

HOMELAND SECURITY FOR CHILDREN ACT

JANUARY 8, 2020.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. THOMPSON of Mississippi, from the Committee on Homeland Security, submitted the following

R E P O R T

[To accompany H.R. 2932]

[Including cost estimate of the Congressional Budget Office]

The Committee on Homeland Security, to whom was referred the bill (H.R. 2932) to amend the Homeland Security Act of 2002 to ensure that the needs of children are considered in homeland security planning, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

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PURPOSE AND SUMMARY

H.R. 2932, the “Homeland Security for Children Act,” would ensure that the needs of children are adequately included and considered in Department of Homeland Security (DHS) planning.

BACKGROUND AND NEED FOR LEGISLATION

Making up 23 percent of the American population,¹ children are some of the most vulnerable among us. Due to their general incapacity to protect and advocate for themselves, children are more likely to succumb to the negative outcomes associated with disasters and acts of terrorism;² and when disaster strikes, whether natural or manmade, the country has historically struggled to adequately prepare for children’s unique needs.³

In response, in July 2015, then-Federal Emergency Management Agency (FEMA) Administrator Craig Fugate established the children’s technical expert position;⁴ however, over the past four years, this position was never authorized, calling into question whether FEMA will continue to give special attention to children’s needs. The “Homeland Security for Children Act” would formally authorize the children’s technical expert position, ensuring that FEMA will adequately incorporate the needs of children into its emergency preparedness, response, recovery, and mitigation activities.

Additionally, the “Homeland Security for Children Act” would make children’s needs a priority throughout the Department of Homeland Security, by directing the Undersecretary for Strategy, Policy, and Plans to incorporate feedback from children’s organizations into Department-wide activities. This legislation also includes a requirement for the Under Secretary for Strategy, Policy, and Plans to submit a report to Congress on the Department’s efforts to integrate the needs of children into its policies, programs, and activities.

In the 116th Congress, Committee Members heard from witnesses who described how children are at greater risk of the impacts of climate change and disasters, as they are more susceptible to physical and mental injuries and death; how disaster planning should be uniquely tailored for children; and how the Federal government could improve school security for children, among other things.

An earlier version of the “Homeland Security for Children Act” was introduced and passed by voice vote in the House last Congress.⁵ The legislation is endorsed by the National Coalition on Children, which includes Save Children; Child Care Aware; Child

¹“Number of Children: Key facts about the number of children in the United States,” *Child Trends*. Accessed on May 14, 2019. Available at: <https://www.childtrends.org/indicators/number-of-children>.

²“What is a Vulnerable Population in Health Care?” *Care Centrix*. September 7, 2017. Accessed on May 20, 2019. Available at: <https://www.carecentrix.com/blog/what-is-a-vulnerable-population>.

³“2005 Hurricane Katrina Strikes, 2010 America Remains Unprepared: A National Report Card on Protecting Children During Disasters” *Save the Children*. Accessed on May 20, 2019. Available at: <https://www.savethechildren.org/content/dam/usa/reports/emergency-prep/disaster-report-2010.pdf>.

⁴“Children and Disasters: An Integrated Approach to Disaster Planning, Preparedness, Response, and Recovery.” Federal Emergency Management Agency National Advisory Council Meeting, September 18, 2015. Accessed on May 15, 2019. Available at: [https://www.fema.gov/media-library-data/1444146313302-51ff102360b5d17c9cee79abd11e43f3/ChildrenandDisasters_LauraleeKoziol_9-18-15\(508c\).pdf](https://www.fema.gov/media-library-data/1444146313302-51ff102360b5d17c9cee79abd11e43f3/ChildrenandDisasters_LauraleeKoziol_9-18-15(508c).pdf).

⁵H.R. 1372. Introduced on March 3, 2017.

Welfare League of America; Early Care and Education Consortium; First Focus Campaign for Children; Institute for Child Success; National Center for Disaster Preparedness at Columbia University; 1,000 Days; Partnership for Inclusive Disaster Strategies; Public Advocacy for Kids; Share our Strength; Young Center for Immigrant Children's Rights; and Zero to Three.

HEARINGS

For the purposes of section 103(i) of H. Res. 6. of the 116th Congress, the following hearings were used to develop H.R. 2932:

- On April 9, 2019, the Committee held a hearing entitled, "Assessing the Homeland Security Impacts of a Changing Climate." The Committee received testimony from Astrid Caldas, Ph.D., Senior Climate Change Scientist, Union of Concerned Scientists; Timothy Manning, Senior Advisor to the Pacific Disaster Center and the President and CEO of Berglind-Manning Inc.; Kristie Trousdale, MPH, Deputy Director, Children's Environmental Health Network; and Dan Eggleston, EFO, CEO, CMO, President and Chairman of the Board, International Association of Fire Chiefs.

- On July 23, 2019, the Committee held a hearing entitled, "Protecting Every Citizen: Assessing Emergency Preparedness for Underserved Populations." The Committee received testimony from Major Louis V. Bucchere, Commanding Officer, Emergency Management Section, New Jersey State Police; Kelly Boyd, Access and Functional Needs Planner, Preparedness Bureau, Emergency Management Section, New Jersey Office of Emergency Management; Elizabeth Curda, Director, Education, Workforce, and Income Security, Government Accountability Office; Marcie Roth, CEO, Partnership for Inclusive Disaster Strategies; Dorian Herrell, Director, Office of Emergency Management and Homeland Security, City of Newark; Luke Koppisch, Deputy Director, Alliance Center for Independence; and Laurence Flint, MD, New Jersey Chapter Representative, American Academy of Pediatrics Disaster Preparedness Committee.

- On September 26, 2019, the Committee held a hearing entitled, "Engaging the Community: Perspectives on School Security." The Committee received testimony from Jared Maples, Director, New Jersey Office of Homeland Security and Preparedness; Kathy Martinez-Prather, Director, Texas School Safety Center, Texas State University; Lauren Hogg, Co-Founder, March for Our Lives; Parkland shooting survivor; and Max Schachter, Founder and CEO, Safe Schools for Alex.

COMMITTEE CONSIDERATION

The Committee met on October 23, 2019, with a quorum being present, to consider H.R. 2932 and ordered the measure to be reported to the House with a favorable recommendation, without amendment, by unanimous consent.

COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires the Committee to list the recorded votes on the motion to report legislation and amendments thereto.

No recorded votes were requested during consideration of H.R. 2932.

COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee advises that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

CONGRESSIONAL BUDGET OFFICE ESTIMATE NEW BUDGET
AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES

With respect to the requirements of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974 and with respect to requirements of clause (3)(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee adopts as its own the estimate of the estimate of new budget authority, entitlement authority, or tax expenditures or revenues contained in the cost estimate prepared by the Director of the Congressional Budget Office.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, December 11, 2019.

Hon. BENNIE G. THOMPSON,
*Chairman, Committee on Homeland Security,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for Department of Homeland Security Legislation.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Kim Cawley.

Sincerely,

PHILLIP L. SWAGEL,
Director.

Enclosure.

| Department of Homeland Security Legislation | | | |
|------------------------------------------------------------------------------------------------|------|-------------------------------------|---------------|
| As ordered reported by the House Committee on Homeland Security on October 23, 2019 | | | |
| By Fiscal Year, Millions of Dollars | 2020 | 2020-2024 | 2020-2029 |
| Direct Spending (Outlays) | 0 | 0 | 0 |
| Revenues | 0 | 0 | 0 |
| Increase or Decrease (-) in the Deficit | 0 | 0 | 0 |
| Spending Subject to Appropriation (Outlays) | * | * | not estimated |
| Statutory pay-as-you-go procedures apply? | No | Mandate Effects | |
| Increases on-budget deficits in any of the four consecutive 10-year periods beginning in 2030? | No | Contains intergovernmental mandate? | No |
| | | Contains private-sector mandate? | No |
| * = less than \$500,000; the table above applies to each bill described below. | | | |

On October 23, 2019, the House Committee on Homeland Security ordered reported the following bills:

- H.R. 2932, the Homeland Security for Children Act, which would direct the Department of Homeland Security (DHS) to consider the needs of children during its strategic planning activities (such as preparation for natural disasters);
- H.R. 3787, the DHS Countering Unmanned Aircraft Systems Coordinator Act, which would direct DHS to designate one of its officials to coordinate the department's efforts to combat threats from unmanned aircraft systems (or drones);
- H.R. 4737, the Department of Homeland Security Climate Change Research Act, which would direct DHS to assess and potentially expand upon existing federal research projects that examine ways to mitigate the effects of climate change on homeland security programs; and

DHS is currently carrying out activities similar to those required by the bills listed above, and any new activities required under the legislation would not require substantial action by the department. Thus, CBO estimates that implementing each bill would not have a significant cost; any spending would be subject to the availability of appropriated funds.

The CBO staff contact for this estimate is Kim Cawley. The estimate was reviewed by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act.

DUPLICATIVE FEDERAL PROGRAMS

Pursuant to clause 3(c) of rule XIII, the Committee finds that H.R. 2932 does not contain any provision that establishes or reauthorizes a program known to be duplicative of another Federal program.

PERFORMANCE GOALS AND OBJECTIVES

Pursuant to clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the objective of H.R. 2932 is to ensure that the needs of children are incorporated into DHS planning by authorizing the children's technical expert position. Further, the legislation would enhance Federal accountability and support for activities to mitigate the impacts of natural and manmade disasters on children.

ADVISORY ON EARMARKS

In compliance with rule XXI of the Rules of the House of Representatives, this bill, as reported, contains no congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of the rule XXI.

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Section 1. Short title

This section provides that this bill may be cited as the "Homeland Security for Children Act."

Sec. 2. Responsibilities of the Under Secretary for Strategy, Policy, and Plans

This section directs the Undersecretary for Strategy, Policy, and Plans to incorporate the feedback of organizations that represent the needs of children into Department of Homeland Security-wide planning to ensure that the needs of children are adequately considered in homeland security matters.

Sec. 3. Technical Expert Authorized

This section authorizes the children's technical expert position within the Federal Emergency Management Agency. The children's technical expert would be permitted to consult with relevant, outside organizations and experts to better integrate the unique needs of children in FEMA activities to prepare for, protect against, respond to, recover from, and mitigate against natural and manmade disasters.

Sec. 4. Report

This section requires the Undersecretary for Strategy, Policy, and Plans to submit a report to the relevant Congressional Committees, detailing DHS' efforts to review and incorporate feedback from organizations representing the needs of children into Department-wide policy. This report would include the individual responsible for carrying out the requirements of this legislation, any review of Department-wide policies, programs, or activities intended to assess the suitability of incorporating feedback of organizations representing children in Departmental policies, programs, and activities; any review, modification, or change to Department policies, programs, and activities to incorporate the needs of children; Department coordination with outside organizations and experts representing the needs of children, and any other conduct done to inform any changes in policy, programs, or activities in order to en-

sure that the unique needs of children are adequately considered by DHS in all of its activities.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (new matter is printed in italic and existing law in which no change is proposed is shown in roman):

HOMELAND SECURITY ACT OF 2002

* * * * *

TITLE VII—MANAGEMENT

* * * * *

SEC. 709. OFFICE OF STRATEGY, POLICY, AND PLANS.

(a) **IN GENERAL.**—There is established in the Department an Office of Strategy, Policy, and Plans.

(b) **HEAD OF OFFICE.**—The Office of Strategy, Policy, and Plans shall be headed by an Under Secretary for Strategy, Policy, and Plans, who shall serve as the principal policy advisor to the Secretary. The Under Secretary for Strategy, Policy, and Plans shall be appointed by the President, by and with the advice and consent of the Senate.

(c) **FUNCTIONS.**—The Under Secretary for Strategy, Policy, and Plans shall—

(1) lead, conduct, and coordinate Department-wide policy development and implementation and strategic planning;

(2) develop and coordinate policies to promote and ensure quality, consistency, and integration for the programs, components, offices, and activities across the Department;

(3) develop and coordinate strategic plans and long-term goals of the Department with risk-based analysis and planning to improve operational mission effectiveness, including consultation with the Secretary regarding the quadrennial homeland security review under section 707;

(4) manage Department leadership councils and provide analytics and support to such councils;

(5) manage international coordination and engagement for the Department;

(6) review and incorporate, as appropriate, external stakeholder feedback, *including feedback from organizations representing the needs of children*, into Department policy; and

(7) carry out such other responsibilities as the Secretary determines appropriate.

(d) **DEPUTY UNDER SECRETARY.**—

(1) **IN GENERAL.**—The Secretary may—

(A) establish within the Office of Strategy, Policy, and Plans a position of Deputy Under Secretary to support the Under Secretary for Strategy, Policy, and Plans in carrying out the Under Secretary's responsibilities; and

(B) appoint a career employee to such position.

(2) LIMITATION ON ESTABLISHMENT OF DEPUTY UNDER SECRETARY POSITIONS.—A Deputy Under Secretary position (or any substantially similar position) within the Office of Strategy, Policy, and Plans may not be established except for the position provided for by paragraph (1), unless the Secretary receives prior authorization from Congress.

(3) DEFINITIONS.—For purposes of paragraph (1)—

(A) the term “career employee” means any employee (as such term is defined in section 2105 of title 5, United States Code), but does not include a political appointee; and

(B) the term “political appointee” means any employee who occupies a position which has been excepted from the competitive service by reason of its confidential, policy-determining, policy-making, or policy-advocating character.

(e) COORDINATION BY DEPARTMENT COMPONENTS.—To ensure consistency with the policy priorities of the Department, the head of each component of the Department shall coordinate with the Office of Strategy, Policy, and Plans in establishing or modifying policies or strategic planning guidance with respect to each such component.

(f) HOMELAND SECURITY STATISTICS AND JOINT ANALYSIS.—

(1) HOMELAND SECURITY STATISTICS.—The Under Secretary for Strategy, Policy, and Plans shall—

(A) establish standards of reliability and validity for statistical data collected and analyzed by the Department;

(B) be provided by the heads of all components of the Department with statistical data maintained by the Department regarding the operations of the Department;

(C) conduct or oversee analysis and reporting of such data by the Department as required by law or as directed by the Secretary; and

(D) ensure the accuracy of metrics and statistical data provided to Congress.

(2) TRANSFER OF RESPONSIBILITIES.—There shall be transferred to the Under Secretary for Strategy, Policy, and Plans the maintenance of all immigration statistical information of U.S. Customs and Border Protection, U.S. Immigration and Customs Enforcement, and United States Citizenship and Immigration Services, which shall include information and statistics of the type contained in the publication entitled “Yearbook of Immigration Statistics” prepared by the Office of Immigration Statistics, including region-by-region statistics on the aggregate number of applications and petitions filed by an alien (or filed on behalf of an alien) and denied, and the reasons for such denials, disaggregated by category of denial and application or petition type.

(g) LIMITATION.—Nothing in this section overrides or otherwise affects the requirements specified in section 888.

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COMMITTEE CORRESPONDENCE



**Committee on Transportation and Infrastructure
U.S. House of Representatives**

Peter A. DeFazio
Chairman

Washington, DC 20515

Sam Graves, MD
Ranking Member

January 7, 2020

Katherine W. Dedrick, Staff Director

Paul J. Sass, Republican Staff Director

The Honorable Bennie G. Thompson
Chairman, Committee on Homeland Security
House of Representatives
H2-176 Ford House Office Building
Washington, D.C. 20515

Dear Chairman Thompson:

I write concerning *H.R. 2932, the Homeland Security for Children Act*. There are certain provisions in this legislation that fall within the Rule X jurisdiction of the Committee on Transportation and Infrastructure.

In order to expedite floor consideration of H.R. 2932, the Committee on Transportation and Infrastructure agrees to forgo action on the bill. However, this is conditional on our mutual understanding that forgoing consideration of the bill would not prejudice the Committee with respect to the appointment of conferees or to any future jurisdictional claim over the subject matters contained in the bill or similar legislation that fall within the Committee's Rule X jurisdiction. I also request that you urge the Speaker to name members of this Committee to any conference committee which is named to consider such provisions.

Please place a copy of this letter and your response acknowledging our jurisdictional interest into the committee report on H.R. 2932 and into the *Congressional Record* during consideration of the measure on the House floor.

Sincerely,


Peter A. DeFazio
Chair

cc: The Honorable Nancy Pelosi
The Honorable Sam Graves
The Honorable Mike Rogers
Mr. Thomas J. Wickham Jr., Parliamentarian

BENNIE G. THOMPSON, MISSISSIPPI
CHAIRMAN

MIKE ROGERS, ALABAMA
RANKING MEMBER



One Hundred Sixteenth Congress
Committee on Homeland Security
U.S. House of Representatives
Washington, DC 20515

January 7, 2020

The Honorable Peter DeFazio
Chairman
Committee on Transportation and Infrastructure
2165 Rayburn House Office Building
U.S. House of Representatives
Washington, DC 20515

Dear Chairman DeFazio:

Thank you for your letter regarding H.R. 2932, the "Homeland Security for Children Act." The Committee on Homeland Security recognizes that the Committee on Transportation and Infrastructure has a jurisdictional interest in H.R. 2932, and I appreciate your effort to allow this bill to be considered on the House floor.

I concur with you that forgoing action on the bill does not in any way prejudice the Committee on Transportation and Infrastructure with respect to its jurisdictional prerogatives on this bill or similar legislation in the future, and I would support your effort to seek appointment of an appropriate number of conferees to any House – Senate conference involving this legislation.

I will include our letters on H.R. 2932 in the *Congressional Record* during floor consideration of this bill. I look forward to working with you on this legislation and other matters of great importance to this nation.

Sincerely,

A handwritten signature in black ink that reads "Bennie G. Thompson". The signature is fluid and cursive.

BENNIE G. THOMPSON
Chairman

cc: The Honorable Nancy Pelosi, Speaker
The Honorable Michael Rogers, Ranking Member
The Honorable Tom Wickham, Parliamentarian