

DRUG ENDANGERED CHILDREN ACT OF 2007

SEPTEMBER 24, 2007.—Ordered to be printed

Mr. CONYERS, from the Committee on the Judiciary,
submitted the following

R E P O R T

[To accompany H.R. 1199]

[Including cost estimate of the Congressional Budget Office]

The Committee on the Judiciary, to whom was referred the bill (H.R. 1199) to extend the grant program for drug-endangered children, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

CONTENTS

	Page
Purpose and Summary	1
Background and Need for the Legislation	2
Hearings	3
Committee Consideration	3
Committee Votes	3
Committee Oversight Findings	3
New Budget Authority and Tax Expenditures	3
Congressional Budget Office Cost Estimate	3
Performance Goals and Objectives	5
Constitutional Authority Statement	5
Advisory on Earmarks	5
Section-by-Section Analysis	5
Changes in Existing Law Made by the Bill, as Reported	5

PURPOSE AND SUMMARY

H.R. 1199, the “Drug Endangered Children Act of 2007,” extends the Drug Endangered Children grant program for an additional 2 years. Congress first authorized this grant program in section 755 of the USA PATRIOT Improvement and Reauthorization Act of 2005, which authorized \$20 million for each of the fiscal years 2006 and 2007. H.R. 1199 would simply extend the program, at its current authorization level, for fiscal years 2008 and 2009.

BACKGROUND AND NEED FOR THE LEGISLATION

The White House's Office of National Drug Control Policy (ONDCP) has documented the fact that children are sometimes found in places where methamphetamine and other illegal substances are produced. According to the El Paso Intelligence Center's National Clandestine Laboratory Seizure System, there were 1,660 children injured or killed at, or otherwise adversely affected by their presence at, methamphetamine labs during 2005.

Children who are present at drug-production sites face a variety of health and safety risks. These risks include ingestion of toxic chemicals, drugs, or contaminated foods; exposure to fires and explosions; abuse and neglect; and the presence of weapons and booby-traps. Health effects include nausea, chest pains, eye and tissue irritation, chemical burns, and death. Adults at these sites often engage in hazardous lifestyles, and the buildings usually are unsafe and unhealthy.

To deal with the special needs of children present in drug-production sites, the response must provide special assistance for these children. In addition to the law enforcement, fire, and HAZMAT agencies, emergency medical personnel, social services, and physicians must be involved to respond to these needs.

Recognizing these needs, ONDCP several years ago announced a national Drug Endangered Children (DEC) initiative to improve coordination between existing State programs, and to create a standardized training program for States lacking the capabilities to assist these children.

As a result of this initiative, several States developed DEC programs, to coordinate the efforts of law enforcement, medical services, and child welfare workers to ensure that children found in these environments received appropriate attention and care.

These DEC programs began to develop interagency protocols to support drug-endangered children, addressing issues such as: staff training, including safety and cross training; roles and responsibilities of agencies involved; appropriate reporting, cross-reporting, and information sharing; safety procedures for children, families, and responding personnel; interviewing procedures; evidence collection and preservation procedures; and medical care procedures.

Protocols were designed to identify and provide guidance on the variety of issues that responding agencies needed to address in these situations, such as taking children into protective custody and arranging for child protective services, immediately testing the children for methamphetamine exposure, conducting medical and mental health assessments, and ensuring short- and long-term care.

ONDCP's initiative was funded in part through a Department of Justice award of \$2.124 million under the Community Oriented Policing Services (COPS) Methamphetamine Initiative of 2003. The program was not continued.

The USA PATRIOT Reauthorization Act of 2005 established this grant program to continue and expand the earlier initiative. This grant program has never received full funding. No funds were appropriated in fiscal year 2006. In fiscal year 2007, the House of Representatives voted to appropriate \$5 million for the DEC program in the Science, State, Justice, Commerce Appropriations bill.

The 109th Congress adjourned without passing most of its FY 2007 appropriations bills. The omnibus Continuing Resolution enacted to fund the government did not fund this program.

HEARINGS

The Subcommittee on Crime, Terrorism, and Homeland Security held 1 day of hearings on H.R. 1199 on May 22, 2007. The Subcommittee received testimony from Representative Dennis Cardoza, the sponsor of the legislation.

COMMITTEE CONSIDERATION

On July 24, 2007, the Subcommittee on Crime, Terrorism, and Homeland Security met in open session and ordered the bill H.R.1199 favorably reported, by voice vote, a quorum being present. On July 25, 2007, the Committee met in open session and ordered the bill H.R. 1199 favorably reported, without amendment, by voice vote, a quorum being present.

COMMITTEE VOTES

In compliance with clause 3(b) of rule XIII of the Rules of the House of Representatives, the Committee advises that there were no recorded votes during the Committee's consideration of H.R. 1199.

COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee advises that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

NEW BUDGET AUTHORITY AND TAX EXPENDITURES

Clause 3(c)(2) of rule XIII of the Rules of the House of Representatives is inapplicable because this legislation does not provide new budgetary authority or increased tax expenditures.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

In compliance with clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, the Committee sets forth, with respect to the bill, H.R. 1199, the following estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, August 8, 2007.

Hon. JOHN CONYERS, Jr., *Chairman,*
Committee on the Judiciary,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 1199, the Drug Endangered Children Act of 2007.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Mark Grabowicz, who can be reached at 226–2860.

Sincerely,

PETER R. ORSZAG,
DIRECTOR.

Enclosure

cc: H.R. 1199—Drug Endangered Children Act of 2007.

SUMMARY

H.R. 1199 would authorize the appropriation of \$20 million for each of fiscal years 2008 and 2009 for the Attorney General to make grants to States to assist children living with parents or guardians who abuse drugs. CBO estimates that implementing H.R. 1199 would cost \$37 million over the 2008–2012 period, assuming appropriation of the authorized amounts. Enacting the bill would not affect direct spending or receipts.

H.R. 1199 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.

ESTIMATED COST TO THE FEDERAL GOVERNMENT

The estimated budgetary impact of H.R. 1199 is shown in the following table. For this estimate, CBO assumes that the authorized amounts will be appropriated by the beginning of each fiscal year and that outlays will follow the historical spending rates for similar activities. The cost of this legislation falls within budget function 750 (administration of justice).

By Fiscal Year, in Millions of Dollars

	2008	2009	2010	2011	2012
CHANGES IN SPENDING SUBJECT TO APPROPRIATION					
Authorization Level	20	20	0	0	0
Estimated Outlays	4	10	10	7	6

INTERGOVERNMENTAL AND PRIVATE-SECTOR IMPACT

H.R. 1199 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on State, local, or tribal governments. CBO estimates that State governments would receive about \$40 million over the next several years for grants authorized in the bill. Any costs to those governments of complying with grant requirements would be incurred voluntarily as conditions of receiving Federal assistance.

ESTIMATE PREPARED BY:

Federal Costs: Mark Grabowicz (226–2860)

Impact on State, Local, and Tribal Governments: Melissa Merrell (225–3220)

Impact on the Private Sector: Paige Piper/Bach (226–2940)

ESTIMATE APPROVED BY:

Peter H. Fontaine

Deputy Assistant Director for Budget Analysis

PERFORMANCE GOALS AND OBJECTIVES

The Committee states that pursuant to clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, H.R. 1199, will extend the current grant program for drug-endangered children through Fiscal Year 2009.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the Committee finds the authority for this legislation in Article I, Section 8, clauses 3 and 18 of the Constitution.

ADVISORY ON EARMARKS

In accordance with clause 9 of rule XXI of the Rules of the House of Representatives, H.R. 1199 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI.

SECTION-BY-SECTION ANALYSIS

Sec. 1. Short title. Section 1 sets forth the short title of the bill as the “Drug Endangered Children Act of 2007.”

Sec. 2. Drug-Endangered Children Grant Program Extended. Section 2 amends section 755 (c) of the USA PATRIOT Improvement and Reauthorization Act of 2005, 42 U.S.C. § 3797cc-2 (c), to extend authorization of the drug-endangered children grant program through Fiscal Years 2008 and 2009.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

**USA PATRIOT IMPROVEMENT AND REAUTHORIZATION
ACT OF 2005**

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**TITLE VII—COMBAT METHAMPHET-
AMINE EPIDEMIC ACT OF 2005**

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**Subtitle E—Additional Programs and
Activities**

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SEC. 755. GRANTS FOR PROGRAMS FOR DRUG-ENDANGERED CHILDREN.

(a) * * *

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(c) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated \$20,000,000 for each of the ~~["fiscal years 2006 and 2007"]~~ *fiscal years 2008 and 2009*. Amounts appropriated under the preceding sentence shall remain available until expended.

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