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H.R. 1862 – Global Child Protection Act of 2017 (Rep. Roby, R-AL)

CONTACT: [Jennifer Weinhart](#), 202-226-0706

FLOOR SCHEDULE:

Scheduled for consideration on May 22, 2017 under a suspension of the rules, which requires 2/3 majority for final passage.

TOPLINE SUMMARY:

[H.R. 1862](#) would amend Title 18 of the U.S. Code to expand the definition of “illicit sexual conduct” to include any possible situation in which an adult may abuse a child during the course of foreign travel, regardless of whether the incident was related to prostitution.

COST:

The Congressional Budget Office (CBO) [estimates](#) that enacting H.R. 1862 could result in a small increase in federal prosecutions, which would increase costs for law enforcement, court proceedings, or prison operations. However, CBO estimates the number of such cases would be small, and that any increase in costs would not be significant.

Enacting the bill could affect direct spending and revenues; therefore, pay-as-you-go procedures apply. Because those prosecuted and convicted under H.R. 1862 could be subject to criminal fines, the federal government might collect additional fines if the legislation is enacted. Criminal fines are recorded as revenues, deposited in the Crime Victims Fund, and later spent without further appropriation action. CBO expects that any additional revenues and subsequent direct spending would not be significant because the legislation would probably affect only a small number of cases.

CONSERVATIVE CONCERNS:

- **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:

Child sex tourism [can](#) serve as a loophole in federal law for adults to travel to other countries to engage in sexual acts with a minor, often without repercussions in their own country. [Many](#) engaging in child sex tourism will travel to impoverished countries with poor law enforcement capability and large numbers of children involved in prostitution. While the United States has enacted some legislation to protect against child sex tourism, both through the PROTECT Act and the Trafficking Victims Protection Act, this legislation would be expanding the definition of “illicit sexual conduct,” to include instances of sexually abusing children during the course of foreign travel. The effect of this expansion would be to expand the circumstances that would result in a mandatory minimum sentence of life imprisonment for individuals convicted of illicit sexual conduct, regardless of whether that conduct was related to prostitution and in all cases where the victim was under 12 years old.

COMMITTEE ACTION:

H.R. 1862 was introduced on April 3, 2017 and was referred to the House Committee on the Judiciary. It was ordered reported by voice vote on April 5, 2017.

ADMINISTRATION POSITION:

A Statement of Administration Policy is not available.

CONSTITUTIONAL AUTHORITY:

According to the bill's sponsor: Congress has the power to enact this legislation pursuant to the following: Article I, section 8 of the U.S. Constitution.

H.R. 1842 – Strengthening Children’s Safety Act of 2017 (Rep. Ratcliffe, R-TX)

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FLOOR SCHEDULE:

Scheduled for consideration on May 22, 2017 under a suspension of the rules, which requires 2/3 majority for final passage.

TOPLINE SUMMARY:

[H.R. 1842](#) would amend Title 18 so that state crimes of violence are included as grounds for enhanced penalties for sex offenders that fail to register or report certain information and to ensure that sexual offenses charged under the Uniform Code of Military Justice are treated similarly to those charged in civilian courts.

COST:

A Congressional Budget Office (CBO) estimate is not yet available.

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 CONCERNS:

- **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:

Presently, sex offenders can receive enhanced penalties, if while non-compliant in registration status, a sex offender commits a federal crime of violence or a violent crime under the Uniform Code of Military Justice, District of Columbia law, or tribal or territorial law. Currently, this possibility for enhanced sentencing does not exist if a non-compliant sex offender commits a crime of violence under state law.

This legislation also [closes](#) certain loopholes by addressing enhanced sentencing for prior sex offenses under the Uniformed Code for Military Justice. It would amend federal exploitation laws to similarly include sex offense convictions under the Uniformed Code for Military Justice as it applies to recidivism.

COMMITTEE ACTION:

H.R. 1862 was introduced on March 30, 2017 and was referred to the House Committee on the Judiciary. It was ordered reported by voice vote on April 5, 2017.

ADMINISTRATION POSITION:

A Statement of Administration Policy is not available.

CONSTITUTIONAL AUTHORITY:

According to the bill’s sponsor: Congress has the power to enact this legislation pursuant to the following: Article I, section 8, clauses 1 and 3, of the U.S. Constitution.

H.R. 1188 – Adam Walsh Reauthorization Act of 2017 (Rep. Sensenbrenner, R-WI)

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FLOOR SCHEDULE:

Scheduled for consideration on May 22, 2017 under a suspension of the rules, which requires 2/3 majority for final passage.

TOPLINE SUMMARY:

[H.R. 1188](#) would reauthorize certain programs established under the Sex Offender Registration and Notification Act, including the Sex Offender Management Assistance program and the U.S. Marshal's service to locate and apprehend sex offenders in violation of registration requirements. It would also amend the Adam Walsh Child Protection and Safety Act to prohibit reductions in funding to local jurisdictions based on state non-compliance and to require the Department of Justice to include additional information regarding offenders and victims in its annual report.

COST:

This legislation would authorize the appropriation of \$80 million annually over 2018-2022. The Congressional Budget Office (CBO) [estimates](#) "that implementing H.R. 1188 would cost \$353 million over the 2018-2022 period."

CONSERVATIVE CONCERNS:

- **Expand the Size and Scope of the Federal Government?** No.
- **Encroach into State or Local Authority?** When the program was first signed into law and just before it was again passed in the House in 2012, many states were reluctant to implement the program. By 2016, only 17 states had achieved successful implementation, while another 28 states obtained federal funding by promising to use it for Adam Walsh Act-related activities. Five states refused to implement the legislation because of the prohibitive cost of doing so. Failure to comply results in states losing a portion of federal justice assistance grants, calculated through a specified formula. These states argue that the penalty suffered pales in comparison to the cost of implementing the requirements of the act. Moreover, many of these states also have sex offender programs already implemented that they believe are sufficient and therefore shouldn't be required to implement a costly federal program. Some conservatives may be concerned that this bill could be viewed as needlessly coercive towards individual states, as many states already have successful registration programs, with some even preferring to accept a reduction in federal funding rather than implement a costly federal program.
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

DETAILED SUMMARY AND ANALYSIS:

Additionally, this legislation would reduce the required registration period for certain juvenile offenders that have no further trouble with the law from 25 years to 15 years. It would also allow states, tribes, and territories to exempt information about juvenile delinquent sex offenders from disclosure on a website.

Under current law, a state faces reduced allocations of Department of Justice grants if it is not in compliance with the Adam Walsh act. H.R. 1188 would require states that are subject to such reductions to allocate grant funding that is passed through to local jurisdictions without regard to the reduction, leaving state-wide programs to absorb the totality of the funding reduction. The bill would also amend current law to permit the Attorney General to provide technical assistance to tribal communities.

H.R. 1188 would create an alternative method for sexual offender registrant compliance with in-person verification to allow for the use of video-conference or a similar mechanism.

This legislation would also amend the federal criminal code to include the supervision of sex offenders that have been conditionally released from civil commitments through compliance with court-ordered medical, psychiatric, or psychological treatment in the duties of probation and pretrial officers.

Finally, H.R. 1188 would also extend the statute of limitations for minor victims of sex offenses to file civil actions from three years to ten years following a minor victim's 18th birthday.

COMMITTEE ACTION:

H.R. 1188 was introduced on February 16, 2017 and was referred to the House Committee on the Judiciary. It was ordered reported by voice vote on March 22, 2017.

ADMINISTRATION POSITION:

A Statement of Administration Policy is not available.

CONSTITUTIONAL AUTHORITY:

According to the bill's sponsor: Congress has the power to enact this legislation pursuant to the following: Article I, section 8, clause 1, of the U.S. Constitution.

H.R. 883 – Targeting Child Predators Act of 2017 (Rep. DeSantis, R-FL)

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FLOOR SCHEDULE:

Scheduled for consideration on May 22, 2017 under a suspension of the rules, which requires 2/3 majority for final passage.

TOPLINE SUMMARY:

[H.R. 883](#) would amend Title 18 of the U.S. Code to provide for a certification process for the issuance of non-disclosure agreements that accompany certain administrative subpoenas regarding child exploitation cases. This would allow for the automatic prohibition of a recipient of a subpoena from disclosing the existence of the subpoena for 180 days.

COST:

The Congressional Budget Office (CBO) [estimates](#) “that implementing H.R. 883 would have no significant effect on the federal budget.”

CONSERVATIVE CONCERNS:

- **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:

In 1998, [Congress](#) authorized the FBI to use administrative subpoenas in child exploitation investigations, due to the need for expediency. Congress tailored the provision so the FBI could gather non-content information from service providers, extending the provision only to cases of potential child exploitation. Recently, service providers have begun disclosing the issuance of these subpoenas to their customers, including those being investigated. This can often times put potential victims in danger and lead to the destruction of evidence. Because of this, officers must now apply for non-disclosure orders, which slows down a process that was purposefully made more efficient.

This legislation would allow for the issuer of the subpoena to direct its recipient to not disclose the existence of the subpoena for 180 days. This option would only be available in cases where the issuer certifies that there is a risk of harm, flight, damage to evidence, or other exigent circumstance.

The certification process would permit recipients to challenge the order through judicial review of the nondisclosure requirements.

COMMITTEE ACTION:

H.R. 883 was introduced on February 6, 2017 and was referred to the House Committee on the Judiciary. It was ordered reported by voice vote on March 22, 2017.

ADMINISTRATION POSITION:

A Statement of Administration Policy is not available.

CONSTITUTIONAL AUTHORITY:

According to the bill's sponsor: Congress has the power to enact this legislation pursuant to the following: Article I, section 8, Clause 1 (relating to providing for the general welfare of the United States) and Clause 18 (relating to the power to make all laws necessary and proper for carrying out the powers vested in Congress).

H.R. 695 – Child Protection Improvements Act of 2017 (Rep. Schiff, D-CA)

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FLOOR SCHEDULE:

Scheduled for consideration on May 22, 2017 under a suspension of the rules, which requires 2/3 majority for final passage.

TOPLINE SUMMARY:

[H.R. 695](#) would make permanent and expand an existing [pilot program](#) to provide access to a national history background check system and criminal history review program for entities whose employees would have access to children, the elderly, or disabled individuals as part of their employment.

COST:

The Congressional Budget Office (CBO) [estimates](#) “that implementing the new program would cost less than \$500,000 annually; any such spending would be subject to the availability of appropriated funds.”

CONSERVATIVE CONCERNS:

Some members may be concerned that implementation of the program could result in violations of an individual’s privacy rights.

- **Expand the Size and Scope of the Federal Government?** Yes.
- **Encroach into State or Local Authority?** No.
- **Delegate Any Legislative Authority to the Executive Branch?** Yes. The bill would direct the Attorney General to establish criteria to determine the fitness of an employee by regulation.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

DETAILED SUMMARY AND ANALYSIS:

[Cases](#) of abuse in nursing homes, assisted living facilities, and child care facilities continue to crop up. Individuals living in or attending these facilities are typically more vulnerable, often times lacking the capacity to resist or ask for help. Caretakers of the elderly, disabled, or children are tasked with performing sensitive duties with their charges and some have perpetrated offenses against those for whom they are tasked with caring.

Because some states provide limited access to federal criminal background checks to organizations that provide services to youth, the elderly, and the disabled, this legislation would require the Attorney General to establish a national criminal history background check and criminal history review program to provide access to qualified entities in states that do not already have similar procedures and do not prohibit the use of the program. Individuals subject to the heightened checks would be permitted to challenge the accuracy and completeness of any information uncovered. A designated entity would, upon receipt of information, make a determination of physical fitness of a potential employee. The Attorney General would establish criteria for the determination of physical fitness.

For background checks performed pursuant to state requirements after December 20, 1993, with fingerprinting, fees collected may not exceed \$8 or the actual cost, whichever is less. In the case of a federal program fees will be set at a level that would ensure full recovery or costs.

A fee system would be established in a manner to ensure that fees do not discourage volunteers from participating in the programs to care for the elderly, disabled, or children.

A similar program was carried out as a [pilot program](#) under the PROTECT Act (PL 108-21), which allowed states to create a process for covered entities to access background checks for their employees.

COMMITTEE ACTION:

H.R. 695 was introduced on January 24, 2017 and was referred to the House Committee on the Judiciary. It was ordered reported by voice vote on March 22, 2017.

ADMINISTRATION POSITION:

A Statement of Administration Policy is not available.

CONSTITUTIONAL AUTHORITY:

According to the bill's sponsor: Congress has the power to enact this legislation pursuant to the following: Article I, section 8, Clause 18, the Necessary and Proper Clause. The Necessary and Proper Clause supports the expansion of congressional authority beyond the explicit authorities that are directly discernible from the text. Additionally, the Preamble to the Constitution provides support of the authority to enact legislation to promote the General Welfare.

H.R. 1625 – Targeted Rewards for the Global Eradication of Human Trafficking Act (TARGET) Act (Royce, R-CA)

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FLOOR SCHEDULE:

Expected to be considered on May 23 under a suspension of the rules, which requires a 2/3 majority for passage.

TOPLINE SUMMARY:

[H.R. 1725](#) would clarify that the Secretary of State is authorized to issue rewards to individuals who furnish information leading to the arrest or conviction of any individual involved in severe forms of trafficking in persons.

COST:

The [Congressional Budget Office \(CBO\)](#) expects that the department could offer individual awards of up to \$1 million to \$2 million under the bill. However, CBO has no basis for estimating whether implementing the bill would have discretionary costs because it cannot determine whether the department would offer awards under this authority, or how many, or when such awards might be paid.

CONSERVATIVE CONCERNS:

- **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, the Secretary of State is authorized to offer rewards (typically of up to \$25 million, with limited exceptions for higher awards) for information that leads to the arrest or conviction of individuals involved in international criminal activities and terrorism. H.R. 1625 would amend the definition of “[transnational organized crime](#)” to explicitly include [severe forms of trafficking in persons](#), thus allowing for rewards for individuals furnishing information that results in the arrest or conviction of individuals involved in human trafficking. Any rewards paid under the bill would be subject to the availability of discretionary appropriations.

COMMITTEE ACTION:

This bill was introduced on March 30, 2017 and referred to the House Committee on Foreign Affairs, which ordered the bill reported by voice vote on May 3.

ADMINISTRATION POSITION:

No Statement of Administration Policy is available at this time.

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. No specific enumerating clause was identified.