

**AMENDMENT TO THE RULES COMMITTEE PRINT  
OF H.R. 5  
OFFERED BY MR. FITZPATRICK OF  
PENNSYLVANIA**

Page 481, after line 22, insert the following:

1 **“SEC. 5552. BACKGROUND CHECKS ON ALL EMPLOYEES.**

2       “A private or public elementary school, a private or  
3 public secondary school, a local educational agency, or  
4 State educational agency may receive funds under this Act  
5 for a fiscal year only if the school or agency has in effect  
6 a policy that ensures that every individual employed by  
7 the school or agency has undergone a fingerprint-based  
8 check of the national crime information databases (as de-  
9 scribed in subsection (b) of section 153 of the Adam Walsh  
10 Child Protection and Safety Act of 2006 (42 U.S.C.  
11 16962)) and, where possible, a fingerprint-based check of  
12 State criminal history databases (as described in sub-  
13 section (c) of such section).

14 **“SEC. 5553. STATE LAW.**

15       “(a) STATE LAW ON REPORTING INCIDENTS OF SEX-  
16 UAL CONDUCT INVOLVING A MINOR.—As a condition of  
17 receiving funds under this Act, a State shall have in effect

1 and be enforcing a State law and State policy that, as  
2 determined by the Secretary, ensures the following:

3           “(1) Individuals employed at a school located in  
4 the State report to law enforcement officials any  
5 known or suspected incidents of sexual conduct in-  
6 volving a minor and an individual employed at the  
7 school or any other school in the State.

8           “(2) The State ensures that any individual who  
9 violates paragraph (1) by failing to report to law en-  
10 forcement officials any such incidents is fined or  
11 otherwise penalized.

12           “(3) The State makes available in an interstate  
13 clearinghouse to schools, local educational agencies,  
14 and State educational agencies, the identity of any  
15 individual—

16           “(A) who was reported under paragraph  
17 (1) as being involved in an incident of sexual  
18 conduct with a minor; and

19           “(B) whose employment at a school in the  
20 State was terminated as a result of the inci-  
21 dent, including any individual who resigned or  
22 retired as a result.

23           “(4) The State creates safeguards to ensure  
24 that the information described in paragraph (3) is  
25 only made available to schools, local educational

1 agencies, and State educational agencies, and not  
2 the general public.

3 “(b) REGULATIONS.—The Secretary shall prescribe  
4 regulations on—

5 “(1) how a State shall carry out the require-  
6 ments of subsection (a); and

7 “(2) how a State shall report to the schools in  
8 the State, the termination of the employment at a  
9 school of an individual described in subsection  
10 (a)(3).

11 “(c) DEFINITIONS.—For purposes of this section—

12 “(1) MINOR.—The term ‘minor’ means an indi-  
13 vidual who is under 18 years of age.

14 “(2) SCHOOL.—The term ‘school’ means an en-  
15 tity that—

16 “(A) is a public or private—

17 “(i) day or residential elementary  
18 school or secondary school; or

19 “(ii) early childhood, elementary  
20 school, or secondary school program that is  
21 under the jurisdiction of a school, local  
22 educational agency, educational service  
23 agency, or other educational institution or  
24 program; and

1           “(B) receives, or serves students who re-  
2           ceive, support in any form from any program  
3           supported, in whole or in part, with funds ap-  
4           propriated to the Department of Education.

5           “(3) SEXUAL CONDUCT.—The term ‘sexual con-  
6           duct’ means any sexual conduct, unless the employee  
7           was convicted of a crime for that conduct and has  
8           satisfied the terms and conditions imposed as a re-  
9           sult of that conviction, if the conduct—

10           “(A) is a sexual act or sexual contact, as  
11           those terms are defined in section 2246 of title  
12           18, United States Code;

13           “(B) occurred during the course of employ-  
14           ment; and

15           “(C) would be punishable by a term of im-  
16           prisonment of more than 1 year under the law  
17           of the jurisdiction where that conduct took  
18           place.”.

