

Calendar No. 296

115TH CONGRESS }
2d Session }

SENATE

{ REPORT
115-202 }

HOMELAND SECURITY FOR CHILDREN ACT

REPORT

OF THE

COMMITTEE ON HOMELAND SECURITY AND
GOVERNMENTAL AFFAIRS
UNITED STATES SENATE

TO ACCOMPANY

S. 1847

TO AMEND THE HOMELAND SECURITY ACT OF 2002 TO ENSURE
THAT THE NEEDS OF CHILDREN ARE CONSIDERED IN HOMELAND
SECURITY, TRAFFICKING, AND DISASTER RECOVERY PLANNING,
AND FOR OTHER PURPOSES



JANUARY 30, 2018.—Ordered to be printed

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HOMELAND SECURITY FOR CHILDREN ACT

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Mr. JOHNSON, from the Committee on Homeland Security and Governmental Affairs, submitted the following

R E P O R T

[To accompany S. 1847]

[Including cost estimate of the Congressional Budget Office]

The Committee on Homeland Security and Governmental Affairs, to which was referred the bill (S. 1847) to amend the Homeland Security Act of 2002 to ensure that the needs of children are considered in homeland security, trafficking, and disaster recovery planning, and for other purposes, reports favorably thereon with an amendment in the nature of a substitute and recommends that the bill, as amended, do pass.

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I. PURPOSE AND SUMMARY

S. 1847, the Homeland Security for Children Act, requires the Department of Homeland Security (DHS or the Department) and its components to more effectively include the needs of children in its policy and procedures in areas such as disaster recovery planning by seeking feedback from outside organizations.

II. BACKGROUND AND THE NEED FOR LEGISLATION

There are over 73 million children in the United States, totaling 22.8 percent of our population.¹ The majority of American children are separated from their parents every weekday while the parents work and the children are in school or daycare. Over 90 percent of those separated children live in an area at risk of natural disasters.²

The Department is tasked with keeping the public safe, including children. Its mission ranges from thwarting terrorist attacks to responding to natural and manmade disasters; from interdicting the movement of illicit drugs at the border to combating human trafficking and protecting its victims.³ Within DHS, the Federal Emergency Management Agency's (FEMA) primary mission is to support citizens and first responders as they prepare for, protect against, respond to, recover from, and mitigate all hazards.⁴ However, FEMA has not always considered the unique needs of children when it comes to evacuation, shelter, and medical care, and there is wide variance in the level of preparation and responsiveness of other relevant Federal agencies as well.

In the aftermath of Hurricane Katrina in 2005, Congress and President George W. Bush created the National Commission on Children and Disasters (NCCD). As required under the Kids in Disasters Well-being, Safety, and Health Act of 2007, the NCCD was created to assess gaps in Federal disaster preparedness, response, and recovery planning that put children at risk and to formulate recommendations that could guide a national movement to close those gaps and help Congress, Federal agencies, states, and non-Federal partners better protect our children.⁵

In 2010, the NCCD reported to the President and Congress on its review of Federal disaster-related laws, regulations, programs, and policies. The report made 32 recommendations to eliminate gaps in policies that overlook the needs of children and achieve a coordinated national disaster strategy that accounts for the needs of children.⁶ In 2015, Save the Children reported that 79 percent of these recommendations had not been completely implemented.⁷

In 2016, the Government Accountability Office (GAO) recommended that FEMA improve collaboration across all agencies and all levels of government in implementing the National Disaster Recovery Framework (NDRF).⁸ FEMA issued the NDRF in 2011, after an interagency collaborative process, "to define how the nation will approach recovery and establish new coordination struc-

¹U.S. Census Bureau, Quick Facts, <https://www.census.gov/quickfacts/fact/table/US/PST045216> (multiplying "Population estimates, July 1, 2016" by "Persons under 18 years, percent, July 1, 2016" to calculate number of children).

²Mississippi State University Early Childhood Institute, *Low Standards for Emergency Preparedness in the Early Childhood and K-12 Sectors* (2008).

³U.S. Dep't of Homeland Sec., *Our Mission* (May 11, 2016), <https://www.dhs.gov/our-mission>.

⁴FEMA, *About the Agency*, <https://www.fema.gov/about-agency>.

⁵National Commission on Children and Disasters, *2010 Report to the President and Congress* (October 2010), <https://archive.ahrq.gov/prep/nccdreport/nccdreport.pdf> [hereinafter "NCCD Report"].

⁶NCCD Report at 7-16.

⁷Save the Children, *Still at Risk: U.S. Children 10 Years After Hurricane Katrina*, 2015 National Report Card on Protecting Children in Disasters, 3 (July 14, 2015), http://www.savethechildren.org/at/cf/%7B9def2ebe-10ae-432c-9bd0-df91d2eba74a%7D/DISASTERREPORT_2015.PDF.

⁸U.S. Gov't Accountability Office, GAO-16-476, *Disaster Recovery: FEMA Needs to Assess Its Effectiveness in Implementing the National Disaster Recovery Framework* (2016), available at <https://www.gao.gov/products/GAO-16-476>.

tures, leadership roles, and responsibilities.”⁹ The NDRF, while providing a guide to effective recovery policies, does not sufficiently address the unique needs of children.

Although DHS has made significant progress implementing recommendations included in the NCCD report for improved sheltering standards and case management, there is room for improvement in the preparation, evacuation, disaster management, and recovery phases. Outstanding recommendations include increasing DHS’s information sharing and inter-governmental collaboration, as well as with non-governmental organizations for disaster management and recovery.¹⁰ In addition to FEMA’s role in aiding Department efforts, the NCCD also recommended FEMA establish a Children’s Integration Specialists program.¹¹ According to NCCD, these specialists would serve as the lead for FEMA regarding children’s needs when working with other Federal human service coordination agencies and other non-profit organizations.

This legislation would require the DHS Under Secretary for Strategy, Policy, and Plans to account for children’s needs in Department-wide policies, addressing unfulfilled NCCD recommendations. Further, given FEMA’s sole focus on preparing for and responding to hazards, this bill would require the designation of a technical expert within FEMA responsible for ensuring that children’s needs are addressed in all preparation, mitigation, response, and recovery activities of the agency. FEMA believes that children should be elevated to a level of special focus and concurred with a FEMA National Advisory Council recommendation that it should appoint a permanent technical expert within the Agency.¹²

III. LEGISLATIVE HISTORY

On September 19, 2017, Senator Steve Daines (R–MT) introduced S. 1847, the Homeland Security for Children Act, with Senator Margaret Wood Hassan (D–NH). Senator Claire McCaskill (D–MO) joined as a co-sponsor on October 3, 2017. The bill was referred to the Committee on Homeland Security and Governmental Affairs.

The Committee considered S. 1847 at a business meeting on October 4, 2017. Senators Daines, Hassan, and McCaskill offered a manager’s amendment in the nature of a substitute to incorporate a technical change that moved the statutory authorization for the technical expert from FEMA’s “mission” to its “authority” section. Additionally, the amendment removed the bill’s reporting requirements.

The Committee favorably reported the bill, as amended, by voice vote en bloc. Senators present for the vote on the amendment and final passage were Johnson, Lankford, Daines, McCaskill, Tester, Heitkamp, Hassan, and Harris.

⁹*Id.* at 5.

¹⁰NCCD Report at 8 (referring to Recommendations 1.3 and 1.4).

¹¹*Id.* at 7 (referring to Recommendation 1.1).

¹²Memorandum from W. Craig Fugate, FEMA Administrator, on Response to National Advisory Council Recommendations from March 2015 NAC Meeting to James Featherson, Chairman, Nat’l Advisory Council 2 (June 19, 2015), available at <https://www.fema.gov/media-library-data/1435777284829-2a904b07e6dae17900c579f314f7ed2d/FEMAResponseMarch2015NACRecs.pdf>.

IV. SECTION-BY-SECTION ANALYSIS OF THE BILL, AS REPORTED

Section 1. Short title

This section specifies that the 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 requires the DHS Under Secretary for Strategy, Policy, and Plans to consider input from organizations representing the needs of children when soliciting external stakeholder feedback for developing Department policies.

Sec. 3. Technical expert authorized

This section requires FEMA to identify and integrate the needs of children into its activities to prepare for and respond to natural and man-made disasters. It requires the internal appointment of a technical expert to lead the policy development and authorizes collaboration with external stakeholders.

V. EVALUATION OF REGULATORY IMPACT

Pursuant to the requirements of paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee has considered the regulatory impact of this bill and determined that the bill will have no regulatory impact within the meaning of the rules. The Committee agrees with the Congressional Budget Office’s statement that the bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

VI. CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

NOVEMBER 3, 2017.

Hon. RON JOHNSON,
Chairman, Committee on Homeland Security and Governmental Affairs, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 1847, the Homeland Security for Children Act.

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

Sincerely,

KEITH HALL,
Director.

Enclosure.

S. 1847—Homeland Security for Children Act

S. 1847 would require the Federal Emergency Management Agency (FEMA) to identify and integrate children’s needs when preparing for, responding to, recovering from, and mitigating against natural disasters, acts of terrorism, and other manmade disasters. The bill would authorize FEMA to appoint a technical expert on children’s needs to coordinate the integration of the bill’s requirements into the agency’s plans and policies.

Based on an analysis of information provided by the Department of Homeland Security (DHS) about the level of effort required, CBO estimates that implementing the bill would have no significant effect on the federal budget. Enacting the bill would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

CBO estimates that enacting S. 1847 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2028.

S. 1847 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.

On April 21, 2017, CBO transmitted a cost estimate for H.R. 1372, as ordered reported by the House Committee on Homeland Security on March 8, 2017. The two bills are similar, although H.R. 1372 would require DHS to submit an annual report to the Congress, and CBO's estimates of their budgetary effects are the same.

The CBO staff contact for this estimate is Robert Reese. The estimate was approved by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

VII. CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows: (existing law proposed to be omitted is enclosed in brackets, new matter is printed in italic, and existing law in which no change is proposed is shown in roman):

HOMELAND SECURITY ACT OF 2002

* * * * *

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

(a) * * *

(b) * * *

(c) FUNCTIONS.—

(1) * * *

* * * * *

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

* * * * *

SEC. 504. AUTHORITY AND RESPONSIBILITIES.

(a) * * *

(b) * * *

(c) *NEEDS OF CHILDREN.—In carrying out the responsibilities under this section, the Administrator shall identify and integrate the needs of children into activities to prepare for, protect against, respond to, recover from, and mitigate against the risk of natural disasters, acts of terrorism, and other manmade disasters, including catastrophic incidents, including by appointing a technical expert,*

who may consult with relevant outside organizations and experts, as necessary, to coordinate such integration, as necessary.

