

Suspend the Rules and Pass the Bill (H.R. 3092) With an Amendment

(The amendment strikes all after the enacting clause and inserts a new text.)

113TH CONGRESS
1ST SESSION

H. R. 3092

To amend the Missing Children's Assistance Act, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 12, 2013

Mr. GUTHRIE (for himself, Mr. KLINE, and Mr. WALBERG) introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To amend the Missing Children's Assistance Act, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “E. Clay Shaw, Jr.
5 Missing Children's Assistance Reauthorization Act of
6 2013”.

1 **SEC. 2. AMENDMENTS.**

2 (a) FINDINGS.—Section 402 of the Missing Chil-
3 dren’s Assistance Act (42 U.S.C. 5771) is amended—

4 (1) by redesignating paragraphs (3) through
5 (9) as paragraphs (4) through (10), respectively,
6 and

7 (2) by inserting after paragraph (2) the fol-
8 lowing:

9 “(3) many missing children are runaways;”.

10 (b) DUTIES AND FUNCTIONS OF ADMINISTRATOR.—
11 Section 404 of the Missing Children’s Assistance Act (42
12 U.S.C. 5773) is amended—

13 (1) in subsection (a)—

14 (A) in paragraph(5)—

15 (i) by striking “Representatives, and”
16 and inserting “Representatives, the Com-
17 mittee on Education and the Workforce of
18 the House of Representatives,” and

19 (ii) by inserting “, and the Committee
20 on the Judiciary of the Senate” after
21 “Senate”,

22 (B) by redesignating paragraphs (4) and
23 (5) as (5) and (6), respectively, and

24 (C) by inserting after paragraph (3) the
25 following:

1 “(4) coordinate with the United States Inter-
2 agency Council on Homelessness to ensure that
3 homeless services professionals are aware of edu-
4 cational resources and assistance provided by the
5 Center regarding child sexual exploitation;”,

6 (2) in subsection (b)—

7 (A) in paragraph (1)—

8 (i) in subparagraph (C)—

9 (I) by striking “and” after “gov-
10 ernments,”, and

11 (II) by inserting “State and local
12 educational agencies,” after “agen-
13 cies,”,

14 (ii) in subparagraph (R) by striking
15 “and” at the end,

16 (iii) in subparagraph (S) by striking
17 the period at the end and inserting a semi-
18 colon, and

19 (iv) by adding at the end the fol-
20 lowing:

21 “(T) provide technical assistance and
22 training to State and local law enforcement
23 agencies and statewide clearinghouses to coordi-
24 nate with State and local educational agencies
25 in identifying and recovering missing children;

1 “(U) assist the efforts of law enforcement
2 agencies in coordinating with child welfare
3 agencies to respond to foster children missing
4 from the State welfare system; and

5 “(V) provide technical assistance to law en-
6 forcement agencies and first responders in iden-
7 tifying, locating, and recovering victims of, and
8 children at risk for, child sex trafficking.”, and

9 (B) by amending paragraph (2) to read as
10 follows:

11 “(2) LIMITATION.—

12 “(A) IN GENERAL.—Notwithstanding any
13 other provision of law, no Federal funds may be
14 used to pay the compensation of an individual
15 employed by the Center if such compensation,
16 as determined at the beginning of each grant
17 year, exceeds 110 percent of the maximum an-
18 nual salary payable to a member of the Federal
19 Government’s Senior Executive Service (SES)
20 for that year. The Center may compensate an
21 employee at a higher rate provided the amount
22 in excess of this limitation is paid with non-
23 Federal funds.

1 “(B) DEFINITION OF COMPENSATION.—

2 For the purpose of this paragraph, the term
3 ‘compensation’—

4 “(i) includes salary, bonuses, periodic
5 payments, severance pay, the value of a
6 compensatory or paid leave benefit not ex-
7 cluded by clause (ii), and the fair market
8 value of any employee perquisite or benefit
9 not excluded by clause (ii); and

10 “(ii) excludes any Center expenditure
11 for health, medical, or life insurance, or
12 disability or retirement pay, including pen-
13 sions benefits.”,

14 (3) in subsection (c)(1)—

15 (A) by striking “periodically” and inserting
16 “triennially”, and

17 (B) by striking “kidnapings” and inserting
18 “kidnappings”, and

19 (4) in subsection (c)(2) by inserting “, in com-
20 pliance with the Family Educational Rights and Pri-
21 vacy Act of 1974 (20 U.S.C. 1232g)” after “birth
22 certificates”.

23 (c) GRANTS.—Section 405(a) of the Missing Chil-
24 dren’s Assistance Act (42 U.S.C. 5775(a)) is amended—

1 (1) in paragraph (1) by inserting “schools,
2 school leaders, teachers, State and local educational
3 agencies, homeless shelters and service providers,”
4 after “children,” and

5 (2) in paragraph (3) by inserting “and schools”
6 after “communities”.

7 **SEC. 3. AUTHORIZATION OF APPROPRIATIONS.**

8 Section 407 of the Missing Children’s Assistance Act
9 (42 U.S.C. 5777) is amended—

10 (1) in subsection (a) by striking “such” and all
11 that follows through the period at the end, and in-
12 serting “\$40,000,000 for each of the fiscal years
13 2014 through 2018, up to \$32,200,000 of which
14 shall be used to carry out section 404(b) for each
15 such fiscal year.” and

16 (2) by striking “**SEC. 407**” and inserting “**SEC.**
17 **408**”.

18 **SEC. 4. OVERSIGHT AND ACCOUNTABILITY.**

19 The Missing Children’s Assistance Act (42 U.S.C.
20 5771 et seq.) is amended by inserting after section 406
21 the following:

22 **“SEC. 407. OVERSIGHT AND ACCOUNTABILITY.**

23 “All grants awarded by the Department of Justice
24 that are authorized under this title shall be subject to the
25 following:

1 “(1) AUDIT REQUIREMENT.—For 2 of the fiscal
2 years in the period of fiscal years 2014 through
3 2018, the Inspector General of the Department of
4 Justice shall conduct audits of the recipient of
5 grants under this title to prevent waste, fraud, and
6 abuse by the grantee.

7 “(2) MANDATORY EXCLUSION.—If the recipient
8 of grant funds under this title is found to have an
9 unresolved audit finding, then that entity shall not
10 be eligible to receive grant funds under this title
11 during the 2 fiscal years beginning after the 12-
12 month period described in paragraph (4).

13 “(3) REPAYMENT OF GRANT FUNDS.—If an en-
14 tity is awarded grant funds under this title during
15 the 2-fiscal-year period in which the entity is barred
16 from receiving grants under paragraph (2), the At-
17 torney General shall—

18 “(A) deposit an amount equal to the grant
19 funds that were improperly awarded to the
20 grantee into the General Fund of the Treasury;
21 and

22 “(B) seek to recoup the costs of the repay-
23 ment to the fund from the grant recipient that
24 was erroneously awarded grant funds.

1 “(4) DEFINED TERM.—In this section, the term
2 ‘unresolved audit finding’ means an audit report
3 finding in the final report of the Inspector General
4 of the Department of Justice that the grantee has
5 utilized grant funds for an unauthorized expenditure
6 or otherwise unallowable cost that is not closed or
7 resolved within a 12-month period beginning on the
8 date when the final audit report is issued.

9 “(5) NONPROFIT ORGANIZATION REQUIRE-
10 MENTS.—

11 “(A) DEFINITION.—For purposes of this
12 section and the grant programs described in
13 this title, the term ‘nonprofit’, relating to an
14 entity, means the entity is described in section
15 501(c)(3) of the Internal Revenue Code of 1986
16 and is exempt from taxation under section
17 501(a) of such Code.

18 “(B) PROHIBITION.—The Attorney Gen-
19 eral shall not award a grant under any grant
20 program described in this title to a nonprofit
21 organization that holds money in off-shore ac-
22 counts for the purpose of avoiding paying the
23 tax described in section 511(a) of the Internal
24 Revenue Code of 1986.

1 “(C) DISCLOSURE.—Each nonprofit orga-
2 nization that is awarded a grant under this title
3 and uses the procedures prescribed in regula-
4 tions under section 53.4958-6 of title 26 of the
5 Code of Federal Regulations to create a rebut-
6 table presumption of reasonableness of the com-
7 pensation for its officers, directors, trustees and
8 key employees, shall disclose to the Attorney
9 General the process for determining such com-
10 pensation, including the independent persons
11 involved in reviewing and approving such com-
12 pensation, the comparability data used, and
13 contemporaneous substantiation of the delibera-
14 tion and decision. Upon request, the Attorney
15 General shall make the information available
16 for public inspection.

17 “(6) CONFERENCE EXPENDITURES.—

18 “(A) LIMITATION.—No amounts author-
19 ized to be appropriated under this title may be
20 used to host or support any expenditure for
21 conferences that uses more than \$20,000 unless
22 the Deputy Attorney General or the appropriate
23 Assistant Attorney General, Director, or prin-
24 cipal deputy director as the Deputy Attorney
25 General may designate, provides prior written

1 authorization that the funds may be expended
2 to host a conference.

3 “(B) WRITTEN APPROVAL.—Written ap-
4 proval under subparagraph (A) shall include a
5 written estimate of all costs associated with the
6 conference, including the cost of all food and
7 beverages, audio/visual equipment, honoraria
8 for speakers, and any entertainment.

9 “(C) REPORT.—The Deputy Attorney Gen-
10 eral shall submit an annual report to the Com-
11 mittee on the Judiciary of the Senate, the Com-
12 mittee on the Judiciary of the House of Rep-
13 resentatives, and the Committee on Education
14 and the Workforce of the House of Representa-
15 tives on all conference expenditures approved by
16 operation of this paragraph.

17 “(7) PROHIBITION ON LOBBYING ACTIVITY.—

18 “(A) IN GENERAL.—Amounts authorized
19 to be appropriated under this title may not be
20 utilized by any grant recipient to—

21 “(i) lobby any representative of the
22 Department of Justice regarding the
23 award of any grant funding; or

1 “(ii) lobby any representative of a
2 Federal, state, local, or tribal government
3 regarding the award of grant funding.

4 “(B) PENALTY.—If the Attorney General
5 determines that any recipient of a grant under
6 this title has violated subparagraph (A), the At-
7 torney General shall—

8 “(i) require the grant recipient to
9 repay the grant in full; and

10 “(ii) prohibit the grant recipient from
11 receiving another grant under this title for
12 not less than 5 years.

13 “(C) CLARIFICATION.—For purposes of
14 this paragraph, submitting an application for a
15 grant under this title shall not be considered
16 lobbying activity in violation of subparagraph
17 (A).”.