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THE REPUBLICAN
STUDY COMMITTEE

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MARK WALKER, CHAIRMAN

H.R.4909 — STOP School Violence Act of 2018, as amended (Rep. Rutherford, R-FL)

CONTACT: [Jay Fields](#), 202-226-9143

FLOOR SCHEDULE:

Scheduled for consideration on March 14, 2018, under suspension of the rules, which requires a 2/3 vote for passage.

TOPLINE SUMMARY:

[H.R. 4909](#), the STOP School Violence Act of 2018, as amended, would reauthorize, modify, and expand a Department of Justice program awarding grants to state and local governments to improve school security.

COST:

A Congressional Budget Office (CBO) estimate for the bill is not available. The bill would authorize annual appropriations of \$75 million for fiscal years 2019 through 2028. Over ten years, that would amount to up to \$750 million.

Rule 28(a)(1) of the Rules of the Republican Conference prohibit measures from being scheduled for consideration under suspension of the rules without an accompanying cost estimate. Rule 28(b) provides that the cost estimate requirement may be waived by a majority of the Elected Leadership.

CONSERVATIVE VIEWS:

Some conservatives may be concerned that the bill would authorize funding for ten years. The [Majority Leader's Sunset Requirement Floor Protocol](#) states that "Any bill or joint resolution authorizing discretionary appropriations or providing new or continued direct spending or establishing or continuing an agency, office or program shall also include a provision sunsetting such authorization, direct spending, agency, office, or program not later than seven years after the first fiscal year spending is authorized or provided under the bill or joint resolution."

- **Expand the Size and Scope of the Federal Government?** Yes, the bill would reauthorize an expired grant program at a higher level of appropriations and expand eligibility for grant funds to private schools, not just public ones. The bill would also increase federal cost share of the grant program.
- **Encroach into State or Local Authority?** Some conservatives may believe that the federal government should play less of a role, not more, in local education systems and that issues

such as school safety are inherently local in nature. Accordingly, some conservatives may believe that funding school safety initiatives should be left to state and local governments.

- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

DETAILED SUMMARY AND ANALYSIS:

[Part AA of the Omnibus Crime Control and Safe Streets Act of 1968](#), as amended, created a matching grant program for school security. The program authorized the Director of the Office of Community Oriented Policing Services (COPS) to make grants to States, units of local government, and Indian tribes to provide improved security, including the placement and use of metal detectors and other deterrent measures, at schools and on school grounds. Appropriations authorization for the program expired in FY 2009.

The bill would reauthorize, modify, and expand the grant program. The bill would revise the purposes for which grant funds may be used. Grants would be focused on evidence-based safety programs that could include violence prevention training, anonymous reporting systems, crisis intervention teams, local law enforcement coordination, deterrent devices, and subgrants to local entities like law enforcement agencies and schools. In addition to need and ability to make security improvements, the bill would add as a factor in grant preference the use of evidenced based strategies.

Under current law, the federal government was prohibited from covering more than 50% of a project through grants, with the state paying for the remainder. The bill would increase the federal share cap to 75%.

The bill would authorize annual appropriations of \$75,000,000 for the grant program from FY 2019 to FY 2028. The bill directs that at least \$50,000,00 of those annual funds would have to be for grants for violence prevention training, anonymous reporting systems, crisis intervention teams, and local law enforcement coordination. The program was previously authorized to receive \$30,000,000 a year for fiscal years 2001 through 2009. [According to the Congressional Research Service \(CRS\)](#), the program has not received funding since FY 2010, when it received an unauthorized appropriation of \$16 million under the Community Oriented Policing Services (COPS) account.

The bill would move the program to under the direction of the Bureau of Justice Assistance rather than the Office of Community Oriented Policing Services.

COMMITTEE ACTION:

H.R. 4909 was introduced on January 30, 2018, and was referred to the House Judiciary Committee. The Committee took no further action on the bill.

ADMINISTRATION POSITION:

An official Statement of Administration Policy is not available.

A [Fact Sheet](#) released by the White House states: “The President supports the framework of the STOP School Violence Act, which provides for State-based grants to implement evidence-based violence prevention programs. Grants will provide States with funds for training, technology, and technical assistance to help schools identify and prevent violent acts.”

CONSTITUTIONAL AUTHORITY:

“Congress has the power to enact this legislation pursuant to the following: Article 1, Section 8 of the United States Constitution.” No specific enumerating clause was identified.

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H.R.3996 — Protecting Access to the Courts for Taxpayers Act (Rep. Issa, R-CA)

CONTACT: [Jay Fields](#), 202-226-9143

FLOOR SCHEDULE:

Scheduled for consideration on March 14, 2018, under suspension of the rules, which requires a 2/3 vote for passage.

TOPLINE SUMMARY:

[H.R. 3996](#), the Protecting Access to the Courts for Taxpayers Act, would allow federal district court judges to transfer certain tax cases to the United States Tax Court (USTC) that have been incorrectly filed in the district court.

COST:

According to a Congressional Budget Office (CBO) [estimate](#), the bill would have insignificant deficit impacts. “Any administrative costs associated with transferring cases between the district courts and the USTC would be insignificant and would be subject to the availability of appropriated funds.” Further, “CBO estimates that enacting the bill would decrease USTC collections of filing fees, and the associated direct spending, by an insignificant amount.” While the bill may affect the timing of federal tax payments and refunds, “CBO estimates that the net effects would be insignificant for each year.”

CONSERVATIVE VIEWS:

- **Expand the Size and Scope of the Federal Government?** No.
- **Encroach into State or Local Authority?** No.
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

DETAILED SUMMARY AND ANALYSIS:

Under current law, certain tax related cases, including cases disputing an IRS Notice of Deficiency or other IRS action, that are incorrectly filed in a federal district court rather than properly with the United States Tax Court (USTC) must be dismissed. Federal district court judges are not authorized under current law to simply transfer the case to the USTC. The petitioning taxpayer would have to refile the case in the USTC after dismissal.

According to the House Judiciary Committee, “[o]ftentimes, this dismissal occurs after the deadline has passed for filing the case in the appropriate tax court, which denies taxpayers their day in court.”

The bill would allow federal district court judges to transfer certain tax cases to the United States Tax Court (USTC) that have been incorrectly filed in the district court to prevent such a situation.

COMMITTEE ACTION:

H.R. 3996 was introduced on October 10, 2017, and was referred to the House Judiciary Committee. On October 12, 2017, the bill was ordered to be reported by voice vote.

ADMINISTRATION POSITION:

A Statement of Administration Policy is not available.

CONSTITUTIONAL AUTHORITY:

“Congress has the power to enact this legislation pursuant to the following: Article I, Section 8, Clause 9.”

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H.R.506 — Preventing Crimes Against Veterans Act of 2017 (Rep. Tom Rooney, R-FL)

CONTACT: [Jay Fields](#), 202-226-9143

FLOOR SCHEDULE:

Scheduled for consideration on March 14, 2018, under suspension of the rules, which requires a 2/3 vote for passage.

TOPLINE SUMMARY:

[H.R. 506](#), the Preventing Crimes Against Veterans Act, would create a new federal criminal law making it illegal for some to defraud a person of the person's veterans' benefits or defraud a person in connection with the person obtaining veterans' benefits.

COST:

According to a Congressional Budget Office (CBO) [estimate](#), "the bill would apply to a relatively small number of offenders, however, so any increase in costs for law enforcement, court proceedings, or prison operations would not be significant. Any such spending would be subject to the availability of appropriated funds." Although the bill would allow the federal government to collect additional civil fines, "CBO expects that any additional revenues and direct spending would not be significant because the legislation would probably affect only a small number of cases."

CONSERVATIVE VIEWS:

- **Expand the Size and Scope of the Federal Government?** Yes, the bill would expand the federal criminal code by creating a new federal crime.
- **Encroach into State or Local Authority?** Some conservatives may believe that the bill violates the principle of federalism embodied in the Tenth Amendment given that the bill criminalizes an action that does not necessarily implicate interstate commerce (as would federal mail and wire fraud laws). Instead, the bill would justify federal intervention based solely on the fact that the item a person is being defrauded of is a benefit the person is entitled to under federal law.
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

DETAILED SUMMARY AND ANALYSIS:

The bill would add a new criminal law to the federal criminal code making it illegal for someone to defraud a person of the person's veterans' benefits or defraud a person in connection with the person

obtaining veterans' benefits. Conviction under the new criminal law would carry a fine, imprisonment of up to 5 years, or both. The bill would cover any benefit provided by federal law for a veteran or a dependent or survivor of a veteran.

Current federal law does not contain a specific statute making defrauding a person of veterans' benefits illegal. Rather, such an action would have to fall under an existing federal criminal law, such as those criminalizing mail and wire fraud. Unlike federal wire and mail fraud statutes, the bill would not require that the criminal action involve a mode of interstate communication or commerce, like an interstate mail carrier or wire transaction. Accordingly, some conservatives may be concerned that the bill diverges from this precedent in lacking an interstate commerce element. Consequently, some conservatives may believe the bill violates the Tenth Amendment which reserved for the states all authority not explicitly conferred to the federal government. The bill's proffered federal nexus is that the item a person is defrauded of was provided to the person by the federal government.

COMMITTEE ACTION:

H.R. 506 was introduced on January 12, 2017, and was referred to the House Judiciary Committee. On January 10, 2018, a mark-up session was held and the bill was ordered to be reported, as amended, by voice vote.

ADMINISTRATION POSITION:

A Statement of Administration Policy is not available.

CONSTITUTIONAL AUTHORITY:

"Congress has the power to enact this legislation pursuant to the following: Article I, Section 8. To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof."

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H.R.3249 — Project Safe Neighborhoods Grant Program Authorization Act of 2017 (Rep. Comstock, R-VA)

CONTACT: [Jay Fields](#), 202-226-9143

FLOOR SCHEDULE:

Scheduled for consideration on March 14, 2018, under suspension of the rules, which requires a 2/3 vote for passage.

TOPLINE SUMMARY:

[H.R. 3249](#), the Project Safe Neighborhoods Grant Program Authorization Act of 2017, would create a new grant program within the Department of Justice (DOJ) designed to “foster and improve existing partnerships between Federal, State, and local agencies, including the United States Attorney in each Federal judicial district, to create safer neighborhoods through sustained reductions in violent crimes.” The bill would authorize the appropriation of \$50 million annually from fiscal years 2018 through 2020 and consolidate several existing grant programs dealing with related subjects into the new grant program.

COST:

According to a Congressional Budget Office (CBO) [estimate](#), assuming appropriation of the authorized amounts, implementing the bill would cost \$130 million over the 2018-2022 period, with the remaining amounts spent in subsequent years.

CONSERVATIVE VIEWS:

- **Expand the Size and Scope of the Federal Government?** Yes, the bill would create a new grant program, but would also consolidate several existing grant programs dealing with related subjects into the new grant program.
- **Encroach into State or Local Authority?** Some conservatives may believe that the prevention of neighborhood crime is an inherently local issue falling within the scope of the state police power, and as such the federal government should not take a role in funding related local efforts.
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

DETAILED SUMMARY AND ANALYSIS:

The bill would authorize the creation of a new grant program within the Department of Justice (DOJ) designed to foster federal and state relations to reduce violence in neighborhoods by fighting gang crime and developing intervention and prevention initiatives.

The bill would require that 30% of grant funds be awarded to established Regional Gang Task Forces in regions experiencing a significant or increased presence of, or high levels of activity from, transnational organized crime groups.

The bill would authorize the appropriation of \$50 million annually from fiscal years 2018 through 2020 and consolidate several existing grant programs dealing with related subjects into the new grant program.

COMMITTEE ACTION:

H.R. 3249 was introduced on July 14, 2017, and was referred to the House Judiciary Committee. On November 2, 2017, a mark-up session was held and the bill was ordered to be reported, as amended, by voice vote.

ADMINISTRATION POSITION:

A Statement of Administration Policy is not available.

CONSTITUTIONAL AUTHORITY:

“Congress has the power to enact this legislation pursuant to the following: Article 1, Section 8, of the U.S. Constitution.”

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