



Legislative Bulletin.....October 22, 2013

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H.R. 185 - To designate the United States courthouse located at 101 East Pecan Street in Sherman, Texas, as the “Paul Brown United States Courthouse” (Hall, R-TX)

Order of Business: [H.R. 185](#) is scheduled to be considered on October 22, 2013, under a motion to suspend the rules and pass the bill, which requires a two-thirds majority vote for passage.

Summary: This bill designates “the United States courthouse located at 101 East Pecan Street in Sherman, Texas, as the ‘Paul Brown United States Courthouse.’”

Additional Background: According to a fact sheet prepared by the [House Committee on Transportation and Infrastructure](#), “Judge Paul Brown was born in Denison, Texas on Oct. 4, 1926. During World War II, he enlisted in the United States Navy. Upon receiving an honorable discharge in 1946 he returned to the University of Texas. He received his J.D. in 1950 from the University Of Texas School Of Law. In 1950, Judge Brown entered law practice in Sherman, Texas. In 1953, he received an appointment as an Assistant United States Attorney for the Eastern District of Texas. In 1959, Judge Brown was nominated by President Eisenhower to serve as United States Attorney in Tyler, Texas where he served until 1961. In 1985 he was appointed by President Ronald Reagan to serve as District Judge for the Eastern District of Texas. In 2001, he became a senior judge until his death in 2012.”

Committee Action: H.R. 185 was introduced on January 4, 2013, and referred to House Committee on Transportation and Infrastructure. It was favorably reported on July 18, 2013, by [voice vote](#).

Administration Position: No Statement of Administration Policy is available.

Cost to Taxpayers: According to the Congressional Budget Office [cost estimate](#) enacting this “legislation would have no significant impact on the federal budget and would not affect direct spending or revenues.”

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 10th Amendment?: 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: According to the sponsor, “Congress has the power to enact this legislation pursuant to the following: Article I, Section 8, Clause 17 of the United States Constitution.” Congressman Hall’s statement in the Congressional Record can be viewed [here](#).

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H.R. 2083 - Protecting Students from Sexual and Violent Predators Act (Miller, D- CA)

Order of Business: The bill is scheduled to be considered on October 22, 2013, under a motion to suspend the rules and pass the bill, which requires a two-thirds majority vote for passage.

Summary: [H.R. 2083](#) amends the Elementary and Secondary Education Act of 1965 to require criminal background checks for school employees.

This bill would require all states who receive funds under the Elementary and Secondary Education Act to put into place policies which require a criminal background check for each school employee which includes a search of:

- The state criminal registry or repository in the state where the employee resides and previous states of residence;
- State-based child abuse and neglect registries in the state where the employee resides and previous states of residence;
- The FBI fingerprint check identification system; and
- The National Sex Offender Registry.

This bill would prohibit the employment of school employees if he or she:

- Refuses to consent to a criminal background check;
- Makes a false statement in connection to the check;
- Has been convicted of a felony (homicide, child abuse or neglect, crimes against children, including child pornography, spousal abuse, a crime involving rape of sexual assault, kidnapping, arson or physical assault, battery or a drug-related offence committed within the past 5 years); and
- Has been convicted of any other crime that is violent or sexual against a minor.

Additionally, this legislation requires:

- Local education agency or state education educational agency reporting to local law enforcement if someone who has applied is determined to be a sexual predator during the criminal background check;
- Periodically repeated or updated criminal background checks;
- Each school employee being provided with a copy of their criminal background check;
- A timely process for appeal, which can:
 - Challenge the accuracy or completeness of the information provided; and
 - Seek appropriate relief for any final employment decision based on inaccurate or incomplete information.
 - However, during that process the employee may not be employed by the school.

States are allowed to maintain an inventory of all information in the criminal background checks on school employees

Additional Background: [H.R. 5](#), the Student Success Act, which passed the House on July 19, 2013, contains language addressing background checks. Section 5552 makes both local and state education agencies ineligible for funds under the act if they employ someone who refuses to consent to a background check or has been convicted of a felony.

Major Changes Since the Last Time This Legislation was Before the House: A similar version of this bill, [HR 6547](#), passed the House on December 21, 2010, with a vote of [314-20](#).

The only change from the previous version is the allowance of an appeals process. This allows school employees to challenge the accuracy and completeness of the information produced by the background check or to seek appropriate relief for any final employment decision made based on inaccurate or incomplete information.

Committee Action: Representative George Miller introduced H.R. 2083 on May 22, 2013. The bill was referred to the House Education and Workforce Committee subcommittee on Early Childhood, Elementary and Secondary Education.

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

Cost to Taxpayers: There was no CBO score available at this 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?: Yes. This bill requires all states who receive funds under Title IX of the Elementary and Secondary Education Act to conduct background checks on all school employees.

Does the Bill Contain Any Federal Encroachment into State or Local Authority in Potential Violation of the 10th Amendment?: 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?: The legislation does not contain earmarks, limited tax benefits, or limited tariff benefits.

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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H.R. 3205 — Promoting Adoption and Legal Guardianship for Children in Foster Care Act (Camp, R-MI)

Order of Business: The bill is scheduled to be considered on October 22, 2013, under a motion to suspend the rules and pass the bill, which requires a two-thirds majority vote for passage.

Summary: [H.R. 3205](#) extends the Adoption Incentives Grant program from September 30, 2013, to September 30, 2016, and changes the basis of eligibility for the awards from the number of adoptions to the rate of adoptions to ensure states have an incentive to increase adoption placements even as foster care caseloads continue to decline nationwide, which makes it harder to increase the number of adoptions. It also changes the amount awarded when the rate of child adoptions, pre-adolescent adoptions (age 9-13), older child adoptions (age 14+), and foster child guardianships exceeds the base rate (either the rate in FY 2007 or the previous year, whichever is lower). The bill also requires that any funds be used to supplement, not supplant, any Federal or non-Federal funds that are used towards these programs. In addition, the legislation extends the period of time by which incentive payments are available for expenditure from 24-months to 36-months. Under the bill, states will be required to calculate any savings attained by the phase-out of eligibility requirements for adoption assistance payments and to use twenty-percent of savings on post-adoption services.

The bill also ensures that in the event of the death or incapacity of the relative guardian, the assistance payment can still be made to a successor legal guardian named in the kinship guardian assistance agreement.

Finally, the bill contains provisions to improve the collection of unemployment insurance overpayments through tax refund offsets.

Additional Background: The Adoption Incentives program was created under the Adoption and Safe Families Act of 1997 (P.L. 105-89). Congress began providing federal financial support adoption in 1980. The purpose of the program is to encourage adoptions of children from foster care.

November is National Adoption Month. More information can be found [here](#).

The Ways and Means summary of this legislation is available [here](#).

Committee Action: The House Committee on Ways and Means held a hearing on February 27, 2013, regarding the Adoption Incentives Program. More information about the Adoption Incentives program can be found on the Committee website [here](#). This bill was posted online for public comment on August 7th, and comments received were incorporated into the final bill introduced September 27, 2013.

Administration Position: No Statement of Administration Policy is available.

Cost to Taxpayers: A preliminary and informal estimate of the costs of the bill provided by the Congressional Budget Office indicates that this bill will save taxpayers \$7 million over five years and \$24 million over ten years.

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 10th Amendment?: 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: According to the sponsor, "Congress has the power to enact this legislation pursuant to the following: Article I, Section 8, Clause 1 of the United States Constitution, to ``provide for the common Defence and general Welfare of the United States." Congressman Camp's statement in the Congressional Record can be viewed [here](#).

Outside Organizations in Support of the Bill:

- Hillside Families of Agencies
- Christian Heritage
- Family Finding
- Seneca Family of Agencies

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H.R. - - - - — To name the Department of Veterans Affairs medical center in Bay Pines, Florida, as the “C.W. Bill Young Department of Veterans Affairs Medical Center” (Miller, R-FL)

Order of Business: The bill is scheduled to be considered on October 22, 2013, under a motion to suspend the rules and pass the bill, which requires a two-thirds vote for passage.

Summary: This legislation would designate the Department of Veterans Affairs medical center in Bay Pines, Florida the “C.W. Bill Young Department of Veterans Affairs Medical Center”.

Additional Background: Congressman Bill Young of Florida was elected to Congress in 1970 and serving in the Florida Senate from 1961-1970 and served 22 terms in the House of Representatives, Chairing the House Appropriations Committee from 1999-2005. In all, Congressman Young served over 50 years in public office. Throughout his service in the House, Congressman Young was known for his expertise on defense and security issues. Congressman Young passed away on October 18, 2013.

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 Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No

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

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