

Emergency Management Assistance Memorandum of Understanding; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CRAPO (for himself and Mr. ENZI):

S. Con. Res. 136. Concurrent resolution expressing the sense of Congress regarding the importance of bringing transparency, accountability, and effectiveness to the World Bank and its programs and projects; to the Committee on Foreign Relations.

By Mr. LEVIN:

S. Con. Res. 137. Concurrent Resolution recognizing, appreciating, and remembering with dignity and respect the Native American men and women who have served the United States in military service; to the Committee on Indian Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ASHCROFT:

S. 3066. A bill to amend titles XVIII and XIX of the Social Security Act to require criminal background checks for nursing facility workers; to the Committee on Finance.

THE SENIOR CARE SAFETY ACT OF 2000

Mr. ASHCROFT. Mr. President, I rise today to introduce the Senior Care Safety Act of 2000. This bill prohibits nursing homes and other long-term care facilities operating under the Social Security and Medicaid systems from employing individuals with a demonstrated history of violent, criminal behavior or drug dealing. To that end, it requires these nursing facilities to conduct criminal background checks on all of their prospective employees as part of the hiring process. Nursing facilities that fail to conduct a background check prior to hiring an employee are subject to a civil fine of up to \$5,000. The reason for these requirements is simple: we must ensure that our most defenseless senior Americans—those in need of long-term nursing care—are attended not by people with a demonstrated history of violent, criminal behavior, but by the most qualified and trustworthy individuals available.

The Senior Care Safety Act provides nursing facilities with the tools necessary to accomplish this objective. It requires the Department of Justice to open federal databases of criminal background information to nursing homes so that they can promptly determine if prospective employees have a criminal record. The act provides that the Department of Justice provide this information without charge to the facility or the applicant. Furthermore, it ensures that those who comply with the background check requirement are insulated from liability for refusing to

hire someone prohibited from working in a nursing facility by this provision. Finally, it guarantees the privacy of those individuals who are denied such employment due to a criminal record by prohibiting the use by a nursing facility of an individual's background information for any purpose other than complying with this act.

It is tragic that a bill like this is necessary. But, while the overwhelming majority of those who care for the more than 40,000 senior citizens receiving 24-hour care in my home state of Missouri, and the more than 1.5 million of such seniors nationwide are dedicated and caring individuals, there are unfortunately too many examples of those who take advantage of this position of trust. There are far too many stories of convicted violent felons who have slipped through the cracks in the hiring process and have physically or mentally abused our frailest citizens in the very institutions that their families have entrusted them for care. This bill will play an important role in ensuring that when a family entrusts their loved ones to a nursing facility, they can rest assured that those who are looking after them are not violent felons. I look forward to working with my fellow Senators to pass this important legislation in the time remaining this year.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3066

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 "Senior Care Safety Act of 2000".

SEC. 2. CRIMINAL BACKGROUND CHECKS FOR NURSING FACILITY WORKERS.

(a) MEDICARE.—

(1) REQUIREMENT TO CONDUCT CRIMINAL BACKGROUND CHECKS.—Section 1819(d)(4) of the Social Security Act (42 U.S.C. 1395i-3(d)(4)) is amended—

(A) by redesignating subparagraph (B) as subparagraph (C); and

(B) by inserting after subparagraph (A) the following new subparagraph:

“(B) SCREENING OF WORKERS.—

“(i) IN GENERAL.—A skilled nursing facility shall not knowingly employ an individual unless the individual has passed a criminal background check conducted in accordance with the requirements of clause (ii).

“(ii) REQUIREMENTS.—

“(I) NOTIFICATION.—Not later than 180 days after the date of enactment of this subparagraph, the Secretary, in consultation with the Attorney General, shall notify skilled nursing facilities of the requirements of this subparagraph.

“(II) SKILLED NURSING FACILITY REQUIREMENTS.—

“(aa) PROVISION OF STATEMENTS TO APPLICANTS.—Not later than 180 days after a skilled nursing facility receives a notice in accordance with subclause (I), the skilled

nursing facility shall adopt and enforce the requirement that each applicant for employment at the skilled nursing facility shall complete the written statement described in subclause (III).

“(bb) TRANSMITTAL OF COMPLETED STATEMENTS.—Not later than 5 business days after a skilled nursing facility receives such completed written statement, the skilled nursing facility shall transmit such statement to the Attorney General.

“(III) STATEMENT DESCRIBED.—The written statement described in this subclause shall contain the following:

“(aa) The name, address, and date of birth appearing on a valid identification document (as defined section 1028(d)(2) of title 18, United States Code) of the applicant, a description of the identification document used, and the applicant's social security account number.

“(bb) A statement that the applicant has never been convicted of a crime of violence or of a Federal or State offense consisting of the distribution of controlled substances (as that term is defined in section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)).

“(cc) The date the statement is made.

“(IV) ATTORNEY GENERAL REQUIREMENTS.—

“(aa) IN GENERAL.—Upon receipt of a completed written statement from a skilled nursing facility, the Attorney General, using information available to the Department of Justice, shall notify the facility of the receipt of such statement and promptly determine whether the applicant completing the statement has ever been convicted of a crime described in subclause (III)(bb).

“(bb) NOTIFICATION OF FAILURE TO PASS.—Not later than 5 business days after the receipt of such statement, the Attorney General shall inform the skilled nursing facility transmitting the statement if the applicant completing the statement did not pass the background check. A skilled nursing facility not so informed within such period shall consider the applicant completing the statement to have passed the background check.

“(cc) NO FEE.—In no case shall a skilled nursing facility or an applicant be charged a fee in connection with the background check process conducted under this clause.

“(iii) LIMITATION ON USE OF INFORMATION.—A skilled nursing facility that obtains criminal background information about an applicant pursuant to this subparagraph may use such information only for the purpose of determining the suitability of the worker for employment.

“(iv) NO ACTION BASED ON FAILURE TO HIRE.—In any action against a skilled nursing facility based on a failure or refusal to hire an applicant, the fact that the applicant did not pass a background check conducted in accordance with this subparagraph shall be a complete defense to such action.”

(2) PENALTIES.—Section 1819(h)(1) of the Social Security Act (42 U.S.C. 1395i-3(h)(1)) is amended—

(A) by striking the heading and inserting “STATE AUTHORITY”;

(B) in the first sentence—

(i) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii) and indenting such clauses appropriately; and

(ii) by striking “If a State” and inserting the following:

“(A) IN GENERAL.—If a State”;

(C) in the second sentence, by striking “If a State” and inserting the following:

“(C) PENALTIES FOR PRIOR FAILURES.—If a State”;

(D) by inserting after subparagraph (A) (as added by subparagraph (B)(ii) of this paragraph) the following new subparagraph: