To establish a commission to develop a national strategy and recommendations for reducing fatalities resulting from child abuse and neglect.

IN THE SENATE OF THE UNITED STATES

DECEMBER 13, 2011

Mr. KERRY (for himself and Ms. COLLINS) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To establish a commission to develop a national strategy and recommendations for reducing fatalities resulting from child abuse and neglect.

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

SECTION 1. COMMISSION.

This Act may be cited as the “Protect our Kids Act of 2011”.

SEC. 2. FINDINGS.

Congress finds that—

(1) deaths from child abuse and neglect are preventable;
(2) deaths from child abuse and neglect are significantly underreported and there is no national standard for reporting such deaths;

(3) according to the National Child Abuse and Neglect Data System, in fiscal year 2009 approximately 1,770 children in the United States are reported to have died from child abuse and neglect, and many experts believe that the actual number may be significantly more;

(4) nearly half of the number of children in the United States who die from abuse are under the age of 1, and more than 80 percent are under the age of 4;

(5) in 2009, of deaths from child abuse and neglect—

(A) nearly 36 percent were caused by neglect;

(B) 23 percent were caused by physical abuse; and

(C) more than 36 percent were caused by multiple forms of maltreatment;

(6) each year approximately 6,000,000 children in the United States are referred to child protective services because of allegations of child abuse and neglect; and
(7) increased understanding of deaths from child abuse and neglect can lead to improvement in agency systems and practices to protect children and prevent child abuse and neglect.

SEC. 3. ESTABLISHMENT OF COMMISSION.

(a) Establishment.—There is established the Commission to Eliminate Child Abuse and Neglect Fatalities (in this Act referred to as the “Commission”).

(b) Membership.—

(1) Composition.—

(A) Number.—The Commission shall be composed of not fewer than 12 and not more than 15 members, all of whom shall be appointed by the President.

(B) Qualifications.—Each member appointed under subparagraph (A) shall have experience in 1 or more areas consisting of—

(i) State child welfare agency administration;

(ii) child welfare advocacy;

(iii) child development;

(iv) trauma and crisis intervention;

(v) pediatrics;

(vi) child psychology and mental health;
(vii) emergency medicine;

(viii) forensic pathology or medical investigation of injury and fatality;

(ix) social work with field experience;

(x) academia at an institution of higher education, as that term is defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001), with a focus on 1 or more of the other areas listed under this subparagraph;

(xi) law enforcement, with experience handling child abuse and neglect matters;

(xii) civil law, with experience handling child abuse and neglect matters;

(xiii) criminal law, with experience handling child abuse and neglect matters;

(xiv) substance abuse treatment;

(xv) education at an elementary school or secondary school, as those terms are defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801);

(xvi) epidemiology; and
(xvii) computer science or software engineering with a background in interoperability standards.

(C) EXPERIENCE.—The Commission shall have 1 or more members with experience in each of the areas listed in subparagraph (B).

(2) DATE.—The appointments of the members of the Commission shall be made not later than 90 days after the date of enactment of this Act.

(e) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(d) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold its first meeting.

(e) MEETINGS.—The Commission shall meet at the call of the Chairperson.

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

(g) CHAIRPERSON.—The President shall select a Chairperson for the Commission from among its members.
SEC. 4. DUTIES OF THE COMMISSION.

(a) Study.—

(1) In general.—The Commission shall conduct a thorough study on reducing fatalities from child abuse and neglect.

(2) Matters studied.—The matters studied by the Commission shall include—

(A) the incidence of fatalities from child abuse and neglect in the United States and whether that incidence has been increasing over time;

(B) the feasibility of establishing a system that accurately records incidents of child abuse and neglect;

(C) practices that can prevent fatalities from child abuse and neglect;

(D) the role of parental substance abuse, parental mental health issues, and domestic violence in increasing the incidence of child abuse and neglect;

(E) the adequacy and effectiveness of programs, including child health services, mental health services, child protective services, child welfare services, education, child care, juvenile justice services, and law enforcement activities, designed to identify and prevent child
youth) fatalities that are intentionally caused or that occur due to negligence, neglect, or a failure to exercise proper care;

(F) the effectiveness of Federal, State, and local policies and systems aimed at appropriately identifying and collecting accurate, uniform data on child fatalities in a coordinated fashion, including the identification of the most and least effective policies and systems in practice;

(G) the adequacy of Federal, State, and local efforts to obtain an appropriate distribution of properly trained child health services, mental health services, child protective services, child welfare services, education, child care, juvenile justice services, and law enforcement personnel to identify and prevent child fatalities;

(H) the current (as of the date of the study) resource limitations and barriers to preventing fatalities from child abuse and neglect, and how to improve efficiency of use of those current resources to improve child welfare outcomes;

(I) identification of best practices in evaluating programs for effectiveness in preventing
child abuse and neglect and fatalities from child abuse and neglect;

(J) methods of prioritizing child abuse and neglect prevention services for families with the highest need, including exploring prioritization based on risk factors beyond poverty;

(K) the correlation between animal abuse and child abuse, including whether additional research and policy changes could better address that correlation and whether there are warning signs that animal abuse may escalate to child abuse;

(L) methods of improving data collection and utilization, such as increasing interoperability among State and local systems and using other effective and financially feasible approaches;

(M) identification of best practices and models for promoting child welfare, specifically addressing child abuse and neglect;

(N) identification of requirements and national standards for training and education for child welfare workers;

(O) the potential impact of a Federal law mandating the review of fatalities of children;
(P) the development of a model protocol for assuring that civil and criminal legal proceedings are closely coordinated between child protection and law enforcement agencies, including coordination between law enforcement personnel, child protection services personnel, prosecutors, medical providers, victim advocates, and mental health professionals;

(Q) the potential effectiveness of a targeted public education campaign focused on community involvement to reduce child abuse and neglect;

(R) possible modifications to confidentiality laws that would increase access to information and better protect child victims;

(S) examination of public and private models for improving child welfare outcomes, including suggestions for expanding the most effective approaches;

(T) examination of sources for available data beyond fatalities, such as data on serious injuries and “near misses”;

(U) development of guidelines for the type of instances that should be tracked to improve
child welfare response and interventions to prevent fatalities from child abuse and neglect; and

(V) consideration of past recommendations from the Advisory Board on Child Abuse and Neglect, including updates on those recommendations.

(3) MATERIALS STUDIED.—The Commission shall review all current (as of the date of the study) research and documentation, including the National Survey of Child and Adolescent Well-Being and research and recommendations from the Government Accountability Office, to identify lessons, solutions, and needed improvements related to reducing fatalities from child abuse and neglect.

(b) COORDINATION.—The Commission shall—

(1) provide opportunities for graduate and doctoral students to coordinate research with the Commission; and

(2) coordinate with institutions of higher education, as that term is defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001), interested in supporting the work of the Commission.

(e) RECOMMENDATIONS.—The Commission shall develop recommendations for Federal, State, and local agencies, and private sector and nonprofit organizations to im-
implement a comprehensive national strategy that reduces fatalities from child abuse and neglect.

(d) Report.—

(1) In general.—Not later than 3 years after the date of the enactment of this Act, the Commission shall submit a report to the President and Congress, which shall contain a detailed statement of the findings and conclusions of the Commission, together with its recommendations for such legislation and administrative actions as it considers appropriate.

(2) Online access.—The Commission shall make the report under paragraph (1) available on the publicly available Internet Web site of the Department of Health and Human Services.

SEC. 5. POWERS OF THE COMMISSION.

(a) Hearings.—

(1) In general.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out this Act.

(2) Location.—The location of hearings under paragraph (1) shall include—
(A) areas with high fatality rates from child abuse and neglect; and

(B) areas that have shown a decrease in fatalities from child abuse and neglect.

(3) SUBJECT.—The Commission shall hold hearings under paragraph (1)—

(A) to examine the Federal, State, and local policies and available resources that affect fatalities from child abuse and neglect; and

(B) to explore the matters studied under section 4(a)(2).

(b) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out this Act. Upon request of the Chairperson of the Commission, the head of such department or agency shall furnish such information to the Commission.

(c) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(d) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.
SEC. 6. COMMISSION PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(b) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) STAFF.—

(1) IN GENERAL.—The Chairperson of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to per-
form its duties. The employment of an executive director shall be subject to confirmation by the Commission.

(2) COMPENSATION.—The Chairperson of the Commission may fix the compensation of the executive director and other personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.
SEC. 7. TERMINATION OF THE COMMISSION.
(a) IN GENERAL.—The Commission shall terminate on the earlier of—
(1) the 90th day after the date on which the Commission submits its report under section 4(d); or
(2) the day that is 3 years after the initial meeting under section 3(d).
(b) EXCEPTION.—The President may extend the termination date under subsection (a)(2) by an additional 1 year.

SEC. 8. FEDERAL AGENCY RESPONSE.
Not later than 6 months after the submission of the report required under section 4(d), any Federal agency that is affected by a recommendation described in the report shall submit to Congress a report containing the response of the Federal agency to the recommendation and the plans of the Federal agency to address the recommendation.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.
(a) IN GENERAL.—There is authorized to be appropriated $2,000,000 for each of fiscal years 2012, 2013, and 2014 to the Commission to carry out this Act.
(b) AVAILABILITY.—Any sums appropriated under the authorization contained in this section shall remain available, without fiscal year limitation, until expended.