

## NBCSL Legislative Updates

Keeping you apprised of policy action from  
The Presidential Administration and U.S. Congress.



Congress was in recess for most of January with the House returning back to session after Martin Luther King Day and the Senate returning the following week. Looking ahead, February should be an active month for legislation, as the House seeks a long-term solution to the Payroll Tax Cut and unemployment extension.

### >> International Affairs

#### **“Haiti Earthquake: Two Years Later”**

Haiti is still reeling from the devastating earthquake that rocked the island nation two years ago. Hundreds of thousands of children are still out of school, and more than half a million people are living in tents. Life is gradually improving, but a cholera epidemic that followed the earthquake, continued political instability, and the challenges to rebuild have made recovery remarkably difficult.

The focus of aid organizations and governmental agencies has been to concentrate on small community-based projects rather than ambitious reconstruction efforts. Through this approach, textile manufacturing has climbed as Haiti’s central economic development strategy. Simultaneously, however, transportation and food costs have risen exponentially, causing Haitians to spend more of their income on necessities.

Three years following the earthquake, recovery efforts are limited but visible. Hurdles remain as the resilient nation moves forward with establishing infrastructure and inspection standards. Aid organizations say that comprehensive and long-term planning with a clear timeline is lacking, but an outline needs to quickly be identified to enhance Haiti's development process beyond the initial humanitarian response that followed the earthquake two years ago.

## >> Telecommunications, Science, and Technology

### **"Piracy and the Internet"**

The internet has been compared to the Wild West, where virtually anything goes and you can get anything you want, regardless of the legalities. Given the ubiquitous nature of illegal information available on the web, Congress introduced legislation to reign in piracy of copyrighted materials. The Stop Online Piracy Act (SOPA) was introduced in the House and the Preventing Real Online Threats to Economic Creativity and the Theft of Intellectual Property Act (PIPA) was introduced in the Senate.

The Senate bill passed out of committee and was expected to be considered on the Senate floor. However, on January 18th, several companies, including Wikipedia, eBay, Facebook, Google, and Amazon made public statements on their homepages protesting the bills, arguing they could lead to unfair censorship in the U.S. Their powerful protests set the internet community ablaze, which caused widespread attention to the issue. The vote on the Senate bill was subsequently pulled and the House will cease debate on the bill in its current form. Congress still has an interest in addressing piracy, but has conceded to altering the bills. Internet companies have shown themselves to be a major force in public policy and opinion-making.

## >> Energy, Transportation, and Environment

### **"Keystone Pipeline, Delayed Permanently?"**

On January 18, 2012, the Obama Administration denied TransCanada's Keystone XL pipeline application. The pipeline would pump oil from Canada into refineries in the U.S. and eventually down to the Gulf of Mexico. The environmental community has been vocal in showing opposition to the project. This opposition in conjunction with a 60-day timeline to approve the pipeline application placed a considerable amount of pressure on the Administration to deny TransCanada's request.

Although the application has been denied, the matter is far from over. President Obama initially sought to delay the project until 2013; however, Republicans placed language in the Pay Roll Tax Cut Extension giving the President only 60 days to reach a decision on the pipeline. The Administration has repeatedly said this is not enough time to conduct necessary reviews of the project, and subsequently denied the proposal. Despite the denial, the company is still allowed to submit additional proposals. TransCanada has stated its continued interest in moving forward.

### **“Paying for the Transportation Reauthorization”**

For Congress, a discussion around any piece of spending legislation is how to pay for it, and Transportation Reauthorization is no exception. The Senate is quickly trying to find a way to pay for infrastructure investments as the House assembles its own proposals.

The House stated it wants to expand drilling for oil and natural gas to locations that are currently off limits to help fund the bill, in part. House Republicans are reportedly looking at health care to pay for the rest--possibly even medical malpractice waste, fraud, and abuse reduction. This additional information is not a positive sign for the Transportation Reauthorization, as added language that will expand drilling and affect implementation of the Affordable Act is likely to act as a poison pill and prevent passage in this Congress.

## >> Education

### **“House Republicans Draft K-12 Education Legislation”**

Earlier this month, Rep. John Kline (R-MN), Chairman of the House Committee on Education and Workforce, released draft legislation to reform the current elementary and secondary education law, commonly known as No Child Left Behind. The new Student Success Act and the Encouraging Innovation and Effective Teacher Act builds on several previous efforts to rewrite the Elementary and Secondary Education Act (ESEA), a law that has been up for reauthorization since 2007. According to a recent press release from the Education and Workforce Committee, the two pieces of legislation aim to reduce the “federal footprint in education by returning control to state and local education officials.”

The Student Success Act would allow states to establish and implement their own accountability standards. The legislation’s objective is to remove the federal mandate placed on low performing schools and allow states to determine the most effective strategy to improve such schools. The Encouraging Innovation and Effective Teachers Act also seeks to eliminate ineffective government spending by removing duplicative and failed education programs. It also promotes local innovation by allowing states and districts to fund local priorities. Rep. George Miller (D-CA), Ranking Member on the House Committee on Education and Workforce issued the following statement in response to the two pieces of draft legislation crafted by Chairman Kline, “The draft language abandons students, parents, and taxpayers alike by failing to hold school systems accountable for improving student achievement. It walks away from the broad consensus reached throughout the country that our schools must prepare students to graduate college-ready and career-ready.” He further urged Chairman Kline to reconsider his efforts and reach a bipartisan consensus that serves the interest of all of the nation’s youth.

## >> Housing

### **“HUD Releases December Housing Scorecard”**

The U.S. Department of Housing and Urban Development (HUD) and the U.S. Department of the Treasury released the December edition of the Administration’s Housing Scorecard--a comprehensive report on the nation’s housing market. Data in the December Housing Scorecard show subtle improvements in the

market over the past year, but underscore fragility as the overall outlook remains mixed. For example, new and existing home sales rose compared to the prior month and remain higher than a year ago, and homes are more affordable than they have been since 1971. Yet, despite progress, home prices have showed a slight dip from the prior month and remain below last year's levels. The December Housing Scorecard features key data on the health of the housing market and the impact of the Administration's foreclosure prevention programs. The full report is available online at [www.hud.gov/scorecard](http://www.hud.gov/scorecard).

### **"HUD Announces \$110 Million in Grants to Revitalize Communities"**

For nearly 20 years, the U.S. Department of Housing and Urban Development (HUD) has allocated funds for the HOPE VI Revitalization Program, which sought to transform severely distressed public housing into revitalized mixed-income communities. In addition to this 20-year program, HUD recently announced that it is making available \$110 million in grants under its newly announced program, the [Choice Neighborhoods Initiative](#), which seeks a more comprehensive approach to neighborhood transformation. Choice Neighborhoods is the centerpiece of President Obama's interagency Neighborhood Revitalization Initiative, a partnership between HUD and the Departments of Education, Justice, Treasury, and Health and Human Services. With support from the White House Domestic Policy Council and White House Office of Urban Affairs, the interagency partnership supports local solutions for sustainable, mixed-income neighborhoods with the affordable housing, safe streets, and good schools all families need. Choice Neighborhoods is focused on three core goals:

- **Housing** - The initiative seeks to transform distressed public and assisted housing into energy efficient, mixed-income housing that is physically and financially viable over the long-term;
- **People** - The initiative supports positive outcomes for families who live in the target development(s) and the surrounding neighborhood, particularly outcomes related to residents' health, safety, employment, mobility, and education; and
- **Neighborhood** - The initiative aims to transform neighborhoods of poverty into viable, mixed-income neighborhoods with access to well-functioning services, high-quality public schools and education programs, high-quality early learning programs and services, public assets, public transportation, and improved access to jobs.

Choice Neighborhoods goes beyond the traditional HOPE Revitalization Program by linking housing improvements to a wider variety of public services, including schools, public transit, and employment opportunities. Applicants have until April 10, 2012 to [apply](#) for FY 2012 Choice Neighborhoods Implementation grants. HUD anticipates awarding four to five grants with a maximum award of \$30,000,000 each in December 2012.

### **"HUD Provides \$2 Million in Grants for Housing Counseling Training"**

The U.S. Department of Housing and Urban Development (HUD) announced the availability of \$2 million in grants as a continued effort to provide quality housing counseling to the nation's homeowners, buyers, and renters. The goal is to fund eligible organizations to deliver training across the full spectrum of counseling services.

HUD-approved counseling agencies provide homeownership counseling as well as financial literacy education to renters and homeless individuals and families. In 2012, HUD's Housing Counseling Grant program will provide more than \$40 million for comprehensive counseling, the Reverse Mortgage

Counseling program, and supplemental funding for the Mortgage Modification and Mortgage Scam Assistance program. The counseling training funds are available to provide training activities designed to improve and standardize the quality of counseling provided by HUD-approved housing counseling agencies, multi-state organizations, and state housing finance agencies. Please [click here](#) for additional information on the program.

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## MONEY MATTERS\$

### **“Raising the Debt Ceiling: Part Two”**

Last summer brought a storm of publicity surrounding the raising of the debt ceiling. Now, the House has raised the debt ceiling again with little fanfare and only symbolic disapproval. The increased debt ceiling is not an obligation of any new funding, but simply a way to guarantee payment of the obligations we previously made. If the debt ceiling were not raised, many have suggested that it would have major financial implications, which would certainly lead to a further credit downgrade of U.S. debt.

Under the plan passed this summer, the President had to submit a request for raising the debt ceiling by an additional \$1.2 trillion. Under this proposal, Congress did not need to grant the President any additional authority to raise the debt ceiling; they simply needed to deny his request within 15 days. The House (as expected) has passed a resolution, along largely partisan lines, disapproving of the ceiling increase. The Senate is also expected to vote on the President’s request. Should the Senate disapprove of the measure, a two-thirds vote would be needed to deny the request, a threshold the House does not have at this time. The latest increase in the debt ceiling should be large enough to take the Nation past the November elections.

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## >> Emergency Preparedness/Homeland Security

### **“Legislators May Budget Less for Border Security”**

According to a newly released nonpartisan Congressional Research Services (CRS) [report](#), the increased investment and size of the U.S. Border Patrol agency has led to a “sharp drop in the number of aliens apprehended,” but the increase of illegal immigrants has continued to steadily grow over the past 20 years. The report explains that a concentration of border enforcement has the potential to increase negative outcomes such as “border area violence and migrant deaths, encourage unauthorized migrants to find new ways to enter illegally and to remain in the United States for longer periods of time, damage border ecosystems, harm border-area businesses and the quality of life in border communities, and strain U.S. relations with Mexico and Canada.”

The report also outlines strategies for future investment at the border, and how to weigh the costs and benefits of increased border enforcement, as well as an explanation of the relationship between the current border debate on U.S. immigration policy and border enforcement.

## >> Youth

### **“Senate HELP Committee Hearing - Breaking the Silence on Child Abuse”**

In December, the Senate Health, Education, Labor, and Pensions (HELP) Committee’s Subcommittee on Children and Families held a hearing on child abuse, focusing on solutions, legislation, and policies rooted in the intervention and prevention of such abuse. Subcommittee Chairwoman Barbara Mikulski (D-MD) provided an opening statement that condemned those who abused children and the institutions that “turned their backs on them.”

Witness Michelle Collins, Exploited Children Division Vice President & Assistant to the President at the National Center for Missing and Exploited Children, recommended a policy requiring all current mandatory reporters of child abuse (such as educators and health care professionals) to simultaneously report suspected child abuse directly to law enforcement instead of solely to a supervisor within their organization to ensure that child protection authorities are summoned quickly. She also recommended a training mandate to help these mandatory reporters recognize the signs of child abuse so they are better equipped to respond to the warning signs.

Frank Cervone, Executive Director of Support Center for Child Advocates, suggested promoting data informed policies. He also encouraged a differential response approach, which distinguishes between different intervention strategies.

## >> Health and Human Services

### **“State Lawmakers File Brief with Supreme Court Defending Affordable Care Act”**

More than 500 state lawmakers, including many members of the National Black Caucus of State Legislators (NBCSL), signed on to an [Amicus Brief](#) backing the constitutionality of the minimum coverage provision of the Affordable Care Act (ACA) urging the Supreme Court to uphold President Obama’s healthcare law. The submitted Amicus Brief is a joint effort of the Progressive States Network, the Working Group of State Legislators for Health Reform, and the Constitutional Accountability Center. The group includes at least one lawmaker from every state, including the 26 states whose Attorneys General are suing to overturn the healthcare law’s individual insurance mandate. The Supreme Court is scheduled to hear oral arguments in March and will likely rule on the law this summer. Through the submission of the Amicus Brief, the signing state lawmakers assert the following: requiring almost all Americans to buy insurance falls well within Congress’s power under the Constitution’s Commerce Clause, and the Constitution gives Congress broad authority to regulate interstate commerce.

On November 14, 2011, the U.S. Supreme Court granted review in three petitions for certiorari, all arising out of the U.S. Court of Appeals for the Eleventh Circuit’s ruling striking down the so-called “individual mandate” in *Health & Human Services v. Florida*, et al.

In January 2011, NBCSL issued a [statement](#) in support of the Affordable Care Act and ratified a [resolution](#) at its Annual Legislative Conference in December of 2010 pledging support and wholehearted

implementation of the Act. NBCSL will vigilantly continue its efforts to ensure the Affordable Care Act is properly implemented so as to provide much-needed relief to Americans.

## >> Labor, Military, and Veterans Affairs

### “House Committee Reviews Plan to Get Veterans Back to Work”

The House Veterans’ Affairs (VA) Subcommittee on Economic Opportunity began oversight to ensure that the new Veterans Opportunity to Work (VOW) to Hire Heroes Act of 2011 is being implemented with the intent of the law intact.

The VOW to Hire Heroes Act is bipartisan, bicameral, comprehensive legislation aimed at lowering the rate of unemployment among our nation’s veterans. The legislation was first suggested by the President as part of the American Jobs Act. This bill combines provisions of the House-passed Veterans Opportunity to Work (VOW) Act ([H.R. 2433](#); [Report #112-242](#)), and the Senate’s Hiring Heroes Act ([S. 951](#); [Report #112-36](#)), as well as veterans’ tax credits into a comprehensive jobs package. The major provision of the VOW to Hire Heroes Act is the temporary extension of Montgomery GI Bill benefits to eligible veterans to receive up to one year of training at a community college or technical school for in-demand occupations. Eligible veterans would have to be between the age of 35 and 60, be unemployed, and not have eligibility for other VA education programs.

## What Happened in January?

1. **Martin Luther King, Jr. Day** - This day marks the birthday of Reverend Dr. Martin Luther King, Jr., and is observed on the third Monday of January. Ronald Reagan signed the holiday into law in 1983, and it was first observed on January 20, 1986. At first, some states resisted observing the holiday, giving it alternative names or combining it with other holidays. Since 2000, the holiday has been observed in all 50 states.
2. **Lunar New Year** - Also known as Chinese New Year, it is the most important festivity in the Chinese calendar. Considered to be the luckiest of the years, the Year of the Dragon re-started after its traditional 12-year cycle.
3. **Financial Wellness Month** - Observed during the month of January. The goal is to raise awareness of one’s financial situation, and monitor it in such a way that prepares a person for any financial challenges that lie ahead.
4. **National Mentoring Month** - Focuses national attention on the need for mentors, as well as how each of us as individuals, businesses, government agencies, schools, faith communities and nonprofits—can work together to increase the number of mentors to assure brighter futures for our young people.
5. **National Slavery and Human Trafficking Prevention Month** - The month is set to raise awareness of, and opposition to human trafficking, both domestically and across the globe.