

105TH CONGRESS
1ST SESSION

H. R. 1419

To reduce the incidence of child abuse and neglect, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 23, 1997

Ms. MOLINARI (for herself, Mr. GINGRICH, Mr. PAXON, Mr. BILBRAY, Mr. WALSH, Mr. FROST, Mr. FOX of Pennsylvania, Mr. GREENWOOD, Mr. EWING, Mrs. KELLY, Mr. DELAY, Mr. PETRI, Ms. PRYCE of Ohio, Mr. HASTERT, Mr. BURR of North Carolina, Mr. BRADY, Mr. SHAYS, Mr. SOLOMON, Mr. KING, Mr. CRAPO, Mr. FRELINGHUYSEN, Mr. BURTON of Indiana, and Mr. COBURN) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on Commerce, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To reduce the incidence of child abuse and neglect, 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 “Child Abuse and Ne-
5 glect Enforcement Act”.

1 **SEC. 2. ACCESS TO CRIMINAL CONVICTION RECORD INFOR-**
2 **MATION BY CERTAIN STATE CHILD PROTEC-**
3 **TIVE WORKERS AND CHILD WELFARE WORK-**
4 **ERS.**

5 (a) GRANT REDUCTION FOR NONCOMPLIANCE.—Sec-
6 tion 506 of title I of the Omnibus Crime Control and Safe
7 Streets Act of 1968 is amended by adding at the end the
8 following:

9 “(g) INFORMATION ACCESS.—

10 “(1) IN GENERAL.—The funds available under
11 this subpart for a State shall be reduced by 10 per-
12 cent and redistributed under paragraph (2) unless
13 the State has in effect throughout the State a law
14 which requires that a law enforcement agency des-
15 ignated by such State make available, on a timely
16 basis, to child protective workers and child welfare
17 workers (in public and private agencies, who, in the
18 course of their official duties, are engaged in the as-
19 sessment of risk and other actions related to the
20 protection of children, including placement of chil-
21 dren in foster care) criminal conviction record infor-
22 mation and orders of protection based on a claim of
23 domestic or child abuse to the same extent as such
24 information is made available to law enforcement of-
25 ficers in such State.

1 “(2) REDISTRIBUTION.—Any funds available
2 for redistribution shall be redistributed to participat-
3 ing States that have in effect a law referred to in
4 paragraph (1).

5 “(3) COMPLIANCE.—The Attorney General
6 shall issue regulations to ensure compliance with the
7 requirements of paragraph (1), including a require-
8 ment that any charge for making available such
9 criminal conviction record information may not ex-
10 ceed the actual cost of making such information
11 available.”.

12 (b) CONFORMING AMENDMENT.—Section 506(a) of
13 title I of the Omnibus Crime Control and Safe Streets Act
14 of 1968 is amended by striking “subsection (f),” and in-
15 serting “subsections (f) and (g),”.

16 (c) EFFECTIVE DATE.—The amendments made by
17 subsection (a) shall take effect on the first day of each
18 fiscal year succeeding the first fiscal year beginning 2
19 years after the date of the enactment of this Act.

1 **SEC. 3. NEONATAL CONDITIONS CAUSED BY MATERNAL**
2 **SUBSTANCE ABUSE; AMENDMENT TO PRO-**
3 **GRAM OF BLOCK GRANTS TO STATES FOR**
4 **PREVENTION AND TREATMENT OF SUB-**
5 **STANCE ABUSE.**

6 Subpart II of part B of title XIX of the Public Health
7 Service Act (42 U.S.C. 300x-21 et seq.) is amended by
8 inserting after section 1926 the following section:

9 **“SEC. 1926A. STATE LAW REGARDING NOTIFICATION OF**
10 **STATE OR LOCAL CHILD-PROTECTION AGEN-**
11 **CY IN EVENT OF NEONATAL CONDITION**
12 **CAUSED BY MATERNAL SUBSTANCE ABUSE.**

13 “(a) RELEVANT LAW.—Subject to subsection (b), for
14 fiscal year 1999 and subsequent fiscal years, the Secretary
15 may make a grant under section 1921 only if the State
16 involved requires by law or regulation that—

17 “(1) each newborn infant born in the State be
18 tested for physical dependence on any drug; fetal al-
19 cohol syndrome; fetal alcohol effects; the presence of
20 alcohol; and the presence of drugs that are associ-
21 ated with substance abuse; and

22 “(2) if the newborn tests positive under any
23 such test, the principal State or local agency with re-
24 sponsibility for the protection of children be notified
25 of such fact.

1 “(b) DELAYED APPLICABILITY FOR CERTAIN
2 STATES.—In the case of a State whose legislature does
3 not convene a regular session in fiscal year 1998, and in
4 the case of a State whose legislature does not convene a
5 regular session in fiscal year 1999, the requirement de-
6 scribed in subsection (a) as a condition of a receipt of a
7 grant under section 1921 shall apply only for fiscal year
8 2000 and subsequent fiscal years.

9 “(c) NONCOMPLIANCE OF STATE.—Before making a
10 grant under section 1921 to a State for the first applicable
11 fiscal year or any subsequent fiscal year, the Secretary
12 shall make a determination of whether the State has main-
13 tained compliance with subsection (a). If, after notice to
14 the State and an opportunity for a hearing, the Secretary
15 determines that the State is not in compliance with such
16 subsection, the Secretary shall reduce the amount of the
17 allotment under such section for the State for the fiscal
18 year involved by an amount equal to—

19 “(1) in the case of the first applicable fiscal
20 year, 10 percent of the amount determined under
21 section 1933 for the State for the fiscal year;

22 “(2) in the case of the first fiscal year following
23 such applicable fiscal year, 20 percent of the amount
24 determined under section 1933 for the State for the
25 fiscal year;

1 “(3) in the case of the second such fiscal year,
2 30 percent of the amount determined under section
3 1933 for the State for the fiscal year; and

4 “(4) in the case of the third such fiscal year or
5 any subsequent fiscal year, 40 percent of the amount
6 determined under section 1933 for the State for the
7 fiscal year.

8 “(d) DEFINITION.—For purposes of this section, the
9 term ‘first applicable fiscal year’ means—

10 “(1) fiscal year 2000, in the case of any State
11 described in subsection (b); and

12 “(2) fiscal year 1999, in the case of any other
13 State.”.

14 **SEC. 4. USE OF FUNDS UNDER BYRNE GRANT PROGRAM**
15 **FOR CHILD PROTECTION.**

16 Section 501(b) of title I of the Omnibus Crime Con-
17 trol and Safe Streets Act of 1968 (42 U.S.C. 3751) is
18 amended—

19 (1) by striking “and” at the end paragraph
20 (25);

21 (2) by striking the period at the end of para-
22 graph (26) and adding “; and”; and

23 (3) by adding at the end the following:

1 “(27) enforcing child abuse and neglect laws
2 and programs designed to prevent child abuse and
3 neglect.”.

4 **SEC. 5. INCREASE IN SET ASIDE FOR CHILD ABUSE VIC-**
5 **TIMS UNDER THE VICTIMS OF CRIME ACT OF**
6 **1984.**

7 Section 1402(d)(2) of the Victims of Crime Act of
8 1984 is amended by striking “\$10,000,000” and inserting
9 “\$20,000,000”.

10 **SEC. 6. STUDY AND REPORT RELATING TO EXTENT OF RE-**
11 **PORTING REQUIREMENTS UNDER CHILD**
12 **ABUSE AND NEGLECT LAWS AND FOSTER**
13 **CARE AND ADOPTION ASSISTANCE LAWS.**

14 (a) STUDY.—The Comptroller General of the United
15 States shall conduct a study on the number and type of
16 reporting requirements under—

17 (1) the Child Abuse Prevention and Treatment
18 Act (42 U.S.C. 5101 et seq. and other Federal laws
19 relating to child abuse and neglect, including all reg-
20 ulations established under such Act and other laws;
21 and

22 (2) part E of title IV of the Social Security Act
23 (relating to foster care and adoption assistance), in-
24 cluding all regulations established under such part.

25 (b) REPORT BY COMPTROLLER GENERAL.—

1 (1) IN GENERAL.—Not later than 6 months
2 after the date of the enactment of this Act, the
3 Comptroller General of the United States shall pre-
4 pare and submit to the Congress and the Secretary
5 of Health and Human Services a report contain-
6 ing—

7 (A) the results of the study conducted
8 under subsection (a); and

9 (B) recommendations for reducing the
10 number of reporting requirements described in
11 subsection (a).

12 (2) AVAILABILITY.—The Comptroller General
13 shall make the report available to appropriate State
14 and local agencies and to the public.

15 (c) ANALYSIS OF REPORT BY SECRETARY OF
16 HEALTH AND HUMAN SERVICES.—

17 (1) IN GENERAL.—The Secretary of Health and
18 Human Services shall conduct an analysis of the re-
19 port of the Comptroller General of the United States
20 under subsection (b). Such analysis shall include ap-
21 propriate recommendations, if any, of the Secretary
22 for reducing the number of reporting requirements
23 described in subsection (a).

24 (2) SUBMISSION.—Not later than 90 days after
25 the date on which the Secretary of Health and

1 Human Services receives the report of the Comptrol-
2 ler General of the United States described in sub-
3 section (b), the Secretary shall submit to the Con-
4 gress the analysis described in paragraph (1).

5 **SEC. 7. SENSE OF THE CONGRESS REGARDING INCREASED**
6 **FUNDING FOR CHILD ADVOCACY CENTERS.**

7 It is the sense of the Congress that—

8 (1) child advocacy centers play a vital role in
9 interviewing, treating, and assisting victims of child
10 abuse;

11 (2) such centers are often responsible for inter-
12 vening in a number of potentially dangerous domes-
13 tic violence situations and thus preventing such vio-
14 lence or other incidents; and

15 (3) it is appropriate to increase funding for
16 such child advocacy centers under title II of the Vic-
17 tims of Child Abuse Act of 1990.

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