

113TH CONGRESS
1ST SESSION

H. R. 3205

To reauthorize and restructure the adoption incentives grant program, and
for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 27, 2013

Mr. CAMP (for himself, Mr. LEVIN, Mr. REICHERT, and Mr. DOGGETT) introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To reauthorize and restructure the adoption incentives grant
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.**

4 This Act may be cited as the “Promoting Adoption
5 and Legal Guardianship for Children in Foster Care Act”.

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.

TITLE I—ADOPTION INCENTIVES GRANT PROGRAM

Sec. 101. Extension of program through fiscal year 2016.

- Sec. 102. Improvements to award structure.
 Sec. 103. Renaming of program.
 Sec. 104. Limitation on use of incentive payments.
 Sec. 105. Increase in period for which incentive payments are available for expenditure.
 Sec. 106. State report on calculation and use of savings resulting from the phase-out of eligibility requirements for adoption assistance; requirement to spend 20 percent of savings on post-adoption services.
 Sec. 107. Preservation of eligibility for kinship guardianship assistance payments with a successor guardian.
 Sec. 108. Effective dates.

TITLE II—EXTENSION OF FAMILY CONNECTION GRANT
PROGRAM

- Sec. 201. Extension of family connection grant program.

TITLE III—UNEMPLOYMENT COMPENSATION

- Sec. 301. Improving the collection of unemployment insurance overpayments through tax refund offset.

1 **TITLE I—ADOPTION INCENTIVES**
 2 **GRANT PROGRAM**

3 **SEC. 101. EXTENSION OF PROGRAM THROUGH FISCAL**
 4 **YEAR 2016.**

5 Section 473A of the Social Security Act (42 U.S.C.
 6 673b) is amended—

7 (1) in subsection (b)(5), by striking “2008
 8 through 2012” and inserting “2013 through 2015”;
 9 and

10 (2) in each of paragraphs (1)(D) and (2) of
 11 subsection (h), by striking “2013” and inserting
 12 “2016”.

13 **SEC. 102. IMPROVEMENTS TO AWARD STRUCTURE.**

14 (a) ELIGIBILITY FOR AWARD.—Section 473A(b) of
 15 the Social Security Act (42 U.S.C. 673b(b)) is amended

1 by striking paragraph (2) and redesignating paragraphs
2 (3) through (5) as paragraphs (2) through (4), respec-
3 tively.

4 (b) DATA REQUIREMENTS.—Section 473A(c)(2) of
5 such Act (42 U.S.C. 673b(c)(2)) is amended—

6 (1) in the paragraph heading, by striking
7 “NUMBERS OF ADOPTIONS” and inserting “RATES
8 OF ADOPTIONS AND GUARDIANSHIPS”; and

9 (2) by striking “the numbers” and all that fol-
10 lows through “section,” and inserting “each of the
11 rates required to be determined under this section
12 with respect to a State and a fiscal year,”.

13 (c) AWARD AMOUNT.—Section 473A(d) of such Act
14 (42 U.S.C. 673b(d)) is amended—

15 (1) in paragraph (1)—

16 (A) by striking “paragraphs (2) and (3)”
17 and inserting “paragraph (2)”; and

18 (B) by striking subparagraphs (A) through
19 (C) and inserting the following:

20 “(A) \$2,000, multiplied by the amount (if
21 any) by which—

22 “(i) the number of foster child adop-
23 tions in the State during the fiscal year;
24 exceeds

1 “(ii) the product (rounded to the
2 nearest whole number) of—

3 “(I) the base rate of foster child
4 adoptions for the State for the fiscal
5 year; and

6 “(II) the number of children in
7 foster care under the supervision of
8 the State on the last day of the pre-
9 ceding fiscal year;

10 “(B) \$4,000, multiplied by the amount (if
11 any) by which—

12 “(i) the number of pre-adolescent
13 child adoptions in the State during the fis-
14 cal year; exceeds

15 “(ii) the product (rounded to the
16 nearest whole number) of—

17 “(I) the base rate of pre-adoles-
18 cent child adoptions for the State for
19 the fiscal year; and

20 “(II) the number of children in
21 foster care under the supervision of
22 the State on the last day of the pre-
23 ceding fiscal year who have attained 9
24 years of age but not 14 years of age;
25 and

1 “(C) \$8,000, multiplied by the amount (if
2 any) by which—

3 “(i) the number of older child adop-
4 tions in the State during the fiscal year;
5 exceeds

6 “(ii) the product (rounded to the
7 nearest whole number) of—

8 “(I) the base rate of older child
9 adoptions for the State for the fiscal
10 year; and

11 “(II) the number of children in
12 foster care under the supervision of
13 the State on the last day of the pre-
14 ceding fiscal year who have attained
15 14 years of age; and

16 “(D) \$1,000, multiplied by the amount (if
17 any) by which—

18 “(i) the number of foster child
19 guardianships in the State during the fis-
20 cal year; exceeds

21 “(ii) the product (rounded to the
22 nearest whole number) of—

23 “(I) the base rate of foster child
24 guardianships for the State for the
25 fiscal year; and

1 “(II) the number of children in
2 foster care under the supervision of
3 the State on the last day of the pre-
4 ceding fiscal year.”; and

5 (2) by striking paragraph (3).

6 (d) DEFINITIONS.—Section 473A(g) of such Act (42
7 U.S.C. 673b(g)) is amended by striking paragraphs (1)
8 through (8) and inserting the following:

9 “(1) FOSTER CHILD ADOPTION RATE.—The
10 term ‘foster child adoption rate’ means, with respect
11 to a State and a fiscal year, the percentage deter-
12 mined by dividing—

13 “(A) the number of foster child adoptions
14 finalized in the State during the fiscal year; by

15 “(B) the number of children in foster care
16 under the supervision of the State on the last
17 day of the preceding fiscal year.

18 “(2) BASE RATE OF FOSTER CHILD ADOP-
19 TIONS.—The term ‘base rate of foster child adop-
20 tions’ means, with respect to a State and a fiscal
21 year, the lesser of—

22 “(A) the foster child adoption rate for the
23 State for fiscal year 2007; or

24 “(B) the foster child adoption rate for the
25 State for the then preceding fiscal year.

1 “(3) FOSTER CHILD ADOPTION.—The term
2 ‘foster child adoption’ means the final adoption of a
3 child who, at the time of adoptive placement, was in
4 foster care under the supervision of the State.

5 “(4) PRE-ADOLESCENT CHILD ADOPTION
6 RATE.—The term ‘pre-adolescent child adoption
7 rate’ means, with respect to a State and a fiscal
8 year, the percentage determined by dividing—

9 “(A) the number of pre-adolescent child
10 adoptions finalized in the State during the fis-
11 cal year; by

12 “(B) the number of children in foster care
13 under the supervision of the State on the last
14 day of the preceding fiscal year, who have at-
15 tained 9 years of age but not 14 years of age.

16 “(5) BASE RATE OF PRE-ADOLESCENT CHILD
17 ADOPTIONS.—The term ‘base rate of pre-adolescent
18 child adoptions’ means, with respect to a State and
19 a fiscal year, the lesser of—

20 “(A) the pre-adolescent child adoption rate
21 for the State for fiscal year 2007; or

22 “(B) the pre-adolescent child adoption rate
23 for the State for the then preceding fiscal year.

24 “(6) PRE-ADOLESCENT CHILD ADOPTION.—The
25 term ‘pre-adolescent child adoption’ means the final

1 adoption of a child who has attained 9 years of age
2 but not 14 years of age if—

3 “(A) at the time of the adoptive placement,
4 the child was in foster care under the super-
5 vision of the State; or

6 “(B) an adoption assistance agreement
7 was in effect under section 473 with respect to
8 the child.

9 “(7) OLDER CHILD ADOPTION RATE.—The
10 term ‘older child adoption rate’ means, with respect
11 to a State and a fiscal year, the percentage deter-
12 mined by dividing—

13 “(A) the number of older child adoptions
14 finalized in the State during the fiscal year; by

15 “(B) the number of children in foster care
16 under the supervision of the State on the last
17 day of the preceding fiscal year, who have at-
18 tained 14 years of age.

19 “(8) BASE RATE OF OLDER CHILD ADOP-
20 TIONS.—The term ‘base rate of older child adop-
21 tions’ means, with respect to a State and a fiscal
22 year, the lesser of—

23 “(A) the older child adoption rate for the
24 State for fiscal year 2007; or

1 “(B) the older child adoption rate for the
2 State for the then preceding fiscal year.

3 “(9) OLDER CHILD ADOPTION.—The term
4 ‘older child adoption’ means the final adoption of a
5 child who has attained 14 years of age if—

6 “(A) at the time of the adoptive placement,
7 the child was in foster care under the super-
8 vision of the State; or

9 “(B) an adoption assistance agreement
10 was in effect under section 473 with respect to
11 the child.

12 “(10) FOSTER CHILD GUARDIANSHIP RATE.—
13 The term ‘foster child guardianship rate’ means,
14 with respect to a State and a fiscal year, the per-
15 centage determined by dividing—

16 “(A) the number of foster child guardian-
17 ships occurring in the State during the fiscal
18 year; by

19 “(B) the number of children in foster care
20 under the supervision of the State on the last
21 day of the preceding fiscal year.

22 “(11) BASE RATE OF FOSTER CHILD
23 GUARDIANSHIPS.—The term ‘base rate of foster
24 child guardianships’ means, with respect to a State
25 and a fiscal year, the lesser of—

1 “(A) the foster child guardianship rate for
2 the State for fiscal year 2007; or

3 “(B) the foster child guardianship rate for
4 the State for the then preceding fiscal year.

5 “(12) FOSTER CHILD GUARDIANSHIP.—The
6 term ‘foster child guardianship’ means, with respect
7 to a State, the exit of a child from foster care under
8 the responsibility of the State to live with a legal
9 guardian, if the State has reported to the Sec-
10 retary—

11 “(A) that the State agency has determined
12 that—

13 “(i) the child has been removed from
14 his or her home pursuant to a voluntary
15 placement agreement or as a result of a ju-
16 dicial determination to the effect that con-
17 tinuation in the home would be contrary to
18 the welfare of the child;

19 “(ii) being returned home or adopted
20 are not appropriate permanency options
21 for the child;

22 “(iii) the child demonstrates a strong
23 attachment to the prospective legal guard-
24 ian, and the prospective legal guardian has

1 a strong commitment to caring perma-
2 nently for the child; and

3 “(iv) if the child has attained 14 years
4 of age, the child has been consulted re-
5 garding the legal guardianship arrange-
6 ment; or

7 “(B) the alternative procedures used by
8 the State to determine that legal guardianship
9 is the appropriate option for the child.”.

10 **SEC. 103. RENAMING OF PROGRAM.**

11 (a) IN GENERAL.—The section heading of section
12 473A of the Social Security Act (42 U.S.C. 673b) is
13 amended to read as follows:

14 **“SEC. 473A. ADOPTION AND LEGAL GUARDIANSHIP INCEN-
15 TIVE PAYMENTS.”.**

16 (b) CONFORMING AMENDMENTS.—

17 (1) Section 473A of such Act is amended in
18 each of subsections (a), (d)(1), (d)(2)(A), and
19 (d)(2)(B) (42 U.S.C. 673b(a), (d)(1), (d)(2)(A), and
20 (d)(2)(B)) by inserting “and legal guardianship”
21 after “adoption” each place it appears.

22 (2) The heading of section 473A(d) of such Act
23 (42 U.S.C. 673b(d)) is amended by inserting “AND
24 LEGAL GUARDIANSHIP” after “ADOPTION”.

1 **SEC. 104. LIMITATION ON USE OF INCENTIVE PAYMENTS.**

2 Section 473A(f) of the Social Security Act (42 U.S.C.
3 673b(f)) is amended in the 1st sentence by inserting “,
4 and shall use the amount to supplement, and not supplant,
5 any Federal or non-Federal funds used to provide any
6 service under part B or E” before the period.

7 **SEC. 105. INCREASE IN PERIOD FOR WHICH INCENTIVE**
8 **PAYMENTS ARE AVAILABLE FOR EXPENDI-**
9 **TURE.**

10 Section 473A(e) of the Social Security Act (42 U.S.C.
11 673b(e)) is amended—

12 (1) in the subsection heading, by striking “24-
13 MONTH” and inserting “36-MONTH”; and

14 (2) by striking “24-month” and inserting “36-
15 month”.

16 **SEC. 106. STATE REPORT ON CALCULATION AND USE OF**
17 **SAVINGS RESULTING FROM THE PHASE-OUT**
18 **OF ELIGIBILITY REQUIREMENTS FOR ADOPTI-**
19 **ON ASSISTANCE; REQUIREMENT TO SPEND**
20 **20 PERCENT OF SAVINGS ON POST-ADOPTION**
21 **SERVICES.**

22 Section 473(a)(8) of the Social Security Act (42
23 U.S.C. 673(a)(8)) is amended to read as follows:

24 “(8)(A) A State shall calculate the savings (if any)
25 resulting from the application of paragraph (2)(A)(ii) to
26 all applicable children for a fiscal year, using a method-

1 ology specified by the Secretary or an alternate method-
2 ology proposed by the State and approved by the Sec-
3 retary.

4 “(B) A State shall annually report to the Secretary—

5 “(i) the methodology used to make the calcula-
6 tion described in subparagraph (A), without regard
7 to whether any savings are found;

8 “(ii) the amount of any savings referred to in
9 subparagraph (A); and

10 “(iii) how any such savings are spent, account-
11 ing for and reporting the spending separately from
12 any other spending reported to the Secretary under
13 part B or E.

14 “(C) The Secretary shall make all information re-
15 ported pursuant to subparagraph (B) available on the
16 website of the Department of Health and Human Services
17 in a location easily accessible to the public.

18 “(D) A State shall spend an amount equal to the
19 amount of the savings (if any) in State expenditures under
20 this part resulting from the application of paragraph
21 (2)(A)(ii) to all applicable children for a fiscal year, to
22 provide to children of families any service that may be pro-
23 vided under this part or part B, and shall spend not less
24 than 20 percent of any such savings on post-adoption serv-
25 ices. Any such spending shall be used to supplement, and

1 not supplant, any Federal or non-Federal funds used to
2 provide any service under part B or E.”.

3 **SEC. 107. PRESERVATION OF ELIGIBILITY FOR KINSHIP**
4 **GUARDIANSHIP ASSISTANCE PAYMENTS**
5 **WITH A SUCCESSOR GUARDIAN.**

6 Section 473(d)(3) of the Social Security Act (42
7 U.S.C. 673(d)(3)) is amended by adding at the end the
8 following:

9 “(C) ELIGIBILITY NOT AFFECTED BY RE-
10 PLACEMENT OF GUARDIAN WITH A SUCCESSOR
11 GUARDIAN.—In the event of the death or inca-
12 pacity of the relative guardian, the eligibility of
13 a child for a kinship guardianship assistance
14 payment under this subsection shall not be af-
15 fected by reason of the replacement of the rel-
16 ative guardian with a successor legal guardian
17 named in the kinship guardianship assistance
18 agreement referred to in paragraph (1) (includ-
19 ing in any amendment to the agreement), not-
20 withstanding subparagraph (A) of this para-
21 graph and section 471(a)(28).”.

22 **SEC. 108. EFFECTIVE DATES.**

23 (a) IN GENERAL.—Except as otherwise provided in
24 this section, the amendments made by this Act shall take
25 effect on October 1, 2013.

1 (b) RESTRUCTURING AND RENAMING OF PRO-
2 GRAM.—

3 (1) IN GENERAL.—The amendments made by
4 sections 102 and 103 shall take effect on October 1,
5 2014, subject to paragraph (2).

6 (2) TRANSITION RULE.—Notwithstanding any
7 other provision of law, the total amount payable to
8 a State under section 473A of the Social Security
9 Act for fiscal year 2014 shall be an amount equal
10 to $\frac{1}{2}$ of the sum of—

11 (A) the total amount that would be payable
12 to the State under such section for fiscal year
13 2014 if the amendments made by section 102
14 of this Act had not taken effect; and

15 (B) the total amount that would be pay-
16 able to the State under such section for fiscal
17 year 2014 in the absence of this paragraph.

18 (c) PRESERVATION OF ELIGIBILITY FOR KINSHIP
19 GUARDIANSHIP ASSISTANCE PAYMENTS WITH A SUC-
20 CESSOR GUARDIAN.—The amendment made by section
21 107 shall take effect on the date of the enactment of this
22 Act.

1 **TITLE II—EXTENSION OF FAM-**
2 **ILY CONNECTION GRANT**
3 **PROGRAM**

4 **SEC. 201. EXTENSION OF FAMILY CONNECTION GRANT**
5 **PROGRAM.**

6 Section 427(h) of the Social Security Act (42 U.S.C.
7 627(h)) is amended by striking “2013” and inserting
8 “2016”.

9 **TITLE III—UNEMPLOYMENT**
10 **COMPENSATION**

11 **SEC. 301. IMPROVING THE COLLECTION OF UNEMPLOY-**
12 **MENT INSURANCE OVERPAYMENTS**
13 **THROUGH TAX REFUND OFFSET.**

14 (a) IN GENERAL.—Section 303 of the Social Security
15 Act (42 U.S.C. 503) is amended by adding at the end the
16 following:

17 “(m) In the case of a covered unemployment com-
18 pensation debt (as defined under section 6402(f)(4) of the
19 Internal Revenue Code of 1986) that remains uncollected
20 as of the date that is 2 years after the date when such
21 debt was first incurred, the State to which such debt is
22 owed shall take action to recover such debt under section
23 6402(f) of the Internal Revenue Code of 1986.”.

1 (b) EFFECTIVE DATE.—The amendment made by
2 subsection (a) shall take effect on October 1, 2015.

○