



Legislative Bulletin.....June 17, 2003

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H.R. 658—Accountant, Compliance, and Enforcement Staffing Act (Baker)

Order of Business: The bill is scheduled to be considered on Tuesday, June 17th, under a motion to suspend the rules and pass the bill.

Summary: H.R. 658 would give the Securities and Exchange Commission (SEC) the permanent authority to hire accountants, economists, and securities compliance examiners on an expedited basis (the way that the federal government currently hires attorneys), without having to undergo the more extensive procedures that have applied to the hiring of those staff positions in the past. This authority would enable the SEC to fill a large number of new positions during the current fiscal year, made necessary primarily by the Sarbanes-Oxley Act (Public Law 107-204).

Not later than 90 days after the end of fiscal year 2003 (covering fiscal year 2003) and 90 days after the end of fiscal year 2005 (covering fiscal years 2004 and 2005), the SEC would be required to submit a report to Congress regarding the exercise of this new hiring authority.

Additional Background: The Sarbanes-Oxley Act created new and strengthened earlier laws and regulations for auditing and corporate disclosures made pursuant to securities laws, and increased penalties for accounting and auditing improprieties. To read more about Sarbanes-Oxley, see: <http://www.house.gov/burton/RSC/LB72502CorpAcctCR.pdf>

Committee Action: On March 20, 2003, the Subcommittee on Capital Markets, Insurance, and Government Sponsored Enterprises marked up and forwarded H.R. 658 to the full Committee on Financial Services by a voice vote. On March 26, 2003, the full Committee marked up and reported H.R. 658 to the full House by voice vote.

Administration Position: On March 6, 2003, the SEC testified before the Subcommittee on Capital Markets, Insurance, and Government Sponsored Enterprises in support of H.R. 658. To read the full statement of support, see:

<http://financialservices.house.gov/media/pdf/030603jm.pdf>

Cost to Taxpayers: CBO estimates that H.R. 658 would have no significant impact on the federal budget.

Does the Bill Create New Federal Programs or Rules?: The bill would give the SEC authority for expedited hiring procedures.

Constitutional Authority: The Financial Services Committee, in House Report 108-63, cites constitutional authority in Article I, Section 8, Clause 1 (the congressional authority to “provide for the common Defence and general Welfare of the United States”) and Clause 3 (the congressional authority to “regulate Commerce with foreign Nations, and among the several States....”).

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S.Con.Res. 43—Expressing the sense of Congress that Congress should participate in and support activities to provide decent homes for the people of the United States (Sen. Brownback)

Order of Business: The bill is scheduled to be considered on Tuesday, June 17, 2003, under a motion to suspend the rules and pass the bill.

Summary: The bill has 16 findings regarding homeownership, mentioning Habitat for Humanity and noting that “Whereas 74.2 percent of Caucasian Americans own their own homes, only 47.1 percent of African Americans, 47.2 percent of Hispanic Americans, and 55.8 percent of Asian Americans and other races are homeowners.” The resolution states:

“That it is the sense of Congress that—

- everyone in the United States should have a decent home in which to live;
- Members of the Senate and the House of Representatives should demonstrate the importance of volunteerism;
- during the years of the 108th and 109th sessions of Congress, Members of the Senate and the House of Representatives, Habitat for Humanity, and contributing organizations, should sponsor and construct 2 homes in the Washington, D.C., metro area each as part of the ‘Congress Building America’ program;
- each Congress Building America house should be constructed primarily by Members of the Senate and the House of Representatives, their families and staffs, and the staffs of sponsoring organizations working with local volunteers involving and symbolizing the partnership of the public, private, and nonprofit sectors of society;

- each Congress Building America house should be constructed with the participation of the family that will own the home;
- in the future, Members of the Senate and the House of Representatives, their families, and their staff should participate in similar house building activities in their own States as part of National Homeownership Month; and
- these occasions should be used to emphasize and focus on the importance of providing decent homes for all of the people in the United States.”

Additional Information: The D.C. Habitat for Humanity receives \$26,246 in government grants and Habitat for Humanity, International, its parent group, receives \$23 million in government grants, according to www.guidestar.org. According to the Habitat for Humanity website, 14% of its funding in FY02 was from federal contracts (<http://www.habitat.org/giving/report/2002/>).

Committee Action: The bill was introduced on May 6, 2003 and passed the Senate by unanimous consent on May 23. It was referred to the House Committee on Financial Services on June 2, though the committee did not consider the legislation.

Cost to Taxpayers: The resolution has no cost.

Does the Bill Create New Federal Programs or Rules?: No.

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H.Res. 171—Commending the University of Minnesota Duluth Bulldogs for winning the NCAA 2003 National Collegiate Women’s Ice Hockey Championship (*Oberstar*)

Order of Business: The resolution is scheduled for consideration on Tuesday, June 17th, under a motion to suspend the rules and pass the bill.

Summary: H.Res. 171 resolves that the House:

- “(1) commends the University of Minnesota Duluth women's hockey team for winning the NCAA 2003 National Collegiate Women's Ice Hockey Championship;
- “(2) recognizes the achievements of all the team's players, coaches, and support staff and invites them to the United States Capitol Building to be honored;
- “(3) requests that the President recognize the achievements of the University of Minnesota Duluth women's hockey team and invite them to the White House for an appropriate ceremony honoring a national championship team; and
- “(4) directs the Clerk of the House of Representatives to make available enrolled copies of this resolution to the University of Minnesota Duluth for appropriate display and to transmit an enrolled copy of this resolution to each coach and member of the NCAA 2003 National Collegiate Women's Ice Hockey Championship team.”

Additional Background: On Sunday, March 23, 2003, the University of Minnesota Duluth Bulldogs won the NCAA Women's Ice Hockey National Championship for the third straight year, defeating Harvard University in double overtime by a score of 4-3.

Committee Action: The resolution was referred to the Committee on Education and the Workforce on April 2, 2003, but was not considered.

Cost to Taxpayers: The resolution authorizes no expenditure but would have a minimal cost associated with making copies of the resolution available to those specified in the bill.

Does the Bill Create New Federal Programs or Rules?: No.

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S. 342—Keeping Children and Families Safe Act of 2003 (Conference Report) (Sen. Gregg)

Order of Business: The bill is scheduled for consideration on Tuesday, June 17th, subject to a rule (H.Res. 276) that waives all points of order against the bill.

Summary: S. 342 reauthorizes the Child Abuse Prevention and Treatment Act (CAPTA), the Adoption Opportunities program, the Abandoned Infants Assistance Act, and the Family Violence Prevention and Services Act (FVPSA).

CAPTA was established in 1974 to create a focal point within the federal government to identify and address the issues of child abuse and neglect and to support effective methods of prevention and treatment. CAPTA was last reauthorized in 1996 and expired at the end of fiscal year 2001.

S. 342 makes a variety of changes to CAPTA (changes from House bill, H.R. 14, indicated in italics):

- Increases the authorization levels for CAPTA programs to \$200 million and such sums (FY 03 appropriations = \$81.7 million);
- Allows states to use funds for partnerships between child protective services and private and community-based organizations;
- *Allows states to use funds for “personal safety training for caseworkers”;*
- Promotes increased collaboration between the child protection system and the juvenile justice system, public agencies and community-based organizations;
- Requires states to develop procedures to address the needs of infants harmed by prenatal alcohol or drug exposure;
- *Requires states to report how CAPTA funds were used to address the purposes of the program;*

- Requires the Secretary of HHS to perform the fourth National Incidence Study, which collects data on children who have been the subject of investigation by child protection agencies and those suspected of being abused;
- Adds language promoting the use of funds to improve the recruitment, training, and retention of child protective services personnel;
- Requires child protective services personnel to inform individuals being investigated for abuse of the allegations or complaints made against them, without compromising the identity of the individual making the allegation;
- Adds language promoting increased public education on the role of the child protection system and the reporting of suspected incidents of child abuse;
- Places greater emphasis on the prevention of child abuse and neglect.

S. 342 reauthorizes the Adoption Opportunities program, which authorizes grants to states and local public and nonprofit agencies for such things as promoting quality standards for adoption services, providing adoption counseling and increasing the placement of foster care children with adoptive families. The bill makes some minor technical changes to the program and requires the Secretary of HHS to conduct a study on the dynamics of successful adoptions. The Adoption Opportunities program is authorized in the bill at \$40 million and such sums (FY 03 appropriations = \$27.4 million).

S. 342 reauthorizes the Abandoned Infants Assistance Act, which authorizes grants to public and private nonprofit agencies for activities such as preventing the abandonment of infants, providing residential care for infants and young children, recruiting and training foster families for abandoned infants, and recruiting and training health and social services personnel to work with abandoned children. The bill makes minor changes to the Act and requires the Secretary of HHS to conduct a study on the annual number of infants and young children who are victims of homicide, characteristics of parents who have abandoned an infant, and an estimate of the annual cost of providing for the care of abandoned infants to federal, state and local governments. S. 342 authorizes \$45 million and such sums for the Act (FY 03 appropriations = \$12.2 million).

S. 342 also reauthorizes the Family Violence Prevention and Services Act, which authorizes grants to states to increase public awareness about family violence and provide immediate shelter and related assistance to victims of family violence and their dependents. The bill repeals several programs, including the Family Member Abuse Information and Documentation Project and Model State Leadership Grants, and extends the authorization of FVPSA programs through 2008 (currently authorized through 2005). *S. 342 requires that once appropriations exceed \$130 million for the state grant program (currently \$127 million), the state must implement programs of multi-system interventions, training, and services for children who witness domestic violence. The bill also requires that once funding for the domestic violence hotline reaches \$3 million (currently \$2.6 million), grants shall be made for costs associated with establishing a secure website to serve as a database of services available to victims of domestic violence.*

Additional Background: The House passed H.R. 14, the Keeping Children and Families Safe Act of 2003, by voice vote on March 26, 2003. S. 342 passed the Senate by unanimous consent on March 19. The conference report for the bills was filed on June 12.

Committee Action: H.R. 14 was referred to the Committee on Education and the Workforce and reported favorably by voice vote on February 13, 2003.

Cost to Taxpayers: A Congressional Budget Office review of H.R. 14 when the bill was considered in the House estimated that total authorizations under H.R. 14 would total **\$2.2 billion from 2003-2007.**

Does the Bill Create New Federal Programs or Rules?: The bill does not create new federal programs but does create new federal rules within current programs as detailed above.

Constitutional Authority: The Education and the Workforce Committee, in House Report 108-26, cited Article I, Section 8, Clause 1, “The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.”

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