

Union Calendar No. 168

107TH CONGRESS
1ST SESSION

H. R. 2873

[Report No. 107-281]

To extend and amend the program entitled Promoting Safe and Stable Families under title IV-B, subpart 2 of the Social Security Act, and to provide new authority to support programs for mentoring children of incarcerated parents; to amend the Foster Care Independent Living program under title IV-E of that Act to provide for educational and training vouchers for youths aging out of foster care, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 10, 2001

Mr. HERGER (for himself and Mr. CARDIN) introduced the following bill;
which was referred to the Committee on Ways and Means

NOVEMBER 13, 2001

Reported with an amendment, committed to the Committee of the Whole
House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on September 10, 2001]

A BILL

To extend and amend the program entitled Promoting Safe and Stable Families under title IV-B, subpart 2 of the Social Security Act, and to provide new authority to support programs for mentoring children of incarcerated parents; to amend the Foster Care Independent Living

program under title IV–E of that Act to provide for educational and training vouchers for youths aging out of foster care, 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 “Promoting Safe and*
 5 *Stable Families Amendments of 2001”.*

6 **SEC. 2. TABLE OF CONTENTS.**

7 *The table of contents of this Act is as follows:*

Sec. 1. Short title.

Sec. 2. Table of contents.

Sec. 3. References.

TITLE I—PROMOTING SAFE AND STABLE FAMILIES

Subtitle A—Grants to States for Promoting Safe and Stable Families

Sec. 101. Findings and purpose.

Sec. 102. Definition of family support services.

Sec. 103. Reallotments.

Sec. 104. Payments to States.

Sec. 105. Evaluations, research, and technical assistance.

Sec. 106. Authorization of appropriations; reservation of certain amounts.

Sec. 107. State court improvements.

Subtitle B—Mentoring Children of Prisoners

Sec. 121. Program authorized.

TITLE II—FOSTER CARE AND INDEPENDENT LIVING

Sec. 201. Educational and training vouchers for youths aging out of foster care.

Sec. 202. Reallocation and extension of funds.

TITLE III—EFFECTIVE DATE

Sec. 301. Effective date.

8 **SEC. 3. REFERENCES.**

9 *Except as otherwise specified in this Act, an amend-*
 10 *ment made by this Act to a section or other provision shall*

1 *be considered an amendment to the section or other provi-*
2 *sion of the Social Security Act.*

3 ***TITLE I—PROMOTING SAFE AND***
4 ***STABLE FAMILIES***

5 ***Subtitle A—Grants to States for***
6 ***Promoting Safe and Stable Fam-***
7 ***ilies***

8 ***SEC. 101. FINDINGS AND PURPOSE.***

9 *Section 430 (42 U.S.C. 629) is amended to read as*
10 *follows:*

11 ***“SEC. 430. FINDINGS AND PURPOSE.***

12 *“(a) FINDINGS.—The Congress finds that there is a*
13 *continuing urgent need to protect children and to strength-*
14 *en families as demonstrated by the following:*

15 *“(1) Family support programs directed at spe-*
16 *cific vulnerable populations have had positive effects*
17 *on parents, children, or both. The vulnerable popu-*
18 *lations for which programs have been shown to be ef-*
19 *fective include teenage mothers with very young chil-*
20 *dren and families that have children with special*
21 *needs.*

22 *“(2) Family preservation programs have been*
23 *shown to provide extensive and intensive services to*
24 *families in crisis.*

1 “(3) *The time lines established by the Adoption*
2 *and Safe Families Act of 1997 have made the prompt*
3 *availability of services to address family problems*
4 *(and in particular the prompt availability of appro-*
5 *prate services and treatment addressing substance*
6 *abuse) an important factor in successful family reuni-*
7 *fication.*

8 “(4) *The rapid increases in the annual number*
9 *of adoptions since the enactment of the Adoption and*
10 *Safe Families Act of 1997 have created a growing*
11 *need for postadoption services and for service pro-*
12 *viders with the particular knowledge and skills re-*
13 *quired to address the unique issues adoptive families*
14 *and children may face.*

15 “(b) *PURPOSE.—The purpose of this program is to en-*
16 *able States to develop and establish, or expand, and to oper-*
17 *ate coordinated programs of community-based family sup-*
18 *port services, family preservation services, time-limited*
19 *family reunification services, and adoption promotion and*
20 *support services to accomplish the following objectives:*

21 “(1) *To prevent child maltreatment among fami-*
22 *lies at risk through the provision of supportive family*
23 *services.*

24 “(2) *To assure children’s safety within the home*
25 *and preserve intact families in which children have*

1 *been maltreated, when the family’s problems can be*
2 *addressed effectively.*

3 *“(3) To address the problems of families whose*
4 *children have been placed in foster care so that reuni-*
5 *fication may occur in a safe and stable manner in*
6 *accordance with the Adoption and Safe Families Act*
7 *of 1997.*

8 *“(4) To support adoptive families by providing*
9 *support services as necessary so that they can make*
10 *a lifetime commitment to their children.”.*

11 **SEC. 102. DEFINITIONS.**

12 *(a) INCLUSION OF INFANT SAFE HAVEN PROGRAMS*
13 *AMONG FAMILY PRESERVATION SERVICES.—Section*
14 *431(a)(1) (42 U.S.C. 629a(a)(1)) is amended—*

15 *(1) by striking “and” at the end of subpara-*
16 *graph (D);*

17 *(2) by striking the period at the end of subpara-*
18 *graph (E) and inserting “; and”; and*

19 *(3) by adding at the end the following:*

20 *“(F) infant safe haven programs to provide*
21 *a way for a parent to safely relinquish a new-*
22 *born infant at a safe haven designated pursuant*
23 *to a State law.”.*

24 *(b) FAMILY SUPPORT SERVICES.—Section 431(a)(2)*
25 *(42 U.S.C. 629a(a)(2)) is amended by inserting “to*

1 *strengthen parental relationships and promote healthy mar-*
2 *riages,” after “environment,”.*

3 **SEC. 103. REALLOTMENTS.**

4 *Section 433 (42 U.S.C. 629c) is amended by adding*
5 *at the end the following:*

6 *“(d) REALLOTMENTS.—The amount of any allotment*
7 *to a State under this section for any fiscal year that the*
8 *State certifies to the Secretary will not be required for car-*
9 *rying out the State plan under section 432 shall be avail-*
10 *able for reallocation using the allotment methodology speci-*
11 *fied in this section. Any amount so reallocated to a State*
12 *is deemed part of the allotment of the State under the pre-*
13 *ceding provisions of this section.”.*

14 **SEC. 104. PAYMENTS TO STATES.**

15 *(a) IN GENERAL.—Section 434(a) (42 U.S.C. 629d(a))*
16 *is amended—*

17 *(1) by striking paragraph (2);*

18 *(2) by striking all that precedes subparagraph*
19 *(A) of paragraph (1) and inserting the following:*

20 *“(a) ENTITLEMENT.—Each State that has a plan ap-*
21 *proved under section 432 shall be entitled to payment of*
22 *the lesser of—”; and*

23 *(3) by redesignating subparagraphs (A) and (B)*
24 *of paragraph (1) as paragraphs (1) and (2), respec-*

1 *tively, and by indenting the provisions 2 ems to the*
 2 *left.*

3 *(b) CONFORMING AMENDMENTS.—Section 434(b) (42*
 4 *U.S.C. 629d(b)) is amended—*

5 *(1) in paragraph (1)—*

6 *(A) by striking “paragraph (1) or (2)(B)*
 7 *of”; and*

8 *(B) by striking “described in this subpart”*
 9 *and inserting “under the State plan under sec-*
 10 *tion 432”; and*

11 *(2) in paragraph (2), by striking “subsection*
 12 *(a)(1)” and inserting “subsection (a)”.*

13 **SEC. 105. EVALUATIONS, RESEARCH, AND TECHNICAL AS-**
 14 **SISTANCE.**

15 *Section 435 (42 U.S.C. 629e) is amended—*

16 *(1) by striking all that precedes “the effective-*
 17 *ness” in paragraph (1) of subsection (a), including*
 18 *the heading for section 435 and the caption for sub-*
 19 *section (a), and inserting the following:*

20 **“SEC. 435. EVALUATIONS; RESEARCH; TECHNICAL ASSIST-**
 21 **ANCE.**

22 *“(a) EVALUATIONS.—*

23 *“(1) IN GENERAL.—The Secretary shall evaluate*
 24 *and report to the Congress biennially on”;*

1 (2) *by adding at the end of subsection (a) the fol-*
2 *lowing:*

3 “(3) *TIMING OF REPORT.—Beginning in 2003,*
4 *the Secretary shall submit the biennial report re-*
5 *quired by this subsection not later than April 1 of*
6 *every other year, and shall include in each such re-*
7 *port the funding level, the status of ongoing evalua-*
8 *tions, findings to date, and the nature of any tech-*
9 *nical assistance provided to States under subsection*
10 *(d).”;* and

11 (3) *by adding at the end the following:*

12 “(c) *RESEARCH.—The Secretary shall give priority*
13 *consideration to the following topics for research and eval-*
14 *uation under this subsection, using rigorous evaluation*
15 *methodologies where feasible:*

16 “(1) *Promising program models in the service*
17 *categories specified in section 430(b), particularly*
18 *time-limited reunification services and postadoption*
19 *services.*

20 “(2) *Multi-disciplinary service models designed*
21 *to address parental substance abuse and to reduce its*
22 *impacts on children.*

23 “(3) *The efficacy of approaches directed at fami-*
24 *lies with specific problems and with children of spe-*
25 *cific age ranges.*

1 “(4) *The outcomes of adoptions finalized after*
2 *enactment of the Adoption and Safe Families Act of*
3 *1997.*

4 “(d) *TECHNICAL ASSISTANCE.—To the extent funds*
5 *are available therefor, the Secretary shall provide technical*
6 *assistance that helps States and Indian tribes to—*

7 “(1) *develop research-based protocols for identi-*
8 *fying families at risk of abuse and neglect of use in*
9 *the field;*

10 “(2) *develop treatment models that address the*
11 *needs of families at risk, particularly families with*
12 *substance abuse issues;*

13 “(3) *implement programs with well-articulated*
14 *theories of how the intervention will result in desired*
15 *changes among families at risk;*

16 “(4) *establish mechanisms to ensure that service*
17 *provision matches the treatment model; and*

18 “(5) *establish mechanisms to ensure that*
19 *postadoption services meet the needs of the individual*
20 *families and develop models to reduce the disruption*
21 *rates of adoption.”.*

22 **SEC. 106. AUTHORIZATION OF APPROPRIATIONS; RESERVA-**
23 **TION OF CERTAIN AMOUNTS.**

24 (a) *MANDATORY FUNDING.—*

1 (1) *IN GENERAL.*—Subpart 2 of part B of title
2 IV (42 U.S.C. 629–629e) is amended by adding at the
3 end the following:

4 **“SEC. 436. AUTHORIZATION OF APPROPRIATIONS; RES-**
5 **ERVATION OF CERTAIN AMOUNTS.**

6 “(a) *AUTHORIZATION.*—There are authorized to be ap-
7 propriated to carry out the provisions of this subpart
8 \$305,000,000 for each of fiscal years 2002 through 2006.

9 “(b) *RESERVATION OF CERTAIN AMOUNTS.*—From the
10 amount specified in subsection (a) for a fiscal year, the Sec-
11 retary shall reserve amounts as follows:

12 “(1) *EVALUATION, RESEARCH, TRAINING, AND*
13 *TECHNICAL ASSISTANCE.*—The Secretary shall reserve
14 \$6,000,000 for expenditure by the Secretary—

15 “(A) for research, training, and technical
16 assistance costs related to the program under this
17 subpart; and

18 “(B) for evaluation of State programs based
19 on the plans approved under section 432 and
20 funded under this subpart, and any other Fed-
21 eral, State, or local program, regardless of
22 whether federally assisted, that is designed to
23 achieve the same purposes as the State programs.

1 “(2) *STATE COURT IMPROVEMENTS.*—*The Sec-*
2 *retary shall reserve \$10,000,000 for grants under sec-*
3 *tion 438.*”

4 “(3) *INDIAN TRIBES.*—*The Secretary shall re-*
5 *serve 1 percent for allotment to Indian tribes in ac-*
6 *cordance with section 433(a).*”.

7 (2) *CONFORMING AMENDMENTS.*—*Section 433*
8 *(42 U.S.C. 629c) is amended—*

9 (A) *in subsection (a), by striking “section*
10 *430(d)(3)” and inserting “section 436(b)(3)”;*

11 (B) *in subsection (b)—*

12 (i) *by striking “section 430(b)” and*
13 *inserting “section 436(a)”;* and

14 (ii) *by striking “section 430(d)” and*
15 *inserting “section 436(b)”;* and

16 (C) *in subsection (c)(1)—*

17 (i) *by striking “section 430(b)” and*
18 *inserting “section 436(a)”;* and

19 (ii) *by striking “section 430(d)” and*
20 *inserting “section 436(b)”.*

21 (b) *DISCRETIONARY FUNDING.*—*Subpart 2 of part B*
22 *of title IV (42 U.S.C. 629–629e) is further amended by add-*
23 *ing at the end the following:*

1 **“SEC. 437. DISCRETIONARY GRANTS.**

2 “(a) *LIMITATIONS ON AUTHORIZATION OF APPROPRIA-*
3 *TIONS.—In addition to any amount appropriated pursuant*
4 *to section 436, there are authorized to be appropriated to*
5 *carry out this section \$200,000,000 for each of fiscal years*
6 *2002 through 2006.*

7 “(b) *RESERVATION OF CERTAIN AMOUNTS.—From the*
8 *amount (if any) appropriated pursuant to subsection (a)*
9 *for a fiscal year, the Secretary shall reserve amounts as fol-*
10 *lows:*

11 “(1) *EVALUATION, RESEARCH, TRAINING, AND*
12 *TECHNICAL ASSISTANCE.—The Secretary shall reserve*
13 *3.3 percent for expenditure by the Secretary for the*
14 *activities described in section 436(b)(1).*

15 “(2) *STATE COURT IMPROVEMENTS.—The Sec-*
16 *retary shall reserve 3.3 percent for grants under sec-*
17 *tion 438.*

18 “(3) *INDIAN TRIBES.—The Secretary shall re-*
19 *serve 2 percent for allotment to Indian tribes in ac-*
20 *cordance with subsection (c)(1).*

21 “(c) *ALLOTMENTS.—*

22 “(1) *INDIAN TRIBES.—From the amount (if any)*
23 *reserved pursuant to subsection (b)(3) for any fiscal*
24 *year, the Secretary shall allot to each Indian tribe*
25 *with a plan approved under this subpart an amount*
26 *that bears the same ratio to such reserved amount as*

1 *the number of children in the Indian tribe bears to*
2 *the total number of children in all Indian tribes with*
3 *State plans so approved, as determined by the Sec-*
4 *retary on the basis of the most current and reliable*
5 *information available to the Secretary.*

6 *“(2) TERRITORIES.—From the amount (if any)*
7 *appropriated pursuant to subsection (a) for any fiscal*
8 *year that remains after applying subsection (b) for the*
9 *fiscal year, the Secretary shall allot to each of the ju-*
10 *risdictions of Puerto Rico, Guam, the Virgin Islands,*
11 *the Northern Mariana Islands, and American Samoa*
12 *an amount determined in the same manner as the al-*
13 *lotment to each of such jurisdictions is determined*
14 *under section 421.*

15 *“(3) OTHER STATES.—From the amount (if*
16 *any) appropriated pursuant to subsection (a) for any*
17 *fiscal year that remains after applying subsection (b)*
18 *and paragraph (2) of this subsection for the fiscal*
19 *year, the Secretary shall allot to each State (other*
20 *than an Indian tribe) which is not specified in para-*
21 *graph (2) of this subsection an amount equal to such*
22 *remaining amount multiplied by the food stamp per-*
23 *centage (as defined in section 433(c)(2)) of the State*
24 *for the fiscal year.*

1 “(d) *GRANTS.*—*The Secretary may make a grant to*
2 *a State which has a plan approved under this subpart in*
3 *an amount equal to the lesser of—*

4 “(1) *75 percent of the total expenditures by the*
5 *State for activities under the plan during the fiscal*
6 *year or the immediately succeeding fiscal year; or*

7 “(2) *the allotment of the State under subsection*
8 *(c) for the fiscal year.*

9 “(e) *APPLICABILITY OF CERTAIN RULES.*—*The rules*
10 *of subsections (b) and (c) of section 434 shall apply in like*
11 *manner to the amounts made available pursuant to this*
12 *section.”.*

13 **SEC. 107. STATE COURT IMPROVEMENTS.**

14 “(a) *SCOPE OF ACTIVITIES.*—*Section 13712 of the Om-*
15 *nibus Budget Reconciliation Act of 1993 (42 U.S.C. 670*
16 *note) is amended—*

17 “(1) *in subsection (a), by striking paragraph (2)*
18 *and inserting the following:*

19 “(2) *to implement improvements the highest*
20 *state courts deem necessary as a result of the assess-*
21 *ments, including—*

22 “(A) *to provide for the safety, well-being,*
23 *and permanence of children in foster care, as set*
24 *forth in the Adoption and Safe Families Act of*
25 *1997 (Public Law 105–89); and*

1 “(B) to implement a corrective action plan,
2 as necessary, resulting from reviews of child and
3 family service programs under section 1123A of
4 this Act.”; and

5 (2) in subsection (c)(1), in the matter preceding
6 subparagraph (A), by inserting “and improvement”
7 after “assessment”.

8 (b) ALLOTMENTS.—Section 13712(c)(1) of such Act
9 (42 U.S.C. 670 note) is amended by striking all that follows
10 “shall be entitled to payment,” and inserting “for each of
11 fiscal years 2002 through 2006, from the amount reserved
12 pursuant to section 436(b)(2) (and the amount, if any, re-
13 served pursuant to section 437(b)(2)), of an amount equal
14 to the sum of \$85,000 plus the amount described in para-
15 graph (2) of this subsection for the fiscal year.”.

16 (c) FEDERAL SHARE.—Section 13712(d) of such Act
17 (42 U.S.C. 670 note) is amended—

18 (1) in the heading, by striking “USE OF GRANT
19 FUNDS” and inserting “FEDERAL SHARE”; and

20 (2) by striking “to pay—” and all that follows
21 and inserting “to pay not more than 75 percent of the
22 cost of activities under this section in each of fiscal
23 years 2002 through 2006.”.

24 (d) CONFORMING AMENDMENTS.—Section 13712 of
25 such Act (42 U.S.C. 670 note) is amended—

1 “(A) *In the period between 1991 and 1999,*
2 *the number of children with a parent incarcerated*
3 *in a Federal or State correctional facility*
4 *increased by more than 100 percent, from ap-*
5 *proximately 900,000 to approximately 2,000,000.*
6 *In 1999, 2.1 percent of all children in the United*
7 *States had a parent in Federal or State prison.*

8 “(B) *Prior to incarceration, 64 percent of*
9 *female prisoners and 44 percent of male pris-*
10 *oners in State facilities lived with their children.*

11 “(C) *Nearly 90 percent of the children of in-*
12 *carcerated fathers live with their mothers, and*
13 *79 percent of the children of incarcerated moth-*
14 *ers live with a grandparent or other relative.*

15 “(D) *Parental arrest and confinement lead*
16 *to stress, trauma, stigmatization, and separation*
17 *problems for children. These problems are cou-*
18 *pled with existing problems that include poverty,*
19 *violence, parental substance abuse, high-crime*
20 *environments, intrafamilial abuse, child abuse*
21 *and neglect, multiple care givers, and/or prior*
22 *separations. As a result, these children often ex-*
23 *hibit a broad variety of behavioral, emotional,*
24 *health, and educational problems that are often*
25 *compounded by the pain of separation.*

1 “(E) *Empirical research demonstrates that*
2 *mentoring is a potent force for improving chil-*
3 *dren’s behavior across all risk behaviors affecting*
4 *health. Quality, one-on-one relationships that*
5 *provide young people with caring role models for*
6 *future success have profound, life-changing po-*
7 *tential. Done right, mentoring markedly ad-*
8 *vances youths’ life prospects. A widely cited 1995*
9 *study by Public/Private Ventures measured the*
10 *impact of one Big Brothers Big Sisters program*
11 *and found significant effects in the lives of*
12 *youth—cutting first-time drug use by almost*
13 *half and first-time alcohol use by about a third,*
14 *reducing school absenteeism by half, cutting*
15 *assaultive behavior by a third, improving paren-*
16 *tal and peer relationships, giving youth greater*
17 *confidence in their school work, and improving*
18 *academic performance.*

19 “(2) *PURPOSE.—The purpose of this section is to*
20 *authorize the Secretary to make competitive grants to*
21 *applicants in areas with substantial numbers of chil-*
22 *dren of incarcerated parents, to support the establish-*
23 *ment or expansion and operation of programs using*
24 *a network of public and private community entities*

1 to provide mentoring services for children of pris-
2 oners.

3 “(b) *DEFINITIONS.*—*In this section:*

4 “(1) *CHILDREN OF PRISONERS.*—*The term ‘chil-*
5 *dren of prisoners’ means children one or both of whose*
6 *parents are incarcerated in a Federal, State, or local*
7 *correctional facility. The term is deemed to include*
8 *children who are in an ongoing mentoring relation-*
9 *ship in a program under this section at the time of*
10 *their parents’ release from prison, for purposes of con-*
11 *tinued participation in the program.*

12 “(2) *MENTORING.*—*The term ‘mentoring’ means*
13 *a structured, managed program in which children are*
14 *appropriately matched with screened and trained*
15 *adult volunteers for one-on-one relationships, involv-*
16 *ing meetings and activities on a regular basis, in-*
17 *tended to meet, in part, the child’s need for involve-*
18 *ment with a caring and supportive adult who pro-*
19 *vides a positive role model.*

20 “(3) *MENTORING SERVICES.*—*The term ‘men-*
21 *toring services’ means those services and activities*
22 *that support a structured, managed program of men-*
23 *toring, including the management by trained per-*
24 *sonnel of outreach to, and screening of, eligible chil-*
25 *dren; outreach to, education and training of, and li-*

1 *aision with sponsoring local organizations; screening*
2 *and training of adult volunteers; matching of children*
3 *with suitable adult volunteer mentors; support and*
4 *oversight of the mentoring relationship; and establish-*
5 *ment of goals and evaluation of outcomes for*
6 *mentored children.*

7 *“(c) PROGRAM AUTHORIZED.—From the amounts ap-*
8 *propriated under subsection (h) for a fiscal year that re-*
9 *main after applying subsection (h)(2), the Secretary shall*
10 *make grants under this section for each of fiscal years 2002*
11 *through 2006 to State or local governments, tribal govern-*
12 *ments or tribal consortia, faith-based organizations, and*
13 *community-based organizations in areas that have signifi-*
14 *cant numbers of children of prisoners and that submit ap-*
15 *plications meeting the requirements of this section, in*
16 *amounts that do not exceed \$5,000,000 per grant.*

17 *“(d) APPLICATION REQUIREMENTS.—In order to be el-*
18 *igible for a grant under this section, the chief executive offi-*
19 *cer of the applicant must submit to the Secretary an appli-*
20 *cation containing the following:*

21 *“(1) PROGRAM DESIGN.—A description of the*
22 *proposed program, including—*

23 *“(A) a list of local public and private orga-*
24 *nizations and entities that will participate in*
25 *the mentoring network;*

1 “(B) the name, description, and qualifica-
2 tions of the entity that will coordinate and over-
3 see the activities of the mentoring network;

4 “(C) the number of mentor-child matches
5 proposed to be established and maintained annu-
6 ally under the program;

7 “(D) such information as the Secretary
8 may require concerning the methods to be used
9 to recruit, screen support, and oversee individ-
10 uals participating as mentors, (which methods
11 shall include criminal background checks on the
12 individuals), and to evaluate outcomes for par-
13 ticipating children, including information nec-
14 essary to demonstrate compliance with require-
15 ments established by the Secretary for the pro-
16 gram; and

17 “(E) such other information as the Sec-
18 retary may require.

19 “(2) *COMMUNITY CONSULTATION; COORDINATION*
20 *WITH OTHER PROGRAMS.*—A demonstration that, in
21 developing and implementing the program, the appli-
22 cant will, to the extent feasible and appropriate—

23 “(A) consult with public and private com-
24 munity entities, including religious organiza-
25 tions, and including, as appropriate, Indian

1 *tribal organizations and urban Indian organiza-*
2 *tions, and with family members of potential cli-*
3 *ents;*

4 “(B) *coordinate the programs and activities*
5 *under the program with other Federal, State,*
6 *and local programs serving children and youth;*
7 *and*

8 “(C) *consult with appropriate Federal,*
9 *State, and local corrections, workforce develop-*
10 *ment, and substance abuse and mental health*
11 *agencies.*

12 “(3) *EQUAL ACCESS FOR LOCAL SERVICE PRO-*
13 *VIDERS.—An assurance that public and private enti-*
14 *ties and community organizations, including reli-*
15 *gious organizations and Indian organizations, will be*
16 *eligible to participate on an equal basis.*

17 “(4) *RECORDS, REPORTS, AND AUDITS.—An*
18 *agreement that the applicant will maintain such*
19 *records, make such reports, and cooperate with such*
20 *reviews or audits as the Secretary may find necessary*
21 *for purposes of oversight of project activities and ex-*
22 *penditures.*

23 “(5) *EVALUATION.—An agreement that the ap-*
24 *plicant will cooperate fully with the Secretary’s ongo-*
25 *ing and final evaluation of the program under the*

1 *plan, by means including providing the Secretary ac-*
2 *cess to the program and program-related records and*
3 *documents, staff, and grantees receiving funding*
4 *under the plan.*

5 *“(e) FEDERAL SHARE.—*

6 *“(1) IN GENERAL.—A grant for a program*
7 *under this section shall be available to pay a percent-*
8 *age share of the costs of the program up to—*

9 *“(A) 75 percent for the first and second fis-*
10 *cal years for which the grant is awarded; and*

11 *“(B) 50 percent for the third and each suc-*
12 *ceeding such fiscal years.*

13 *“(2) NON-FEDERAL SHARE.—The non-Federal*
14 *share of the cost of projects under this section may be*
15 *in cash or in kind. In determining the amount of the*
16 *non-Federal share, the Secretary may attribute fair*
17 *market value to goods, services, and facilities contrib-*
18 *uted from non-Federal sources.*

19 *“(f) CONSIDERATIONS IN AWARDING GRANTS.—In*
20 *awarding grants under this section, the Secretary shall take*
21 *into consideration—*

22 *“(1) the qualifications and capacity of appli-*
23 *cants and networks of organizations to effectively*
24 *carry out a mentoring program under this section;*

1 “(2) *the comparative severity of need for men-*
2 *toring services in local areas, taking into consider-*
3 *ation data on the numbers of children (and in par-*
4 *ticular of low-income children) with an incarcerated*
5 *parents (or parents) in the areas;*

6 “(3) *evidence of consultation with existing youth*
7 *and family service programs, as appropriate; and*

8 “(4) *any other factors the Secretary may deem*
9 *significant with respect to the need for or the poten-*
10 *tial success of carrying out a mentoring program*
11 *under this section.*

12 “(g) *EVALUATION.—The Secretary shall conduct an*
13 *evaluation of the programs conducted pursuant to this sec-*
14 *tion, and submit to the Congress not later than April 15,*
15 *2005, a report on the findings of the evaluation.*

16 “(h) *AUTHORIZATION OF APPROPRIATIONS; RESERVA-*
17 *TION OF CERTAIN AMOUNTS.—*

18 “(1) *AUTHORIZATION.—There are authorized to*
19 *be appropriated to carry out this section \$67,000,000*
20 *for each of fiscal years 2002 and 2003, and such sums*
21 *as may be necessary for each succeeding fiscal year.*

22 “(2) *RESERVATION.—The Secretary shall reserve*
23 *2.5 percent of the amount appropriated for each fiscal*
24 *year under paragraph (1) for expenditure by the Sec-*

1 retary for research, technical assistance, and evalua-
2 tion related to programs under this section.”.

3 **TITLE II—FOSTER CARE AND**
4 **INDEPENDENT LIVING**

5 **SEC. 201. EDUCATIONAL AND TRAINING VOUCHERS FOR**
6 **YOUTHS AGING OUT OF FOSTER CARE.**

7 (a) *PURPOSE.*—Section 477(a) (42 U.S.C. 677(a)) is
8 amended—

9 (1) by striking “and” at the end of paragraph
10 (4);

11 (2) by striking the period at the end of para-
12 graph (5) and inserting “; and”; and

13 (3) by adding at the end the following new para-
14 graph:

15 “(6) to make available vouchers for education
16 and training, including postsecondary training and
17 education, to youths who have aged out of foster
18 care.”.

19 (b) *EDUCATIONAL AND TRAINING VOUCHERS.*—Sec-
20 tion 477 (42 U.S.C. 677) is amended by adding at the end
21 the following:

22 “(i) *EDUCATIONAL AND TRAINING VOUCHERS.*—The
23 following conditions shall apply to a State educational and
24 training voucher program under this section:

1 “(1) Vouchers under the program may be avail-
2 able to youths otherwise eligible for services under the
3 State program under this section.

4 “(2) For purposes of the voucher program,
5 youths adopted from foster care after attaining age 16
6 may be considered to be youths otherwise eligible for
7 services under the State program under this section.

8 “(3) The State may allow youths participating
9 in the voucher program on the date they attain 21
10 years of age to remain eligible until they attain 23
11 years of age, as long as they are enrolled in a postsec-
12 ondary education or training program and are mak-
13 ing satisfactory progress toward completion of that
14 program.

15 “(4) The voucher or vouchers provided for an in-
16 dividual under this section—

17 “(A) may be available for the cost of attend-
18 ance at an institution of higher education, as de-
19 fined in section 102 of the Higher Education Act
20 of 1965; and

21 “(B) shall not exceed the lesser of \$5,000 per
22 year or the total cost of attendance, as defined in
23 section 472 of that Act.

24 “(5) The amount of a voucher under this section
25 may be disregarded for purposes of determining the

1 *recipient’s eligibility for, or the amount of, any other*
2 *Federal or Federally supported assistance, except that*
3 *the total amount of educational assistance to a youth*
4 *under this section and under other Federal and Fed-*
5 *erally supported programs shall not exceed the total*
6 *cost of attendance, as defined in section 472 of the*
7 *Higher Education Act of 1965, and except that the*
8 *State agency shall take appropriate steps to prevent*
9 *duplication of benefits under this and other Federal*
10 *or Federally supported programs.*

11 *“(6) The program is coordinated with other ap-*
12 *propriate education and training programs.”.*

13 *(c) CERTIFICATION.—Section 477(b)(3) (42 U.S.C.*
14 *677(b)(3)) is amended by adding at the end the following:*

15 *“(J) A certification by the chief executive*
16 *officer of the State that the State educational*
17 *and training voucher program under this section*
18 *is in compliance with the conditions specified in*
19 *subsection (i), including a statement describing*
20 *methods the State will use—*

21 *“(i) to ensure that the total amount of*
22 *educational assistance to a youth under this*
23 *section and under other Federal and Feder-*
24 *ally supported programs does not exceed the*

1 *limitation specified in subsection (i)(5);*
2 *and*

3 *“(ii) to avoid duplication of benefits*
4 *under this and any other Federal or Feder-*
5 *ally assisted benefit program.”.*

6 *(d) INCREASED AUTHORIZATIONS OF APPROPRIA-*
7 *TIONS.—Section 477(h) (42 U.S.C. 677(h)) is amended by*
8 *striking “there are authorized” and all that follows and in-*
9 *serting the following: “there are authorized to be appro-*
10 *priated to the Secretary for each fiscal year—*

11 *“(1) \$140,000,000, which shall be available for*
12 *all purposes under this section; and*

13 *“(2) an additional \$60,000,000, which are au-*
14 *thorized to be available for payments to States for*
15 *education and training vouchers for youths who age*
16 *out of foster care, to assist the youths to develop skills*
17 *necessary to lead independent and productive lives.”.*

18 *(e) ALLOTMENTS TO STATES.—Section 477(c) (42*
19 *U.S.C. 677(c)) is amended—*

20 *(1) in paragraph (1)—*

21 *(A) by striking “(1) IN GENERAL.—From*
22 *the amount specified in subsection (h)” and in-*
23 *serting “(1) GENERAL PROGRAM ALLOTMENT.—*
24 *From the amount specified in subsection (h)(1)”;*

1 (B) by striking “which bears the same
2 ratio” and inserting “which bears the ratio”;
3 and

4 (C) by striking “as the number of children
5 in foster care” and all that follows and inserting
6 “equal to the State foster care ratio, as adjusted
7 in accordance with paragraph (2).”; and

8 (2) by adding at the end the following new para-
9 graphs:

10 “(3) *VOUCHER PROGRAM ALLOTMENT.*—From
11 the amount, if any, appropriated pursuant to sub-
12 section (h)(2) for a fiscal year, the Secretary may
13 allot to each State with an application approved
14 under subsection (b) for the fiscal year an amount
15 equal to the State foster care ratio multiplied by the
16 amount so specified.

17 “(4) *STATE FOSTER CARE RATIO.*—In this sub-
18 section, the term ‘State foster care ratio’ means the
19 ratio of the number of children in foster care under
20 a program of the State in the most recent fiscal year
21 for which the information is available to the total
22 number of children in foster care in all States for the
23 most recent fiscal year.”.

24 (f) *PAYMENTS TO STATES.*—

1 (1) *IN GENERAL.*—Section 474(a)(4) (42 U.S.C.
2 674(a)(4)) is amended to read as follows:

3 “(4) an amount equal to the amount (if any) by
4 which—

5 “(A) the lesser of—

6 “(i) 80 percent of the amounts ex-
7 pended by the State during the fiscal year
8 in which the quarter occurs to carry out
9 programs in accordance with the State ap-
10 plication approved under section 477(b) for
11 the period in which the quarter occurs (in-
12 cluding any amendment that meets the re-
13 quirements of section 477(b)(5)); or

14 “(ii) the amount allotted to the State
15 under section 477(c)(1) for the fiscal year
16 in which the quarter occurs, reduced by the
17 total of the amounts payable to the State
18 under this paragraph for all prior quarters
19 in the fiscal year; exceeds

20 “(B) the total amount of any penalties as-
21 sessed against the State under section 477(e)
22 during the fiscal year in which the quarter oc-
23 curs.”.

1 (2) *DISCRETIONARY GRANTS.*—Section 474 (42
 2 *U.S.C. 674)* is amended by adding at the end the fol-
 3 *lowing:*

4 “(e) *DISCRETIONARY GRANTS FOR EDUCATIONAL AND*
 5 *TRAINING VOUCHERS FOR YOUTHS AGING OUT OF FOSTER*
 6 *CARE.*—From amounts appropriated pursuant to section
 7 477(h)(2), the Secretary may make a grant to a State with
 8 a plan approved under this part, for a calendar quarter,
 9 in an amount equal to the lesser of—

10 “(1) 80 percent of the amounts expended by the
 11 State during the quarter to carry out programs for
 12 the purposes described in section 477(a)(6); or

13 “(2) the amount, if any, allotted to the State
 14 under section 477(c)(3) for the fiscal year in which
 15 the quarter occurs, reduced by the total of the
 16 amounts payable to the State under this subsection
 17 for such purposes for all prior quarters in the fiscal
 18 year.”.

19 **SEC. 202. REALLOCATION AND EXTENSION OF FUNDS.**

20 (a) *REALLOCATION OF UNUSED FUNDS.*—Section
 21 477(d) (42 *U.S.C. 677(d)*) is amended by adding at the end
 22 the following:

23 “(4) *REALLOCATION OF UNUSED FUNDS.*—If a
 24 State does not apply for funds under this section for
 25 a fiscal year within such time as may be provided by

1 *the Secretary, the funds to which the State would be*
 2 *entitled for the fiscal year shall be reallocated to 1 or*
 3 *more other States on the basis of their relative need*
 4 *for additional payments under this section, as deter-*
 5 *mined by the Secretary.”.*

6 *(b) TEMPORARY EXTENSION OF AVAILABILITY OF*
 7 *INDEPENDENT LIVING FUNDS.—Notwithstanding section*
 8 *477(d)(3) of the Social Security Act, payments made to a*
 9 *State under section 477 of such Act for fiscal year 2000*
 10 *shall remain available for expenditure by the State through*
 11 *fiscal year 2002.*

12 **TITLE III—EFFECTIVE DATE**

13 **SEC. 301. EFFECTIVE DATE.**

14 *(a) IN GENERAL.—Subject to subsection (b), the*
 15 *amendments made by this Act shall take effect on the date*
 16 *of the enactment of this Act.*

17 *(b) DELAY PERMITTED IF STATE LEGISLATION RE-*
 18 *QUIRED.—In the case of a State plan under subpart 2 of*
 19 *part B or part E of the Social Security Act that the Sec-*
 20 *retary of Health and Human Services determines requires*
 21 *State legislation (other than legislation appropriating*
 22 *funds) in order for the plan to meet the additional require-*
 23 *ments imposed by the amendments specified in subsection*
 24 *(a) of this section, the State plan shall not be regarded as*
 25 *failing to comply with the requirements of such part solely*

1 *on the basis of the failure of the plan to meet the additional*
2 *requirements before the first day of the first calendar quar-*
3 *ter beginning after the close of the first regular session of*
4 *the State legislature that begins after the date of the enact-*
5 *ment of this Act. For purposes of the preceding sentence,*
6 *in the case of a State that has a 2-year legislative session,*
7 *each year of the session shall be deemed to be a separate*
8 *regular session of the State legislature.*

Union Calendar No. 168

107TH CONGRESS
1ST SESSION

H. R. 2873

[Report No. 107-281]

A BILL

To extend and amend the program entitled Promoting Safe and Stable Families under title IV-B, subpart 2 of the Social Security Act, and to provide new authority to support programs for mentoring children of incarcerated parents; to amend the Foster Care Independent Living program under title IV-E of that Act to provide for educational and training vouchers for youths aging out of foster care, and for other purposes.

NOVEMBER 13, 2001

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed