

## Union Calendar No. 267

110TH CONGRESS  
1ST SESSION

# H. R. 3495

[Report No. 110-425]

To establish a National Commission on Children and Disasters, a National Resource Center on Children and Disasters, and for other purposes.

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### IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 7, 2007

Ms. CORRINE BROWN of Florida introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

NOVEMBER 5, 2007

Additional sponsors: Ms. NORTON, Mr. HASTINGS of Florida, Ms. JACKSON-LEE of Texas, Mr. McDERMOTT, Mrs. NAPOLITANO, Mr. STARK, Mr. HARE, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. GRIJALVA, Mr. NADLER, Mr. BRADY of Pennsylvania, Mr. PAYNE, Mr. HONDA, Mr. CLEAVER, Mr. CUMMINGS, Ms. CLARKE, Ms. RICHARDSON, Ms. WATSON, Mrs. CHRISTENSEN, Mr. JEFFERSON, Ms. WOOLSEY, Mr. GENE GREEN of Texas, Mr. COSTELLO, Mr. KUCINICH, Mr. COHEN, Mrs. LOWEY, Mrs. MALONEY of New York, Mr. MELANCON, and Mr. DUNCAN

NOVEMBER 5, 2007

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on September 7, 2007]

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## A BILL

To establish a National Commission on Children and Disas-

ters, a National Resource Center on Children and Disasters, 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 “Kids in Disasters Well-*  
5 *being, Safety, and Health Act of 2007”.*

6 **SEC. 2. DEFINITION.**

7 *In this Act, the terms “child” and “children” mean*  
8 *an individual or individuals, respectively, who have not at-*  
9 *tained 18 years of age.*

10 **SEC. 3. ESTABLISHMENT OF COMMISSION.**

11 *There is established a commission to be known as the*  
12 *“National Commission on Children and Disasters” (re-*  
13 *ferred to in this Act as the “Commission”).*

14 **SEC. 4. PURPOSES OF COMMISSION.**

15 *The purposes of the Commission are to—*

16 *(1) conduct a comprehensive study to examine*  
17 *and assess the needs of children as they relate to prep-*  
18 *aration for, response to, and recovery from all haz-*  
19 *ards, including major disasters and emergencies;*

20 *(2) build upon the investigations of other entities*  
21 *and avoid unnecessary duplication, by reviewing the*  
22 *findings, conclusions, and recommendations of other*  
23 *commissions, Federal, State, and local governments,*  
24 *or nongovernmental entities, relating to the needs of*

1 *children as they relate to preparation for, response to,*  
2 *and recovery from all hazards, including major disas-*  
3 *ters and emergencies; and*

4 *(3) submit a report to the President and Con-*  
5 *gress on specific findings, conclusions, and rec-*  
6 *ommendations to address the needs of children as they*  
7 *relate to preparation for, response to, and recovery*  
8 *from all hazards, including major disasters and emer-*  
9 *gencies.*

10 **SEC. 5. COMPOSITION OF COMMISSION.**

11 *(a) MEMBERS.—The Commission shall be composed of*  
12 *10 members, of whom—*

13 *(1) 1 member shall be appointed by the Presi-*  
14 *dent;*

15 *(2) 1 member, who is of a different political*  
16 *party than that of the member appointed under para-*  
17 *graph (1), shall be appointed by the President;*

18 *(3) 2 members shall be appointed by the major-*  
19 *ity leader of the Senate;*

20 *(4) 2 members shall be appointed by the minor-*  
21 *ity leader of the Senate;*

22 *(5) 2 members shall be appointed by the Speaker*  
23 *of the House of Representatives; and*

24 *(6) 2 members shall be appointed by the minor-*  
25 *ity leader of the House of Representatives.*

1           (b) *CHAIRPERSON AND VICE-CHAIRPERSON SELEC-*  
2 *TION.—The Chairperson and Vice Chairperson shall be*  
3 *elected from among members of the Commission.*

4           (c) *GOVERNMENTAL APPOINTEES.—An individual ap-*  
5 *pointed to the Commission may not be an official or em-*  
6 *ployee of the Federal Government.*

7           (d) *COMMISSION REPRESENTATION.—The Commission*  
8 *shall include—*

9                   (1) *representatives from private nonprofit enti-*  
10 *ties with demonstrated expertise in addressing the*  
11 *needs of children as they relate to preparation for, re-*  
12 *sponse to, and recovery from all hazards, including*  
13 *major disasters and emergencies; and*

14                   (2) *State emergency managers and local emer-*  
15 *gency managers.*

16           (e) *QUALIFICATIONS.—Members appointed under sub-*  
17 *section (a) shall include—*

18                   (1) *individuals involved with providing services*  
19 *to children, including health, education, housing, and*  
20 *other social services, including grant and entitlement*  
21 *programs;*

22                   (2) *individuals with experience in emergency*  
23 *management, including coordination of resources and*  
24 *services among State and local governments, the Fed-*  
25 *eral Government, and nongovernmental entities;*

1           (3) *individuals with philanthropic experience fo-*  
2           *cused on the needs of children;*

3           (4) *individuals with experience in providing do-*  
4           *nated goods and services, including personnel services,*  
5           *to meet the needs of children and families as they re-*  
6           *late to preparation for, response to, and recovery from*  
7           *all hazards, including major disasters and emer-*  
8           *gencies; and*

9           (5) *individuals who have conducted academic re-*  
10          *search into related issues.*

11          (f) *APPOINTMENTS.—All members of the Commission*  
12          *shall be appointed not later than 90 days after the date*  
13          *of enactment of this Act.*

14          (g) *INITIAL MEETING.—The Commission shall meet*  
15          *and begin the operations of the Commission not later than*  
16          *120 days after the date of enactment of this Act.*

17          (h) *QUORUM AND VACANCY.—*

18                 (1) *QUORUM.—A majority of the members of the*  
19                 *Commission shall constitute a quorum, but a lesser*  
20                 *number of members may hold hearings.*

21                 (2) *VACANCY.—Any vacancy in the Commission*  
22                 *shall not affect its powers and shall be filled in the*  
23                 *same manner in which the original appointment was*  
24                 *made.*

1 **SEC. 6. DUTIES OF COMMISSION.**

2 *The Commission shall—*

3 *(1) conduct a comprehensive study that examines*  
4 *and assesses the needs of children as they relate to*  
5 *preparation for, response to, and recovery from all*  
6 *hazards, including major disasters and emergencies,*  
7 *including specific findings relating to—*

8 *(A) children’s physical and mental health;*

9 *(B) child care, including in private for-*  
10 *profit and nonprofit settings;*

11 *(C) child welfare;*

12 *(D) elementary and secondary education;*

13 *(E) sheltering, temporary housing, and af-*  
14 *fordable housing;*

15 *(F) transportation;*

16 *(G) entitlement and grant programs;*

17 *(H) juvenile justice;*

18 *(I) evacuation; and*

19 *(J) relevant activities in emergency man-*  
20 *agement;*

21 *(2) identify, review, and evaluate existing law*  
22 *relevant to the needs of children as they relate to*  
23 *preparation for, response to, and recovery from all*  
24 *hazards, including major disasters and emergencies;*

1           (3) identify, review, and evaluate the lessons  
2           learned from past disasters and emergencies relative  
3           to addressing the needs of children; and

4           (4) submit a report to the President and Con-  
5           gress on the Commission's specific findings, conclu-  
6           sions, and recommendations to address the needs of  
7           children as they relate to preparation for, response to,  
8           and recovery from all hazards, including major disas-  
9           ters and emergencies, including specific recommenda-  
10          tions on the need for planning and establishing a na-  
11          tional resource center on children and disasters, co-  
12          ordination of resources and services, administrative  
13          actions, policies, regulations, financing, and legisla-  
14          tive changes as the Commission considers appro-  
15          priate.

16 **SEC. 7. POWERS OF COMMISSION.**

17          (a) *HEARINGS.*—The Commission may hold such hear-  
18          ings, meet and act at such times and places, and receive  
19          such evidence as may be necessary to carry out the functions  
20          of the Commission.

21          (b) *INFORMATION FROM FEDERAL AGENCIES.*—

22                  (1) *IN GENERAL.*—The Commission may secure  
23          directly from any executive department, bureau, agen-  
24          cy, board, commission, office, independent establish-  
25          ment, or instrumentality of the Federal Government

1 *such information, suggestions, estimates, and statis-*  
2 *tics as the Commission considers necessary to carry*  
3 *out this Act.*

4 (2) *PROVISION OF INFORMATION.—On request of*  
5 *the Chairperson of the Commission, each department,*  
6 *bureau, agency, board, commission, office, inde-*  
7 *pendent establishment, or instrumentality shall, to the*  
8 *extent authorized by law, provide the requested infor-*  
9 *mation to the Commission*

10 (3) *RECEIPT, HANDLING, STORAGE, AND DIS-*  
11 *SEMINATION.—Information shall only be received,*  
12 *handled, stored, and disseminated by members of the*  
13 *Commission and its staff consistent with all applica-*  
14 *ble statutes, regulations, and Executive orders.*

15 (c) *ASSISTANCE FROM FEDERAL AGENCIES.—*

16 (1) *GENERAL SERVICES ADMINISTRATION.—On*  
17 *request of the Chairperson of the Commission, the Ad-*  
18 *ministrator of General Services shall provide to the*  
19 *Commission, on a reimbursable basis, administrative*  
20 *support and other services necessary for the Commis-*  
21 *sion to carry out its duties.*

22 (2) *OTHER DEPARTMENTS AND AGENCIES.—In*  
23 *addition to the assistance provided for under para-*  
24 *graph (1), departments and agencies of the United*  
25 *States may provide to the Commission such services*

1       *as they may determine advisable and as authorized*  
2       *by law.*

3       (d) *CONTRACTING.*—*The Commission may enter into*  
4       *contracts to enable the Commission to discharge its duties*  
5       *under this Act.*

6       (e) *DONATIONS.*—*The Commission may accept, use,*  
7       *and dispose of donations of services or property.*

8       (f) *POSTAL SERVICES.*—*The Commission may use the*  
9       *United States mails in the same manner and under the*  
10       *same conditions as a department or agency of the United*  
11       *States.*

12       **SEC. 8. STAFF OF COMMISSION.**

13       (a) *IN GENERAL.*—*The Chairperson of the Commis-*  
14       *sion, in consultation with the Vice Chairperson, in accord-*  
15       *ance with rules agreed upon by the Commission, may ap-*  
16       *point and fix the compensation of a staff director and such*  
17       *other personnel as may be necessary to enable the Commis-*  
18       *sion to carry out its functions, in accordance with the pro-*  
19       *visions of title 5, United States Code, except that no rate*  
20       *of pay fixed under this subsection may exceed the equivalent*  
21       *of that payable for a position at level V of the Executive*  
22       *Schedule under section 5316 of title 5, United States Code.*

23       (b) *STAFF OF FEDERAL AGENCIES.*—*Upon request of*  
24       *the Chairperson of the Commission, the head of any execu-*  
25       *tive department, bureau, agency, board, commission, office,*

1 *independent establishment, or instrumentality of the Fed-*  
2 *eral Government may detail, without reimbursement, any*  
3 *of its personnel to the Commission to assist it in carrying*  
4 *out its duties under this Act. Any detail of an employee*  
5 *shall be without interruption or loss of civil service status*  
6 *or privilege.*

7       (c) *CONSULTANT SERVICES.—The Commission is au-*  
8 *thorized to procure the services of experts and consultants*  
9 *in accordance with section 3109 of title 5, United States*  
10 *Code, but at rates not to exceed the daily rate paid a person*  
11 *occupying a position at level IV of the Executive Schedule*  
12 *under section 5315 of title 5, United States Code.*

13 **SEC. 9. TRAVEL EXPENSES.**

14       *Each member of the Commission shall serve without*  
15 *compensation, but shall receive travel expenses, including*  
16 *per diem in lieu of subsistence, in accordance with applica-*  
17 *ble provisions in the same manner as persons employed*  
18 *intermittently in the Government service are allowed ex-*  
19 *penses under section 5703 of title 5, United States Code.*

20 **SEC. 10. FEDERAL ADVISORY COMMITTEE ACT APPLICA-**  
21 **BILITY.**

22       *The provisions of the Federal Advisory Committee Act*  
23 *shall apply to the Commission, including the staff of the*  
24 *Commission.*

1 **SEC. 11. REPORTS OF COMMISSION; TERMINATION.**

2       (a) *INTERIM REPORT.*—Not later than December 31,  
3 2008, the Commission shall submit to the President and  
4 Congress an interim report containing specific findings,  
5 conclusions, and recommendations required under this Act  
6 as have been agreed to by a majority of Commission mem-  
7 bers.

8       (b) *FINAL REPORT.*—Not later than 24 months after  
9 the date of the enactment of this Act, the Commission shall  
10 submit to the President and Congress a final report con-  
11 taining specific findings, conclusions, and recommenda-  
12 tions required under this Act as have been agreed to by a  
13 majority of Commission members.

14       (c) *TERMINATION.*—

15           (1) *IN GENERAL.*—The Commission, and all the  
16 authorities of this Act, shall terminate 180 days after  
17 the date on which the final report is submitted under  
18 subsection (b).

19           (2) *RECORDS.*—Not later than the date of termi-  
20 nation of the Commission under paragraph (1), all  
21 records and papers of the Commission shall be deliv-  
22 ered to the Archivist of the United States for deposit  
23 in the National Archives.

24 **SEC. 12. AUTHORIZATION OF APPROPRIATIONS.**

25       There is authorized to be appropriated to carry out  
26 this Act, \$2,000,000 for each of fiscal years 2008 and 2009.

Amend the title so as to read: “A bill to establish a National Commission on Children and Disasters, and for other purposes.”.



Union Calendar No. 267

110<sup>TH</sup> CONGRESS  
1<sup>ST</sup> Session

**H. R. 3495**

[Report No. 110-425]

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## **A BILL**

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NOVEMBER 5, 2007

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed