

107TH CONGRESS
2^D SESSION

H. R. 5313

To provide incentives for States to have in effect laws mandating the reporting of child abuse by certain individuals, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 26, 2002

Ms. WATERS introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on 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 provide incentives for States to have in effect laws mandating the reporting of child abuse by certain individuals, 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 Reporting
5 Grant Option (CARGO) Act”.

6 **SEC. 2. AUTHORIZATION OF GRANTS.**

7 (a) AUTHORIZATION OF GRANTS.—From amounts
8 made available for grants under this section, the Attorney

1 General may make grants to eligible States for use by the
2 State for the following purposes:

3 (1) Hiring and training of law enforcement per-
4 sonnel for child abuse cases.

5 (2) Programs to help children who have been
6 subject to child abuse cope with such abuse.

7 (b) ELIGIBILITY.—For a State to be eligible to re-
8 ceive a grant under this section, the State must have in
9 effect one or more laws providing the following:

10 (1) A requirement that a mandatory reporter
11 must report to law enforcement authorities each in-
12 stance in which the mandatory reporter suspects or
13 has reason to suspect that child abuse has occurred,
14 except when the information forming the basis of
15 such suspicion or reason to suspect is protected by
16 attorney-client or clergy-penitent privilege.

17 (2) Appropriate punishments for violations of
18 such requirement.

19 (3) A statute of limitations for the prosecution
20 of criminal offenses relating to child abuse of not
21 less than five years from the later of the following
22 dates:

23 (A) The date of the offense.

24 (B) The date on which the alleged victim
25 became 18 years old.

1 (c) MANDATORY REPORTER DEFINED.—In this sec-
2 tion, the term “mandatory reporter” means any of the fol-
3 lowing:

4 (1) A health care provider, including a physi-
5 cian, nurse, resident, intern, or dentist, or a hospital
6 officer, employee, or volunteer.

7 (2) A mental health professional or social work-
8 er.

9 (3) An officer, employee, or volunteer of a pub-
10 lic or private school.

11 (4) A child care provider.

12 (5) A law enforcement officer.

13 (6) An officer, employee, or volunteer of a reli-
14 gious organization.

15 (7) Commercial film and photographic print
16 processors.

17 (d) APPLICATION.—For a State to be eligible to re-
18 ceive a grant under this section, the chief executive officer
19 of the State shall submit to the Attorney General an appli-
20 cation in such form and containing such information as
21 the Attorney General may require.

22 (e) RESTRICTIONS ON USE OF FUNDS.—

23 (1) NONSUPPLANTING.—Funds made available
24 pursuant to this section shall not be used to sup-
25 plant State funds, but shall be used to increase the

1 amount of funds that would, in the absence of Fed-
2 eral funds, be made available from State sources for
3 the purposes of this Act.

4 (2) ADMINISTRATIVE COSTS.—A State may not
5 use more than three percent of the funds it receives
6 from this section for administrative expenses.

7 (f) ALLOCATION OF GRANT AMOUNTS.—Grants
8 under this section shall be allocated among eligible States
9 that have submitted applications under this section as fol-
10 lows:

11 (1) \$50,000 to each such State.

12 (2) Any remaining amounts to each such State
13 in an amount that bears the same ratio to such re-
14 maining amounts as the population of individuals
15 who have not yet attained the age of 18 in such
16 State bears to the population of such individuals in
17 all such States.

18 (g) REPORTS TO THE ATTORNEY GENERAL.—Each
19 State which receives a grant under this section shall sub-
20 mit to the Attorney General, for each year in which funds
21 from a grant received under this section is expended, a
22 report at such time and in such manner as the Attorney
23 General may reasonably require, which contains—

24 (1) a summary of the activities carried out
25 under the grant and an assessment of whether such

1 activities are meeting the needs identified in the ap-
2 plication; and

3 (2) such other information as the Attorney
4 General may require.

5 (h) REPORTS TO CONGRESS.—Not later than 90 days
6 after the end of each fiscal year for which grants are made
7 under this section, the Attorney General shall submit to
8 the Congress a report that includes—

9 (1) the aggregate amount of grants made under
10 this section to each State for such fiscal year; and

11 (2) a summary of the information provided by
12 States receiving grants under this section.

13 (i) EXPENDITURE RECORDS.—

14 (1) IN GENERAL.—Each State which receives a
15 grant under this section shall keep records as the
16 Attorney General may require to facilitate an effec-
17 tive audit of the receipt and use of grant funds re-
18 ceived under this section.

19 (2) ACCESS.—Each State which receives a
20 grant under this section shall make available, for the
21 purpose of audit and examination, such records as
22 are related to the receipt or use of any such grant.

23 (j) DEFINITION.—For purposes of this section, the
24 term “State” includes the District of Columbia, the Com-
25 monwealth of Puerto Rico, American Samoa, Guam, the

1 Northern Mariana Islands, and the United States Virgin
2 Islands.

3 (k) FUNDING.—

4 (1) AUTHORIZATION OF APPROPRIATIONS.—

5 There are authorized to be appropriated to the At-
6 torney General for grants under subsection (a),
7 \$25,000,000 for fiscal year 2003.

8 (2) NO FISCAL YEAR LIMITATION ON GRANT-

9 EES.—The Attorney General shall ensure that a re-
10 cipient of grant amounts under this section is au-
11 thorized to use such amounts without fiscal year
12 limitation.

○