

[DISCUSSION DRAFT]

112<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**H. R.** \_\_\_\_\_

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

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IN THE HOUSE OF REPRESENTATIVES

Mr. DOGGETT (for himself and Mr. CAMP) introduced the following bill; which was referred to the Committee on \_\_\_\_\_

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**A BILL**

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

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. COMMISSION.**

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

5        **SEC. 2. FINDINGS.**

6        Congress finds that—

7                (1) deaths from child abuse and neglect are  
8        preventable;

1           (2) deaths from child abuse and neglect are sig-  
2           nificantly underreported and there is no national  
3           standard for reporting such deaths;

4           (3) according to the Child Maltreatment Report  
5           of 2010, in fiscal year 2010, 1,537 children in the  
6           United States are reported to have died from child  
7           abuse and neglect, and many experts believe that the  
8           actual number may be significantly more;

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

12          (5) child neglect accounts for nearly 33 percent  
13          of fatalities and physical abuse for 23 percent, and  
14          almost 41 percent of these fatalities are caused by  
15          multiple forms of maltreatment; and

16          (6) increased understanding of deaths from  
17          child abuse and neglect can lead to improvement in  
18          agency systems and practices to protect children and  
19          prevent child abuse and neglect.

20 **SEC. 3. ESTABLISHMENT OF COMMISSION.**

21          (a) **ESTABLISHMENT.**—There is established the Com-  
22          mission to Eliminate Child Abuse and Neglect Fatalities  
23          (in this Act referred to as the “Commission”).

24          (b) **MEMBERSHIP.**—

25                  (1) **COMPOSITION.**—

1 (A) MEMBERS.—The Commission shall be  
2 composed of 12 members, of whom—

3 (i) 6 shall be appointed by the Presi-  
4 dent, based on recommendations made by  
5 the Assistant Secretary for the Administra-  
6 tion for Children and Families;

7 (ii) 2 shall be appointed by the Speak-  
8 er of the House of Representatives;

9 (iii) 1 shall be appointed by the mi-  
10 nority leader of the House of Representa-  
11 tives;

12 (iv) 2 shall be appointed by the major-  
13 ity leader of the Senate; and

14 (v) 1 shall be appointed by the minor-  
15 ity leader of the Senate.

16 (B) QUALIFICATIONS.—Each member ap-  
17 pointed under subparagraph (A) shall have ex-  
18 perience in 1 or more of the following areas:

19 (i) child welfare administration;

20 (ii) child welfare research;

21 (iii) child development;

22 (iv) trauma and crisis intervention;

23 (v) pediatrics;

24 (vi) psychology and mental health;

25 (vii) emergency medicine;

1 (viii) forensic pathology or medical in-  
2 vestigation of injury and fatality;

3 (ix) social work with field experience;

4 (x) academia at an institution of high-  
5 er education, as that term is defined in  
6 section 101 of the Higher Education Act  
7 of 1965 (20 U.S.C. 1001), with a focus on  
8 1 or more of the other areas listed under  
9 this subparagraph;

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

12 (xii) civil law, with experience han-  
13 dling child abuse and neglect matters;

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

16 (xiv) substance abuse treatment;

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

22 (xvi) epidemiology; and

23 (xvii) computer science or software  
24 engineering with a background in inter-  
25 operability standards.

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

4           (c) PERIOD OF APPOINTMENT; VACANCIES.—Mem-  
5           bers shall be appointed for the life of the Commission. Any  
6           vacancy in the Commission shall not affect its powers, but  
7           shall be filled in the same manner as the original appoint-  
8           ment.

9           (d) INITIAL MEETING.—Not later than 60 days after  
10          the date on which a majority of the members of the Com-  
11          mission have been appointed, the Commission shall hold  
12          its first meeting.

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

15          (f) QUORUM.—A majority of the members of the  
16          Commission shall constitute a quorum, but a lesser num-  
17          ber of members may hold hearings.

18          (g) CHAIRPERSON.—The President shall select a  
19          Chairperson for the Commission from among its members.

20       **SEC. 4. DUTIES OF THE COMMISSION.**

21          (a) STUDY.—

22               (1) IN GENERAL.—The Commission shall con-  
23               duct a thorough study on the use of child protective  
24               services and child welfare services funded under title

1 IV and subtitle A of title XX of the Social Security  
2 Act to reduce fatalities from child abuse and neglect.

3 (2) MATTERS STUDIED.—The matters studied  
4 by the Commission shall include—

5 (A) the effectiveness of the services de-  
6 scribed in paragraph (1) and best practices in  
7 preventing child and youth fatalities that are  
8 intentionally caused or that occur due to neg-  
9 ligence, neglect, or a failure to exercise proper  
10 care;

11 (B) the effectiveness of Federal, State, and  
12 local policies and systems within such services  
13 aimed at collecting accurate, uniform data on  
14 child fatalities in a coordinated fashion, includ-  
15 ing the identification of the most and least ef-  
16 fective policies and systems in practice;

17 (C) the current (as of the date of the  
18 study) barriers to preventing fatalities from  
19 child abuse and neglect, and how to improve ef-  
20 ficiency to improve child welfare outcomes;

21 (D) trends in demographic and other risk  
22 factors that are predictive of or correlated with  
23 child maltreatment, such as age of the child,  
24 child behavior, family structure, parental stress,  
25 and poverty;

1 (E) methods of prioritizing child abuse and  
2 neglect prevention within such services for fami-  
3 lies with the highest need; and

4 (F) methods of improving data collection  
5 and utilization, such as increasing interoper-  
6 ability among State and local and other data  
7 systems.

8 (3) MATERIALS STUDIED.—The Commission  
9 shall review—

10 (A) all current (as of the date of the  
11 study) research and documentation, including  
12 the National Survey of Child and Adolescent  
13 Well-Being and research and recommendations  
14 from the Government Accountability Office, to  
15 identify lessons, solutions, and needed improve-  
16 ments related to reducing fatalities from child  
17 abuse and neglect; and

18 (B) recommendations from the Advisory  
19 Board on Child Abuse and Neglect.

20 (b) COORDINATION.—The Commission shall provide  
21 opportunities for graduate and doctoral students to coordi-  
22 nate research with the Commission.

23 (c) RECOMMENDATIONS.—The Commission shall—

24 (1) develop recommendations to reduce fatali-  
25 ties from child abuse and neglect for Federal, State,

1 and local agencies, and private sector and nonprofit  
2 organizations, including recommendations to imple-  
3 ment a comprehensive national strategy for such  
4 purpose; and

5 (2) develop guidelines for the type of informa-  
6 tion that should be tracked to improve interventions  
7 to prevent fatalities from child abuse and neglect.

8 (d) REPORT.—

9 (1) IN GENERAL.—Not later than 2 years after  
10 the date on which a majority of the members of the  
11 Commission have been appointed, the Commission  
12 shall submit a report to the President and Congress,  
13 which shall contain a detailed statement of the find-  
14 ings and conclusions of the Commission, together  
15 with its recommendations for such legislation and  
16 administrative actions as it considers appropriate.

17 (2) EXTENSION.—The President may extend  
18 the date on which the report described in paragraph  
19 (1) shall be submitted by an additional 1 year.

20 (3) ONLINE ACCESS.—The Commission shall  
21 make the report under paragraph (1) available on  
22 the publicly available Internet website of the Depart-  
23 ment of Health and Human Services.

24 **SEC. 5. POWERS OF THE COMMISSION.**

25 (a) HEARINGS.—

1           (1) IN GENERAL.—The Commission may hold  
2           such hearings, sit and act at such times and places,  
3           take such testimony, and receive such evidence as  
4           the Commission considers advisable to carry out this  
5           Act.

6           (2) LOCATION.—The location of hearings under  
7           paragraph (1) shall include—

8                   (A) areas with high fatality rates from  
9                   child abuse and neglect; and

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

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

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

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

19           (b) INFORMATION FROM FEDERAL AGENCIES.—The  
20           Commission may secure directly from any Federal depart-  
21           ment or agency such information as the Commission con-  
22           siders necessary to carry out this Act. Upon request of  
23           the Chairperson of the Commission, the head of such de-  
24           partment or agency shall furnish such information to the  
25           Commission.

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

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

7 **SEC. 6. COMMISSION PERSONNEL MATTERS.**

8 (a) TRAVEL EXPENSES.—The members of the Com-  
9 mission shall be allowed travel expenses, including per  
10 diem in lieu of subsistence, at rates authorized for employ-  
11 ees of agencies under subchapter I of chapter 57 of title  
12 5, United States Code, while away from their homes or  
13 regular places of business in the performance of services  
14 for the Commission.

15 (b) STAFF.—

16 (1) IN GENERAL.—The Chairperson of the  
17 Commission may, without regard to the civil service  
18 laws and regulations, appoint and terminate an execu-  
19 tive director and such other additional personnel as  
20 may be necessary to enable the Commission to per-  
21 form its duties. The employment of an executive di-  
22 rector shall be subject to confirmation by the Com-  
23 mission.

24 (2) COMPENSATION.—The Chairperson of the  
25 Commission may fix the compensation of the execu-

1        tive director and other personnel without regard to  
2        chapter 51 and subchapter III of chapter 53 of title  
3        5, United States Code, relating to classification of  
4        positions and General Schedule pay rates, except  
5        that the rate of pay for the executive director and  
6        other personnel may not exceed the rate payable for  
7        level V of the Executive Schedule under section 5316  
8        of such title.

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

14      (d) **PROCUREMENT OF TEMPORARY AND INTERMIT-**  
15      **TENT SERVICES.**—The Chairperson of the Commission  
16      may procure temporary and intermittent services under  
17      section 3109(b) of title 5, United States Code, at rates  
18      for individuals that do not exceed the daily equivalent of  
19      the annual rate of basic pay prescribed for level V of the  
20      Executive Schedule under section 5316 of such title.

21      **SEC. 7. TERMINATION OF THE COMMISSION.**

22      The Commission shall terminate on the earlier of—

23              (1) the 30th day after the date on which the  
24      Commission submits its report under section 4(d); or

1           (2) the date that is 3 years after the initial  
2           meeting under section 3(d).

3 **SEC. 8. FEDERAL AGENCY RESPONSE.**

4           Not later than 6 months after the submission of the  
5 report required under section 4(d), any Federal agency  
6 that is affected by a recommendation described in the re-  
7 port shall submit to Congress a report containing the re-  
8 sponse of the Federal agency to the recommendation and  
9 the plans of the Federal agency to address the rec-  
10 ommendation.

11 **SEC. 9. APPROPRIATION.**

12           (a) IN GENERAL.—Out of any money in the Treasury  
13 of the United States not otherwise appropriated, there is  
14 appropriated \$2,000,000 for each of fiscal years 2013 and  
15 2014, to remain available until expended, to carry out this  
16 Act.

17           (b) PAYGO OFFSET.—【To be determined prior to  
18 introduction】