

PUBLIC LAW 115–141—MAR. 23, 2018

CONSOLIDATED APPROPRIATIONS ACT, 2018

Public Law 115–141
115th Congress

An Act

Mar. 23, 2018
[H.R. 1625]

To amend the State Department Basic Authorities Act of 1956 to include severe forms of trafficking in persons within the definition of transnational organized crime for purposes of the rewards program of the Department of State, and for other purposes.

Consolidated
Appropriations
Act, 2018.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Consolidated Appropriations Act, 2018”.

SEC. 2. TABLE OF CONTENTS.

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DIVISION D—ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2018

- Title I—Corps of Engineers—Civil

does not believe that the use of such device is necessary or in the interest of the child or adult under supervision.

DIVISION R—TARGET ACT

SECTION 1. SHORT TITLES.

This division may be cited as the “Targeted Rewards for the Global Eradication of Human Trafficking” or the “TARGET Act”.

SEC. 2. FINDINGS; SENSE OF CONGRESS.

(a) **FINDINGS.**—Congress finds the following:

(1) Trafficking in persons is a major transnational crime, as recognized by the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7101 et seq.; division A of Public Law 106–386).

(2) Trafficking in persons is increasingly perpetrated by organized, sophisticated criminal enterprises.

(3) Combating trafficking in persons requires a global approach to identifying and apprehending the world’s worst human trafficking rings.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that the Department of State’s rewards program is a powerful tool in combating sophisticated international crime and that the Department of State and Federal law enforcement should work in concert to offer rewards that target human traffickers who prey on the most vulnerable people around the world.

SEC. 3. REWARDS FOR JUSTICE.

Section 36(k)(5) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708(k)(5)) is amended—

(1) in the matter preceding subparagraph (A), by striking “means”;

(2) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and moving such clauses, as redesignated, 2 ems to the right;

(3) by inserting before clause (i), as redesignated, the following:

“(A) means—”;

(4) in clause (ii), as redesignated, by striking the period at the end and inserting “; and”; and

(5) by adding at the end following:

“(B) includes severe forms of trafficking in persons (as defined in section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102)) involving at least 1 jurisdiction outside of the United States.”.

DIVISION S—OTHER MATTER

TITLE I—CHILD PROTECTION IMPROVEMENTS ACT

SEC. 101. NATIONAL CRIMINAL HISTORY BACKGROUND CHECK AND CRIMINAL HISTORY REVIEW PROGRAM.

(a) **IN GENERAL.**—The National Child Protection Act of 1993 (34 U.S.C. 40101 et seq.) is amended—

(1) in section 3 (34 U.S.C. 40102)—

Targeted
Rewards for
the Global
Eradication of
Human
Trafficking.
22 USC 2651
note.
22 USC 2708
note.

(A) by striking “provider” each place it appears and inserting “covered individual”;

(B) by striking “provider’s” each place it appears and inserting “covered individual’s”;

(C) by amending subsection (a)(3) to read as follows:

“(3)(A) The Attorney General shall establish a program, in accordance with this section, to provide qualified entities located in States that do not have in effect procedures described in paragraph (1), or qualified entities located in States that do not prohibit the use of the program established under this paragraph, with access to national criminal history background checks on, and criminal history reviews of, covered individuals. In any case where the use of a Federal national criminal history background check program is required pursuant to Federal law as of the effective date of this subparagraph, the program under this subparagraph may not be used.

“(B) A qualified entity described in subparagraph (A) may submit to the appropriate designated entity a request for a national criminal history background check on, and a criminal history review of, a covered individual. Qualified entities making a request under this paragraph shall comply with the guidelines set forth in subsection (b), and with any additional applicable procedures set forth by the Attorney General or by the State in which the entity is located.”;

(D) in subsection (b)—

(i) in paragraph (1)(E), by striking “unsupervised”;

(ii) by amending paragraph (2) to read as follows:

“(2) that the State, or in a State that does not have in effect procedures described in subsection (a)(1), the designated entity, ensures that—

“(A) each covered individual who is the subject of a background check under subsection (a) is entitled to obtain a copy of any background check report;

“(B) each covered individual who is the subject of a background check under subsection (a) is provided a process by which the covered individual may appeal the results of the background check to challenge the accuracy or completeness of the information contained in the background report of the covered individual and obtain a prompt determination as to the validity of such challenge before a final determination is made by the authorized agency;

“(C)(i) each covered individual described in subparagraph (B) is given notice of the opportunity to appeal;

“(ii) each covered individual described in subparagraph (B) will receive instructions on how to complete the appeals process if the covered individual wishes to challenge the accuracy or completeness of the information contained in the background report of the covered individual; and

“(iii) the appeals process is completed in a timely manner for each covered individual described in subparagraph (B);

“(iv) the appeals process is consistent with title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.); and

“(D) an authorized agency, upon receipt of a background check report lacking disposition data, shall conduct

research in whatever State and local recordkeeping systems are available in order to obtain complete data;”;

(iii) in paragraph (3), by inserting “or designated entity, as applicable,” after “authorized agency”; and

(iv) in paragraph (4), by inserting “or designated entity, as applicable,” after “authorized agency”;

(E) in subsection (d), by inserting “, nor shall any designated entity nor any officer or employee thereof,” after “officer or employee thereof”;

(F) by amending subsection (e) to read as follows:

“(e) FEES.—

“(1) STATE PROGRAM.—In the case of a background check conducted pursuant to a State requirement adopted after December 20, 1993, conducted with fingerprints on a covered individual, the fees collected by authorized State agencies and the Federal Bureau of Investigation may not exceed the actual cost of the background check conducted with fingerprints.

“(2) FEDERAL PROGRAM.—In the case of a national criminal history background check and criminal history review conducted pursuant to the procedures established pursuant to subsection (a)(3), the fees collected by a designated entity shall be set at a level that will ensure the recovery of the full costs of providing all such services. The designated entity shall remit the appropriate portion of such fee to the Attorney General, which amount is in accordance with the amount published in the Federal Register to be collected for the provision of a criminal history background check by the Federal Bureau of Investigation.

“(3) ENSURING FEES DO NOT DISCOURAGE VOLUNTEERS.—A fee system under this subsection shall be established in a manner that ensures that fees to qualified entities for background checks do not discourage volunteers from participating in programs to care for children, the elderly, or individuals with disabilities. A fee charged to a qualified entity that is not organized under section 501(c)(3) of the Internal Revenue Code of 1986 may not be less than the total sum of the costs of the Federal Bureau of Investigation and the designated entity.”; and

(G) by inserting after subsection (e) the following:

“(f) NATIONAL CRIMINAL HISTORY BACKGROUND CHECK AND CRIMINAL HISTORY REVIEW PROGRAM.—

“(1) NATIONAL CRIMINAL HISTORY BACKGROUND CHECK.—Upon a designated entity receiving notice of a request submitted by a qualified entity pursuant to subsection (a)(3), the designated entity shall forward the request to the Attorney General, who shall, acting through the Director of the Federal Bureau of Investigation, complete a fingerprint-based check of the national criminal history background check system, and provide the information received in response to such national criminal history background check to the appropriate designated entity. The designated entity may, upon request from a qualified entity, complete a check of a State criminal history database.

“(2) CRIMINAL HISTORY REVIEW.—

“(A) DESIGNATED ENTITIES.—The Attorney General shall designate, and enter into an agreement with, one or more entities to make determinations described in

subparagraph (B). The Attorney General may not designate and enter into an agreement with a Federal agency under this subparagraph.

“(B) DETERMINATIONS.—A designated entity shall, upon the receipt of the information described in paragraph (1), make a determination of fitness described in subsection (b)(4), using the criteria described in subparagraph (C).

“(C) CRIMINAL HISTORY REVIEW CRITERIA.—The Attorney General shall, by rule, establish the criteria for use by designated entities in making a determination of fitness described in subsection (b)(4). Such criteria shall be based on the criteria established pursuant to section 108(a)(3)(G)(i) of the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (34 U.S.C. 40102 note) and section 658H of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858f).”; and

(2) in section 5 (34 U.S.C. 40104)—

(A) by amending paragraph (9) to read as follows:

“(9) the term ‘covered individual’ means an individual—
“(A) who has, seeks to have, or may have access to children, the elderly, or individuals with disabilities, served by a qualified entity; and

“(B) who—

“(i) is employed by or volunteers with, or seeks to be employed by or volunteer with, a qualified entity; or

“(ii) owns or operates, or seeks to own or operate, a qualified entity;”;

(B) in paragraph (10), by striking “and” at the end;

(C) in paragraph (11), by striking the period at the end and inserting “; and”; and

(D) by inserting after paragraph (11) the following:

“(12) the term ‘designated entity’ means an entity designated by the Attorney General under section 3(f)(2)(A).”.

34 USC 40102
note.

(b) IMPLEMENTATION.—The Attorney General shall ensure that this section and the amendments made by this section are fully implemented not later than 1 year after the date of enactment of this section.

TITLE II—SAVE AMERICA’S PASTIME ACT

SEC. 201. APPLICATION OF THE FAIR LABOR STANDARDS ACT OF 1938 TO MINOR LEAGUE BASEBALL PLAYERS.

(a) IN GENERAL.—Section 13(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 213(a)) is amended—

(1) in paragraph (18), by striking the period and inserting “; or”; and

(2) by adding at the end the following:

“(19) any employee employed to play baseball who is compensated pursuant to a contract that provides for a weekly salary for services performed during the league’s championship season (but not spring training or the off season) at a rate that is not less than a weekly salary equal to the minimum wage under section 6(a) for a workweek of 40 hours, irrespective