

119TH CONGRESS
2D SESSION

S. _____

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

IN THE SENATE OF THE UNITED STATES

Mr. MARKEY introduced the following bill; which was read twice and 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 2026”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

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

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

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

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

11 (5) COMMISSION.—The term “Commission”
12 means the Children’s Commission established by sec-
13 tion 3(a).

14 (6) COMPTROLLER GENERAL.—The term
15 “Comptroller General” means the Comptroller Gen-
16 eral of the United States.

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

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

20 (B) experience systemic barriers in the
21 transition from adolescence to adulthood, in-
22 cluding—

23 (i) children who have experienced dis-
24 crimination on the basis of race, ethnicity,
25 religion, disability status, sex (including

- 1 sexual orientation and gender identity), or
2 socioeconomic status;
- 3 (ii) current or former foster youth;
- 4 (iii) youth in the juvenile justice sys-
5 tem, residential treatment, or other sys-
6 tems of care;
- 7 (iv) homeless and runaway youth;
- 8 (v) children with disabilities;
- 9 (vi) victims of child exploitation and
10 child trafficking;
- 11 (vii) youth in troubled teen institu-
12 tional settings; and
- 13 (viii) other youth identified by the
14 Children's Commissioner.

15 **SEC. 3. ESTABLISHMENT OF COMMISSION.**

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

18 (b) MEMBERSHIP.—

19 (1) NUMBER AND APPOINTMENT.—The Com-
20 mission shall be composed of 15 members appointed
21 by the Comptroller General, in consultation with the
22 Board on Children, Youth, and Families at the Na-
23 tional Academies of Sciences, Engineering, and Med-
24 icine.

25 (2) QUALIFICATIONS.—

1 (A) IN GENERAL.—The membership of the
2 Commission shall include—

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

7 (ii) individuals who work for nonprofit
8 organizations that advocate for children,
9 including organizations that protect chil-
10 dren’s civil rights;

11 (iii) individuals who work with
12 marginalized youth;

13 (iv) pediatricians, child psychologists,
14 developmental psychologists, and childhood
15 trauma experts;

16 (v) educators;

17 (vi) other experts who serve children
18 or administer State, Tribal, or local chil-
19 dren’s programs;

20 (vii) childcare providers; and

21 (viii) young people with relevant lived
22 experiences.

23 (B) VARIED BACKGROUNDS AND EXPERI-
24 ENCES.—The membership of the Commission
25 shall include—

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

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

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

19 (D) ETHICAL DISCLOSURE.—

20 (i) IN GENERAL.—The Comptroller
21 General shall establish a system for public
22 disclosure by members of the Commission
23 of financial and other potential conflicts of
24 interest related to those members.

1 (ii) FINANCIAL DISCLOSURE REQUIRE-
2 MENTS.—A member of the Commission
3 shall be deemed to be an individual de-
4 scribed in section 13103(f) of title 5,
5 United States Code, and shall be subject to
6 the requirements of subchapter I of chap-
7 ter 131 of such title.

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

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

23 (4) CHAIR AND VICE CHAIR.—The Commission
24 shall designate by majority vote a Chair and Vice
25 Chair from among the members of the Commission,

1 each of whom shall serve in such positions of Chair
2 and Vice Chair for a period of 1 year.

3 (c) TERMS; VACANCIES.—

4 (1) TERMS.—The terms of the members of the
5 Commission shall be 3 years, except that the Comp-
6 troller General shall designate staggered terms for
7 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) IN GENERAL.—

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, without regard to the
17 provisions of title 5, United States Code, gov-
18 erning appointments in the competitive service.

19 (B) RESTRICTIONS ON EMPLOYMENT.—An
20 individual may only be employed as the Chil-
21 dren’s Commissioner if the individual—

22 (i) was not employed by, and did not
23 receive compensation from, a for-profit en-
24 tity during the 2-year period preceding the
25 appointment; and

1 (ii) is an individual described in any
2 of clauses (i) through (viii) of subsection
3 (b)(2)(A).

4 (C) DUTIES.—The Children’s Commis-
5 sioner shall carry out the following duties:

6 (i) Solicit applications to fill a vacancy
7 or prospective vacancy in the membership
8 of the Commission with sufficient time for
9 qualified individuals to apply.

10 (ii) Consult with organizations that
11 have a special interest in the functions of
12 the Commission.

13 (D) ETHICAL DISCLOSURE.—

14 (i) IN GENERAL.—The Comptroller
15 General shall establish a system for public
16 disclosure by the Children’s Commissioner
17 of financial and other potential conflicts of
18 interest related to the Children’s Commis-
19 sioner.

20 (ii) FINANCIAL DISCLOSURE REQUIRE-
21 MENTS.—The Children’s Commissioner
22 shall be deemed to be an individual de-
23 scribed in section 13103(f) of title 5,
24 United States Code, and shall be subject to

1 the requirements of subchapter I of chap-
2 ter 131 of such title.

3 (2) TERM.—

4 (A) IN GENERAL.—The term of the Chil-
5 dren’s Commissioner shall be 5 years, beginning
6 on the date on which the Commission employs
7 the Children’s Commissioner.

8 (B) SUBSEQUENT TERMS.—Each subse-
9 quent term of a Children’s Commissioner shall
10 begin on the day after the date on which the
11 previous term expires or the date on which the
12 Commission employs the Commissioner, which-
13 ever is later.

14 (C) LIMITATION.—An individual may not
15 serve more than 2 terms as the Children’s Com-
16 missioner.

17 (3) EXPERTS AND CONSULTANTS.—Subject to
18 such review as the Comptroller General determines
19 necessary to ensure the efficient administration of
20 the Commission, the Children’s Commissioner
21 may—

22 (A) seek such assistance and support as
23 may be required in the performance of its du-
24 ties from appropriate Federal and State depart-
25 ments and agencies;

1 (B) enter into contracts or make other ar-
2 rangements, as may be necessary for the con-
3 duct of the work of the Commission, without re-
4 gard to section 6101 of title 41, United States
5 Code;

6 (C) make advance, progress, and other
7 payments which relate to the work of the Com-
8 mission;

9 (D) provide transportation and subsistence
10 for persons serving without compensation;

11 (E) prescribe such rules and regulations as
12 the Children's Commissioner determines nec-
13 essary with respect to the internal organization
14 and operation of the Commission;

15 (F) reach out directly to children and child
16 advocates to understand their concerns and
17 needs; and

18 (G) speak out on matters of importance to
19 children and marginalized youth and help facili-
20 tate their voice in policy discussions at the Fed-
21 eral and State levels involving their concerns,
22 needs, and future.

23 **SEC. 4. DUTIES OF COMMISSION.**

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

1 (1) promote awareness of the views and inter-
2 ests of children and marginalized youth in the
3 United States;

4 (2) receive and review complaints against agen-
5 cies relating to how the agencies are serving chil-
6 dren, and serve as a central location for the receipt
7 of any complaint, criticism, or suggestion concerning
8 the policies and activities of governmental entities or
9 other institutions or agencies that affect child well-
10 being;

11 (3) incorporate varied backgrounds and experi-
12 ences of children in the United States and work to
13 include perspectives and analysis for children across
14 racial, ethnic, religious, sex, and geographic bound-
15 aries and socioeconomic, immigration, and disability
16 statuses in the work of the Commission;

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

20 (5) examine the way Federal legislation, regu-
21 latory actions, and policy affect marginalized youth
22 and how children and marginalized youth transition
23 into adulthood;

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

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

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

10 (9) publish reports on matters researched or
11 considered under this section;

12 (10) monitor the development and application
13 of Federal, State, and local laws, regulations, orders,
14 and guidance affecting children;

15 (11) represent the views and interests of chil-
16 dren, including marginalized youth, before Congress
17 and agencies whose regulatory actions and policies
18 and activities may impact children;

19 (12) enlist the cooperation and assistance of
20 Federal, State, or public agencies, businesses, and
21 other organizations in disseminating information in
22 an accessible format about the programs and serv-
23 ices provided by the Federal Government that ben-
24 efit children;

1 (13) encourage agencies and policymakers en-
2 engaged in activities affecting children to take account
3 of the views and interests of children;

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

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

12 (16) coordinate and share information and data
13 with commissioners and ombudsmen for children in
14 State and local governments that is disaggregated, if
15 at all possible, along racial, ethnic, sex, disability,
16 and socioeconomic status;

17 (17) examine international issues impacting
18 children domestically and abroad and collaborate,
19 and if appropriate coordinate, with children's com-
20 missioners in other countries; and

21 (18) make such other recommendations as may
22 be appropriate to assist the development and
23 strengthening of child well-being.

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

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

6 (2) prevention and treatment from or due to
7 child abuse and neglect;

8 (3) early childhood, K–12 education, higher
9 education, and workforce development;

10 (4) the social and economic well-being of chil-
11 dren;

12 (5) the ways social determinants and other in-
13 equities impact the health and well-being of children;
14 and

15 (6) the contribution made by children to soci-
16 ety.

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

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

22 (2) the Commission may submit to the appro-
23 priate committees of Congress and the agency writ-
24 ten comments on the report, which may include such

1 recommendations as the Commission determines ap-
2 propriate.

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

8 (e) PUBLICLY AVAILABLE.—The Commission shall
9 make any reports issued by the Commission publicly avail-
10 able on the website of the Commission so that children,
11 parents, providers, policymakers, and the general public
12 have access to the findings of the Commission.

13 (f) ACCESSIBILITY FOR CHILDREN.—If the Commis-
14 sion publishes a report or makes a comment or rec-
15 ommendation under this section, the Commission shall, if
16 and to the extent the Commission considers appropriate,
17 publish an alternative version using language that is ap-
18 propriate for children.

19 (g) STUDY ON CHILD IMPACT STATEMENTS.—Not
20 later than 180 days after all members of the Commission
21 are appointed, the Commission shall conduct a study and
22 report to Congress on the feasibility for agencies to create
23 child impact statements.

24 (h) REPORT ON RECOMMENDATIONS.—The Commis-
25 sion shall review the recommendations from the National

1 Bipartisan Commission on Children, the National Com-
2 mission on Children and Disasters, the Commission to
3 Eliminate Child Abuse and Neglect Fatalities, the Com-
4 mission on Native Children, and other relevant congress-
5 sionally authorized commissions and annually report to
6 Congress on the status of those recommendations.

7 (i) CONSULTATION.—In carrying out the duties
8 under this section, the Commission shall consult with, as
9 appropriate—

10 (1) children representative of racial and eth-
11 nically diverse backgrounds and different back-
12 grounds based on sex (including sexual orientation
13 and gender identity), disability, immigration, and so-
14 cioeconomic status, including marginalized youth;

15 (2) the committees of Congress that have juris-
16 diction over children’s issues;

17 (3) agencies working on issues impacting child
18 well-being;

19 (4) States (including the District of Columbia
20 and any territory or possession of the United
21 States), and Indian Tribes and Tribal organizations
22 (as defined in section 4 of the Indian Self-Deter-
23 mination and Education Assistance Act (25 U.S.C.
24 5304));

1 (5) nonprofit organizations advocating for and
2 providing services to children;

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

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

7 (8) schools and childcare centers; and

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

10 **SEC. 5. POWERS OF COMMISSION.**

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

15 (b) INFORMATION FROM AGENCIES.—

16 (1) IN GENERAL.—The Commission may secure
17 directly from a Federal department or agency such
18 information as the Commission considers necessary
19 to carry out this Act.

20 (2) FURNISHING INFORMATION.—On request of
21 the Chairperson of the Commission, the head of the
22 department or agency shall furnish the information
23 to the Commission.

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

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

5 (2) carry out, or award grants or contracts for,
6 original research, where existing information is inad-
7 equate; and

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

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

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

17 (f) AMICUS CURIAE.—

18 (1) IN GENERAL.—The Children’s Commis-
19 sioner may appear as amicus curiae in any action
20 brought in a court of the United States to review an
21 agency rule or guidance to present the views of the
22 Commission on the effect of the rule or guidance on
23 children.

24 (2) GRANTING APPEARANCE.—A court of the
25 United States shall grant the application of the Chil-

1 dren's Commissioner to appear in any such action
2 for the purpose described in paragraph (1).

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

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

9 **SEC. 6. COMMISSION PERSONNEL MATTERS.**

10 (a) **COMPENSATION OF MEMBERS.**—A member of the
11 Commission who is not an officer or employee of the Fed-
12 eral Government shall be compensated at a rate equal to
13 the daily equivalent of the annual rate of basic pay pre-
14 scribed for level IV of the Executive Schedule under sec-
15 tion 5315 of title 5, United States Code, for each day (in-
16 cluding travel time) during which the member is engaged
17 in the performance of the duties of the Commission.

18 (b) **TRAVEL EXPENSES.**—A member of the Commis-
19 sion shall be allowed travel expenses, including per diem
20 in lieu of subsistence, at rates authorized for employees
21 of agencies under subchapter I of chapter 57 of title 5,
22 United States Code, while away from their homes or reg-
23 ular places of business in the performance of services for
24 the Commission.

25 (c) **STAFF.**—

1 (1) IN GENERAL.—The Children’s Commis-
2 sioner may, without regard to the provisions of title
3 5, United States Code, governing appointments in
4 the competitive service, appoint and terminate such
5 other additional personnel as may be necessary to
6 enable the Commission to perform its duties.

7 (2) DIRECTOR OF CHILDREN AND YOUTH OUT-
8 REACH AND ENGAGEMENT.—The Children’s Com-
9 missioner shall without regard to the provisions of
10 title 5, United States Code, governing appointments
11 in the competitive service, appoint a Director of
12 Children and Youth Outreach and Engagement to
13 help coordinate with, provide technical support to,
14 and work with staff of the Commission to regularly
15 incorporate the voices of children and youth in car-
16 rying out the duties and consultation directives of
17 the Commission.

18 (3) COMPENSATION.—The Children’s Commis-
19 sioner may fix the compensation of personnel ap-
20 pointed under this subsection without regard to
21 chapter 51 and subchapter III of chapter 53 of title
22 5, United States Code, relating to classification of
23 positions and General Schedule pay rates, except
24 that the rate of pay for any such individual may not

1 exceed the rate payable for level V of the Executive
2 Schedule under section 5316 of that title.

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

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

14 **SEC. 7. DURATION OF COMMISSION.**

15 Section 1013 of title 5, United States Code, shall not
16 apply to the Commission.

17 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

18 (a) **IN GENERAL.**—There is authorized to be appro-
19 priated to the Commission to carry out this Act
20 \$7,500,000 for each of fiscal years 2027 through 2034.

21 (b) **AVAILABILITY.**—Any sums appropriated pursu-
22 ant to this section shall remain available, without fiscal
23 year limitation, until expended.