

Morgan McGarvey

[DISCUSSION DRAFT]

118TH CONGRESS
2D SESSION

H. R. _____

To establish an independent Children’s Commission and position of Commissioner, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. MCGARVEY introduced the following bill; which was referred to the Committee on _____

A BILL

To establish an independent Children’s Commission and position of Commissioner, and for other purposes.

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. SHORT TITLE.**

4 This Act may be cited as the “Child Safety and Well-
5 Being Act of 2024”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

1 (1) AGENCY.—The term “agency” has the
2 meaning given the term in section 551 of title 5,
3 United States Code.

4 (2) CHILD.—The term “child” means an indi-
5 vidual from birth up to an age of 18 years.

6 (3) CHILDREN’S COMMISSIONER.—The term
7 “Children’s Commissioner” means the individual em-
8 ployed under section 3(e).

9 (4) CHILD IMPACT STATEMENT.—The term
10 “child impact statement” means an analysis and as-
11 sessment of the direct and indirect outcomes that a
12 change in laws, policy, regulations, or Federal ap-
13 propriations will have on children.

14 (5) COMMISSION.—The term “Commission”
15 means the Children’s Commission established under
16 section 3.

17 (6) COMPTROLLER GENERAL.—The term
18 “Comptroller General” means the Comptroller Gen-
19 eral of the United States.

20 (7) MARGINALIZED YOUTH.—The term
21 “marginalized youth” means individuals who—

22 (A) are not less than 13 years of age; and

23 (B) experience systemic barriers in the
24 transition from adolescence to adulthood, in-
25 cluding—

1 (i) children who have experienced dis-
2 crimination on the basis of race, ethnicity,
3 religion, disability status, sex (including
4 sexual orientation and gender identity), or
5 socioeconomic status;

6 (ii) current or former foster youth;

7 (iii) youth in the juvenile justice sys-
8 tem, residential treatment, or other sys-
9 tems of care;

10 (iv) homeless and runaway youth;

11 (v) children with disabilities;

12 (vi) victims of child exploitation and
13 child trafficking;

14 (vii) youth in troubled teen institu-
15 tional settings; and

16 (viii) other youth identified by the
17 Children's Commissioner.

18 **SEC. 3. ESTABLISHMENT OF COMMISSION.**

19 (a) ESTABLISHMENT.—There is established the Chil-
20 dren's Commission.

21 (b) MEMBERSHIP.—

22 (1) NUMBER AND APPOINTMENT.—The Com-
23 mission shall be composed of 15 members appointed
24 by the Comptroller General in consultation with the
25 Board on Children, Youth, and Families at the Na-

1 tional Academies of Sciences, Engineering, and Med-
2 icine.

3 (2) QUALIFICATIONS.—

4 (A) IN GENERAL.—The members of the
5 Commission shall include—

6 (i) individuals with national recogni-
7 tion for their scholarship and expertise in
8 issues of importance to children and
9 marginalized youth;

10 (ii) those who work for nonprofit or-
11 ganizations that advocate for children, in-
12 cluding organizations that protect chil-
13 dren’s civil rights;

14 (iii) those who work with marginalized
15 youth;

16 (iv) pediatricians, child psychologists,
17 developmental psychologists, and childhood
18 trauma experts;

19 (v) educators;

20 (vi) other experts who serve children
21 or administer State, Tribal, or local chil-
22 dren’s programs;

23 (vii) child care providers; and

24 (viii) young people with relevant lived
25 experiences.

1 (B) INCLUSION.—Members of the Chil-
2 dren’s Commission shall include—

3 (i) a mix of different professions,
4 broad geographic representation, a balance
5 between urban and rural representation,
6 and a mix of different racial and ethnic
7 representatives, to reflect the demographic
8 make up of children and youth of the
9 United States; and

10 (ii) individuals and service providers
11 with specific expertise or significant experi-
12 ence in delivering culturally appropriate,
13 trauma-informed, and responsive services
14 for children and youth.

15 (C) MAJORITY NONPROVIDERS.—The
16 Comptroller General shall ensure individuals
17 who are directly involved in the provision or
18 management of the delivery of services to chil-
19 dren shall not constitute a majority of the
20 membership of the Commission.

21 (D) ETHICAL DISCLOSURE.—

22 (i) IN GENERAL.—The Comptroller
23 General shall establish a system for public
24 disclosure by members of the Commission

1 of financial and other potential conflicts of
2 interest related to those members.

3 (ii) ETHICS IN GOVERNMENT ACT OF
4 1978.—The members of the Commission
5 shall be treated as employees of the Con-
6 gress for purposes of applying title I of the
7 Ethics in Government Act of 1978 (5
8 U.S.C. App.).

9 (E) RECOMMENDATIONS.—Not later than
10 60 days after the date of enactment of this Act,
11 the Comptroller General shall establish a pro-
12 cess for recommending qualified individuals for
13 the Commission and interested individuals in
14 order to set up an ongoing pool of qualified in-
15 dividuals for nomination to the Commission.

16 (3) DATE OF APPOINTMENT.—The Comptroller
17 General shall appoint members of the Commission
18 not later than 120 days after the date of enactment
19 of this Act and immediately notify the Committee of
20 Health, Education, Labor, and Pensions of the Sen-
21 ate and the Committee of Education and Labor of
22 the House of Representatives of the appointments.

23 (4) CHAIR AND VICE CHAIR.—The Commission
24 shall designate by majority vote a Chair and Vice

1 Chair from among members of the Commission, who
2 shall serve for a period of 1 year.

3 (c) TERMS; VACANCIES.—

4 (1) TERMS.—The terms of members of the
5 Commission shall be for 3 years, except that the
6 Comptroller General shall designate staggered terms
7 for the members first appointed.

8 (2) VACANCIES.—

9 (A) IN GENERAL.—A vacancy on the Com-
10 mission shall be filled in the manner in which
11 the original appointment was made, as de-
12 scribed in subsection (b), and shall be subject
13 to any conditions that applied with respect to
14 the original appointment.

15 (B) FILLING UNEXPIRED TERM.—An indi-
16 vidual chosen to fill a vacancy shall be ap-
17 pointed for the unexpired term of the member
18 replaced, including an individual chosen to fill a
19 vacancy in the position of Chair or Vice Chair.

20 (d) MEETINGS.—

21 (1) INITIAL MEETING.—Not later than 60 days
22 after the date on which all members of the Commis-
23 sion have been appointed, the Commission shall hold
24 the first meeting of the Commission.

1 (2) FREQUENCY.—The Commission shall meet
2 at the call of the Children’s Commissioner not less
3 frequently than 4 times per year, with not fewer
4 than 1 meeting focusing on children’s voices.

5 (3) CHILDREN’S PERSPECTIVES.—The Commis-
6 sion should seek to incorporate children’s perspec-
7 tives in each meeting of the Commission.

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

11 (e) CHILDREN’S COMMISSIONER.—

12 (1) APPOINTMENT.—

13 (A) IN GENERAL.—The Commission shall
14 employ and fix the compensation of a Children’s
15 Commissioner, who shall serve as executive di-
16 rector of the Commission, and such other per-
17 sonnel as may be necessary to carry out the fol-
18 lowing duties (without regard to the provisions
19 of title 5, United States Code, governing ap-
20 pointments in the competitive service):

21 (i) Solicit applications to fill the va-
22 cancy or prospective vacancy with suffi-
23 cient time for qualified individuals to
24 apply.

1 (ii) Consult with organizations that
2 have a special interest in the functions of
3 the Children's Commission.

4 (iii) The individual is qualified to be a
5 member of the Commission as established
6 in subsection (b)(2).

7 (B) RESTRICTIONS ON EMPLOYMENT.—An
8 individual may only be employed as the Chil-
9 dren's Commissioner if the individual was not
10 employed or received compensation from a for-
11 profit entity during the 2-year period preceding
12 the appointment.

13 (2) TERM.—

14 (A) IN GENERAL.—The term of the Chil-
15 dren's Commissioner is 5 years, beginning on
16 the date on which the Commission employs the
17 Children's Commissioner.

18 (B) SUBSEQUENT TERMS.—Each subse-
19 quent term shall begin on the day after the date
20 on which the previous term expires or the date
21 on which the Commission employs the Commis-
22 sioner, whichever is later.

23 (C) LIMITATION.—The Children's Commis-
24 sioner may serve not more than 2 terms.

1 (3) STAFF, EXPERTS, AND CONSULTANTS.—
2 Subject to such review as the Comptroller General
3 determines necessary to assure the efficient adminis-
4 tration of the Commission, the Children’s Commis-
5 sioner may—

6 (A) employ such other personnel as may be
7 necessary to carry out the duties of the Com-
8 mission;

9 (B) seek such assistance and support as
10 may be required in the performance of its du-
11 ties from appropriate Federal and State depart-
12 ments and agencies;

13 (C) enter into contracts or make other ar-
14 rangements, as may be necessary for the con-
15 duct of the work of the Commission, without re-
16 gard to section 6101 of title 41, United States
17 Code;

18 (D) make advance, progress, and other
19 payments which relate to the work of the Chil-
20 dren’s Commission;

21 (E) provide transportation and subsistence
22 for persons serving without compensation;

23 (F) prescribe such rules and regulations as
24 it deems necessary with respect to the internal
25 organization and operation of the Commission;

1 (G) reach out directly to children and child
2 advocates to understand their concerns and
3 needs; and

4 (H) speak out on matters of importance to
5 children and marginalized youth and help facili-
6 tate their voice in policy discussions at the Fed-
7 eral and State levels involving their concerns,
8 needs, and future.

9 **SEC. 4. DUTIES OF COMMISSION.**

10 (a) IN GENERAL.—The Commission shall—

11 (1) promote awareness of the views and inter-
12 ests of children and marginalized youth in the
13 United States;

14 (2) receive and review complaints against agen-
15 cies relating to how the agencies are serving chil-
16 dren, and serve as a central location for the receipt
17 of any complaint, criticism, or suggestion concerning
18 the policies and activities of governmental entities or
19 other institutions or agencies that affects child well-
20 being;

21 (3) incorporate varied backgrounds and experi-
22 ences of children in the United States and work to
23 include perspectives and analysis for children across
24 racial, ethnic, religious, sex (including sexual ori-
25 entation and gender identity), and geographic

1 boundaries and socioeconomic, immigration, and dis-
2 ability statuses in the work of the Commission;

3 (4) advocate for child well-being in the United
4 States and consider child well-being in Federal legis-
5 lation, regulatory actions, and policy;

6 (5) examine the way Federal legislation, regu-
7 latory actions, and policy affect marginalized youth
8 and how children and marginalized youth transition
9 into adulthood;

10 (6) advise Congress, agencies, and States on
11 the views and interests of children and marginalized
12 youth on policies impacting child well-being;

13 (7) develop proposals for changes in the policies
14 and activities of agencies that will better ensure the
15 well-being of all children;

16 (8) research or consider any other matter relat-
17 ing to the interests of children and marginalized
18 youth;

19 (9) publish reports on matters researched or
20 considered under this section;

21 (10) monitor the development and application
22 of Federal, State, and local laws, regulations, orders,
23 and guidance affecting children;

24 (11) represent the views and interests of chil-
25 dren, including marginalized youth, before Congress

1 and agencies whose regulatory actions and policies
2 and activities may impact children;

3 (12) enlist the cooperation and assistance of
4 Federal, State, or public agencies, businesses, and
5 other organizations in disseminating information in
6 an accessible format about the programs and serv-
7 ices provided by the Federal Government that ben-
8 efit children;

9 (13) encourage agencies and policymakers en-
10 gaged in activities affecting children to take account
11 of the views and interests of children;

12 (14) promote greater civic participation in
13 United States by children and marginalized youth
14 and empower those voices in public policy;

15 (15) recommend specific measures for creating
16 an environment in which all children will have the
17 opportunity to thrive and reach their full potential
18 and to ascertain the common reasons, if any, that
19 prevent children from thriving;

20 (16) coordinate and share information and data
21 with commissioners and ombudsmen for children in
22 State and local governments that is disaggregated,
23 when at all possible, along racial, ethnic, sex (includ-
24 ing sexual orientation and gender identity), dis-
25 ability, and socioeconomic status;

1 (17) examine international issues impacting
2 children domestically and abroad and collaborate,
3 and when appropriate coordinate with, children’s
4 commissioners in other countries; and

5 (18) make such other recommendations as may
6 be appropriate to assist the development and
7 strengthening of child well-being.

8 (b) CONSIDERATIONS.—In carrying out the duties
9 under this section, the Commission shall consider the
10 views and interests of children relating to—

11 (1) the physical and mental health and emo-
12 tional well-being of children;

13 (2) prevention and treatment from or due to
14 child abuse and neglect;

15 (3) early childhood, K–12 education, higher
16 education, and workforce development;

17 (4) the social and economic well-being of chil-
18 dren;

19 (5) the ways systemic racism, discrimination,
20 disinvestment, and economic and other inequities im-
21 pact the health and well-being of children; and

22 (6) the contribution made by children to soci-
23 ety.

1 (c) COMMENTS ON AGENCY REPORTS.—If an agency
2 submits to Congress or a committee of Congress a report
3 that is required by law and relates to child well-being—

4 (1) the agency shall transmit a copy of the re-
5 port to the Commission; and

6 (2) the Commission may submit to the appro-
7 priate committees of Congress and the agency writ-
8 ten comments on the report, which may include such
9 recommendations as the Commission determines ap-
10 propriate.

11 (d) REVIEW OF REGULATIONS.—The Commission
12 shall review Federal regulations, orders, guidance, or other
13 directives and may provide written comment to appro-
14 priate committees of Congress and the appropriate agen-
15 cies on any such matter that impacts child well-being.

16 (e) PUBLICLY AVAILABLE.—The Commission shall
17 make any reports issued by the Commission publicly avail-
18 able on the website of the Commission so that children,
19 parents, providers, policymakers, and the general public
20 have access to the findings of the Commission.

21 (f) ACCESSIBILITY FOR CHILDREN.—If the Commis-
22 sion publishes a report or makes a comment or rec-
23 ommendation under this section, the Commission shall, if
24 and to the extent the Commission considers it appropriate,

1 publish an alternative version using language that is ap-
2 propriate for children.

3 (g) STUDY ON CHILD IMPACT STATEMENTS.—Not
4 later than 120 days after all members of the Commission
5 are appointed, the Commission shall conduct a study and
6 report to the Congress on the feasibility for agencies to
7 create child impact statements.

8 (h) REPORT ON RECOMMENDATIONS.—The Commis-
9 sion shall review the recommendations from the National
10 Bipartisan Commission on Children, the National Com-
11 mission on Children and Disasters, the Commission to
12 Eliminate Child Abuse and Neglect Fatalities, the Com-
13 mission on Native Children, and other relevant congres-
14 sionally authorized commissions and annually report to
15 Congress on the status of those recommendations.

16 (i) CONSULTATION.—In carrying out the duties
17 under this section, the Commission shall consult with, as
18 appropriate—

19 (1) children representative of racial and eth-
20 nically diverse backgrounds and different back-
21 grounds based on sex (including sexual orientation
22 and gender identity), disability, immigration, and so-
23 cioeconomic status, including marginalized youth;

24 (2) committees of Congress that have jurisdic-
25 tion over children’s issues;

1 (3) agencies working on issues impacting child
2 well-being;

3 (4) States (including the District of Columbia
4 and any territory or possession of the United
5 States), and Indian Tribes and Tribal organization
6 (as defined in section 4 of the Indian Self-Deter-
7 mination and Education Assistance Act (25 U.S.C.
8 5304));

9 (5) nonprofit organizations advocating for and
10 providing services to children;

11 (6) international organizations and agencies
12 working on issues related to child well-being;

13 (7) civil rights and disability rights organiza-
14 tions that work on children's issues;

15 (8) schools and child care centers; and

16 (9) such other organizations, agencies, or per-
17 sons as the Commission considers appropriate.

18 **SEC. 5. POWERS OF COMMISSION.**

19 (a) HEARINGS.—The Commission may hold such
20 hearings, sit and act at such times and places, take such
21 testimony, and receive such evidence as the Commission
22 considers advisable to carry out this Act.

23 (b) INFORMATION FROM AGENCIES.—

24 (1) IN GENERAL.—The Commission may secure
25 directly from a Federal department or agency such

1 information as the Commission considers necessary
2 to carry out this Act.

3 (2) FURNISHING INFORMATION.—On request of
4 the Chairperson of the Commission, the head of the
5 department or agency shall furnish the information
6 to the Commission.

7 (c) DATA COLLECTION.—In order to carry out its du-
8 ties and functions, the Commission shall—

9 (1) utilize existing information, both published
10 and unpublished, where possible, collected and as-
11 sessed either by its own staff or under other ar-
12 rangements made in accordance with this Act;

13 (2) carry out, or award grants or contracts for,
14 original research, where existing information is inad-
15 equate; and

16 (3) adopt procedures allowing any interested
17 party to submit information for use by the Commis-
18 sion in making reports and recommendations.

19 (d) ACCESS OF GAO TO INFORMATION.—The Comp-
20 troller General shall have unrestricted access to all delib-
21 erations, records, and nonproprietary data of the Commis-
22 sion, upon request.

23 (e) PERIODIC AUDIT.—The Commission shall be sub-
24 ject to periodic audit by the Comptroller General.

25 (f) AMICUS CURIAE.—

1 (1) IN GENERAL.—The Children’s Commis-
2 sioner may appear as amicus curiae in any action
3 brought in a court of the United States to review an
4 agency rule or guidance to present the views of the
5 Commission on the effect of the rule or guidance on
6 children.

7 (2) GRANTING APPEARANCE.—A court of the
8 United States shall grant the application of the Chil-
9 dren’s Commissioner to appear in any such action
10 for the purpose described in paragraph (1).

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

15 (h) GIFTS.—The Commission may accept, use, and
16 dispose of gifts or donations of services or property.

17 **SEC. 6. COMMISSION PERSONNEL MATTERS.**

18 (a) COMPENSATION OF MEMBERS.—A member of the
19 Commission who is not an officer or employee of the Fed-
20 eral Government shall be compensated at a rate equal to
21 the daily equivalent of the annual rate of basic pay pre-
22 scribed for level IV of the Executive Schedule under sec-
23 tion 5315 of title 5, United States Code, for each day (in-
24 cluding travel time) during which the member is engaged
25 in the performance of the duties of the Commission.

1 (b) TRAVEL EXPENSES.—A member of the Commis-
2 sion shall be allowed travel expenses, including per diem
3 in lieu of subsistence, at rates authorized for employees
4 of agencies under subchapter I of chapter 57 of title 5,
5 United States Code, while away from their homes or reg-
6 ular places of business in the performance of services for
7 the Commission.

8 (c) STAFF.—

9 (1) IN GENERAL.—The Children’s Commis-
10 sioner may, without regard to the civil service laws
11 (including regulations), appoint and terminate such
12 other additional personnel as may be necessary to
13 enable the Commission to perform its duties.

14 (2) DIRECTOR OF CHILDREN AND YOUTH OUT-
15 REACH AND ENGAGEMENT.—The Children’s Com-
16 missioner shall appoint a Director of Children and
17 Youth Outreach and Engagement to help coordinate
18 with, provide technical support to, and work with
19 staff of the Commission to regularly incorporate the
20 voices of children and youth in carrying out the du-
21 ties and consultation directives of the Commission.

22 (3) COMPENSATION.—The Children’s Commis-
23 sioner may fix the compensation of other personnel
24 without regard to chapter 51 and subchapter III of
25 chapter 53 of title 5, United States Code, relating

1 to classification of positions and General Schedule
2 pay rates, except that the rate of pay for the indi-
3 vidual may not exceed the rate payable for level V
4 of the Executive Schedule under section 5316 of
5 that title.

6 (d) **DETAIL OF GOVERNMENT EMPLOYEES.**—A Fed-
7 eral Government employee may be detailed to the Commis-
8 sion without reimbursement, and such detail shall be with-
9 out interruption or loss of civil service status or privilege.

10 (e) **PROCUREMENT OF TEMPORARY AND INTERMIT-**
11 **TENT SERVICES.**—The Children’s Commissioner may pro-
12 cure temporary and intermittent services under section
13 3109(b) of title 5, United States Code, at rates for individ-
14 uals that do not exceed the daily equivalent of the annual
15 rate of basic pay prescribed for level V of the Executive
16 Schedule under section 5316 of that title.

17 **SEC. 7. DURATION OF COMMISSION.**

18 Section 1013 of title 5, United States Code (formerly
19 referred to as “section 14 of the Federal Advisory Com-
20 mittee Act”) shall not apply to the Commission.

21 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

22 (a) **IN GENERAL.**—There is authorized to be appro-
23 priated to the Commission \$5,000,000 for each of fiscal
24 years 2024 through 2030 to carry out this Act.

1 (b) AVAILABILITY.—Amounts made available under
2 this section shall remain available, without fiscal year limi-
3 tation, until expended.