

107TH CONGRESS
1ST SESSION

H. R. 1909

To amend part B of title IV of the Social Security Act to create a grant program to promote joint activities among Federal, State, and local public child welfare and alcohol and drug abuse prevention and treatment agencies.

IN THE HOUSE OF REPRESENTATIVES

MAY 17, 2001

Mr. RANGEL (for himself, Mr. CARDIN, Mr. COYNE, Mr. McNULTY, Mrs. THURMAN, and Mr. STARK) introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To amend part B of title IV of the Social Security Act to create a grant program to promote joint activities among Federal, State, and local public child welfare and alcohol and drug abuse prevention and treatment agencies.

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 Protection/Alco-
5 hol and Drug Partnership Act of 2001”.

1 **SEC. 2. CHILD PROTECTION/ALCOHOL AND DRUG PART-**
 2 **NERSHIPS FOR CHILDREN.**

3 Part B of title IV of the Social Security Act (42
 4 U.S.C. 620 et seq.) is amended by adding at the end the
 5 following:

6 **“Subpart 3—Child Protection/Alcohol and Drug**
 7 **Partnerships For Children**

8 **“SEC. 440. DEFINITIONS.**

9 “In this subpart:

10 “(1) ALASKA NATIVE ORGANIZATION.—The
 11 term ‘Alaska Native Organization’ means any orga-
 12 nized group of Alaska Natives eligible to operate a
 13 Federal program under the Indian Self-Determina-
 14 tion Act (25 U.S.C. 450f et seq.) or such group’s
 15 designee.

16 “(2) ADMINISTRATIVE COSTS.—

17 “(A) IN GENERAL.—The term ‘administra-
 18 tive costs’ means the costs for the general ad-
 19 ministration of administrative activities, includ-
 20 ing contract costs and all overhead costs.

21 “(B) EXCLUSION.—Such term does not in-
 22 clude the direct costs of providing services and
 23 costs related to case management, training,
 24 technical assistance, evaluation, establishment,
 25 and operation of information systems, and such

1 other similar costs that are also an integral
2 part of service delivery.

3 “(3) ELIGIBLE STATE.—The term ‘eligible
4 State’ means a State that submits a joint applica-
5 tion from the State agencies that—

6 “(A) includes a plan that meets the re-
7 quirements of section 442; and

8 “(B) is approved by the Secretary for a 5-
9 year period after consultation with the Assist-
10 ant Secretary for the Administration for Chil-
11 dren and Families and the Administrator of the
12 Substance Abuse and Mental Health Services
13 Administration.

14 “(4) INDIAN TRIBE.—The term ‘Indian tribe’
15 means any Indian tribe, band, Nation or other orga-
16 nized group or community of Indians, including any
17 Alaska Native Organization, that is recognized as el-
18 igible for the special programs and services provided
19 by the United States to Indians because of their sta-
20 tus as Indians.

21 “(5) STATE.—

22 “(A) IN GENERAL.—The term ‘State’
23 means each of the 50 States, the District of Co-
24 lumbia, and the territories described in sub-
25 paragraph (B).

1 “(B) TERRITORIES.—

2 “(i) IN GENERAL.—The territories de-
3 scribed in this subparagraph are Puerto
4 Rico, Guam, the United States Virgin Is-
5 lands, American Samoa, and the Northern
6 Mariana Islands.

7 “(ii) AUTHORITY TO MODIFY RE-
8 QUIREMENTS.—The Secretary may modify
9 the requirements of this subpart with re-
10 spect to a territory described in clause (i)
11 to the extent necessary to allow such a ter-
12 ritory to conduct activities through funds
13 provided under a grant made under this
14 subpart.

15 “(6) STATE AGENCIES.—The term ‘State agen-
16 cies’ means the State child welfare agency and the
17 unit of State government responsible for the admin-
18 istration of the substance abuse prevention and
19 treatment block grant provided under subpart II of
20 part B of title XIX of the Public Health Service Act
21 (42 U.S.C. 300x–21 et seq.).

22 “(7) TRIBAL ORGANIZATION.—The term ‘tribal
23 organization’ means the recognized governing body
24 of an Indian tribe.

1 **“SEC. 441. GRANTS TO PROMOTE CHILD PROTECTION/AL-**
2 **COHOL AND DRUG PARTNERSHIPS FOR CHIL-**
3 **DREN.**

4 “(a) **AUTHORITY TO AWARD GRANTS.**—The Sec-
5 retary may award grants to eligible States and directly
6 to Indian tribes in accordance with the requirements of
7 this subpart for the purpose of promoting joint activities
8 among Federal, State, and local public child welfare and
9 alcohol and drug abuse prevention and treatment agencies
10 (and among child welfare and alcohol and drug abuse pre-
11 vention and treatment agencies that are providing services
12 to children in Indian tribes) that focus on families with
13 alcohol or drug abuse problems who come to the attention
14 of the child welfare system and are designed to—

15 “(1) increase the capacity of both the child wel-
16 fare system and the alcohol and drug abuse preven-
17 tion and treatment system to address comprehen-
18 sively and in a timely manner the needs of such fam-
19 ilies to improve child safety, family stability, and
20 permanence; and

21 “(2) promote recovery from alcohol and drug
22 abuse problems.

23 “(b) **NOTIFICATION.**—Not later than 60 days after
24 the date a joint application is submitted by the State agen-
25 cies or an application is submitted by an Indian tribe, the

1 Secretary shall notify a State or Indian tribe that the ap-
2 plication has been approved or disapproved.

3 **“SEC. 442. PLAN REQUIREMENTS.**

4 “(a) CONTENTS.—Subject to subsection (c), the plan
5 shall contain the following:

6 “(1) A detailed description of how the State
7 agencies will work jointly to implement a range of
8 activities to meet the alcohol and drug abuse preven-
9 tion and treatment needs of families who come to
10 the attention of the child welfare system and to pro-
11 mote child safety, permanence, and family stability.

12 “(2) An assurance that the heads of the State
13 agencies shall jointly administer the grant program
14 funded under this subpart and a description of how
15 they will do so.

16 “(3) A description of the nature and extent of
17 the problem of alcohol and drug abuse among fami-
18 lies who come to the attention of the child welfare
19 system in the State, and of any plans being imple-
20 mented to further identify and assess the extent of
21 the problem.

22 “(4) A description of any joint activities already
23 being undertaken by the State agencies in the State
24 on behalf of families with alcohol and drug abuse
25 problems who come to the attention of the child wel-

1 fare system (including any existing data on the im-
2 pact of such joint activities) such as activities relat-
3 ing to—

4 “(A) the appropriate screening and assess-
5 ment of cases;

6 “(B) consultation on cases involving alco-
7 hol and drug abuse;

8 “(C) arrangements for addressing con-
9 fidentiality and sharing of information;

10 “(D) cross training of staff;

11 “(E) co-location of services;

12 “(F) support for comprehensive treatment
13 programs for parents and their children; and

14 “(G) establishing priority of child welfare
15 families for assessment or treatment.

16 “(5)(A) A description of the joint activities to
17 be funded in whole or in part with the funds pro-
18 vided under the grant, including the sequencing of
19 the activities proposed to be conducted under the 5-
20 year funding cycle and the goals to be achieved dur-
21 ing such funding cycle. The activities and goals shall
22 be designed to improve the capacity of the State
23 agencies to work jointly to improve child safety, fam-
24 ily stability, and permanence for children whose fam-
25 ilies come to the attention of the child welfare sys-

1 tem and to promote their parents’ recovery from al-
2 cohol and drug abuse.

3 “(B) The description shall include a statement
4 as to why the State agencies chose the specified ac-
5 tivities and goals.

6 “(6) A description as to whether and how the
7 joint activities described in paragraph (5), and other
8 related activities funded with Federal funds, will ad-
9 dress some or all of the following practices and pro-
10 cedures:

11 “(A) Practices and procedures designed to
12 appropriately—

13 “(i) identify alcohol and drug treat-
14 ment needs;

15 “(ii) assess such needs;

16 “(iii) assess risks to the safety of a
17 child and the need for permanency with re-
18 spect to the placement of a child;

19 “(iv) enroll families in appropriate
20 services and treatment in their commu-
21 nities; and

22 “(v) regularly assess the progress of
23 families receiving such treatment.

24 “(B) Practices and procedures designed to
25 provide comprehensive and timely individualized

1 alcohol and drug abuse prevention and treat-
2 ment services for families who come to the at-
3 tention of the child welfare system that include
4 a range of options that are available, accessible,
5 and appropriate, and that may include the fol-
6 lowing components:

7 “(i) Preventive and early intervention
8 services for children of parents with alcohol
9 and drug abuse problems that integrate al-
10cohol and drug abuse prevention services
11with mental health and domestic violence
12services, and that recognize the mental,
13emotional, and developmental problems the
14children may experience.

15 “(ii) Prevention and early intervention
16services for parents at risk for alcohol and
17drug abuse problems.

18 “(iii) Comprehensive home-based, out-
19patient, and residential treatment options.

20 “(iv) After-care support (both formal
21and informal) for families in recovery that
22promotes child safety and family stability.

23 “(v) Services and supports that focus
24on parents, parents with their children,

1 parents' children, other family members,
2 and parent-child interaction.

3 “(C) Elimination of existing barriers to
4 treatment and to child safety and permanence,
5 such as difficulties in sharing information
6 among agencies and differences between the
7 values and treatment protocols of the different
8 agencies.

9 “(D) Effective engagement and retention
10 strategies.

11 “(E) Pre-service and in-service joint train-
12 ing of management and staff of child welfare
13 and alcohol and drug abuse prevention and
14 treatment agencies, and, where appropriate,
15 judges and other court staff, to—

16 “(i) increase such individuals' aware-
17 ness and understanding of alcohol and
18 drug abuse and related child abuse and ne-
19 glect;

20 “(ii) more accurately identify and
21 screen alcohol and drug abuse and child
22 abuse in families;

23 “(iii) improve assessment skills of
24 both child abuse and alcohol and drug

1 abuse staff, including skills to assess risk
2 to children's safety;

3 “(iv) increase staff knowledge of the
4 services and resources that are available in
5 such individuals' communities and appro-
6 priate for such families; and

7 “(v) increase awareness of the impor-
8 tance of permanence for children and the
9 timelines for decisionmaking regarding per-
10 manence in the child welfare system.

11 “(F) Progress in enhancing the abilities of
12 the State agencies to improve the data systems
13 of such agencies in order to monitor the
14 progress of families, evaluate service and treat-
15 ment outcomes, and determine which ap-
16 proaches and activities are most effective.

17 “(G) Evaluation strategies to demonstrate
18 the effectiveness of treatment and identify the
19 aspects of treatment that have the greatest im-
20 pact on families in different circumstances.

21 “(H) Training and technical assistance to
22 increase the capacity within the State to carry
23 out 1 or more of the activities described in this
24 paragraph or related activities that are designed
25 to expand prevention and treatment services

1 for, and staff training to assist families with al-
2 cohol and drug abuse problems who come to the
3 attention of the child welfare system.

4 “(7) A description of the jurisdictions in the
5 State (including whether such jurisdictions are
6 urban, suburban, or rural) where the joint activities
7 will be provided, and the plans for expanding such
8 activities to other parts of the State during the 5-
9 year funding cycle.

10 “(8) A description of the methods to be used in
11 measuring progress toward the goals identified
12 under paragraph (5), including how the State agen-
13 cies will jointly measure their performance in accord-
14 ance with section 445, and how remaining barriers
15 to meeting the needs of families with alcohol or drug
16 abuse problems who come to the attention of the
17 child welfare system will be assessed.

18 “(9) A description of what input was obtained
19 in the development of the plan and the joint applica-
20 tion from each of the following groups of individuals,
21 and the manner in which each will continue to be in-
22 volved in the proposed joint activities:

23 “(A) Staff who provide alcohol and drug
24 abuse prevention and treatment and related

1 services to families who come to the attention
2 of the child welfare system.

3 “(B) Advocates for children and parents
4 who come to the attention of the child welfare
5 and alcohol and drug abuse prevention and
6 treatment systems.

7 “(C) Consumers of both child welfare and
8 alcohol and drug abuse prevention and treat-
9 ment services.

10 “(D) Direct service staff and supervisors
11 from public and private child welfare and alco-
12 hol and drug abuse prevention and treatment
13 agencies.

14 “(E) Judges and court staff.

15 “(F) Representatives of the State agencies
16 and private providers providing health, mental
17 health, domestic violence, housing, education,
18 and employment services.

19 “(G) A representative of the State agency
20 in charge of administering the temporary assist-
21 ance to needy families program funded under
22 part A of this title.

23 “(10) An assurance of the coordination, to the
24 extent feasible and appropriate, of the activities
25 funded under a grant made under this subpart with

1 the services or benefits provided under other Federal
2 or federally assisted programs that serve families
3 with alcohol and drug abuse problems who come to
4 the attention of the child welfare system, including
5 health, mental health, domestic violence, housing,
6 and employment programs, the temporary assistance
7 to needy families program funded under part A of
8 this title, other child welfare and alcohol and drug
9 abuse prevention and treatment programs, and the
10 courts.

11 “(11) An assurance that not more than 10 per-
12 cent of expenditures under the plan for any fiscal
13 year shall be for administrative costs.

14 “(12) An assurance that alcohol and drug
15 treatment services provided at least in part with
16 funds provided under a grant made under this sub-
17 part shall be licensed, certified, or otherwise ap-
18 proved by the appropriate State alcohol and drug
19 abuse agencies, or in the case of an Indian tribe, by
20 a State alcohol and drug abuse agency, the Indian
21 Health Service, or other designated licensing agency.

22 “(13) An assurance that Federal funds pro-
23 vided to the State under a grant made under this
24 subpart will not be used to supplant Federal or non-
25 Federal funds for services and activities provided as

1 of the date of the submission of the plan that assist
2 families with alcohol and drug abuse problems who
3 come to the attention of the child welfare system.

4 “(b) AMENDMENTS.—

5 “(1) IN GENERAL.—An eligible State or Indian
6 tribe may amend, in whole or in part, its plan at any
7 time through transmittal of a plan amendment.

8 “(2) 60-DAY APPROVAL DEADLINE.—A plan
9 amendment is considered approved unless the Sec-
10 retary notifies an eligible State or Indian tribe in
11 writing, within 60 days after receipt of the amend-
12 ment, that the amendment is disapproved (and the
13 reasons for disapproval) or that specified additional
14 information is needed.

15 “(c) REQUIREMENTS FOR APPLICATIONS BY INDIAN
16 TRIBES.—

17 “(1) IN GENERAL.—In order to be eligible for
18 a grant made under this subpart, an Indian tribe
19 shall—

20 “(A) submit a plan to the Secretary that
21 describes—

22 “(i) the activities the tribe will under-
23 take with both child welfare and alcohol
24 and drug agencies that serve the tribe’s
25 children to address the needs of families

1 who come to the attention of the child wel-
2 fare agencies and have alcohol and drug
3 problems; and

4 “(ii) whether and how such activities
5 address any of the practice and policy
6 areas in subsection (a)(6); and

7 “(B) subject to paragraph (2), meet the
8 other requirements of subsection (a) unless,
9 with respect to a specific requirement of such
10 subsection, the Secretary determines that it
11 would be inappropriate to apply such require-
12 ment to an Indian tribe, taking into account the
13 resources, needs, and other circumstances of
14 the Indian tribe.

15 “(2) ADMINISTRATIVE COSTS; USE OF FEDERAL
16 FUNDS.—Paragraphs (11) and (13) of subsection
17 (a) shall not apply to a plan submitted by an Indian
18 tribe. The indirect cost rate agreement in effect for
19 an Indian tribe shall apply with respect to adminis-
20 trative costs under the tribe’s plan.

21 “(3) AUTHORITY FOR INTERTRIBAL CONSOR-
22 TIUM.—The participating Indian tribes of an inter-
23 tribal consortium may develop and submit a single
24 plan that meets the applicable requirements of sub-

1 section (a) (as so determined by the Secretary) and
2 paragraph (1) of this subsection.

3 **“SEC. 443. APPROPRIATION OF FUNDS.**

4 “(a) APPROPRIATIONS.—For the purpose of pro-
5 viding allotments to eligible States and Indian tribes under
6 this subpart and research and training under subsection
7 (b)(3), there is appropriated out of any money in the
8 Treasury not otherwise appropriated—

9 “(1) for fiscal year 2002, \$200,000,000;

10 “(2) for fiscal year 2003, \$275,000,000;

11 “(3) for fiscal year 2004, \$375,000,000;

12 “(4) for fiscal year 2005, \$475,000,000; and

13 “(5) for fiscal year 2006, \$575,000,000.

14 “(b) RESERVATION OF FUNDS.—With respect to a
15 fiscal year:

16 “(1) TERRITORIES.—The Secretary shall re-
17 serve 2 percent of the amount appropriated under
18 subsection (a) for such fiscal year for payments to
19 Puerto Rico, Guam, the United States Virgin Is-
20 lands, American Samoa, and the Northern Mariana
21 Islands.

22 “(2) INDIAN TRIBES.—The Secretary shall re-
23 serve not less than 3 nor more than 5 percent of the
24 amount appropriated under subsection (a) for such
25 fiscal year for direct payments to Indian tribes and

1 Indian tribal organizations for activities intended to
2 increase the capacity of the Indian tribes and tribal
3 organizations to expand treatment, services, and
4 training to assist families with alcohol and drug
5 abuse problems who come to the attention of the
6 child welfare agencies.

7 “(3) RESEARCH AND TRAINING.—

8 “(A) IN GENERAL.—Subject to subpara-
9 graph (B), the Secretary shall reserve 1 percent
10 of the amount appropriated under subsection
11 (a) for such fiscal year for practice-based re-
12 search on the effectiveness of various ap-
13 proaches for the screening, assessment, engage-
14 ment, treatment, retention, and monitoring of
15 families with alcohol and drug abuse problems
16 who come to the attention of the child welfare
17 system, and for training of staff in such areas
18 and shall ensure that a portion of such amount
19 is used for research on the effectiveness of these
20 approaches for Indian children and for the
21 training of staff serving children from the In-
22 dian tribes.

23 “(B) DETERMINATION OF USE OF
24 FUNDS.—Funds reserved under subparagraph
25 (A) may only be used to carry out a research

1 agenda that addresses the areas described in
2 such subparagraph and that is established by
3 the Secretary, together with the Assistant Sec-
4 retary for the Administration for Children and
5 Families and the Administrator of Substance
6 Abuse and Mental Health Services Administra-
7 tion, with input from public and private non-
8 profit providers, consumers, representatives of
9 Indian tribes, and advocates, as well as others
10 with expertise in research in such areas.

11 **“SEC. 444. PAYMENTS TO ELIGIBLE STATES AND INDIAN**
12 **TRIBES.**

13 “(a) AMOUNT OF GRANT.—

14 “(1) ELIGIBLE STATES OTHER THAN TERRI-
15 TORIES.—

16 “(A) IN GENERAL.—From the amount ap-
17 propriated under subsection (a) of section 443
18 for a fiscal year, after the reservation of funds
19 required under subsection (b) of that section for
20 the fiscal year and subject to subparagraphs
21 (B) and (C), the Secretary shall pay to each eli-
22 gible State (after the Secretary has determined
23 that the State has satisfied the matching re-
24 quirement under subsection (b)) an amount
25 that bears the same ratio to such amount for

1 such fiscal year as the number of children
2 under the age of 18 that reside in the eligible
3 State bears to the total number of children
4 under the age of 18 who reside in all such eligi-
5 ble States for such fiscal year.

6 “(B) MINIMUM ALLOTMENT.—In no case
7 shall the amount of a payment to an eligible
8 State for a fiscal year be less than an amount
9 equal to 0.5 percent of the amount appropriated
10 under subsection (a) of section 443 for the fis-
11 cal year, after the reservation of funds required
12 under subsection (b) of that section.

13 “(C) PRO RATA REDUCTIONS.—The Sec-
14 retary shall make pro rata reductions in the
15 amounts of the allotments determined under
16 subparagraph (A) for a fiscal year to the extent
17 necessary to comply with subparagraph (B).

18 “(2) TERRITORIES.—From the amounts re-
19 served under section 443(b)(1) for a fiscal year, the
20 Secretary shall pay to each territory described in
21 section 440(5)(B) with an approved plan that meets
22 the requirements of section 442 (after the Secretary
23 has determined that the territory has satisfied the
24 matching requirement under subsection (b)) an
25 amount that bears the same ratio to such amount

1 for such fiscal year as the number of children under
2 the age of 18 that reside in the territory bears to
3 the total number of children under the age of 18
4 who reside in all such territories for such fiscal year.

5 “(3) INDIAN TRIBES OR TRIBAL ORGANIZA-
6 TIONS.—From the amount reserved under section
7 443(b)(2) for a fiscal year, the Secretary shall pay
8 to each Indian tribe with an approved plan that
9 meets the requirements of section 442(c) (after the
10 Secretary has determined that the Indian tribe has
11 satisfied the matching requirement under subsection
12 (b)) an amount that bears the same ratio to such re-
13 served amount for such fiscal year as the number of
14 children under the age of 18 in the Indian tribe
15 bears to the total number of children under the age
16 of 18 in all Indian tribes with plans so approved for
17 such fiscal year, as determined by the Secretary on
18 the basis of the most current and reliable informa-
19 tion available to the Secretary. For purposes of mak-
20 ing the allocations required under the preceding sen-
21 tence, an Indian tribe may submit data and other in-
22 formation that it has on the number of Indian chil-
23 dren under the age of 18 for consideration by the
24 Secretary.

25 “(b) MATCHING REQUIREMENT.—

1 “(1) IN GENERAL.—In order to receive a grant
2 under this subpart for a fiscal year, an eligible State
3 or Indian tribe shall provide through non-Federal
4 contributions the applicable percentage determined
5 under paragraph (2) for such fiscal year of the costs
6 of conducting activities funded in whole or in part
7 with funds provided under the grant. Such contribu-
8 tions shall be paid jointly by the State agencies, in
9 the case of an eligible State, or by an Indian tribe.

10 “(2) APPLICABLE PERCENTAGE.—For purposes
11 of paragraph (1), the applicable percentage for an
12 eligible State or Indian tribe for a fiscal year is—

13 “(A) 15 percent, in the case of fiscal years
14 2002 and 2003;

15 “(B) 20 percent, in the case of fiscal years
16 2004 and 2005; and

17 “(C) 25 percent, in the case of fiscal year
18 2006.

19 “(3) SOURCE OF MATCH.—

20 “(A) ELIGIBLE STATES.—The non-Federal
21 contributions required of an eligible State under
22 this subsection may be in cash or in kind, fairly
23 evaluated, including plant, equipment, or serv-
24 ices. The contributions may be made directly or
25 through donations from public or private enti-

ties. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government may not be included in determining whether an eligible State has provided the applicable percentage of such contributions for a fiscal year.

“(B) INDIAN TRIBES.—With respect to an Indian tribe, such contributions may be made in cash, through donated funds, through non-public third party in kind contributions, or from Federal funds received under any of the following provisions of law:

“(i) The Indian Child Welfare Act of 1978 (25 U.S.C. 1901 et seq.).

“(ii) The Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b et seq.).

“(iii) Title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.).

“(4) WAIVER.—

“(A) ELIGIBLE STATES.—In the case of an eligible State, the Secretary, after consultation with the Assistant Secretary for the Administration for Children and Families and the Ad-

1 ministrator of the Substance Abuse and Mental
2 Health Services Administration, may modify the
3 applicable percentage determined under para-
4 graph (2) for matching funds if the Secretary
5 determines that economic conditions in the eli-
6 gible State justify making such modification.

7 “(B) INDIAN TRIBES.—In the case of an
8 Indian tribe, the Secretary may modify the ap-
9 plicable percentage determined under such
10 paragraph if the Secretary determines that it
11 would be inappropriate to apply to the Indian
12 tribe, taking into the resources and needs of the
13 tribe and the amount of funds the tribe would
14 receive under a grant made under this section.

15 “(c) USE OF FUNDS.—Funds provided under a grant
16 made under this subpart may only be used to carry out
17 activities specified in the plan, as approved by the Sec-
18 retary.

19 “(d) DEADLINE FOR REQUEST FOR PAYMENT.—An
20 eligible State or Indian tribe shall apply to be paid funds
21 under a grant made under this subpart not later than the
22 beginning of the fourth quarter of a fiscal year or such
23 funds shall be reallocated under subsection (f).

24 “(e) CARRYOVER OF FUNDS.—Funds paid to an eli-
25 gible State or Indian tribe under a grant made under this

1 subpart for a fiscal year may be expended in that fiscal
2 year or the succeeding fiscal year.

3 “(f) REALLOTMENT OF FUNDS.—

4 “(1) ELIGIBLE STATES.—In the case of an eli-
5 gible State that does not apply for funds allotted to
6 the eligible State under a grant made under this
7 subpart for a fiscal year within the time provided
8 under subsection (d), or that does not expend such
9 funds during the time provided under subsection (e),
10 the funds which the eligible State would have been
11 entitled to for such fiscal year shall be reallocated to
12 1 or more other eligible States on the basis of each
13 such State’s relative need for additional payments,
14 as determined by the Secretary, after consultation
15 with the Assistant Secretary for the Administration
16 for Children and Families and the Administrator of
17 the Substance Abuse and Mental Health Services
18 Administration.

19 “(2) INDIAN TRIBES.—In the case of an Indian
20 tribe that does not expend funds allotted to the tribe
21 during the time provided under subsection (e), the
22 funds to which the Indian tribe would have been en-
23 titled to for such fiscal year shall be reallocated to the
24 remaining Indian tribes that are implementing ap-
25 proved plans in amounts that are proportional to the

1 percentage of Indian children under the age of 18 in
2 each such tribe.

3 **“SEC. 445. PERFORMANCE ACCOUNTABILITY; REPORTS**
4 **AND EVALUATIONS.**

5 “(a) PERFORMANCE MEASUREMENT.—

6 “(1) ESTABLISHMENT OF INDICATORS.—The
7 Secretary, in consultation with the Assistant Sec-
8 retary for the Administration for Children and Fam-
9 ilies, the Administrator of the Substance Abuse and
10 Mental Health Services Administration, Chief Exec-
11 utive Officers of a State or Territory, State legisla-
12 tors, State and local public officials responsible for
13 administering child welfare and alcohol and drug
14 abuse prevention and treatment programs, court
15 staff, consumers of the services, and advocates for
16 children and parents who come to the attention of
17 the child welfare system, shall, within 12 months of
18 the date of enactment of the Child Protection/Alco-
19 hol and Drug Partnership Act of 2001, establish in-
20 dicators that will be used to assess periodically the
21 performance of eligible States and Indian tribes in
22 using grant funds provided under this subpart to
23 promote child safety, permanence, and well-being
24 and recovery in families who come to the attention
25 of the child welfare system.

1 “(2) COORDINATION.—The indicators estab-
2 lished under paragraph (1) shall be based on and co-
3 ordinated with the performance outcomes established
4 for the child welfare system pursuant to section
5 203(b) of the Adoption and Safe Families Act of
6 1997 and the performance measures developed
7 under subpart II of part B of title XIX of the Public
8 Health Service Act (relating to the substance abuse
9 prevention and treatment block grant).

10 “(3) PURPOSE.—The indicators will be used to
11 measure periodically the progress made by the State
12 agencies and by child welfare and alcohol and drug
13 abuse prevention and treatment agencies serving
14 children in Indian tribes in the activities that such
15 agencies jointly engage in with such grant funds. An
16 eligible State or Indian tribe will be measured
17 against itself, assessing progress over time against a
18 baseline established at the time the grant activities
19 were undertaken.

20 “(4) ILLUSTRATIVE EXAMPLES.—The indica-
21 tors developed should address the range of activities
22 that eligible States and Indian tribes have the option
23 of engaging in with such grant funds. Examples of
24 the types of progress to be measured in the different
25 areas of activity include the following:

1 “(A) Improving the screening and assess-
2 ment of families who come to the attention of
3 the child welfare system with alcohol and drug
4 problems, so such families can be promptly re-
5 ferred for appropriate treatment when nec-
6 essary.

7 “(B) Increasing the availability of com-
8 prehensive and timely individualized treatment
9 for families with alcohol and drug problems who
10 come to the attention of the child welfare sys-
11 tem.

12 “(C) Increasing the number or proportion
13 of families who, when they come to the atten-
14 tion of the child welfare system with alcohol
15 and drug problems, promptly enter appropriate
16 treatment.

17 “(D) Increasing the engagement and re-
18 tention in treatment of families with alcohol
19 and drug problems who come to the attention
20 of the child welfare system.

21 “(E) Decreasing the number of children
22 who re-enter foster care after being returned to
23 families who had alcohol or drug problems when
24 the children entered foster care.

1 “(F) Increasing the number or proportion
2 of staff in both the public child welfare and al-
3 cohol and drug abuse prevention and treatment
4 agencies who have received training on the
5 needs of families that come to the attention of
6 the child welfare and alcohol and drug abuse
7 prevention and treatment systems for help, and
8 the help that can be provided to such families.

9 “(G) Increasing the proportion of parents
10 who complete treatment for alcohol or drug
11 abuse and show improvement in their pre-em-
12 ployment or employment status.

13 “(5) DETERMINATION OF PROGRESS.—

14 “(A) INITIAL REPORT.—Not later than the
15 end of the first fiscal year in which funds are
16 received under a grant made under this sub-
17 part, the State agencies in each eligible State
18 that receives such funds, and the Indian tribes
19 that receive such funds, shall submit to the Sec-
20 retary a report on the activities carried out dur-
21 ing the fiscal year with such funds. The report
22 shall contain such information as the Secretary
23 determines is necessary to provide an accurate
24 description of the activities conducted with such
25 funds and of any changes in the use of such

1 funds that are planned for the succeeding fiscal
2 year.

3 “(B) USE OF INDICATORS.—As soon as
4 possible after the establishment of indicators
5 under paragraph (1), the State agencies and In-
6 dian tribes shall conduct evaluations, directly or
7 under contract, of their progress with respect to
8 such indicators that are directly related to ac-
9 tivities the eligible State or Indian tribe is en-
10 gaging in with such grant funds and include in-
11 formation on the evaluation in the reports to
12 the Secretary required under subparagraphs
13 (C) and (D). After the third year in which such
14 activities are conducted, an eligible State or In-
15 dian tribe shall include in the evaluation at
16 least some indicators that address improve-
17 ments in treatment for families with alcohol
18 and drug problems who come to the attention
19 of the child welfare system.

20 “(C) SUBSEQUENT REPORTS.—After the
21 initial report is submitted under subparagraph
22 (A), an eligible State or Indian tribe shall sub-
23 mit to the Secretary, not later than June 30 of
24 each fiscal year thereafter in which the State or
25 tribe carries out activities with grant funds pro-

1 vided under this subpart, a report on the appli-
2 cation of the indicators established under para-
3 graph (1) to such activities. The reports shall
4 include an explanation regarding why the spe-
5 cific indicators used were chosen, how such in-
6 dicators are expected to impact a child’s safety,
7 permanence, well-being, and parental recovery,
8 and the results (as of the date of submission of
9 the report) of the evaluation conducted under
10 subparagraph (B).

11 “(D) FINAL REPORT.—Not later than Sep-
12 tember 30, 2006, each eligible State and Indian
13 tribe with an approved plan under this part
14 shall submit a final report on the evaluations
15 conducted under subparagraph (B) and the
16 progress made in achieving the goals specified
17 in the plan of the State or Indian tribe.

18 “(E) FAILURE TO REPORT.—

19 “(i) IN GENERAL.—Subject to clause
20 (ii), an eligible State or Indian tribe that
21 fails to submit the reports required under
22 this paragraph or to conduct the evalua-
23 tion required under subparagraph (B) shall
24 not be eligible to receive grant funds pro-
25 vided under this subpart for the fiscal year

1 following the fiscal year in which such
2 State or Indian tribe failed to submit such
3 report or conduct such evaluation.

4 “(ii) CORRECTIVE ACTION.—An eligi-
5 ble State or Indian tribe to which clause
6 (i) applies may, notwithstanding such
7 clause, receive grant funds under this sub-
8 part for a succeeding fiscal year if prior to
9 September 30 of the fiscal year in which
10 such failure occurred, the State agencies of
11 the eligible State, or the Indian tribe, sub-
12 mit to the Secretary a plan to monitor and
13 evaluate in a timely manner the activities
14 conducted with such funds, and such plan
15 is approved in a timely manner by the Sec-
16 retary, after consultation with the Admin-
17 istration for Children and Families and the
18 Substance Abuse and Mental Health Serv-
19 ices Administration.

20 “(b) SECRETARIAL REPORTS AND EVALUATIONS.—

21 “(1) ANNUAL REPORTS.—On the basis of re-
22 ports submitted under subsection (a), the Secretary,
23 in consultation with the Assistant Secretary for the
24 Administration for Children and Families and the
25 Administrator of the Substance Abuse and Mental

1 Health Services Administration, shall report annu-
2 ally, beginning on October 1, 2003, to the Com-
3 mittee on Ways and Means of the House of Rep-
4 resentatives and the Committee on Finance of the
5 Senate on the joint activities conducted with funds
6 provided under grants made under this subpart, the
7 indicators that have been established, and the
8 progress that has been made in addressing the needs
9 of families with alcohol and drug abuse problems
10 who come to the attention of the child welfare sys-
11 tem and in achieving the goals of child safety, per-
12 manence, and family stability.

13 “(2) EVALUATIONS.—Not later than 6 months
14 after the end of each 5-year funding cycle under this
15 subpart, the Secretary shall submit a report to the
16 committees described in paragraph (1) that summa-
17 rizes the results of the evaluations conducted by eli-
18 gible States and Indian tribes under subsection
19 (a)(5)(B), as reported by such States and Indian
20 tribes in accordance with subparagraphs (C) and
21 (D) of subsection (a)(5). The Secretary shall include
22 in the report required under this paragraph rec-
23 ommendations for further legislative or administra-
24 tive actions that are designed to assist children and

- 1 families with alcohol and drug abuse problems who
- 2 come to the attention of the child welfare system.”.

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