

Calendar No. 478

110TH CONGRESS
1ST SESSION**H. R. 3495**

IN THE SENATE OF THE UNITED STATES

NOVEMBER 8, 2007

Received; read the first time

NOVEMBER 13, 2007

Read the second time and placed on the calendar

AN ACT

To establish a National Commission 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.

1 **SEC. 3. ESTABLISHMENT OF COMMISSION.**

2 There is established a commission to be known as the
3 “National Commission on Children and Disasters” (re-
4 ferred to in this Act as the “Commission”).

5 **SEC. 4. PURPOSES OF COMMISSION.**

6 The purposes of the Commission are to—

7 (1) conduct a comprehensive study to examine
8 and assess the needs of children as they relate to
9 preparation for, response to, and recovery from all
10 hazards, including major disasters and emergencies;

11 (2) build upon the investigations of other enti-
12 ties and avoid unnecessary duplication, by reviewing
13 the findings, conclusions, and recommendations of
14 other commissions, Federal, State, and local govern-
15 ments, or nongovernmental entities, relating to the
16 needs of children as they relate to preparation for,
17 response to, and recovery from all hazards, including
18 major disasters and emergencies; and

19 (3) submit a report to the President and Con-
20 gress on specific findings, conclusions, and rec-
21 ommendations to address the needs of children as
22 they relate to preparation for, response to, and re-
23 covery from all hazards, including major disasters
24 and emergencies.

1 **SEC. 5. COMPOSITION OF COMMISSION.**

2 (a) MEMBERS.—The Commission shall be composed
3 of 10 members, of whom—

4 (1) 1 member shall be appointed by the Presi-
5 dent;

6 (2) 1 member, who is of a different political
7 party than that of the member appointed under
8 paragraph (1), shall be appointed by the President;

9 (3) 2 members shall be appointed by the major-
10 ity leader of the Senate;

11 (4) 2 members shall be appointed by the minor-
12 ity leader of the Senate;

13 (5) 2 members shall be appointed by the Speak-
14 er of the House of Representatives; and

15 (6) 2 members shall be appointed by the minor-
16 ity leader of the House of Representatives.

17 (b) CHAIRPERSON AND VICE-CHAIRPERSON SELEC-
18 TION.—The Chairperson and Vice Chairperson shall be
19 elected from among members of the Commission.

20 (c) GOVERNMENTAL APPOINTEES.—An individual
21 appointed to the Commission may not be an official or
22 employee of the Federal Government.

23 (d) COMMISSION REPRESENTATION.—The Commis-
24 sion shall include—

25 (1) representatives from private nonprofit enti-
26 ties with demonstrated expertise in addressing the

1 needs of children as they relate to preparation for,
2 response to, and recovery from all hazards, including
3 major disasters and emergencies; and

4 (2) State emergency managers and local emer-
5 gency managers.

6 (e) QUALIFICATIONS.—Members appointed under
7 subsection (a) shall include—

8 (1) individuals involved with providing services
9 to children, including health, education, housing, and
10 other social services, including grant and entitlement
11 programs;

12 (2) individuals with experience in emergency
13 management, including coordination of resources
14 and services among State and local governments, the
15 Federal Government, and nongovernmental entities;

16 (3) individuals with philanthropic experience fo-
17 cused on the needs of children;

18 (4) individuals with experience in providing do-
19 nated goods and services, including personnel serv-
20 ices, to meet the needs of children and families as
21 they relate to preparation for, response to, and re-
22 covery from all hazards, including major disasters
23 and emergencies; and

24 (5) individuals who have conducted academic
25 research into related issues.

1 (f) APPOINTMENTS.—All members of the Commission
2 shall be appointed not later than 90 days after the date
3 of enactment of this Act.

4 (g) INITIAL MEETING.—The Commission shall meet
5 and begin the operations of the Commission not later than
6 120 days after the date of enactment of this Act.

7 (h) QUORUM AND VACANCY.—

8 (1) QUORUM.—A majority of the members of
9 the Commission shall constitute a quorum, but a
10 lesser number of members may hold hearings.

11 (2) VACANCY.—Any vacancy in the Commission
12 shall not affect its powers and shall be filled in the
13 same manner in which the original appointment was
14 made.

15 **SEC. 6. DUTIES OF COMMISSION.**

16 The Commission shall—

17 (1) conduct a comprehensive study that exam-
18 ines and assesses the needs of children as they relate
19 to preparation for, response to, and recovery from
20 all hazards, including major disasters and emer-
21 gencies, including specific findings relating to—

22 (A) children’s physical and mental health;

23 (B) child care, including in private for-
24 profit and nonprofit settings;

25 (C) child welfare;

- 1 (D) elementary and secondary education;
2 (E) sheltering, temporary housing, and af-
3 fordable housing;
4 (F) transportation;
5 (G) entitlement and grant programs;
6 (H) juvenile justice;
7 (I) evacuation; and
8 (J) relevant activities in emergency man-
9 agement;

10 (2) identify, review, and evaluate existing law
11 relevant to the needs of children as they relate to
12 preparation for, response to, and recovery from all
13 hazards, including major disasters and emergencies;

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

17 (4) submit a report to the President and Con-
18 gress on the Commission's specific findings, conclu-
19 sions, and recommendations to address the needs of
20 children as they relate to preparation for, response
21 to, and recovery from all hazards, including major
22 disasters and emergencies, including specific rec-
23 ommendations on the need for planning and estab-
24 lishing a national resource center on children and
25 disasters, coordination of resources and services, ad-

1 ministrative actions, policies, regulations, financing,
2 and legislative changes as the Commission considers
3 appropriate.

4 **SEC. 7. POWERS OF COMMISSION.**

5 (a) HEARINGS.—The Commission may hold such
6 hearings, meet and act at such times and places, and re-
7 ceive such evidence as may be necessary to carry out the
8 functions of the Commission.

9 (b) INFORMATION FROM FEDERAL AGENCIES.—

10 (1) IN GENERAL.—The Commission may secure
11 directly from any executive department, bureau,
12 agency, board, commission, office, independent es-
13 tablishment, or instrumentality of the Federal Gov-
14 ernment such information, suggestions, estimates,
15 and statistics as the Commission considers necessary
16 to carry out this Act.

17 (2) PROVISION OF INFORMATION.—On request
18 of the Chairperson of the Commission, each depart-
19 ment, bureau, agency, board, commission, office,
20 independent establishment, or instrumentality shall,
21 to the extent authorized by law, provide the re-
22 quested information to the Commission.

23 (3) RECEIPT, HANDLING, STORAGE, AND DIS-
24 SEMINATION.—Information shall only be received,
25 handled, stored, and disseminated by members of

1 the Commission and its staff consistent with all ap-
2 plicable statutes, regulations, and Executive orders.

3 (c) ASSISTANCE FROM FEDERAL AGENCIES.—

4 (1) GENERAL SERVICES ADMINISTRATION.—On
5 request of the Chairperson of the Commission, the
6 Administrator of General Services shall provide to
7 the Commission, on a reimbursable basis, adminis-
8 trative support and other services necessary for the
9 Commission to carry out its duties.

10 (2) OTHER DEPARTMENTS AND AGENCIES.—In
11 addition to the assistance provided for under para-
12 graph (1), departments and agencies of the United
13 States may provide to the Commission such services
14 as they may determine advisable and as authorized
15 by law.

16 (d) CONTRACTING.—The Commission may enter into
17 contracts to enable the Commission to discharge its duties
18 under this Act.

19 (e) DONATIONS.—The Commission may accept, use,
20 and dispose of donations of services or property.

21 (f) POSTAL SERVICES.—The Commission may use
22 the United States mails in the same manner and under
23 the same conditions as a department or agency of the
24 United States.

1 **SEC. 8. STAFF OF COMMISSION.**

2 (a) IN GENERAL.—The Chairperson of the Commis-
3 sion, in consultation with the Vice Chairperson, in accord-
4 ance with rules agreed upon by the Commission, may ap-
5 point and fix the compensation of a staff director and such
6 other personnel as may be necessary to enable the Com-
7 mission to carry out its functions, in accordance with the
8 provisions of title 5, United States Code, except that no
9 rate of pay fixed under this subsection may exceed the
10 equivalent of that payable for a position at level V of the
11 Executive Schedule under section 5316 of title 5, United
12 States Code.

13 (b) STAFF OF FEDERAL AGENCIES.—Upon request
14 of the Chairperson of the Commission, the head of any
15 executive department, bureau, agency, board, commission,
16 office, independent establishment, or instrumentality of
17 the Federal Government may detail, without reimburse-
18 ment, any of its personnel to the Commission to assist
19 it in carrying out its duties under this Act. Any detail of
20 an employee shall be without interruption or loss of civil
21 service status or privilege.

22 (c) CONSULTANT SERVICES.—The Commission is au-
23 thorized to procure the services of experts and consultants
24 in accordance with section 3109 of title 5, United States
25 Code, but at rates not to exceed the daily rate paid a per-
26 son occupying a position at level IV of the Executive

1 Schedule under section 5315 of title 5, United States
2 Code.

3 **SEC. 9. TRAVEL EXPENSES.**

4 Each member of the Commission shall serve without
5 compensation, but shall receive travel expenses, including
6 per diem in lieu of subsistence, in accordance with applica-
7 ble provisions in the same manner as persons employed
8 intermittently in the Government service are allowed ex-
9 penses under section 5703 of title 5, United States Code.

10 **SEC. 10. FEDERAL ADVISORY COMMITTEE ACT APPLICA-**
11 **BILITY.**

12 The provisions of the Federal Advisory Committee
13 Act shall apply to the Commission, including the staff of
14 the Commission.

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

16 (a) INTERIM REPORT.—Not later than December 31,
17 2008, the Commission shall submit to the President and
18 Congress an interim report containing specific findings,
19 conclusions, and recommendations required under this Act
20 as have been agreed to by a majority of Commission mem-
21 bers.

22 (b) FINAL REPORT.—Not later than 24 months after
23 the date of the enactment of this Act, the Commission
24 shall submit to the President and Congress a final report
25 containing specific findings, conclusions, and rec-

1 ommendations required under this Act as have been
2 agreed to by a majority of Commission members.

3 (c) TERMINATION.—

4 (1) IN GENERAL.—The Commission, and all the
5 authorities of this Act, shall terminate 180 days
6 after the date on which the final report is submitted
7 under subsection (b).

8 (2) RECORDS.—Not later than the date of ter-
9 mination of the Commission under paragraph (1),
10 all records and papers of the Commission shall be
11 delivered to the Archivist of the United States for
12 deposit in the National Archives.

13 **SEC. 12. AUTHORIZATION OF APPROPRIATIONS.**

14 There is authorized to be appropriated to carry out
15 this Act, \$2,000,000 for each of fiscal years 2008 and
16 2009.

Passed the House of Representatives November 6,
2007.

Attest:

LORRAINE C. MILLER,

Clerk.

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