children are involved activities provided by child and youth organizations which depend heavily on volunteers to deliver their services. Millions more elderly and disabled adults are also served by public and private service organizations. Organizations across the country, like the Boys and Girls Clubs, often rely solely on volunteers to make these safe havens for kids a place where they can learn. The Boys and Girls Clubs and others don't just provide services to kids - their work reverberates throughout our communities, as the after-school programs they provide help keep kids out of trouble. This is juvenile crime prevention at its best, and I salute the volunteers who help make these programs work.

Unfortunately, some of these volunteers and employees come to their jobs with less than the best of intentions. According to the National Mentoring Partnership, incidents of child sexual abuse in child care settings, foster homes and schools ranges from 1 to 7 percent. Organizations have tried to weed out bad apples, and today most conduct background checks on applicants who seek to work with children. Unfortunately, these checks can often take months to complete, can be expensive, and many organizations do not have access to the FBI's national fingerprint database. These time delays and scope limitations are dangerous: a prospective volunteer could pass a name-based background check in one state, only to have a past felony committed in another jurisdiction go undetected.

Today, the Committee acts on a bill designed to solve some of these problems. The Biden / Thurmond National Child Protection Improvement Act creates a new, FBI national center to conduct criminal history fingerprint checks at the request of volunteer organizations. Funds are authorized so that organizations can have the national checks performed free of charge - the Federal government ought to be supporting those groups who seek to safeguard our kids, and this modest investment deserves our support. Other child-serving organizations who seek the services of the new national center to check their employees' criminal histories will have checks conducted at a minimal cost. My bill envisions as many as 10 million background checks conducted per year at this center, enough to prevent felons and other dangerous members of society from getting anywhere near our kids. States perform many of these checks today, and in an effort to help them do their jobs better, my bill authorizes \$5 million per year to hire personnel and improve fingerprint technology so that they can upload information into national databases.

This is a very real problem. The FBI has informed me that it take a group like the Boys and Girls Club can wait 117 days on average to have a national criminal history background check processed. That is tragic. These clubs often employ seasonal workers, and that sort of turnaround time effectively precludes a national criminal history check from being run. Plus, these clubs are being charged twice: first for a state check, which surveys indicate can range anywhere from \$5 to \$95, and than again for an \$18 FBI national check. For clubs and others employing hundreds of workers and volunteers, these costs quickly become prohibitive.

I want to commend Senator DeWine and his staff for working with me to improve this measure. Senator DeWine rightfully pointed out to me that in some states, the system that the Congress put in place through enactment of the National Child Protection Act in 1993 and the Volunteers for Children Act in 1998 is working. In those cases, we should not uproot a system that is effective. The substitute amendment that Senators Thurmond, DeWine and I offer today seeks to address this concern. It charges the National Center with canvassing all the states to determine which ones are living up to the standards we set for them in the National Child Protection Act. States that are quickly, cheaply, and reliably processing background checks will continue to do so. But if the National Center determines that a state has decided not to participate in the NCPA system, based upon four objective criteria that we lay out in the substitute, organizations doing business in that state would be permitted to apply directly to the National Center for background checks.

Mr. Chairman, this is a worthy compromise, and I encourage all Members to supports its adoption. I would like to thank the Boys and Girls Clubs of America, the National Mentoring Partnership, and the National Center for Missing and Exploited Children for their tireless advocacy on behalf of S. 1868. I would like to thank Senator Thurmond and Senator DeWine for working with me in a bipartisan fashion to craft this compromise. I am hopeful that approval of this measure today brings us one step closer to ensuring our kids, our grandparents, and those with disabilities are safe when they place their lives in the hands of employees and volunteers for organizations that provide care, treatment, education and training.