

Calendar No. 351

117TH CONGRESS }
2d Session }

SENATE

{ REPORT
117-100 }

HOMELAND SECURITY FOR CHILDREN ACT

R E P O R T

OF THE

COMMITTEE ON HOMELAND SECURITY AND
GOVERNMENTAL AFFAIRS
UNITED STATES SENATE

TO ACCOMPANY

H.R. 4426

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



APRIL 27, 2022.—Ordered to be printed

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

R E P O R T

[To accompany H.R. 4426]

[Including cost estimate of the Congressional Budget Office]

The Committee on Homeland Security and Governmental Affairs, to which was referred the bill (H.R. 4426), 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, reports favorably thereon without amendment and recommends that the bill do pass.

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I. PURPOSE AND SUMMARY

H.R. 4426, the Homeland Security for Children Act, would ensure the needs of children are adequately incorporated in the planning of each Department of Homeland Security (DHS) office and component, including by consulting with organizations, including nonprofit groups, international organizations, and experts representing the needs of children. The bill also would require the Administrator of FEMA to appoint a technical expert on incorporating the needs of children into activities to prepare for and respond to disasters. Finally, H.R. 4426 would require DHS to provide an an-

nual report to Congress for five years on the Department’s activities under this bill.

II. BACKGROUND AND THE NEED FOR LEGISLATION

Children are uniquely vulnerable to physical and emotional harm during disasters and acts of terrorism.¹ Yet, despite making up nearly 23 percent of the American population, the country has historically struggled to adequately account for children’s distinct needs.² After witnessing the disproportionate impacts on children after Hurricane Katrina, Congress established the National Commission on Children and Disasters to conduct a comprehensive study on the needs of children in relation to the preparation for, response to, and recovery from major disasters and emergencies.³

In the 116th Congress, testimony before congressional committees 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 and how disaster planning should be uniquely tailored for children.⁴

In July 2015, in response to the Commission’s report, then-Federal Emergency Management Agency (FEMA) Administrator Craig Fugate established the children’s technical expert position.⁵ To date, Congress has not authorized this position, which continues to leave children vulnerable. H.R. 4426 would formally authorize the children’s technical expert position, ensuring children’s needs are adequately incorporated into FEMA’s emergency preparedness, response, recovery, and mitigation efforts.

H.R. 4426 would also ensure the unique needs of children are taken into account throughout DHS by mandating the DHS Secretary to direct all offices and components to consider children when creating policies and implementing programs. The bill specifically directs DHS to seek feedback from organizations, including nonprofit international organizations, and experts that represent children when developing and carrying out policies and programs. This legislation would also require DHS to report to Congress on the Department’s work to incorporate children’s interests into its policies, programs, and activities.

III. LEGISLATIVE HISTORY

Representative Donald Payne (D–NJ) introduced H.R. 4426, the Homeland Security for Children Act, on July 13, 2021, with Rep. Thompson (D–MS), Rep. Coleman (D–NJ), Rep. Clarke (D–NY),

¹CareCentrix, *What is a Vulnerable Population in Healthcare?*, CareCentrix (blog) (Sept. 7, 2017) (www.carecentrix.com/blog/what-is-a-vulnerable-population).

²United States Census Bureau (www.census.gov/quickfacts/fact/table/US/PST045221) (accessed Jan. 27, 2022); Save the Children, *A National Report Card on Protecting Children During Disasters* (2010) (www.savethechildren.org/content/dam/usa/reports/emergency-prep/disaster-report-2010.pdf).

³Pub. L. No. 110–161 (2008).

⁴House Committee on Homeland Security, *Hearing: Assessing the Homeland Security Impacts of a Changing Climate*, 116th Cong. (April 9, 2019) (H. Hrg. 116–12); House Committee on Homeland Security, *Field Hearing: Protecting Every Citizen: Assessing Emergency Preparedness for Underserved Populations*, 116th Cong. (July 23, 2019) (H. Hrg. 116–33); House Committee on Homeland Security, *Hearing: Engaging the Community Perspectives on School Security*, 116th Cong. (Sept. 26, 2019) (H. Hrg. 116–38).

⁵Federal Emergency Management Agency National Advisory Council Meeting, *Children and Disasters: An Integrated Approach to Disaster Planning, Preparedness, Response, and Recovery*, (September 18, 2015) (accessed May 15, 2019) ([www.fema.gov/media-library-data/1444146313302-51ff102360b5d17c9cee79abd11e43f3/ChildrenandDisasters_LauraleeKoziol_9-18-15\(508c\).pdf](http://www.fema.gov/media-library-data/1444146313302-51ff102360b5d17c9cee79abd11e43f3/ChildrenandDisasters_LauraleeKoziol_9-18-15(508c).pdf)).

Rep. Swalwell (D–CA), Rep. Langevin (D–RI), and Rep. Luria (D–VA). The bill was referred to the House Committee on Homeland Security and the House Committee on Transportation and Infrastructure. The House of Representatives considered H.R. 4426 on September 29, 2021 under suspension of the rules, and it passed, as amended, by a voice vote.

The bill was referred to the Senate Committee on Homeland Security and Governmental Affairs on September 30, 2021. The Committee considered H.R. 4426 at a business meeting on November 3, 2021. The bill was ordered reported favorably by voice vote en bloc. The Senators present were: Peters, Hassan, Sinema, Rosen, Padilla, Ossoff, Portman, Johnson, Lankford, Romney, Scott, and Hawley.

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

Section 1. Short title

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

Section 2. Responsibilities of Secretary of Homeland Security

This section amends section 102 of the Homeland Security Act of 2002 by adding a new subsection directing the DHS Secretary to take into account the needs of children, including those within underserved communities, in planning and mission execution. In furtherance of this goal, the Secretary must seek feedback from organizations representing the needs of children to the extent practicable.

Section 3. Technical expert authorized

This section authorizes a children’s technical expert position within FEMA. The children’s technical expert position may 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.

Section 4. Report

This section requires the DHS Secretary to submit a report to Congress within one year of the enactment of this bill and annually thereafter for five years. The report must detail DHS’ efforts to incorporate feedback from organizations representing children into Department-wide policy including: the designation individuals in each component and office responsible for carrying out the requirements of this legislation; any review of Department policies, programs, or activities intended to assess the suitability of incorporating feedback from organizations representing children in Departmental policies, programs, and activities; any review, modification, or change to Department policies, programs, or activities to incorporate the needs of children; and any Department coordination with outside organizations and experts representing the needs of children.

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

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, January 26, 2022.

Hon. GARY PETERS,
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 H.R. 4426, 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 Lindsay Wylie.

Sincerely,

PHILLIP L. SWAGEL,
Director.

Enclosure.

H.R. 4426, Homeland Security for Children Act			
As ordered reported by the Senate Committee on Homeland Security and Governmental Affairs on November 3, 2021			
By Fiscal Year, Millions of Dollars	2022	2022-2026	2022-2031
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	0	0
Spending Subject to Appropriation (Outlays)	*	1	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 2032?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No
* = between zero and \$500,000.			

H.R. 4426 would direct all offices and subagencies of the Department of Homeland Security (DHS) to incorporate the needs of children in mission planning and execution, including by consulting with organizations representing the needs of children whenever practicable. The act also would require the DHS Under Secretary for the Office of Strategy, Policy, and Plans to appoint a technical

expert on incorporating the needs of children into activities to prepare for and respond to disasters. Finally, H.R. 4426 would require DHS to report to the Congress annually for five years on implementation of the act.

CBO expects DHS would require one additional employee to serve as a technical expert and coordinate the activities required under H.R. 4426. Based on average salaries for similar employees and the cost of similar activities, CBO estimates the agency would spend \$1 million over the 2022–2026 period to implement the legislation; any such spending would be subject to the availability of appropriated funds.

The CBO staff contact for this estimate is Lindsay Wylie. The estimate was reviewed by Leo Lex, Deputy Director of 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):

UNITED STATES CODE

* * * * *

TITLE 6—DOMESTIC SECURITY

* * * * *

CHAPTER 1—HOMELAND SECURITY ORGANIZATION

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Subchapter I—Department of Homeland Security

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SEC. 112. SECRETARY; FUNCTIONS.

(a) * * *

* * * * *

(h) *PLANNING REQUIREMENTS.*—*The Secretary shall ensure the head of each office and component of the Department takes into account the needs of children, including children within under-served communities, in mission planning and mission execution. In furtherance of this subsection, the Secretary shall require each such head to seek, to the extent practicable, advice and feedback from organizations representing the needs of children. The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply whenever such advice or feedback is sought in accordance with this subsection.*

* * * * *

Subchapter V—National Emergency Management

* * * * *

SEC. 313. FEDERAL EMERGENCY MANAGEMENT AGENCY.

(a) * * *

(b) * * *

(1) * * *

(2) * * *

(A) * * *

* * * * *

(G) provide funding, training, exercises, technical assistance, planning, and other assistance to build tribal, local, State, regional, and national capabilities (including communications capabilities), necessary to respond to a natural disaster, act of terrorism, or other man-made disaster; **[and]**

(H) develop and coordinate the implementation of a risk-based, all-hazards strategy for preparedness that builds those common capabilities necessary to respond to natural disasters, acts of terrorism, and other man-made disasters while also building the unique capabilities necessary to respond to specific types of incidents that pose the greatest risk to our Nation**[.]**; *and*

(I) identify, integrate, and implement the needs of children, including children within under-served communities, into activities to prepare for, protect against, respond to, recover from, and mitigate against the risk of natural disasters, acts of terrorism, and other 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.

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