

107TH CONGRESS
1ST SESSION

H. R. 1371

To provide for grants to State child welfare systems to improve quality standards and outcomes, and to authorize the forgiveness of loans made to certain students who become child welfare workers.

IN THE HOUSE OF REPRESENTATIVES

APRIL 3, 2001

Mr. STARK (for himself, Mr. MATSUI, Mr. FILNER, Mrs. MALONEY of New York, Mr. GUTIERREZ, Mr. FRANK, Ms. SOLIS, Ms. MCCARTHY of Missouri, Mr. GEORGE MILLER of California, Mr. CRAMER, Mr. LEVIN, Mr. ALLEN, Mr. DOGGETT, Mr. KENNEDY of Rhode Island, Mr. CONYERS, and Ms. CARSON of Indiana) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide for grants to State child welfare systems to improve quality standards and outcomes, and to authorize the forgiveness of loans made to certain students who become child welfare workers.

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 Serv-
5 ices Improvement Act”.

1 **SEC. 2. FINDINGS.**

2 The Congress finds the following:

3 (1) Approximately 3,000,000 reports of child
4 abuse and neglect must be investigated each year.

5 (2) Approximately 1,000,000 of these reports
6 are confirmed and require ongoing intervention.

7 (3) On any given day in the United States,
8 more than 500,000 children are being served outside
9 their homes by the child welfare system.

10 (4) These children are served in more than
11 150,000 foster homes and more than 5,000 residen-
12 tial programs.

13 (5) The child welfare “workforce crisis” has de-
14 veloped as the result of the following 3 major fac-
15 tors:

16 (A) Overall low levels of unemployment
17 and the resulting increase in competition for
18 workers in all sectors of the economy.

19 (B) The increasing numbers of children
20 and families needing service coupled with de-
21 creasing numbers of workers in the employment
22 pool.

23 (C) The relatively low pay and difficult
24 working conditions that exist in many child wel-
25 fare agencies.

1 (6) The vacancy rate in State child welfare
2 agencies is 8.1 percent, and 14.3 percent for private
3 agencies.

4 (7) The overall turnover rate in child welfare
5 agencies has doubled since 1991, to 13.9 percent in
6 public agencies and to 46.5 percent in private agen-
7 cies.

8 (8) The child welfare workforce crisis is real
9 and is already compromising the ability of the child
10 welfare system to effectively provide essential serv-
11 ices to its children and families. In addition, analysis
12 of trends indicates that the situation will worsen
13 over the next decade. It is clear that steps must be
14 taken now to encourage more workers to enter the
15 field and to improve the salaries, working conditions,
16 and training of workers who provide these critically
17 important services.

18 **SEC. 3. SENSE OF THE CONGRESS.**

19 The Congress strongly encourages State agencies to
20 make resources obtained under sections 4 and 5 available
21 to the nonprofit private sector contracted providers in
22 their State who face the same challenges as the State.

1 **SEC. 4. CHILD WELFARE SERVICE QUALITY IMPROVEMENT**
2 **GRANTS.**

3 (a) IN GENERAL.—The Secretary of Health and
4 Human Services (in this section referred to as the “Sec-
5 retary”), acting through the Administration of Children
6 and Families, may make grants to States to improve the
7 quality of child welfare services by increasing the quality
8 and capacity of their child welfare workforce or by increas-
9 ing the coordination of their child welfare services.

10 (b) APPLICATIONS.—

11 (1) CONTENTS.—A State desiring to receive a
12 grant under this section shall submit to the Sec-
13 retary an application that includes the following:

14 (A) PLAN.—A detailed description of how
15 the State would use the grant, during the 5-
16 year period beginning with the date the grant
17 is received, to improve working conditions of
18 child welfare workers in 1 or more ways de-
19 scribed in paragraph (2), and an explanation of
20 how doing so would help the State achieve the
21 outcomes set forth in the Final List of Child
22 Welfare Outcomes and Measures (64 Fed. Reg.
23 45552–45554).

24 (B) BASELINE DATA ON STATE-SELECTED
25 INDICATORS.—The information described in
26 those subparagraphs of paragraph (3) which de-

1 scribe the indicators that the State intends to
2 improve on using the grant, with respect to all
3 child welfare agencies in the State for the fiscal
4 year preceding the first fiscal year for which the
5 grant is requested.

6 (C) BUDGET.—A budget showing how the
7 State would expend funds (including any grant
8 funds provided under this section) for child wel-
9 fare services or the improvement of the services.

10 (2) WAYS TO IMPROVE WORKING CONDI-
11 TIONS.—The ways described in this paragraph to
12 improve working conditions of child welfare workers
13 are the following:

14 (A) Increase the wages of supervisory and
15 nonsupervisory child welfare workers.

16 (B) Increase the number of State super-
17 visory and nonsupervisory staff working on
18 strengthening and preserving families and im-
19 proving child well-being, permanency, and safe-
20 ty.

21 (C) Reduce the turnover rate for super-
22 visory and nonsupervisory child welfare workers
23 in the State, and the number of supervisory and
24 nonsupervisory staff vacancies in child welfare
25 agencies.

1 (D) Improve the formal education and
2 training of supervisory and nonsupervisory child
3 welfare workers.

4 (E) Increase the number of supervisory
5 and nonsupervisory child welfare workers who
6 have graduated from an institution of higher
7 education in such fields of study as the Sec-
8 retary determines are related to the delivery of
9 child welfare services.

10 (F) Coordinate training, recruitment, and
11 retention strategies for child welfare workers.

12 (G) Implement strategies to increase the
13 safety of child welfare workers.

14 (H) Enable the State child welfare agen-
15 cies to coordinate the provision of services with
16 State and local health care agencies, State and
17 local alcohol and drug abuse prevention and
18 treatment agencies, State and local mental
19 health agencies, State and local housing agen-
20 cies, and other welfare agencies to promote
21 child safety, permanence, and family stability.

22 (3) DESCRIPTION OF BASELINE DATA.—The
23 data described in this paragraph are the following:

1 (A) The average salary of supervisory child
2 welfare workers, and of nonsupervisory child
3 welfare workers.

4 (B) The average number of children or
5 families, per caseworker—

6 (i) for caseworkers who provide serv-
7 ices for abused or neglected children and
8 their families;

9 (ii) for caseworkers who provide serv-
10 ices to strengthen and preserve families
11 with children;

12 (iii) for caseworkers who provide
13 adoption services; and

14 (iv) for caseworkers who provide fam-
15 ily foster care services.

16 (C) The total number of vacancies in su-
17 pervisory staff positions and in nonsupervisory
18 staff positions, and each such number expressed
19 as a percentage of each type of staff position.

20 (D) The average rate at which supervisory
21 child welfare workers left employment, and at
22 which nonsupervisory child welfare workers left
23 employment.

1 (E) The average duration of employment
2 of supervisory child welfare workers and of non-
3 supervisory child welfare workers.

4 (F) The total number and percentage of
5 supervisory child welfare workers and of non-
6 supervisory child welfare workers who have re-
7 ceived a bachelor's or more advanced degree
8 from an institution of higher education, in the
9 aggregate, and broken down by field of study.

10 (G) The average number of staff for whom
11 supervisory child welfare workers are respon-
12 sible.

13 (H) The range and scope of pre-service
14 and in-service training opportunities, including
15 numbers and percentage of supervisory child
16 welfare staff and of nonsupervisory child wel-
17 fare staff engaged in training programs.

18 (I) The number and severity of injuries
19 and threats to child welfare workers, and the
20 strategies used to address the safety of child
21 welfare workers.

22 (J) Data that indicates whether families
23 and children received support services (such as
24 mental and physical health care, food stamps,
25 affordable housing, and substance abuse pre-

1 vention and treatment) needed to create a sta-
2 ble home environment.

3 (K) Such other indicators as the Secretary
4 may by regulation prescribe.

5 (4) AMENDMENT OF APPLICATIONS.—A State
6 may at any time submit to the Secretary an amend-
7 ment to the application of the State under this sub-
8 section. On approval of such an amendment, the ap-
9 plication shall be considered to include the amend-
10 ment.

11 (c) GRANTS.—

12 (1) IN GENERAL.—On certification by the Sec-
13 retary that a State application for a grant under
14 this section meets the requirements of subsection (b)
15 and that implementing the activities described in the
16 application would help the State achieve some of the
17 outcomes set forth in the Final List of Child Welfare
18 Outcomes and Measures (64 Fed. Reg. 45552–
19 45554), and on approval by the Secretary of the ap-
20 plication, the State shall be eligible to receive a
21 grant under this section for each fiscal year for
22 which funds are available for such a grant.

23 (2) GRANT AMOUNT.—The Secretary shall
24 make a grant to each State that is eligible to receive

1 a grant under this section for a fiscal year, in an
2 amount equal to the lesser of—

3 (A) the amount finally allotted to or re-
4 served for the State under this subsection for
5 the fiscal year; or

6 (B) 3 times the amount that the State has
7 committed to spend to carry out the activities
8 described in the approved application.

9 (3) RESERVATION OF FUNDS.—

10 (A) PUERTO RICO.—The Secretary shall
11 reserve 1.75 percent of the funds appropriated
12 pursuant to subsection (j) for each fiscal year,
13 for a grant to Puerto Rico under this section
14 for the fiscal year. If, for a fiscal year, Puerto
15 Rico does not submit to the Secretary an appli-
16 cation that meets the requirements of sub-
17 section (b), the funds so reserved shall be avail-
18 able for allotment under paragraph (4) of this
19 subsection for the succeeding fiscal year or (if
20 the succeeding fiscal year is fiscal year 2007)
21 remitted to the Treasury of the United States.

22 (B) OTHER TERRITORIES.—The Secretary
23 shall reserve 0.3 percent of the funds appro-
24 priated pursuant to subsection (j) for each fis-
25 cal year, for grants among the United States

1 Virgin Islands, Guam, American Samoa, and
2 the Commonwealth of the Northern Mariana Is-
3 lands under this section in such amounts as the
4 Secretary deems appropriate for the fiscal year.
5 If, for a fiscal year, none of such territories
6 submits to the Secretary an application that
7 meets the requirements of subsection (b), the
8 funds so reserved shall be available for allot-
9 ment under paragraph (4) of this subsection for
10 the succeeding fiscal year or (if the succeeding
11 fiscal year is fiscal year 2007) remitted to the
12 Treasury of the United States.

13 (C) INDIAN TRIBES.—The Secretary shall
14 reserve 1 percent of the funds appropriated
15 pursuant to subsection (j) for each fiscal year,
16 for grants among Indian tribes under this sec-
17 tion in such amounts as the Secretary deems
18 appropriate for the fiscal year. If, for a fiscal
19 year, no Indian tribe submits to the Secretary
20 an application that meets the requirements of
21 subsection (b), the funds so reserved shall be
22 available for allotment under paragraph (4) of
23 this subsection for the succeeding fiscal year or
24 (if the succeeding fiscal year is fiscal year

2007) remitted to the Treasury of the United States.

(D) TECHNICAL ASSISTANCE AND EVALUATIONS.—The Secretary shall reserve 0.7 percent of the funds appropriated pursuant to subsection (j) for each fiscal year, to pay the costs of providing technical assistance and conducting evaluations under this section.

(4) ALLOTMENTS.—

(A) INITIAL ALLOTMENT.—From the amount available to carry out this section for a fiscal year that remains after applying paragraph (3) for the fiscal year (including any amount available for allotment under this paragraph for the fiscal year after applying paragraph (3) for the preceding fiscal year), the Secretary shall initially allot to each State not described in paragraph (3) for a fiscal year an amount that bears the same ratio to the remaining amount as the number of individuals who reside in the State, have not attained 18 years of age, and are members of families whose total income does not exceed the poverty line (as defined in section 673(2) of the Omnibus Budget Reconciliation Act of 1981, includ-

1 ing any revision required by such section appli-
2 cable to a family of the size involved) for the
3 most recent fiscal year for which such informa-
4 tion is available bears to the total number of
5 such individuals of all States not described in
6 paragraph (3) that are eligible for a grant
7 under this section for such most recent fiscal
8 year.

9 (B) FINAL ALLOTMENT.—The Secretary
10 shall reduce the amount initially allotted to
11 each State with an initial allotment under sub-
12 paragraph (A) of more than \$300,000, on a pro
13 rata basis, to the extent necessary to ensure
14 that the amount finally allotted to each such
15 State is not less than \$300,000.

16 (d) USE OF GRANT.—

17 (1) IN GENERAL.—A State to which a grant is
18 made under this section shall use the grant in ac-
19 cordance with the approved application for the
20 grant.

21 (2) AVAILABILITY OF FUNDS.—A State that re-
22 ceives funds under this section shall remit to the
23 Secretary any of such funds that remain unexpended
24 by the State at the end of the 2-year period that be-
25 gins with the date of the receipt.

1 (3) NO SUPPLANTATION.—A State to which a
2 grant is made under this section shall use the grant
3 to supplement and not supplant any Federal, State,
4 or local funds used for child welfare services or child
5 welfare training.

6 (e) MONITORING.—The Secretary shall monitor the
7 activities of grantees under this section to ensure compli-
8 ance with the requirements of this Act and any State plan
9 of the grantee under subpart 1 of part B of title IV of
10 the Social Security Act.

11 (f) TECHNICAL ASSISTANCE.—The Secretary may
12 provide technical assistance to any grantee to assist the
13 grantee in improving the quality of child welfare services,
14 including strategies to recruit, train, and retain high qual-
15 ity staff, and in complying with the requirements referred
16 to in subsection (e).

17 (g) ENFORCEMENT.—

18 (1) IN GENERAL.—If the Secretary determines
19 that, during a fiscal year, a grantee under this sec-
20 tion has not complied with a requirement of this
21 Act, the Secretary may—

22 (A) in the case of the 1st such determina-
23 tion of noncompliance, reduce by not less than
24 5 percent the amount of the grant otherwise

1 payable to the grantee under this section for
2 the fiscal year;

3 (B) in the case of the 2nd such determina-
4 tion of noncompliance, reduce by not less than
5 25 percent the amount of the grant otherwise
6 payable to the grantee under this section for
7 the fiscal year; and

8 (C) in the case of the 3rd or any subse-
9 quent such determination of noncompliance,
10 withhold the payment of a grant to the grantee
11 under this section for any succeeding fiscal
12 year, notwithstanding subsection (c).

13 (2) RECOVERY.—In the case of a determination
14 under paragraph (1) of grantee noncompliance, to
15 the extent that a penalty cannot be imposed under
16 paragraph (1), the Secretary shall require the grant-
17 ee to remit to the Secretary the amount of the pen-
18 alty not able to be so imposed.

19 (h) EVALUATION.—

20 (1) IN GENERAL.—Not later September 30,
21 2004, the Secretary shall conduct an interim evalua-
22 tion to determine whether the grantees under this
23 section have improved the provision of child welfare
24 services beyond the level reflected in the baseline

1 data set forth in the applications submitted by the
2 grantees under this section.

3 (2) MATTERS TO BE ADDRESSED.—The evalua-
4 tion shall include information on whether there has
5 been a statewide improvement of status of child per-
6 manency, child welfare, and child safety of children
7 in the child welfare system.

8 (3) METHODS.—In conducting an evaluation of
9 a grantee under this subsection, the Secretary shall
10 use the same methods as were used in consideration
11 of the application submitted by the grantee under
12 this section.

13 (4) FINAL REPORT.—Not later than September
14 30, 2006, the Secretary shall submit to the Congress
15 a written report that contains the final evaluation of
16 the Secretary of the matters described in paragraph
17 (1) and (2), using the methods referred to in para-
18 graph (3), and that includes recommendations as to
19 whether, and if so how, the grant program under
20 this section should be developed into a fully funded
21 permanent grant program for which each State may
22 apply.

23 (i) REGULATIONS.—The Secretary shall prescribe
24 such regulations as may be necessary to carry out this
25 section, including regulations, developed in consultation

1 with the States, governing how to obtain the baseline data
2 described in subsection (b)(3).

3 (j) LIMITATIONS ON AUTHORIZATION OF APPROPRIA-
4 TIONS.—To carry out this section, there are authorized
5 to be appropriated to the Secretary not more than
6 \$100,000,000 for each of fiscal years 2002 through 2006.

7 (k) DEFINITIONS.—In this section:

8 (1) CHILD WELFARE SERVICES.—The term
9 “child welfare services” has the meaning given the
10 term in section 425 of the Social Security Act.

11 (2) CHILD WELFARE AGENCY.—The term
12 “child welfare agency” means the State agency re-
13 sponsible for administering subpart 1 of part B of
14 title IV of the Social Security Act and any public or
15 private agency under contract with the State agency
16 to provide child welfare services.

17 (3) INDIAN TRIBE.—The term “Indian tribe”
18 has the meaning given the term in section 4 of the
19 Indian Self-Determination and Education Assistance
20 Act.

21 (4) INSTITUTION OF HIGHER EDUCATION.—The
22 term “institution of higher education” has the
23 meaning given the term in section 101 of the Higher
24 Education Act of 1965.

1 (5) STATE.—The term “State” has the mean-
 2 ing given the term in section 1101(a)(1) of the So-
 3 cial Security Act for purposes of title IV of such
 4 Act, and includes an Indian tribe.

5 **SEC. 5. LOAN FORGIVENESS FOR CHILD WELFARE WORK-**
 6 **ERS.**

7 (a) GUARANTEED STUDENT LOANS.—Part B of title
 8 IV of the Higher Education Act of 1965 is amended by
 9 inserting after section 428K (20 U.S.C. 1078–11) the fol-
 10 lowing new section:

11 **“SEC. 428L. LOAN FORGIVENESS FOR CHILD WELFARE**
 12 **WORKERS.**

13 “(a) PURPOSE.—It is the purpose of this section—

14 “(1) to bring more highly trained individuals
 15 into the child welfare profession; and

16 “(2) to keep more highly trained child welfare
 17 workers in the child welfare field for longer periods
 18 of time.

19 “(b) DEFINITIONS.—In this section:

20 “(1) CHILD WELFARE SERVICES.—The term
 21 ‘child welfare services’ has the meaning given the
 22 term in section 425 of the Social Security Act.

23 “(2) DEGREE.—The term ‘degree’ means a
 24 bachelor’s or graduate degree awarded by an institu-
 25 tion of higher education.

1 “(c) DEMONSTRATION PROGRAM.—

2 “(1) IN GENERAL.—The Secretary may carry
3 out a demonstration program of assuming the obli-
4 gation to repay, pursuant to subsection (d), a loan
5 made, insured, or guaranteed under this part or part
6 D (excluding loans made under sections 428B and
7 428C or comparable loans made under part D) for
8 any new borrower after the date of enactment of this
9 section, who—

10 “(A) completes a degree in social work or
11 related field with a focus on serving children
12 and families (as determined in accordance with
13 regulations prescribed by the Secretary);

14 “(B) obtains employment in public or pri-
15 vate child welfare services; and

16 “(C) has worked full time for the 2 con-
17 secutive years preceding the year for which the
18 determination is made as a child welfare work-
19 er.

20 “(2) AWARD BASIS; PRIORITY.—

21 “(A) AWARD BASIS.—Subject to subpara-
22 graph (B), loan repayment under this section
23 shall be on a first-come, first-served basis and
24 subject to the availability of appropriations.

1 “(B) PRIORITY.—The Secretary shall give
2 priority in providing loan repayment under this
3 section for a fiscal year to student borrowers
4 who received loan repayment under this section
5 for the preceding fiscal year.

6 “(3) REGULATIONS.—The Secretary is author-
7 ized to prescribe such regulations as may be nec-
8 essary to carry out the provisions of this section.

9 “(d) LOAN REPAYMENT.—

10 “(1) IN GENERAL.—The Secretary shall assume
11 the obligation to repay—

12 “(A) after the second consecutive year of
13 employment described in subparagraphs (B)
14 and (C) of subsection (c)(1), 20 percent of the
15 total amount of all loans made after date of en-
16 actment of the Higher Education Amendments
17 of 1998, to a student under this part or part
18 D;

19 “(B) after the third consecutive year of
20 such employment, 20 percent of the total
21 amount of all such loans; and

22 “(C) after each of the fourth and fifth con-
23 secutive years of such employment, 30 percent
24 of the total amount of all such loans.

1 “(2) CONSTRUCTION.—Nothing in this section
2 shall be construed to authorize the refunding of any
3 repayment of a loan made under this part or part
4 D.

5 “(3) INTEREST.—If a portion of a loan is re-
6 paid by the Secretary under this section for any
7 year, the proportionate amount of interest on such
8 loan which accrues for such year shall be repaid by
9 the Secretary.

10 “(4) SPECIAL RULE.—In the case where a stu-
11 dent borrower who is not participating in loan repay-
12 ment pursuant to this section returns to an institu-
13 tion of higher education after graduation from an in-
14 stitution of higher education for the purpose of ob-
15 taining a degree described in subsection (c)(1)(A),
16 the Secretary is authorized to assume the obligation
17 to repay the total amount of loans made under this
18 part or part D incurred for a maximum of two aca-
19 demic years in returning to an institution of higher
20 education for the purpose of obtaining such a de-
21 gree. Such loans shall only be repaid for borrowers
22 who qualify for loan repayment pursuant to the pro-
23 visions of this section, and shall be repaid in accord-
24 ance with the provisions of paragraph (1).

1 “(5) INELIGIBILITY OF NATIONAL SERVICE
2 AWARD RECIPIENTS.—No student borrower may, for
3 the same service, receive a benefit under both this
4 section and subtitle D of title I of the National and
5 Community Service Act of 1990 (42 U.S.C. 12601
6 et seq.).

7 “(e) REPAYMENT TO ELIGIBLE LENDERS.—The Sec-
8 retary shall pay to each eligible lender or holder for each
9 fiscal year an amount equal to the aggregate amount of
10 loans which are subject to repayment pursuant to this sec-
11 tion for such year.

12 “(f) APPLICATION FOR REPAYMENT.—

13 “(1) IN GENERAL.—Each eligible individual de-
14 siring loan repayment under this section shall sub-
15 mit a complete and accurate application to the Sec-
16 retary at such time, in such manner, and containing
17 such information as the Secretary may require.

18 “(2) CONDITIONS.—An eligible individual may
19 apply for loan repayment under this section after
20 completing each year of qualifying employment. The
21 borrower shall receive forbearance while engaged in
22 qualifying employment unless the borrower is in
23 deferment while so engaged.

24 “(g) EVALUATION.—

1 “(1) IN GENERAL.—The Secretary shall con-
2 duct, by grant or contract, an independent national
3 evaluation of the impact of the demonstration pro-
4 gram assisted under this section on the field of child
5 welfare services.

6 “(2) COMPETITIVE BASIS.—The grant or con-
7 tract described in subsection (b) shall be awarded on
8 a competitive basis.

9 “(3) CONTENTS.—The evaluation described in
10 this subsection shall determine—

11 “(A) whether the program has increased
12 child welfare workers’ education in the areas
13 covered by loan forgiveness;

14 “(B) whether the loan forgiveness program
15 has contributed to increased time on the job for
16 child welfare workers as measured by (i) the
17 length of time child welfare workers receiving
18 loan forgiveness have worked in the child wel-
19 fare field; and (ii) the length of time such work-
20 ers are continuing to work in such field after
21 they have met the requirements of the loan for-
22 giveness programs;

23 “(C) whether the program has increased
24 the experience and the quality of child welfare
25 workers and has contributed to increased per-

1 formance in the outcomes of child welfare serv-
2 ices in terms of child well-being, permanency,
3 and safety, as determined after consultation
4 with the Secretary of Health and Human Serv-
5 ices.

6 “(4) INTERIM AND FINAL EVALUATION RE-
7 PORTS.—The Secretary shall prepare and submit to
8 the President and the Congress such interim reports
9 regarding the evaluation described in this subsection
10 as the Secretary deems appropriate, and shall pre-
11 pare and so submit a final report regarding the eval-
12 uation by September 30, 2005.

13 “(h) AUTHORIZATION OF APPROPRIATIONS.—There
14 are authorized to be appropriated to carry out this section
15 \$10,000,000 for fiscal year 2001, and such sums as may
16 be necessary for each of the 4 succeeding fiscal years.”.

○