



**Legislative Bulletin.....December 10, 2013**

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**H.R. 3627 - Kilah Davenport Child Protection Act of 2013  
(Pittenger, R-NC)**

**Order of Business:** H.R. 3627 is scheduled to be considered on the floor on Tuesday, December 10, 2013, under a motion to suspend the rules and pass the bill, which requires a two-thirds majority vote for passage.

**Summary:** [H.R. 3627](#) requires the Attorney General to submit two reports to the House and Senate Judiciary Committees on the criminal penalties for child abuse in each of the 50 states, the District of Columbia, and the U.S. territories. Specifically, the bill calls for the Justice Department to determine whether these areas provide enhanced penalties when the victim of abuse has suffered “serious bodily injury, or permanent or protracted loss or impairment of any mental or emotional function.” The first report shall be submitted no later than 180 days after enactment of this Act and the second report shall be submitted again three years later.

The legislation also amends the federal definition of domestic assault by a habitual offender ([18 USC § 117](#)) to include the final conviction of any assault, sexual abuse, or serious violent felony against “a child of or in the care of the person committing the domestic assault.” Through this amendment, prior convictions for the abuse of a child may be used to trigger the offense of domestic assault by a habitual offender in areas where the federal government has an increased role in enforcing justice, such as Indian country and special maritime and territorial jurisdictions. This offense is punishable by a fine and/or a maximum of five years imprisonment. For cases where there is substantial bodily injury, the maximum is increased to up to ten years imprisonment.

**Additional Background:** The bill is named for 4-year-old Kilah Davenport, who suffered serious injuries after her stepfather beat her in May 2012. Kilah was put into a coma and suffered a broken collarbone, a fractured skull, brain damage, and paralysis. Her stepfather has been charged with felony child abuse and is awaiting trial.

**Committee Action:** Rep. Robert Pittenger introduced H.R. 3627 on December 2, 2013, when the legislation was referred to the Judiciary Committee. On December 4, 2013, the Judiciary Committee held a [Mark-Up Session](#) and reported the bill favorably by voice vote.

**Administration Position:** No Statement of Administrative Policy was available at time of press.

**Cost to Taxpayers:** No Congressional Budget Office cost estimate was available at time of press.

**Does the Bill Expand the Size and Scope of the Federal Government?** No.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?** No.

**Does the Bill Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

**Constitutional Authority:** According to the bill sponsor, “Congress has the power to enact this legislation pursuant to the following: Article I, Section 8, Clause 18 of the United States Constitution, the Necessary and Proper Clause.” The Constitutional Authority Statement accompanying this bill can be found [here](#).

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## **H.R. 1447 – Death in Custody Reporting Act of 2013 (Scott, D-VA)**

**Order of Business:** H.R. 1447 is scheduled to be considered on the floor on December 10, 2013, under a motion to suspend the rules and pass the bill, which requires a two-thirds majority vote for passage.

**Summary:** [H.R. 1447](#) reauthorizes the Department of Justice’s Bureau of Justice Statistics (BJS) [Deaths in Custody Reporting Program](#) (DCRP), which collects data on deaths that occur in the process of arrest, or while inmates are in the custody of local jails or state prisons. The program requires states to report certain information regarding the death of detained, arrested, or incarcerated persons in state or local facilities.

The required reporting information must include the following:

- (1) the name, gender, race, ethnicity, and age of the deceased;
- (2) the date, time, and location of death;
- (3) the law enforcement agency that detained, arrested, or was in the process of arresting the deceased; and
- (4) a brief description of the circumstances surrounding the death.

If states fail to comply with such reporting requirements, the Attorney General may impose up to a 10 percent reduction of Federal Byrne JAG funding<sup>1</sup> for that fiscal year. Any reduction in federal funds allocated to one state for lack of compliance shall be absorbed and reallocated to compliant states. The bill additionally expands the reporting requirements to federal law enforcement agencies.

The bill also directs the Department of Justice to prepare a report, within two years of enactment, on the information provided by federal agencies and states and on ways to reduce the number of deaths of persons in custody.

**Additional Background:** The DCRP was originally authorized in 2000 under [P.L. 106-297](#), which required the collection and dissemination of data on deaths that occur in local jails, state prisons, and during the process of arrests by state and law enforcement agencies. The program did not apply under this law to federal prisons. Prior to this law, the Bureau of Justice Statistics (BJS) collected aggregate counts of deaths in correctional facilities, and did not collect individual-level data. Despite the program's expiration in 2006, BJS has continued to collect this data and to provide statistics and in-depth analytical reports. According to [BJS](#), the collect of individual-level data provides for "detailed analyses of comparative death rates across demographic categories and offense types, as well as facility and agency characteristics."

A similar bill, [H.R. 2189](#), was offered last Congress and passed the House by a vote of [398-18](#). The Legislative Bulletin for H.R. 2189 can be found [here](#).

**Committee Action:** H.R. 1447 was introduced on April 9, 2013, and referred to the Committee on the Judiciary. On April 30, 2013, it was referred to the Subcommittee on Crime, Terrorism, Homeland Security, and Investigations and was discharged on December 3, 2013. On December 4, 2013, the Full Committee held a mark-up session and reported the bill favorable by voice vote.

**Administration Position:** No Statement of Administrative Policy was available at time of press.

**Cost to Taxpayers:** According to the [Congressional Budget Office](#), implementing H.R. 1447 would have "no significant cost to the federal government."

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<sup>1</sup> Federal funds available to states under subpart 1 of Part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.) whether characterized as the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs, the Local Government Law Enforcement Block Grants Program, the Edward Byrne Memorial Justice Assistance Grant Program, or otherwise.

**Does the Bill Expand the Size and Scope of the Federal Government?** No.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?** No.

**Does the Bill Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

**Constitutional Authority:** According to the bill sponsor, “Congress has the power to enact this legislation pursuant to the following: Article I, Section 8, Clause 3, U.S. Constitution.” The Constitutional Authority Statement accompanying this bill can be found [here](#).

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## **H.R. 3521 - The Department of Veterans Affairs Major Medical Facility Lease Authorization Act of 2013 — (Miller-R, FL)**

**Order of Business:** [H.R. 3521](#) is scheduled to be considered on December 10, 2013, under a motion to suspend the rules and pass the bill, which requires a two-thirds majority vote for passage.

**Summary:** This bill authorizes major medical facility leases through the Department of Veterans Affairs (VA) at specified locations with loan amounts that are not to exceed the amount dictated for each location. Locations specified in this bill include:

- Albuquerque, New Mexico
- Brick, New Jersey
- Charleston, South Carolina
- Cobb County, Georgia
- Honolulu, Hawaii
- Johnson County, Kansas
- Lafayette, Louisiana
- Lake Charles, Louisiana
- New Port Richey, Florida
- Ponce, Puerto Rico
- San Antonio, Texas
- San Diego, California
- Tyler, Texas
- West Haven, Connecticut
- Worcester, Massachusetts
- Cape Girardeau, Missouri
- Chattanooga, Tennessee
- Chico, California
- Chula Vista, California
- Hines, Illinois
- Houston, Texas
- Lubbock, Texas
- Myrtle Beach, South Carolina
- Lincoln, Nebraska
- Phoenix, Arizona
- Redding, California
- Tulsa, Oklahoma

The Secretary is required to record the full cost of the contractual obligation of the total amount of payments for the full term of the lease or the lease payments for the first year plus the cancellation costs. Increased transparency for the leases is also included which includes the

classification of the lease, analysis of obligation of budgetary resources and an analysis of the methodology used when determining the cost, value and cancellation cost of the lease.

In addition, the Secretary must submit to Congress not less than 30 days before entering into a major medical facility lease information and details about the lease and its compliance with the Office of Management and Budget Circular A-11. Finally, not more than 30 days after entering a lease, the Secretary must submit an addition report to Congress noting differences between the lease that was entered into and the proposed lease described.

**Additional Background:** Under current law, the VA must receive specific legislative authorizations to lease medical facilities with average annual rental payments in excess of \$1 million. The purpose is for Congress to ensure there is equitable distribution of medical facilities throughout the United States.

**Committee Action:** This bill was referred to the House Veterans' Affairs Committee and was marked-up on November 20, 2013. The committee [passed](#) this bill by voice vote.

**Administration Position:** No Statement of Administration Position was available at this time.

**Cost to Taxpayers:** [CBO](#) estimates that enacting this bill would increase direct spending by about \$1.4 billion over the 2014-2023 period. In addition, CBO assumes the appropriation of the necessary amounts, therefore, implementing the bill would have a discretionary cost of \$124 million over the 2014-2023 period and enacting H.R. 3521 would not affect federal revenues.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** No.

**Constitutional Authority:** According to the sponsor, "Congress has the power to enact this legislation pursuant to the following: Article I, Section 8 of the United States Constitution."

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## H.R. 1402 - VA Expiring Authorities Extension Act of 2013— (Coffman-R, CO)

**Order of Business:** [H.R. 1402](#) is scheduled to be considered on December 10, 2013, under a motion to suspend the rules and pass the bill, which requires a two-thirds majority vote for passage.

**Summary:** This bill authorizes the extension of appropriations, reauthorizations of programs and authority for programs found with Veterans' Affairs (VA).

Extensions of authorization of appropriations found in this piece of legislation include:

- Payment of monthly assistance allowance to disabled veterans training or competing in large-scale adaptive programs.

Reauthorizations found in this piece of legislation include:

- Reauthorization and modification of adaptive sports assistance programs.
  - Several changes are made to current law, including:
    - Grants can be made to eligible entities (prior law directs grants to United States Paralympics, Inc.) for planning, developing, managing and implementing programs to provide adaptive sports opportunities for disabled veterans and disabled members of the Armed Forces.
    - Increased disclosures on grant applications which detail anticipated personnel, travel, and administrative costs that will be paid for out of grant funds, how they will track the expenditure of grant funds, and performance metrics.

Extensions of authority found in this piece of legislation include:

- Transport certain individuals to and from VA facilities.
- Operation of the VA Regional office in Manila the Republic of the Philippines.
- Requirement to provide nursing home care to certain veterans with service-connected disabilities.
- Treatment and rehabilitation services for seriously mentally ill and homeless veterans.
- Extension to provide housing assistance for homeless veterans.
- Authority for the Advisory Committee on Homeless Veterans.
- Authority for Veterans' Advisory Committee on Education.
- Extension of requirements relating to vendee loans.
- Authority for the performance of medical disabilities examinations by contract physicians.

**Committee Action:** This bill was referred to the House Committee on Veterans' Affairs. The Subcommittee on Economic Opportunity held a markup on April 25, 2013, and forwarded the bill to the full committee by voice vote.

**Administration Position:** No Statement of Administration Position is available at this time.

**Cost to Taxpayers:** According to [CBO](#), the legislation would extend expiring authorities for programs administered by the Department of Veterans Affairs. Those provisions would have effects on spending subject to appropriation, but would not have any effect on direct spending or revenues.

**Does the Bill Expand the Size and Scope of the Federal Government?:** No.

**Constitutional Authority:** According to the sponsor, "Congress has the power to enact this legislation pursuant to the following: Article I, section 8, of the Constitution of the United States."

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**S. 1471 - Alicia Dawn Koehl Respect for National Cemeteries Act —  
(Coats -R, IN)**

**Order of Business:** [S. 1471](#) is scheduled to be considered on December 10, 2013, under a motion to suspend the rules and pass the bill, which requires a two-thirds majority vote for passage.

**Summary:** This bill authorizes the Secretary of Veterans Affairs and the Secretary of the Army to reconsider a decision to inter or honor a person in the National Cemetery Administration or in the Arlington National Cemetery upon receiving information that the individual may have committed a federal or state capital crime, but was not convicted due to unavailability for trial due to death before prosecution.

In the event a person has been found to have committed a federal or state capital crime, the appropriate federal official is to provide notice to the deceased next of kin or other person authorized to arrange burial or memorialization of said person. The next of kin or other person is given 60 days to file a notice of disagreement. When the decision becomes final, the bill authorizes the appropriate federal official to disinter the remains or remove the memorial headstone.

Section 3 includes the disinterment of remains of Michael LaShawn Anderson from Fort Custer National Cemetery and lays out the notification procedure for the next of kin.

**Additional Background:** Current law prohibits those who “have committed a Federal or State capital crime but were unavailable for trial due to death” from being buried in a national cemetery. This bill gives specific authority to exhume Michael LeShawn Anderson who, according to the sponsor, shot and killed Alicia Dawn Koehl on May 30, 2012. When requested to exhume the Anderson, the VA rejected the request and claimed it did not have the authority to exhume the remains of an ineligible veteran buried by mistake.

**Committee Action:** The bill was discharged by Unanimous Consent by the Senate Committee on Veterans’ Affairs on November 18, 2013. It then [passed](#) the Senate by Unanimous Consent on November 18, 2013.

**Administration Position:** No Statement of Administration Position is available at this time.

**Cost to Taxpayers:** No CBO score was available at this time.

**Does the Bill Expand the Size and Scope of the Federal Government?:** No.

**Does the Bill Delegate Any Legislative Authority to the Executive Branch?:** No.

**Does the Bill Contain Any Earmarks/Limited Tax Benefits/Limited Tariff Benefits?:** No.

**Constitutional Authority:** Senate Rules do not require a statement of constitutional authority to accompany legislation upon introduction.

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## **H.R. 3212 - Sean and David Goldman International Child Abduction Prevention and Return Act of 2013, as amended (Smith-R, NJ)**

**Order of Business:** The legislation is scheduled to be considered on December 10, 2013, under a motion to suspend the rules and pass the bill, which requires a two-thirds majority vote for passage.

**Summary:** The legislation contains multiple findings, including:

“The Department of State’s Office of Children’s Issues, which serves as the Central Authority of the United States for the purposes of the 1980 Hague Convention on the Civil Aspects of International Child Abduction, has received thousands of requests since 2007 for assistance in the return to the United States of children who have been abducted by a parent or other legal guardian to another country. For a variety of reasons reflecting the significant obstacles to the recovery of abducted children, as well as the legal and factual complexity involving such cases, not all cases are reported to the Central Authority of the United States.”

The legislation directs the Secretary of State to submit a report, by March 31 of each year, on International Child Abduction. This report shall replace the existing Hague Convention Compliance Report. The legislation contains several requirements for the report, including that it list counties that have had one or more abduction cases during the following year, and list if that country has ratified the Convention on the Civil Aspects of International Child Abduction (Convention). For any country that has had 5 or more abduction cases during the preceding year, the report will include the number of cases that have been pending for more than 180 days before the Department of State’s Office of Children Issues, as well as the reason for the delay in the case. The report shall also include the number of unresolved abduction cases, and the length of time that each has been pending, as well as recommendations to improve resolution of abduction cases.

The report shall also include a list of Convention countries that have failed to comply with any of their obligations under the Hague Abduction Convention. Another list will show countries that have demonstrated a pattern of noncompliance with the Convention. This report shall not include identifying information of individuals involved in abduction cases.

When a parent reports an abduction case to the Department of State’s Office of Children Issues, the Secretary shall notify the Members of Congress and the Senators that represent the legal residence of that parent. The legislation directs the Secretary to designate at least one official in each mission to assist parents who are visiting the country to resolve abduction cases.



In cases where the President determines that the government of a foreign country has failed to resolve an unresolved abduction case, the President is authorized and directed to oppose the inaction through a variety of means, including a public condemnation, cancelling a scientific or cultural exchange, the denial of a state visit, or others. This determination by the President shall not prohibit or restrict the provision of medicine, medical equipment or supplies, food, or other life-saving humanitarian assistance.

**Additional Information:** [The Hague Convention on the Civil Aspects of International Child Abduction](#), or Hague Abduction Convention, is a multilateral treaty whose terms were concluded on October 25, 1980. The terms of the Convention went into force on December 1, 1983. As of [June 2013](#), there are 90 States that are party to the convention.

The Hague Abduction Convention is the primary civil legal mechanism for parents seeking the return of their child from another treaty partner country. Countries that have submitted to the terms of the Convention have agreed that a child who has been removed from one Convention country and retained in another Convention country, in violation of another parent's custodial rights, shall be promptly returned. Any custody dispute shall be resolved in the courts of that jurisdiction. Note that the Convention does not act as an [extradition treaty, does not impose criminal sanctions, and does not adjudicate the merits of a custody dispute](#).

**Committee Action:** H.R. 3212 was introduced on September 28, 2013. A full committee [markup was held](#) on October 10, 2013, and the legislation was favorably reported, as amended, by unanimous consent.

**Administration Position:** No Statement of Administration Policy (SAP) is available.

**Cost to Taxpayers:** CBO estimates that implementing H.R. 3212 would have a gross cost of roughly \$6 million each year. CBO's report can be [viewed here](#).

**Does the Bill Expand the Size and Scope of the Federal Government?:** No.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** According to CBO, H.R. 3212 contains no intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA). The bill could impose private-sector mandates, as defined in UMRA, by directing the President to take one or more actions to compel foreign countries to cooperate in cases involving international child abduction. Among the actions that could be applied against foreign countries are sanctions that would impose mandates on entities in the private sector. For example, a sanction could prohibit entities from engaging in transactions under export license agreements with entities in targeted foreign countries. The cost of the mandate would be any forgone income associated with newly prohibited activities under the sanctions imposed. CBO expects that few, if any, private entities would be affected by the sanction provisions in the bill and that the cost of a mandate, if imposed, would probably fall below the annual threshold for private-sector mandates established in UMRA (\$150 million in 2013, adjusted annually for inflation).

**Does the Bill Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?:** The legislation contains no earmarks, limited tax benefits, or limited tariff benefits.

**Constitutional Authority:** According the sponsor, “Congress has the power to enact this legislation pursuant to the following: Article I, Section 8.” Rep. Smith’s statement in the Congressional Record can be [viewed here](#).

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## **H.R. 1992 – Israel QME Enhancement Act, as amended (Collins, R-GA)**

**Order of Business:** The legislation is scheduled to be considered on December 10, 2013, under a motion to suspend the rules and pass the bill, which requires a two-thirds majority vote for passage.

**Summary:** H.R. 1992 increases the frequency that the Secretary of State must report to Congress on Israel’s qualitative military edge (QME) over threats to their security.

The legislation also directs the Secretary to, within 90 days of enactment, report to Congress on the range of cyber and asymmetric threats posed to Israel by state and non-state actors. This report will also detail the joint efforts of the U.S. and Israel to address these threats. This report shall be unclassified and shall be sent to the House Foreign Affairs Committee and the Senate Foreign Relations Committee.

**Committee Action:** H.R. 1992 was introduced on May 15, 2013, and was referred to the House Foreign Affairs Committee. A full [committee markup was held](#) on November 20, 2013, and the legislation was favorably reported by unanimous consent, as amended.

**Administration Position:** No Statement of Administration Policy (SAP) is available.

**Cost to Taxpayers:** CBO estimates that implementing these reporting requirements would have discretionary costs of less than \$500,000 over the 2014-2018 period. CBO’s report can be [viewed here](#).

**Does the Bill Expand the Size and Scope of the Federal Government?:** No.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** According to CBO, H.R. 1992 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

**Does the Bill Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?:** The legislation contains no earmarks, limited tax benefits, or limited tariff benefits.

**Constitutional Authority:** According the sponsor, “Congress has the power to enact this legislation pursuant to the following: Congress has authority under Article I, Section 8, cl. 3, the Interstate Commerce Clause, to regulate interstate and foreign commerce. Congress has authority under Article I, Section 8, cl. 18, the Necessary and Proper Clause, to effectuate its powers enumerated elsewhere.” Rep. Collins’ statement in the Congressional Record can be viewed here.

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## **H.R. 3509 – Assessing Progress in Haiti Act of 2013, as amended (Lee, D-CA)**

**Order of Business:** The legislation is scheduled to be considered on December 10, 2013, under a motion to suspend the rules and pass the bill, which requires a two-thirds majority vote for passage.

**Summary:** The legislation intends to increase Congressional oversight during the rebuilding process in Haiti, after the earthquake that struck near the capital city of Port-au-Prince on January 12, 2012.

The legislation states that it is the policy of the United States to “support the sustainable rebuilding and development of Haiti in a manner that:

- 1) promotes efforts that are led by and support the Haitian people and the Haitian Government at all levels so that Haitians lead the course of reconstruction and development of Haiti;
- 2) builds the long term capacity of the Government of Haiti and Haitian civil society;
- 3) reflects the priorities and particular needs of both women and men so they may participate equally and to their maximum capacity;
- 4) respects and helps restore Haiti’s natural resources, as well as builds community-level resilience to environmental and weather-related impacts;
- (5) provides timely and comprehensive reporting on goals and progress, as well as transparent post program evaluations and contracting data;
- 5) prioritizes the local procurement of goods and services in Haiti where appropriate; and
- 6) promotes the holding of free, fair, and timely elections in accordance with democratic principles and the Haitian Constitution.

The legislation requires a report from the Secretary of States within 120 days after enactment, and every 180 days thereafter through September 30, 2016. This legislation includes several criteria that must be addressed in the report, including:

- a summary of the Haiti Rebuilding and Development Strategy, including any significant changes to the strategy over the reporting period

- a breakdown of the work that the United States Government agencies other than USAID and the Department of State are conducting in the Haiti recovery effort, and the cost of that assistance;
- an assessment of the progress of United States efforts to advance the objectives of the Haiti Rebuilding and Development Strategy through the “Post-Earthquake USG Haiti Strategy: Toward Renewal and Economic Opportunity” produced by the Department of State, compared to what remains to be achieved to meet specific goals
- a description of United States efforts to consult and engage with Haitian Government ministries and local authorities on the establishment of goals and timeframes, and on the design and implementation of new programs under the Post-Earth-quake USG Haiti Strategy: Toward Renewal and Economic Opportunity;
- consistent with the Government of Haiti’s ratification of the United Nations Convention Against Corruption, a description of United States and Haitian Government efforts to strengthen Haitian Government institutions established to address corruption, as well as related efforts to promote public accountability, meet public outreach and disclosure obligations, and support civil society participation in anti-corruption efforts; and
- a description of efforts to leverage public-private partnerships and increase the involvement of the Haitian private sector in recovery and development activities and coordinate programs with the private sector and other donors.

The legislation includes several findings that contain additional information, including:

- Of the \$3,600,000,000 in United States assistance allocated for Haiti, \$651,000,000 was apportioned to the USAID to support an ambitious recovery plan, including the construction of a power plant to provide electricity for the new Caracol Industrial Park (CIP) in northern Haiti, a new port near the CIP, and permanent housing in new settlements in the Port-au-Prince, St-Marc, and Cap Haïtien areas.
- According to GAO, as of June 30, 2013, USAID had disbursed just 31 percent of its reconstruction funds in Haiti, the port project was 2 years behind schedule and over budget by an estimated \$189,000,000, the housing project has been reduced by 80 percent, and the sustainability of the power plant, the port, and the housing projects were all at risk.
- GAO further found that Congress has not been provided with sufficient information to ensure that it is able to conduct effective oversight at a time when most funding remains to be disbursed, and specifically recommends that a periodic reporting mechanism be instituted to fill this information gap.

**Committee Action:** H.R. 3509 was introduced on November 15, 2013, and was referred to the House Foreign Affairs Committee. A full [committee markup was held](#) on November 20, 2013, and the legislation was favorably reported by unanimous consent, as amended.

**Administration Position:** No Statement of Administration Policy (SAP) is available.

**Cost to Taxpayers:** A CBO estimate is unavailable as of press time.

**Does the Bill Expand the Size and Scope of the Federal Government?:** No.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** No.

**Does the Bill Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?:** The legislation contains no earmarks, limited tax benefits, or limited tariff benefits.

**Constitutional Authority:** According the sponsor, “Congress has the power to enact this legislation pursuant to the following: This bill is enacted pursuant to the power granted to Congress under Article I of the United States Constitution and its subsequent amendments, and further clarified and interpreted by the Supreme Court of the United States.” Rep. Lee’s statement in the Congressional Record can be [viewed here](#).

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## **H.R. 2019 — Gabriella Miller Kids First Research Act of 2013 (Harper - R, MS)**

**Order of Business:** [H.R. 2019](#) is scheduled to be considered on December 10, 2013, under a motion to suspend the rules and pass the bill, which requires a two-thirds majority vote for passage.

**Summary:** This bill amends the Internal Revenue Code to end payments for presidential nominating conventions and all accounts maintained for the national committee. It then transfers the money to a fund in the Treasury to be named the “10-Year Pediatric Research Initiative Fund”.

This piece of legislation amends the Public Health Service Act to require the Director of the National Institutes of Health (NIH) to allocate funds appropriated under this act to the national research institutes and national centers for conducting and supporting research which identifies research that represents important areas of emerging scientific, rising public health challenges or knowledge gaps that deserve special emphasis.

It authorizes for appropriation to the Common Fund out of the 10-Year Pediatric Research Initiative Fund \$12.6 million for each fiscal year 2014- 2023. In addition, it makes clear these funds are to be used to supplement not supplant funds otherwise allocated by the NIH for pediatric research.

**Major Changes Since the Last Time This Legislation was Before the House:** Last Congress, the House passed a bill [239-160](#) to eliminate the taxpayer financing of presidential election campaigns and party conventions. However, the saving incurred went to general fund of the

Treasury, to be used only for deficit reduction unlike this bill which directs the funds to be used for pediatric research.

**Additional Background:** The Federal Election Commission administered the first public funding program in 1976. Eligible Presidential candidates used federal funds in their primary and general election campaigns, and the major parties used public funds to pay for their nominating conventions. In the 112<sup>th</sup> Congress both Chambers passed separate pieces of legislation to eliminate the Presidential Election Campaign Fund.

The NIH Common Fund was enacted into law by Congress through the 2006 NIH Reform Act to support cross-cutting, trans-NIH programs that require participation by at least two NIH Institutes or Centers (ICs) or would otherwise benefit from strategic planning and coordination.

**Committee Action:** This bill was referred to the House Energy and Commerce Committee, Subcommittee on Health, the House Administration Committee and House Ways and Means. The bill awaits further action in each committee.

**Possible Conservative Concerns:** Some conservatives have indicated they would rather incur the savings from eliminating the funding of presidential campaigns and conventions instead of using it for pediatric research at the NIH.

**Administration Position:** No Statement of Administration Position is available at this time.

**Cost to Taxpayers:** [CBO](#) issued an original cost estimate; however, the text of the language has changed slightly since its publication. Original estimates projected a savings of \$130 million in direct spending and would authorize the appropriation of \$13 million a year over the 2014-2023 period for pediatric research.

**Does the Bill Expand the Size and Scope of the Federal Government?:** No.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** No.

**Does the Bill Contain Any Federal Encroachment into State or Local Authority in Potential Violation of the 10<sup>th</sup> Amendment?:** No.

**Constitutional Authority:** According to the sponsor, “Congress has the power to enact this legislation pursuant to the following: Article I, Section 9, Clause 7.”

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***NOTE:*** *RSC Legislative Bulletins are for informational purposes only and should not be taken as statements of support or opposition from the Republican Study Committee.*

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