

109TH CONGRESS
2D SESSION

S. 3525

AN ACT

To amend subpart 2 of part B of title IV of the Social Security Act to improve outcomes for children in families affected by methamphetamine abuse and addiction, to reauthorize the promoting safe and stable families program, 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Improving Outcomes for Children Affected by Meth Act
6 of 2006”.

1 (b) TABLE OF CONTENTS.—The table of contents for
 2 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Grants for regional partnerships to increase the well-being of, and improve the permanency outcomes for, children affected by methamphetamine abuse and addiction.

Sec. 3. Reauthorization of the promoting safe and stable families program.

Sec. 4. Reauthorization and expansion of mentoring children of prisoners program.

Sec. 5. Allotments and grants to Indian tribes.

Sec. 6. Additional State plan amendments.

Sec. 7. Requirement for foster care proceeding to include, in an age-appropriate manner, consultation with the child that is the subject of the proceeding.

Sec. 8. Effective date.

3 **SEC. 2. GRANTS FOR REGIONAL PARTNERSHIPS TO IN-**
 4 **CREASE THE WELL-BEING OF, AND IMPROVE**
 5 **THE PERMANENCY OUTCOMES FOR, CHIL-**
 6 **DREN AFFECTED BY METHAMPHETAMINE**
 7 **ABUSE AND ADDICTION.**

8 (a) RESERVATION OF FUNDS.—Section 436(b) of the
 9 Social Security Act (42 U.S.C. 629f(b)) is amended by
 10 adding at the end the following new paragraph:

11 “(4) IMPROVED OUTCOMES FOR CHILDREN AF-
 12 FECTED BY METHAMPHETAMINE ABUSE AND ADDIC-
 13 TION.—With respect to each of fiscal years 2007
 14 through 2011, if the amount appropriated to carry
 15 out this subpart for any such fiscal year is at least
 16 \$345,000,000, the Secretary shall reserve
 17 \$40,000,000 of the amount appropriated for that
 18 fiscal year for grants under section 440.”.

1 (b) REGIONAL PARTNERSHIP GRANTS.—Subpart 2
 2 of part B of title IV of the Social Security Act (42 U.S.C.
 3 629 et seq.) is amended by adding at the end the following
 4 new section:

5 **“SEC. 440. GRANTS FOR REGIONAL PARTNERSHIPS TO IN-**
 6 **CREASE THE WELL-BEING OF, AND IMPROVE**
 7 **THE PERMANENCY OUTCOMES FOR, CHIL-**
 8 **DREN AFFECTED BY METHAMPHETAMINE**
 9 **ABUSE AND ADDICTION.**

10 “(a) PURPOSE.—The purpose of this section is to au-
 11 thorize the Secretary to make competitive grants to eligi-
 12 ble applicants to provide, through interagency collabora-
 13 tion and integration of programs and services, services and
 14 activities that are designed to increase the well-being of,
 15 improve permanency outcomes for, and enhance the safety
 16 of children who are in an out-of-home placement or are
 17 at risk of being placed in an out-of-home placement as
 18 a result of a parent’s or caretaker’s abuse of
 19 methamphetamines.

20 “(b) ELIGIBLE APPLICANTS DEFINED.—In this sec-
 21 tion, the term ‘eligible applicant’ means a regional part-
 22 nership (which may be established on an interstate or
 23 intrastate basis) and that shall include any 2 or more of
 24 the following:

25 “(1) Nonprofit child welfare service providers.

1 “(2) For-profit child welfare service providers.

2 “(3) Community health service providers.

3 “(4) Community mental health providers.

4 “(5) Local law enforcement agencies.

5 “(6) Judges and court personnel.

6 “(7) Juvenile justice officials.

7 “(8) School personnel.

8 “(9) The State child welfare agency that is re-
9 sponsible for the administration of the State plan
10 under this part and part E.

11 “(10) The State agency responsible for admin-
12 istering the substance abuse prevention and treat-
13 ment block grant provided under subpart II of part
14 B of title XIX of the Public Health Service Act.

15 “(11) Tribal child welfare agencies (or a con-
16 sortium of such agencies).

17 “(12) Any other providers, agencies, personnel,
18 officials, or entities that are related to the provision
19 of child and family services under this subpart.

20 “(c) PROGRAM AUTHORIZED.—

21 “(1) IN GENERAL.—From the amounts (if any)
22 reserved for each of fiscal years 2007 through 2011
23 under section 436(b)(4), the Secretary shall award
24 grants under this section for each such fiscal year
25 to eligible applicants that satisfy the requirements of

1 this section, in amounts that are not less than
2 \$500,000 and not more than \$1,000,000 per grant
3 per fiscal year.

4 “(2) REQUIRED MINIMUM PERIOD OF AP-
5 PROVAL.—An eligible applicant shall be approved to
6 receive a grant under this section for a period of not
7 less than 2, and not more than 5, fiscal years.

8 “(d) APPLICATION REQUIREMENTS.—To be eligible
9 for a grant under this section, an eligible applicant shall
10 submit to the Secretary a written application containing
11 the following:

12 “(1) Recent evidence that methamphetamine
13 abuse has increased the number of out-of-home
14 placements for children, or the number of children
15 who are at risk of being placed in an out-of-home
16 placement, in the partnership region.

17 “(2) A description of the goals and outcomes to
18 be achieved during the funding period for the grant
19 that will enhance the well-being of children receiving
20 services or taking part in activities conducted with
21 funds provided under the grant and lead to safety
22 and permanence for such children.

23 “(3) A description of the joint activities to be
24 funded in whole or in part with the funds provided
25 under the grant, including the sequencing of the ac-

1 activities proposed to be conducted under the funding
2 period for the grant.

3 “(4) A description of the strategies for inte-
4 grating programs and services determined to be ap-
5 propriate for the child and where appropriate, the
6 child’s family.

7 “(5) A description of the strategies for—

8 “(A) collaborating with the State agency
9 responsible for the administration of this part
10 and part E (unless the lead agency for the re-
11 gional partnership of the eligible applicant is
12 such agency); and

13 “(B) consulting, as appropriate, with the
14 State agency responsible for administering sub-
15 stance abuse treatment and prevention services,
16 and the State law enforcement and judicial
17 agencies.

18 To the extent the Secretary determines that a re-
19 quirement of this paragraph would be inappropriate
20 to apply to an eligible applicant that includes a trib-
21 al child welfare agency or a consortium of such
22 agencies, the Secretary may exempt the eligible ap-
23 plicant from satisfying such requirement.

24 “(6) Such other information as the Secretary
25 may require.

1 “(e) USE OF FUNDS.—Funds made available under
 2 a grant made under this section shall only be used for
 3 services or activities that are consistent with the purpose
 4 of this section and may include the following:

5 “(1) Family-based comprehensive long-term
 6 drug treatment services.

7 “(2) Early intervention and preventative serv-
 8 ices.

9 “(3) Children and family counseling.

10 “(4) Mental health services.

11 “(5) Parenting skills training.

12 “(f) MATCHING REQUIREMENT.—

13 “(1) FEDERAL SHARE.—A grant awarded
 14 under this section shall be available to pay a per-
 15 centage share of the costs of services provided or ac-
 16 tivities conducted under such grant, not to exceed—

17 “(A) 85 percent for the first and second
 18 fiscal years for which the grant is awarded to
 19 an eligible applicant;

20 “(B) 80 percent for the third and fourth
 21 such fiscal years; and

22 “(C) 75 percent for the fifth such fiscal
 23 year.

24 “(2) NON-FEDERAL SHARE.—The non-Federal
 25 share of the cost of services provided or activities

1 conducted under a grant awarded under this section
 2 may be in cash or in kind. In determining the
 3 amount of the non-Federal share, the Secretary may
 4 attribute fair market value to goods, services, and
 5 facilities contributed from non-Federal sources.

6 “(g) CONSIDERATIONS IN AWARDING AND AMOUNT
 7 OF GRANTS.—In awarding grants under this section and
 8 determining the amount of such grants, the Secretary
 9 shall—

10 “(1) consider the demonstrated need of an eligi-
 11 ble applicant for assistance;

12 “(2) ensure that grants are awarded to a di-
 13 verse number of the eligible applicants described in
 14 subsection (b); and

15 “(3) give priority to awarding grants to eligible
 16 applicants located in rural areas that—

17 “(A) have been significantly affected by
 18 methamphetamine abuse and addiction by par-
 19 ents or caretakers;

20 “(B) have limited resources for addressing
 21 the needs of children affected by such abuse
 22 and addiction; and

23 “(C) have a lack of capacity for, or access
 24 to, comprehensive family treatment services.

1 “(h) PERFORMANCE INDICATORS.—Not later than 18
2 months after the date of enactment of this section, the
3 Secretary shall establish indicators that will be used to as-
4 sess periodically the performance of the eligible applicants
5 awarded grants under this section in using funds made
6 available under such grants to achieve the purpose of this
7 section. In establishing such indicators, the Secretary shall
8 consult with the Assistant Secretary for the Administra-
9 tion for Children and Families, the Administrator of the
10 Substance Abuse and Mental Health Services Administra-
11 tion, the chief executive officers of the States or territories
12 in which eligible applicants awarded a grant under this
13 section are located, legislators of such States and terri-
14 tories, State and local public officials responsible for ad-
15 ministering child welfare and alcohol and drug abuse pre-
16 vention and treatment programs in such States and terri-
17 tories, court staff in such States and territories, con-
18 sumers of the services or activities in such States and ter-
19 ritories, advocates for children, parents, and caretakers
20 who come to the attention of the child welfare system, and
21 tribal officials of tribal child welfare agencies (or a consor-
22 tium of such agencies) awarded a grant under this section.

23 “(i) REPORTS.—

24 “(1) GRANTEE REPORTS.—

1 “(A) ANNUAL REPORT.—Not later than
2 September 30 of the first fiscal year in which
3 an eligible applicant receives funds under a
4 grant awarded under this section, and annually
5 thereafter until September 30 of the last fiscal
6 year in which an eligible applicant receives
7 funds under a grant awarded under this sec-
8 tion, the eligible applicant shall submit to the
9 Secretary a report on the activities carried out
10 during that fiscal year with such funds. The re-
11 port shall contain such information as the Sec-
12 retary determines is necessary to provide an ac-
13 curate description of the activities conducted
14 with such funds and of any changes in the use
15 of such funds that are planned for the suc-
16 ceeding fiscal year.

17 “(B) INCORPORATION OF INFORMATION
18 RELATED TO PERFORMANCE INDICATORS.—Not
19 later than 12 months after the establishment of
20 performance indicators under subsection (h),
21 each eligible applicant awarded a grant under
22 this section shall incorporate into the annual re-
23 port required under subparagraph (A) informa-
24 tion required in relation to such indicators.

1 “(2) REPORTS TO CONGRESS.—On the basis of
2 the reports submitted under paragraph (1), the Sec-
3 retary annually shall submit to the Committee on
4 Ways and Means of the House of Representatives
5 and the Committee on Finance of the Senate a re-
6 port on—

7 “(A) the services provided and activities
8 conducted with funds provided under grants
9 awarded under this section;

10 “(B) the performance indicators estab-
11 lished under subsection (h); and

12 “(C) the progress that has been made in
13 addressing the needs of families with meth-
14 amphetamine abuse problems who come to the
15 attention of the child welfare system and in
16 achieving the goals of child safety, permanence,
17 and family stability.”.

18 **SEC. 3. REAUTHORIZATION OF THE PROMOTING SAFE AND**
19 **STABLE FAMILIES PROGRAM.**

20 (a) IN GENERAL.—Section 436(a) of the Social Secu-
21 rity Act (42 U.S.C. 629f(a)) is amended by striking “for
22 fiscal year 2006.” and all that follows through the end
23 of the second sentence and inserting “for each of fiscal
24 years 2007 through 2011.”.

1 (b) DISCRETIONARY GRANTS.—Section 437(a) of the
 2 Social Security Act (42 U.S.C. 629g(a)) is amended by
 3 striking “2002 through 2006” and inserting “2007
 4 through 2011”.

5 (c) STATE COURTS ASSESSMENT AND IMPROVEMENT
 6 GRANTS.—Subsections (c)(1)(A) and (d) of section 438
 7 of the Social Security Act (42 U.S.C. 629h) are each
 8 amended by striking “2002 through 2006” and inserting
 9 “2007 through 2011”.

10 (d) TECHNICAL CORRECTION OF FUNDING FOR FIS-
 11 CAL YEAR 2006.—Effective February 8, 2006, title II of
 12 the Departments of Labor, Health and Human Services,
 13 and Education, and Related Agencies Appropriations Act,
 14 2006 (Public Law 109–149, 119 Stat. 2833) is amended
 15 under the heading relating to “PROMOTING SAFE AND STA-
 16 BLE FAMILIES” under the heading “ADMINISTRATION FOR
 17 CHILDREN AND FAMILIES”, by striking “\$305,000,000”
 18 and inserting “\$345,000,000”.

19 **SEC. 4. REAUTHORIZATION AND EXPANSION OF MEN-**
 20 **TORING CHILDREN OF PRISONERS PRO-**
 21 **GRAM.**

22 (a) IN GENERAL.—Section 439 of the Social Security
 23 Act (42 U.S.C. 629i) is amended—

24 (1) in the section heading, by striking
 25 “GRANTS” and inserting “FUNDING”;

1 (2) in subsection (a)—

2 (A) in the subsection heading, by striking
3 “PURPOSE” and inserting “PURPOSES”; and

4 (B) in paragraph (2)—

5 (i) in the paragraph heading, by strik-
6 ing “PURPOSE” and inserting “PUR-
7 POSES”;

8 (ii) by striking “The purpose of this
9 section is to authorize the Secretary to
10 make competitive” and inserting “The pur-
11 poses of this section are to authorize the
12 Secretary—

13 “(A) to make competitive”;

14 (iii) by striking the period at the end
15 and inserting “; and”; and

16 (iv) by adding at the end the following
17 new subparagraph:

18 “(B) to enter into a cooperative agreement
19 with a national mentoring support organization
20 to provide greater flexibility nationwide to in-
21 crease the number of children of prisoners re-
22 ceiving mentoring services.”;

23 (3) in subsection (c)—

24 (A) by striking “2002 through 2006” and
25 inserting “2007 through 2011”;

1 (B) by striking “(h)” and inserting “(i”;

2 and

3 (C) by striking “(h)(2)” and inserting

4 “(i)(2)”;

5 (4) by redesignating subsections (g) and (h) as

6 subsections (h) and (i), respectively;

7 (5) by inserting after subsection (f), the fol-

8 lowing new subsection:

9 “(g) INCREASED ACCESS TO MENTORING SERV-
10 ICES.—

11 “(1) IN GENERAL.—The Secretary shall award,
12 on a competitive basis, a cooperative agreement with
13 an eligible entity (as specified in paragraph (2)) for
14 the purposes of—

15 “(A) identifying and approving mentoring
16 programs in all 50 States and the District of
17 Columbia that meet certain quality program
18 standards;

19 “(B) organizing outreach activities, includ-
20 ing making publicly available a list of such ap-
21 proved programs, to appropriate public and pri-
22 vate entities described in subsection (d)(2) to
23 increase awareness of the availability of vouch-
24 ers for mentoring services among families of
25 children of prisoners; and

1 “(C) distributing vouchers directly to such
2 approved programs that have been selected by
3 families of children of prisoners to provide men-
4 toring services for their children.

5 “(2) ELIGIBLE ENTITY.—For purposes of para-
6 graph (1), an entity eligible for a cooperative agree-
7 ment under this subsection shall be a national men-
8 toring support organization that has substantial
9 experience—

10 “(A) in mentoring and mentoring services
11 for children; and

12 “(B) in developing quality program stand-
13 ards for the planning and assessment of men-
14 toring programs for children.

15 “(3) APPLICATION REQUIREMENTS.—To be eli-
16 gible for a cooperative agreement under this sub-
17 section, an entity shall submit to the Secretary an
18 application that includes the following:

19 “(A) QUALIFICATIONS.—A demonstration
20 that the entity meets the experience require-
21 ments of paragraph (2).

22 “(B) PLAN DESCRIPTION.—A detailed de-
23 scription of the proposed voucher distribution
24 program, which shall—

1 “(i) include the quality program
2 standards for mentoring developed by the
3 entity;

4 “(ii) describe how the entity will orga-
5 nize and implement such quality program
6 standards and distribution program, in-
7 cluding how the entity plans to ensure
8 that—

9 “(I) children in urban and rural
10 communities and children with other
11 geographic, linguistic, or cultural bar-
12 riers to receipt of mentoring services
13 will have access to such services; and

14 “(II) if the entity usually pro-
15 vides gender-specific programs or
16 services, both girls and boys will be
17 appropriately served by the program;

18 “(iii) identify those organizations
19 known by the entity to comply with such
20 quality program standards;

21 “(iv) describe the strategic plan of the
22 entity to work with families of prisoners to
23 develop the list of mentoring programs
24 that accept vouchers distributed under the
25 program for mentoring services; and

1 “(v) describe the methods to be used
2 by the entity to evaluate the program and
3 the extent to which the program is achiev-
4 ing the purposes described in paragraph
5 (1) and subsection (a)(2)(A).

6 “(C) CRIMINAL BACKGROUND CHECKS.—
7 An agreement to include in any quality program
8 standards for approved mentoring programs the
9 requirement for criminal background checks for
10 mentors.

11 “(D) RECORDS, REPORTS, AND AUDITS.—
12 An agreement to maintain such records, make
13 such reports, and cooperate with such reviews
14 and audits as the Secretary may find necessary
15 for purposes of oversight of the cooperative
16 agreement and expenditures.

17 “(E) EVALUATION.—A commitment to co-
18 operate fully with the Secretary’s ongoing and
19 final evaluation of the voucher distribution pro-
20 gram, including providing the Secretary with
21 access to the program and program-related
22 records and documents, staff, and the men-
23 toring programs to which vouchers were distrib-
24 uted.

1 “(F) OTHER.—Such other information as
 2 the Secretary may find necessary to dem-
 3 onstrate the entity’s capacity to carry out the
 4 cooperative agreement under this subsection.

5 “(4) FEDERAL ASSISTANCE ELIGIBILITY.—The
 6 amount of a voucher under this subsection may be
 7 disregarded for purposes of determining the eligi-
 8 bility for, or the amount of, any other Federal or
 9 Federally supported assistance for the recipient fam-
 10 ily.”;

11 (6) by amending subsection (h) (as redesignated
 12 by paragraph (4)) to read as follows:

13 “(h) EVALUATION; REPORTS.—

14 “(1) EVALUATION.—The Secretary shall con-
 15 duct an evaluation of the programs authorized under
 16 this section, including the program for increasing ac-
 17 cess to mentoring services authorized under sub-
 18 section (g).

19 “(2) REPORTS.—Not later than 12 months
 20 after the date of enactment of the Improving Out-
 21 comes for Children Affected by Meth Act of 2006,
 22 the Secretary shall submit a report to Congress that
 23 includes the following:

24 “(A) The characteristics of the mentoring
 25 programs funded under this section.

1 “(B) The plans for implementation of the
2 cooperative agreement for the program author-
3 ized under subsection (g).

4 “(C) A description of the outcome-based
5 evaluation of the programs authorized under
6 this section that the Secretary is conducting as
7 of such date of enactment and how such evalua-
8 tion has been expanded to include an evaluation
9 of the program authorized under subsection (g).

10 “(D) The date on which the Secretary
11 shall submit a final report on such evaluation to
12 Congress.”; and

13 (7) in subsection (i) (as so redesignated)—

14 (A) by striking “2002 and 2003,” and all
15 that follows through the period and inserting
16 “2007 through 2011.”; and

17 (B) in paragraph (2)—

18 (i) by amending the paragraph head-
19 ing to read as follows: “RESERVATIONS”;

20 (ii) by striking “The” and inserting
21 the following:

22 “(A) RESEARCH, TECHNICAL ASSISTANCE,
23 AND EVALUATION.—The”; and

24 (iii) by adding at the end the fol-
25 lowing new subparagraph:

1 “(B) INCREASED ACCESS TO MENTORING
2 SERVICES.—

3 “(i) IN GENERAL.—Subject to clauses
4 (ii) and (iii), the Secretary shall reserve
5 not more than 50 percent of the amount
6 appropriated for each fiscal year under
7 paragraph (1) for purposes of carrying out
8 the program for increasing access to men-
9 toring services authorized under subsection
10 (g).

11 “(ii) ASSURANCE OF FUNDING FOR
12 GENERAL PROGRAM GRANTS.—With re-
13 spect to each fiscal year for which amounts
14 are appropriated to carry out this section,
15 not less than \$25,000,000 of such amounts
16 (or, if the amount appropriated for a fiscal
17 year is less than that amount, the amount
18 appropriated for that fiscal year that re-
19 mains after applying subparagraph (A))
20 shall be used by the Secretary for purposes
21 of making grants under subsection (c).

22 “(iii) CONTINGENT PERCENTAGE RE-
23 Duction.—If the amount appropriated for
24 a fiscal year is not sufficient for the Sec-
25 retary to satisfy the requirements of

1 clauses (i) and (ii), the Secretary shall re-
 2 duce the percentage described in clause (i)
 3 by such number of percentage points as is
 4 necessary for the Secretary to satisfy the
 5 requirement of clause (ii).”.

6 (b) GAO EVALUATION AND REPORT.—Not later than
 7 3 years after the date of enactment of this Act, the Comp-
 8 troller General of the United States shall submit to Con-
 9 gress a report evaluating the implementation and effec-
 10 tiveness of the program for increasing access to mentoring
 11 services authorized under subsection (g) of section 439 of
 12 the Social Security Act (42 U.S.C. 629i) (as added by the
 13 amendments made by subsection (a)).

14 **SEC. 5. ALLOTMENTS AND GRANTS TO INDIAN TRIBES.**

15 (a) INCREASED RESERVED FUNDING.—

16 (1) IN GENERAL.—Section 436(b)(3) of the So-
 17 cial Security Act (42 U.S.C. 629f(b)(3)) is amended
 18 by striking “1” and inserting “3”.

19 (2) DISCRETIONARY GRANTS.—Section
 20 437(b)(3) of the Social Security Act (42 U.S.C.
 21 629g(b)(3)) is amended by striking “2” and insert-
 22 ing “3”.

23 (b) AUTHORITY FOR TRIBAL CONSORTIA TO RE-
 24 CEIVE ALLOTMENTS.—

25 (1) ALLOTMENT OF MANDATORY FUNDS.—

(A) IN GENERAL.—Section 433(a) of the Social Security Act (42 U.S.C. 629c(a)) is amended—

(i) in the subsection heading, by inserting “OR TRIBAL CONSORTIA” after “TRIBES”; and

(ii) by adding at the end the following new sentence: “If a consortium of Indian tribes submits a plan approved under this subpart, the Secretary shall allot to the consortium an amount equal to the sum of the allotments determined for each Indian tribe that is part of the consortium.”.

(B) CONFORMING AMENDMENT.—Section 436(b)(3) of such Act (42 U.S.C. 629f(b)(3)), as amended by subsection (a)(1), is amended—

(i) in the paragraph heading, by inserting “OR TRIBAL CONSORTIA” after “TRIBES”; and

(ii) by inserting “or tribal consortia” after “Indian tribes”.

(2) ALLOTMENT OF ANY DISCRETIONARY FUNDS.—Section 437 of the Social Security Act (42 U.S.C. 629g) is amended—

(A) in subsection (b)(3)—

(i) in the paragraph heading, by inserting “OR TRIBAL CONSORTIA” after “TRIBES”; and

(ii) by inserting “or tribal consortia” after “Indian tribes”; and

(B) in subsection (c)(1)—

(i) in the paragraph heading, by inserting “OR TRIBAL CONSORTIA” after “TRIBES”; and

(ii) by adding at the end the following new sentence: “If a consortium of Indian tribes applies and is approved for a grant under this section, the Secretary shall allot to the consortium an amount equal to the sum of the allotments determined for each Indian tribe that is part of the consortium.”.

(3) ADDITIONAL CONFORMING AMENDMENTS.—

(A) PLANS OF INDIAN TRIBES.—Section 432(b)(2) of the Social Security Act (42 U.S.C. 629b(b)(2)) is amended—

(i) in the paragraph heading, by inserting “OR TRIBAL CONSORTIA” after “TRIBES”; and

1 (ii) in subparagraphs (A) and (B), by
 2 inserting “or tribal consortium” after “In-
 3 dian tribe” each place it appears.

4 (B) DIRECT PAYMENTS TO TRIBAL ORGA-
 5 NIZATIONS.—Section 434(c) of such Act (42
 6 U.S.C. 629d(c)) is amended—

7 (i) in the subsection heading, by in-
 8 serting “OR TRIBAL CONSORTIA” after
 9 “TRIBES”; and

10 (ii) by inserting “or tribal consor-
 11 tium” after “Indian tribe” the first place
 12 it appears; and

13 (iii) by inserting “or in the case of a
 14 payment to a tribal consortium, such tribal
 15 organizations of, or entity established by,
 16 the Indian tribes that are part of the con-
 17 sortium as the consortium shall designate”
 18 before the period.

19 (C) EVALUATIONS; RESEARCH; TECHNICAL
 20 ASSISTANCE.—Section 435(d) of such Act (42
 21 U.S.C. 629e(d)) is amended in the matter pre-
 22 ceding paragraph (1), by inserting “or tribal
 23 consortia” after “Indian tribes”.

1 **SEC. 6. ADDITIONAL STATE PLAN AMENDMENTS.**

2 (a) ADDITIONAL MONITORING AND EVALUATION OF
3 FAMILIES ADOPTING OR FOSTERING SIGNIFICANT NUM-
4 BERS OF CHILDREN.—

5 (1) IN GENERAL.—Section 432(a)(5) of the So-
6 cial Security Act (42 U.S.C. 629b(a)(5)) is
7 amended—

8 (A) in subparagraph (A)(iii), by striking
9 “and” after the semicolon; and

10 (B) by adding at the end the following new
11 subparagraphs:

12 “(C) establish procedures to provide for
13 the additional evaluation of, and identification
14 of additional supports and services needed by,
15 any family that proposes to provide foster care
16 for more than 4 children or more than 1 group
17 of siblings (or more than such number of chil-
18 dren and groups of siblings as the State, upon
19 demonstration of good cause and approval by
20 the Secretary, may establish), prior to permit-
21 ting the family to provide foster care to such
22 children or siblings, and to provide for ongoing
23 monitoring and support of the family (prior to
24 and during the provision of such foster care), to
25 fully assess whether the family has the ability
26 to care for such children or siblings; and

“(D) establish procedures to provide for the additional evaluation of, and identification of additional supports and services needed by, any family that proposes to adopt more than 4 children or more than 1 group of siblings (or more than such number of children and groups of siblings as the State, upon demonstration of good cause and approval by the Secretary, may establish), prior to permitting the family to adopt such children or siblings, and to provide pre-adoption monitoring of, and to identify any pre-adoption supports and services needed by the family, to fully assess whether the family has the ability to care for such children or siblings before permitting such adoption;”.

(2) DEADLINE FOR SUBMISSION AND APPROVAL OR MODIFICATION OF IMPLEMENTATION PLAN.—

(A) STATE SUBMISSIONS.—Not later than 18 months after the date of enactment of this Act, each State with a plan approved under subpart 2 of part B of title IV of the Social Security Act, as a condition of continued approval of such plan, shall submit to the Secretary of Health and Human Services a plan for the implementation of the procedures required under

subparagraphs (C) and (D) of section 432(a)(5) of the Social Security Act, as added by paragraph (1).

(B) APPROVAL OR MODIFICATION.—Not later than 60 days after the date on which a State submits the implementation plan required under subparagraph (A) to the Secretary of Health and Human Services, the Secretary shall approve such plan or notify the State of additions or modifications to such plan that are required before it can be approved.

(b) ANNUAL BUDGET REQUESTS, SUMMARIES, AND EXPENDITURE REPORTS.—

(1) IN GENERAL.—Section 432(a)(8) of the Social Security Act (42 U.S.C. 629b(a)(8)) is amended—

(A) by inserting “(A)” after “(8)”;

(B) by striking “and” after the semicolon;

and

(C) by adding at the end the following new subparagraph:

“(B) provides that, not later than June 30 of each year, the State agency will submit to the Secretary—

1 “(i) copies of forms CFS 101–Part I and
 2 CFS 101–Part II (or any successor forms) that
 3 report on planned child and family services ex-
 4 penditures by the agency for the immediately
 5 succeeding fiscal year; and

6 “(ii) copies of forms CFS 101–Part I and
 7 CFS 101–Part II (or any successor forms) that
 8 provide, only with respect to the programs au-
 9 thorized under this subpart and subpart 1, ac-
 10 tual expenditures by the State agency for the
 11 immediately preceding fiscal year; and”.

12 (2) ANNUAL SUBMISSION OF STATE REPORTS
 13 TO CONGRESS.—Section 432 of the Social Security
 14 Act (42 U.S.C. 629b) is amended by adding at the
 15 end the following new subsection:

16 “(c) ANNUAL SUBMISSION OF STATE REPORTS TO
 17 CONGRESS.—The Secretary shall compile the reports re-
 18 quired under subsection (a)(8)(B) and, not later than Sep-
 19 tember 30 of each year, submit such compilation to the
 20 Committee on Ways and Means of the House of Rep-
 21 resentatives and the Committee on Finance of the Sen-
 22 ate.”.

23 (3) EFFECTIVE DATE; INITIAL DEADLINES FOR
 24 SUBMISSIONS.—The amendments made by this sub-
 25 section take effect on the date of enactment of this

Act. Each State with an approved plan under subpart 1 or 2 of part B of title IV of the Social Security Act shall make its initial submission of the forms required under section 432(a)(8)(B) of the Social Security Act to the Secretary of Health and Human Services by June 30, 2007, and the Secretary of Health and Human Services shall submit the first compilation required under section 432(c) of such Act by September 30, 2007.

SEC. 7. REQUIREMENT FOR FOSTER CARE PROCEEDING TO INCLUDE, IN AN AGE-APPROPRIATE MANNER, CONSULTATION WITH THE CHILD THAT IS THE SUBJECT OF THE PROCEEDING.

Section 475(5)(C) of the Social Security Act (42 U.S.C. 675(5)(C)) is amended—

(1) by inserting “(i)” after “with respect to each such child,”;

(2) by striking “and procedural safeguards shall also” and inserting “(ii) procedural safeguards shall”; and

(3) by inserting “and (iii) procedural safeguards shall be applied to assure that in any permanency hearing held with respect to the child and, in the case of a child who has attained age 16, any hearing regarding the transition of the child from

1 foster care to independent living, the court or ad-
2 ministrative body conducting the hearing consults, in
3 an age-appropriate manner, with the child regarding
4 the proposed permanency or transition plan for the
5 child;” after “parents;”.

6 **SEC. 8. EFFECTIVE DATE.**

7 (a) IN GENERAL.—Except as otherwise provided in
8 this Act, the amendments made by this Act shall take ef-
9 fect on October 1, 2006, and shall apply to payments
10 under subpart 2 of part B and part E of title IV of the
11 Social Security Act for calendar quarters beginning on or
12 after such date, without regard to whether regulations to
13 implement the amendments are promulgated by such date.

14 (b) DELAY PERMITTED IF STATE LEGISLATION RE-
15 QUIRED.—If the Secretary of Health and Human Services
16 determines that State legislation (other than legislation
17 appropriating funds) is required in order for a State plan
18 under subpart 2 of part B or part E of title IV of the
19 Social Security Act to meet the additional requirements
20 imposed by the amendments made by a provision of this
21 Act, the plan shall not be regarded as failing to meet any
22 of the additional requirements before the 1st day of the
23 1st calendar quarter beginning after the first regular ses-
24 sion of the State legislature that begins after the date of
25 the enactment of this Act. If the State has a 2-year legisla-

- 1 tive session, each year of the session is deemed to be a
- 2 separate regular session of the State legislature.

Passed the Senate July 13, 2006.

Attest:

Secretary.

109TH CONGRESS
2D SESSION

S. 3525

AN ACT

To amend subpart 2 of part B of title IV of the Social Security Act to improve outcomes for children in families affected by methamphetamine abuse and addiction, to reauthorize the promoting safe and stable families program, and for other purposes.