

107TH CONGRESS
1ST SESSION

S. 1503

To extend and amend the Promoting Safe and Stable Families Program under subpart 2 of part B of title IV of the Social Security Act, to provide the Secretary of Health and Human Services with new authority to support programs mentoring children of incarcerated parents, to amend the Foster Care Independent Living Program under part E of title IV of the Social Security Act to provide for educational and training vouchers for youths aging out of foster care, and for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 4, 2001

Mr. ROCKEFELLER (for himself, Mr. DEWINE, Ms. LANDRIEU, Ms. SNOWE, Mr. BREAUX, Mr. BOND, Mr. LEVIN, Mr. CRAIG, and Mr. GRAHAM) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To extend and amend the Promoting Safe and Stable Families Program under subpart 2 of part B of title IV of the Social Security Act, to provide the Secretary of Health and Human Services with new authority to support programs mentoring children of incarcerated parents, to amend the Foster Care Independent Living Program under part E of title IV of the Social Security Act to provide for educational and training vouchers for youths aging out of foster care, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; REFERENCES IN ACT; TABLE OF**
 4 **CONTENTS.**

5 (a) SHORT TITLE.—This Act may be cited as the
 6 “Promoting Safe and Stable Families Amendments Act of
 7 2001”.

8 (b) REFERENCES IN ACT.—Except as otherwise spe-
 9 cifically provided, whenever in this Act an amendment is
 10 expressed in terms of an amendment to or repeal of a sec-
 11 tion or other provision, the reference shall be considered
 12 to be made to that section or other provision of the Social
 13 Security Act.

14 (c) TABLE OF CONTENTS.—The table of contents of
 15 this Act is as follows:

Sec. 1. Short title; references in act; table of contents.

TITLE I—PROMOTING SAFE AND STABLE FAMILIES

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

- Sec. 101. Findings and purpose.
- Sec. 102. Definition of family support services.
- Sec. 103. Reallotments.
- Sec. 104. Payments to States.
- Sec. 105. Evaluations.
- Sec. 106. Authorization of appropriations; reservation of certain amounts.
- Sec. 107. State court improvements.

Subtitle B—Mentoring Children of Incarcerated Parents

- Sec. 121. Grants for programs for mentoring children of incarcerated parents.

**TITLE II—FOSTER CARE, ADOPTION ASSISTANCE, AND
INDEPENDENT LIVING**

- Sec. 201. Elimination of opt-out provision for State requirement to conduct criminal background check on prospective foster or adoptive parents.

Sec. 202. Eligibility for adoption assistance payment of special needs children voluntarily relinquished to private nonprofit agencies.

Sec. 203. Educational and training vouchers for youths aging out of foster care.

TITLE III—EFFECTIVE DATES

Sec. 301. Effective dates.

TITLE I—PROMOTING SAFE AND STABLE FAMILIES

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

SEC. 101. FINDINGS AND PURPOSE.

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

“SEC. 430. FINDINGS AND PURPOSE.

“(a) FINDINGS.—Congress finds that there is a continuing urgent need to protect children and to strengthen families as demonstrated by the following:

“(1) Family support programs directed at specific vulnerable populations have had positive effects on parents and children. The vulnerable populations for which programs have been shown to be effective include teenage mothers with very young children and families that have children with special needs.

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

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

8 “(4) The rapid increases in the annual number
9 of adoptions since the enactment of the Adoption
10 and Safe Families Act of 1997 have created a grow-
11 ing need for post-adoption services and for service
12 providers with the particular knowledge and skills
13 required to address the unique issues adoptive fami-
14 lies and children may face.

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

21 “(1) To prevent child maltreatment among fam-
22 ilies at risk through the provision of supportive fam-
23 ily services.

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

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

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

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

11 **SEC. 102. DEFINITION OF FAMILY SUPPORT SERVICES.**

12 Section 431(a)(2) (42 U.S.C. 629a(a)(2)) is amended
 13 by inserting “to strengthen parental relationships and pro-
 14 mote healthy marriages,” after “environment,”.

15 **SEC. 103. REALLOTMENTS.**

16 Section 433 (42 U.S.C. 629c) is amended by adding
 17 at the end the following new subsection:

18 “(d) REALLOTMENTS.—The amount of any allotment
 19 to a State under this section for any fiscal year that the
 20 State certifies to the Secretary will not be required for
 21 carrying out the State plan under section 432 shall be
 22 available for reallocation for such fiscal year using the al-
 23 lotment methodology specified in this section. Any amount
 24 so reallocated to a State shall be deemed part of that
 25 State’s allotment under this section for that fiscal year.”.

1 **SEC. 104. PAYMENTS TO STATES.**

2 (a) IN GENERAL.—Section 434(a) (42 U.S.C.
3 629d(a)) is amended—

4 (1) by striking paragraph (2);

5 (2) by striking all that precedes subparagraph
6 (A) and inserting the following:

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

10 (3) by redesignating subparagraphs (A) and
11 (B) as paragraphs (1) and (2), respectively, and by
12 adjusting the left margins accordingly.

13 (b) CONFORMING AMENDMENTS.—Section 434(b)
14 (42 U.S.C. 629d(b)) is amended—

15 (1) in paragraph (1)—

16 (A) by striking “paragraph (1) or (2)(B)
17 of”; and

18 (B) by striking “described in this subpart”
19 and inserting “under the State plan under sec-
20 tion 432”; and

21 (2) in paragraph (2), by striking “subsection
22 (a)(1)” and inserting “subsection (a)”.

23 **SEC. 105. EVALUATIONS.**

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

25 (1) in the heading, by inserting “; **RESEARCH;**
26 **TECHNICAL ASSISTANCE**” before the period; and

1 (2) by adding at the end the following new sub-
2 sections:

3 “(c) RESEARCH.—The Secretary shall give priority
4 consideration to the following topics for research and eval-
5 uation under this subsection, using rigorous evaluation
6 methodologies where feasible:

7 “(1) Promising program models in the service
8 categories specified in section 430(b), particularly
9 time-limited reunification services and post-adoption
10 services.

11 “(2) Multidisciplinary service models designed
12 to address parental substance abuse and to reduce
13 the impact of such abuse on children.

14 “(3) The efficacy of approaches directed at
15 families with specific problems and with children of
16 specific age ranges.

17 “(4) The outcomes of adoptions finalized after
18 enactment of the Adoption and Safe Families Act of
19 1997.

20 “(d) TECHNICAL ASSISTANCE.—The Secretary shall
21 provide technical assistance that helps States to—

22 “(1) identify families with specific risk charac-
23 teristics for intervention;

1 “(2) develop treatment models that address the
2 needs of families at risk, particularly families with
3 substance abuse issues;

4 “(3) implement programs with well articulated
5 theories of how the intervention will result in desired
6 changes among families at risk;

7 “(4) establish mechanisms to ensure that serv-
8 ice provision matches the treatment model; and

9 “(5) establish mechanisms to ensure that post-
10 adoption services meet the needs of the individual
11 families and develop models to reduce the disruption
12 rates of adoption.”.

13 **SEC. 106. AUTHORIZATION OF APPROPRIATIONS; RESERVA-**
14 **TION OF CERTAIN AMOUNTS.**

15 (a) IN GENERAL.—Subpart 2 of part B of title IV
16 (42 U.S.C. 629 et seq.) is amended by adding at the end
17 the following new section:

18 **“SEC. 436. AUTHORIZATION OF APPROPRIATIONS; RES-**
19 **ERVATION OF CERTAIN AMOUNTS.**

20 “(a) AUTHORIZATION.—There are authorized to be
21 appropriated to carry out the provisions of this subpart
22 (other than section 438) \$505,000,000 for each of fiscal
23 years 2002 through 2006.

1 “(b) RESERVATION OF CERTAIN AMOUNTS.—From
 2 the amount specified for each fiscal year under subsection
 3 (a), the Secretary shall reserve amounts for use as follows:

4 “(1) EVALUATION, RESEARCH, TRAINING, AND
 5 TECHNICAL ASSISTANCE.—The Secretary shall re-
 6 serve \$15,000,000 for fiscal year 2002, and
 7 \$20,000,000 for each of fiscal years 2003 through
 8 2006, for expenditure by the Secretary—

9 “(A) for research, training, and technical
 10 assistance costs related to the program under
 11 this subpart (other than section 438), including
 12 expenditures for research of not less than
 13 \$9,000,000 for fiscal year 2002, and not less
 14 than \$14,000,000 for each of fiscal years 2003
 15 through 2006; and

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

23 “(2) STATE COURT IMPROVEMENTS.—The Sec-
 24 retary shall reserve \$20,000,000 for grants under
 25 section 437.

1 “(3) INDIAN TRIBES.—The Secretary shall re-
 2 serve 2 percent for allotment to Indian tribes in ac-
 3 cordance with section 433(a).”.

4 (b) CONFORMING AMENDMENTS.—Section 433 is
 5 amended—

6 (1) in subsection (a), by striking “section
 7 430(d)(3)” and inserting “section 436(b)(3)”;

8 (2) in subsection (b)—

9 (A) by striking “section 430(b)” and in-
 10 serting “section 436(a)”;

11 (B) by striking “section 430(d)” and in-
 12 serting “section 436(b)”;

13 (3) in subsection (c)—

14 (A) by striking “section 430(b)” and in-
 15 serting “section 436(a)”;

16 (B) by striking “section 430(d)” and in-
 17 serting “section 436(b)”.

18 **SEC. 107. STATE COURT IMPROVEMENTS.**

19 (a) RELOCATION AND REDESIGNATION.—

20 (1) IN GENERAL.—Section 13712 of the Omni-
 21 bus Budget Reconciliation Act of 1993 (42 U.S.C.
 22 670 note) is relocated and redesignated as section
 23 437 of the Social Security Act.

1 (2) CONFORMING AMENDMENTS.—Section 437,
 2 as relocated and redesignated under paragraph (1),
 3 is amended—

4 (A) in subsection (a)—

5 (i) in the matter preceding paragraph
 6 (1), by striking “of title IV of the Social
 7 Security Act”; and

8 (ii) in paragraph (1)(A), by striking
 9 “of title IV of such Act”; and

10 (B) in subsection (c)(2), by striking “sec-
 11 tion 430(d)(2) of the Social Security Act” and
 12 inserting “section 436(b)(2)”.

13 (b) SCOPE OF ACTIVITIES.—

14 (1) Section 437(a)(2) (as so relocated and re-
 15 designated) is amended—

16 (A) by striking “changes” and inserting
 17 “improvements”; and

18 (B) by inserting before the period “in
 19 order to promote more timely court actions that
 20 provide for the safety of children in foster care
 21 and expedite the placement of such children in
 22 appropriate permanent settings”.

23 (2) Section 437(c)(1) (as so relocated and re-
 24 designated) is amended in the matter preceding sub-

1 paragraph (A) by inserting “and improvement” after
 2 “assessment”.

3 (c) ALLOTMENTS.—Section 437(c)(1) (as so relo-
 4 cated and redesignated) is amended by striking all that
 5 follows “shall be entitled to payment,” and inserting “for
 6 each of fiscal years 2002 through 2006, from amounts re-
 7 served pursuant to section 436(b)(2), of an amount equal
 8 to the sum of \$85,000 plus the amount described in para-
 9 graph (2) for such fiscal year.”.

10 (d) FEDERAL SHARE.—Section 437(d) (as so relo-
 11 cated and redesignated) is amended—

12 (1) by striking the heading and inserting “FED-
 13 ERAL SHARE.—”; and

14 (2) by striking “to pay—” and all that follows
 15 and inserting “to pay not more than 75 percent of
 16 the cost of activities under this section in each of fis-
 17 cal years 2002 through 2006.”.

18 **Subtitle B—Mentoring Children of** 19 **Incarcerated Parents**

20 **SEC. 121. GRANTS FOR PROGRAMS FOR MENTORING CHIL-** 21 **DREN OF INCARCERATED PARENTS.**

22 Subpart 2 of part B of title IV (42 U.S.C. 629 et
 23 seq.), as amended by sections 106 and 107, is amended
 24 by adding at the end the following new section:

1 **“SEC. 438. GRANTS FOR PROGRAMS FOR MENTORING CHIL-**
2 **DREN OF INCARCERATED PARENTS.**

3 “(a) FINDINGS AND PURPOSE.—

4 “(1) FINDINGS.—Congress makes the following
5 findings:

6 “(A) In the period between 1991 and
7 1999, the number of children with a parent in-
8 carcerated in a Federal or State correctional fa-
9 cility increased by more than 100 percent, from
10 approximately 900,000 to approximately
11 2,000,000. In 1999, 2.1 percent of all children
12 in the United States had a parent in a Federal
13 or State correctional facility.

14 “(B) Prior to incarceration, 64 percent of
15 female prisoners and 44 percent of male pris-
16 oners in State facilities lived with their children.

17 “(C) Nearly 90 percent of the children of
18 incarcerated fathers live with their mothers,
19 and 79 percent of the children of incarcerated
20 mothers live with a grandparent or other rel-
21 ative. Only 10 percent of incarcerated mothers
22 and 2 percent of incarcerated fathers in State
23 facilities report that their child or children are
24 in foster care.

25 “(D) Parental arrest and confinement lead
26 to stress, trauma, stigmatization, and separa-

1 tion problems for children. These problems are
 2 coupled with existing problems that include pov-
 3 erty, violence, parental substance abuse, high-
 4 crime environments, intrafamilial abuse, child
 5 abuse and neglect, multiple care givers, or prior
 6 separations. As a result, children of an incar-
 7 cerated parent often exhibit a broad variety of
 8 behavioral, emotional, health, and educational
 9 problems that are often compounded by the
 10 pain of separation.

11 “(E) Empirical research demonstrates that
 12 mentoring is a potent force for improving chil-
 13 dren’s behavior across all risk behaviors affect-
 14 ing health. Quality, one-on-one relationships
 15 that provide young people with caring role mod-
 16 els for future success have profound, life-chang-
 17 ing potential. Done right, mentoring markedly
 18 advances youths’ life prospects. A widely cited
 19 1995 study by Public/Private Ventures meas-
 20 ured the impact of one Big Brothers Big Sis-
 21 ters program and found significant effects in
 22 the lives of youth—cutting first-time drug use
 23 by almost half and first-time alcohol use by
 24 about a third, reducing school absenteeism by
 25 half, cutting assaultive behavior by a third, im-

1 proving parental and peer relationships, giving
2 youth greater confidence in their school work,
3 and improving academic performance.

4 “(2) PURPOSE.—The purpose of this section is
5 to authorize the Secretary to make competitive
6 grants to local governments in areas with substantial
7 numbers of children of incarcerated parents to sup-
8 port the establishment or expansion and operation of
9 programs using a network of public and private com-
10 munity entities to provide mentoring services for
11 children of incarcerated parents.

12 “(b) DEFINITIONS.—In this section:

13 “(1) CHILDREN OF INCARCERATED PARENTS.—
14 The term ‘children of incarcerated parents’ means a
15 child, 1 or both of whose parents are incarcerated in
16 a Federal or State correctional facility. Such term
17 shall be deemed to include any child who is in an on-
18 going mentoring relationship in a program under
19 this section at the time of the release of the child’s
20 parent or parents from a correctional facility, for
21 purposes of continued participation in the program.

22 “(2) MENTORING.—The term ‘mentoring’
23 means a structured, managed program in which chil-
24 dren are appropriately matched with screened and
25 trained adult volunteers for one-on-one relationships,

1 involving meetings and activities on a regular basis,
2 intended to meet, in part, the child's need for in-
3 volvement with a caring and supportive adult who
4 provides a positive role model.

5 “(3) MENTORING SERVICES.—The term ‘men-
6 toring services’ means those services and activities
7 that support a structured, managed program of
8 mentoring, including the management by trained
9 personnel of outreach to, and screening of, eligible
10 children; outreach to, education and training of, and
11 liaison with sponsoring local organizations; screening
12 and training of adult volunteers; matching of chil-
13 dren with suitable adult volunteer mentors; support
14 and oversight of the mentoring relationship; and es-
15 tablishment of goals and evaluation of outcomes for
16 mentored children.

17 “(c) PROGRAM AUTHORIZED.—From the amount ap-
18 propriated under subsection (g) for a fiscal year that re-
19 mains after the application of subsection (g)(2), the Sec-
20 retary shall make grants under this section for each of
21 fiscal years 2002 through 2006 to local governments in
22 areas that have significant numbers of children of incar-
23 cerated parents and that submit applications meeting the
24 requirements of this section, including—

1 “(1) two-thirds of such amount in grants in
2 amounts of up to \$5,000,000 each; and

3 “(2) one-third of such amount in grants in
4 amounts of up to \$10,000,000 each.

5 “(d) APPLICATION REQUIREMENTS.—In order to be
6 eligible for a grant under this section, the mayor or other
7 chief executive officer of a city, council of governments,
8 or other unit of local government shall submit to the Sec-
9 retary an application containing the following:

10 “(1) PROGRAM DESIGN.—A description of the
11 proposed local program, including—

12 “(A) a list of local public and private orga-
13 nizations and entities that will participate in
14 the mentoring network;

15 “(B) the name, description, and qualifica-
16 tions of the entity that will coordinate and over-
17 see the activities of the mentoring network;

18 “(C) the number of mentor-child matches
19 proposed to be established and maintained an-
20 nually under the program;

21 “(D) such information as the Secretary
22 may require concerning the methods to be used
23 to recruit, screen support, and oversee individ-
24 uals participating as mentors (which methods
25 shall include criminal background checks on

1 such individuals), and to evaluate outcomes for
2 participating children, including information
3 necessary to demonstrate compliance with re-
4 quirements established by the Secretary for the
5 program; and

6 “(E) such other information as the Sec-
7 retary may require.

8 “(2) COMMUNITY CONSULTATION; COORDINA-
9 TION WITH OTHER PROGRAMS.—A demonstration
10 that, in developing and implementing the program,
11 the local government will, to the extent feasible and
12 appropriate—

13 “(A) consult with public and private com-
14 munity entities, including religious organiza-
15 tions, and including, as appropriate, Indian
16 tribal organizations and urban Indian organiza-
17 tions, and with family members of potential cli-
18 ents;

19 “(B) coordinate the programs and activi-
20 ties under the program with other Federal,
21 State, and local programs serving children and
22 youth; and

23 “(C) consult with appropriate Federal,
24 State, and local corrections, workforce develop-

1 ment, and substance abuse and mental health
2 agencies.

3 “(3) EQUAL ACCESS FOR LOCAL SERVICE PRO-
4 VIDERS.—An assurance that public and private enti-
5 ties and community organizations, including reli-
6 gious organizations and Indian organizations, will be
7 eligible to participate in the program on an equal
8 basis.

9 “(4) SUPPLEMENTATION ASSURANCE.—An as-
10 surance that Federal funds provided to the local gov-
11 ernment under this section will not be used to sup-
12 plant Federal or non-Federal funds for existing serv-
13 ices and activities that promote the purpose of this
14 section.

15 “(5) BIENNIAL PROGRAM REPORT.—An agree-
16 ment that the local government will submit to the
17 Secretary, after the second year of funding of a pro-
18 gram under this section and every second year there-
19 after, a report containing the following:

20 “(A) A description of the grant require-
21 ments used by the local government to award
22 grant funds.

23 “(B) The measurable goals and outcomes
24 expected by the programs receiving assistance
25 under the local government program (and in

1 later reports, the extent to which such goals
2 and outcomes were achieved).

3 “(C) A description of the services provided
4 by programs receiving assistance under the
5 local government program.

6 “(D) The number of children and families
7 served.

8 “(E) Such other such information as the
9 Secretary may require.

10 “(6) RECORDS, REPORTS, AND AUDITS.—An
11 agreement that the local government will maintain
12 such records, make such reports, and cooperate with
13 such reviews or audits as the Secretary may find
14 necessary for purposes of oversight of project activi-
15 ties and expenditures.

16 “(7) EVALUATION.—An agreement that the
17 local government will cooperate fully with the Sec-
18 retary’s ongoing and final evaluation of the program
19 under the plan, by means including providing the
20 Secretary with access to the program and program-
21 related records and documents, staff, and grantees
22 receiving funding under the plan.

23 “(8) EXTENT OF LOCAL-STATE COOPERA-
24 TION.—A statement as to whether, and the extent to
25 which, the State government has undertaken to pro-

1 vide support to and to cooperate with the local pro-
2 gram.

3 “(e) FEDERAL SHARE.—

4 “(1) IN GENERAL.—A grant for a program
5 under this section shall be available to pay a per-
6 centage share of the costs of the program up to—

7 “(A) 80 percent for the first fiscal year for
8 which the grant is awarded;

9 “(B) 60 percent for the second such fiscal
10 year;

11 “(C) 40 percent for the third such fiscal
12 year; and

13 “(D) 20 percent for each succeeding fiscal
14 year.

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

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

24 “(1) the experience, qualifications, and capacity
25 of local governments and networks of organizations

1 to effectively carry out a mentoring program under
2 this section;

3 “(2) the comparative severity of need for men-
4 toring services in given local areas, taking into con-
5 sideration data on the numbers of children (and in
6 particular of low-income children) with an incarcer-
7 ated parent (or parents) in such areas;

8 “(3) whether, and the extent to which, the
9 State government has undertaken to support and co-
10 operate with the local mentoring program;

11 “(4) evidence of consultation with existing
12 youth and family service programs, as appropriate;
13 and

14 “(5) any other factors the Secretary may deem
15 significant with respect to the need for or the poten-
16 tial success of carrying out a mentoring program
17 under this section.

18 “(g) AUTHORIZATION OF APPROPRIATIONS; RES-
19 ERVATION OF CERTAIN AMOUNTS.—

20 “(1) AUTHORIZATION.—There are authorized to
21 be appropriated to carry out this section—

22 “(A) \$67,000,000 for fiscal year 2002; and

23 “(B) such sums as may be necessary for
24 each of fiscal years 2003 through 2006.

1 “(2) RESERVATION.—The Secretary shall re-
 2 serve 2.5 percent of the amount appropriated for
 3 each fiscal year under paragraph (1) for expenditure
 4 by the Secretary for research, technical assistance,
 5 and evaluation related to programs carried out
 6 under this section.”.

7 **TITLE II—FOSTER CARE, ADOPT-**
 8 **TION ASSISTANCE, AND INDE-**
 9 **PENDENT LIVING**

10 **SEC. 201. ELIMINATION OF OPT-OUT PROVISION FOR STATE**
 11 **REQUIREMENT TO CONDUCT CRIMINAL**
 12 **BACKGROUND CHECK ON PROSPECTIVE FOS-**
 13 **TER OR ADOPTIVE PARENTS.**

14 Section 471(a)(20) (42 U.S.C. 671(a)(20) is
 15 amended—

16 (1) in subparagraph (A), by striking “and” at
 17 the end;

18 (2) by striking “(A) unless an election provided
 19 for in subparagraph (B) is made with respect to the
 20 State,”;

21 (3) by striking subparagraph (B);

22 (4) by striking “(i)” and inserting “(A)”; and

23 (5) by striking “(ii)” and inserting “(B)”.

1 **SEC. 202. ELIGIBILITY FOR ADOPTION ASSISTANCE PAY-**
 2 **MENT OF SPECIAL NEEDS CHILDREN VOLUN-**
 3 **TARILY RELINQUISHED TO PRIVATE NON-**
 4 **PROFIT AGENCIES.**

5 Section 473(a)(2) (42 U.S.C. 673(a)(2)) is
 6 amended—

7 (1) in subparagraph (A)(i), by striking “either
 8 pursuant” and all that follows through “July 16,
 9 1996))” and inserting “pursuant to a voluntary re-
 10 linquishment to, or a voluntary placement agreement
 11 with, a public or nonprofit private agency,”; and

12 (2) in subparagraph (B)(i), by striking “agree-
 13 ment was entered into” and inserting “relinquish-
 14 ment occurred, agreement was entered into,”.

15 **SEC. 203. EDUCATIONAL AND TRAINING VOUCHERS FOR**
 16 **YOUTHS AGING OUT OF FOSTER CARE.**

17 (a) PURPOSE.—Section 477(a) (42 U.S.C. 677(a)) is
 18 amended—

19 (1) by striking “and” at the end of paragraph
 20 (4);

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

23 (3) by adding at the end the following new
 24 paragraph:

25 “(6) to make available vouchers for education
 26 and training, including postsecondary training and

1 education, to youths who have aged out of foster
2 care.”.

3 (b) EDUCATIONAL AND TRAINING VOUCHERS.—Sec-
4 tion 477 (42 U.S.C. 677) is amended by adding at the
5 end the following new subsection:

6 “(i) EDUCATIONAL AND TRAINING VOUCHERS.—The
7 following conditions shall apply to a State educational and
8 training voucher program under this section:

9 “(1) Vouchers under the program shall be avail-
10 able to youths otherwise eligible for services under
11 the State program under this section.

12 “(2) For purposes of the voucher program,
13 youths adopted from foster care after attaining age
14 16 shall be considered to be youths otherwise eligible
15 for services under the State program under this sec-
16 tion.

17 “(3) A youth participating in the voucher pro-
18 gram on the date the youth attains age 21 shall re-
19 main eligible until the youth attains age 23, as long
20 as the youth is enrolled in a full-time postsecondary
21 education or training program and is making satis-
22 factory progress toward completion of that program.

23 “(4) The voucher or vouchers provided for an
24 individual under this section—

1 “(A) shall be available for the cost of at-
2 tendance at an institution of higher education,
3 as defined in section 102 of the Higher Edu-
4 cation Act of 1965; and

5 “(B) shall not exceed the lesser of \$5,000
6 per year or the total cost of attendance, as de-
7 fined in section 472 of that Act.

8 “(5)(A) Subject to subparagraphs (B) and (C),
9 the amount of a voucher under this section shall be
10 disregarded for purposes of determining the recipi-
11 ent’s eligibility for, or the amount of, any other Fed-
12 eral or federally supported assistance.

13 “(B) The total amount of educational assist-
14 ance to a youth under this section and under other
15 Federal and federally supported programs shall not
16 exceed the total cost of attendance, as defined in
17 section 472 of the Higher Education Act of 1965.

18 “(C) The State agency shall take appropriate
19 steps to prevent duplication of benefits under this
20 and other Federal or federally supported programs.

21 “(6) The program shall be coordinated with
22 other appropriate education and training pro-
23 grams.”.

1 (c) CERTIFICATION.—Section 477(b)(3) (42 U.S.C.
 2 677(b)(3)) is amended by adding at the end the following
 3 new subparagraph:

4 “(J) A certification by the chief executive
 5 officer of the State that the State educational
 6 and training voucher program under this sec-
 7 tion is in compliance with the conditions speci-
 8 fied in subsection (i), including a statement de-
 9 scribing methods the State will use—

10 “(i) to ensure that the total amount
 11 of educational assistance to a youth under
 12 this section and under other Federal and
 13 federally supported programs does not ex-
 14 ceed the limitation specified in subsection
 15 (i)(5)(B); and

16 “(ii) to avoid duplication of benefits
 17 under this and any other Federal or feder-
 18 ally supported benefit program in accord-
 19 ance with subsection (i)(5)(C).”.

20 (d) INCREASED AUTHORIZATIONS OF APPROPRIA-
 21 TIONS.—Section 477(h) (42 U.S.C. 677(h)) is amended
 22 by striking “there are authorized” and all that follows and
 23 inserting the following: “there are authorized to be appro-
 24 priated to the Secretary for each fiscal year—

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

3 “(2) an additional \$60,000,000, which shall be
4 available for payments to States for education and
5 training vouchers for youths who age out of foster
6 care, to assist such youths to develop skills necessary
7 to lead independent and productive lives.”.

8 (e) ALLOTMENTS TO STATES.—Section 477(c) (42
9 U.S.C. 677(c)) is amended—

10 (1) in paragraph (1)—

11 (A) by striking “(1) IN GENERAL.—From
12 the amount specified in subsection (h)” and in-
13 serting “(1) GENERAL PROGRAM ALLOT-
14 MENT.—From the amount specified in sub-
15 section (h)(1)”; and

16 (B) by striking “which bears the same
17 ratio and all that follows through the period”
18 and inserting “which bears the ratio equal to
19 the State foster care ratio, as adjusted in ac-
20 cordance with paragraph (2).”; and

21 (2) by adding at the end the following new
22 paragraphs:

23 “(3) VOUCHER PROGRAM ALLOTMENT.—From
24 the amount specified in subsection (h)(2) for a fiscal
25 year, the Secretary shall allot to each State with an

1 application approved under subsection (b) for the
 2 fiscal year the amount that bears the ratio to such
 3 amount equal to the State foster care ratio.

4 “(4) STATE FOSTER CARE RATIO.—In this sub-
 5 section, the term ‘State foster care ratio’ means the
 6 ratio of the number of children in foster care in the
 7 State in the most recent fiscal year for which such
 8 information is available to the total number of chil-
 9 dren in foster care in all States for such most recent
 10 fiscal year.”.

11 (f) PAYMENTS TO STATES.—Section 474(a)(4) (42
 12 U.S.C. 674(a)(4)) is amended to read as follows:

13 “(4) an amount equal to—

14 “(A) with respect to amounts for expendi-
 15 tures in accordance with the State application
 16 approved under section 477(b) (including any
 17 amounts expended in accordance with an
 18 amendment that meets the requirements of sec-
 19 tion 477(b)(5)), the sum of—

20 “(i) the lesser of—

21 “(I) 80 percent of the amounts
 22 expended by the State during the
 23 quarter to carry out programs for the
 24 purposes described in subsection
 25 (h)(1); or

1 “(II) the amount allotted to the
2 State under section 477(c)(1) for the
3 fiscal year in which the quarter oc-
4 curs, reduced by the total of the
5 amounts payable to the State under
6 this paragraph for such purposes for
7 all prior quarters in the fiscal year;
8 and

9 “(ii) the lesser of—

10 “(I) 80 percent of the amounts
11 expended by the State during the
12 quarter to carry out programs for the
13 purposes described in subsection
14 (h)(2); or

15 “(II) the amount allotted to the
16 State under section 477(c)(3) for the
17 fiscal year in which the quarter oc-
18 curs, reduced by the total of the
19 amounts payable to the State under
20 this paragraph for such purposes for
21 all prior quarters in the fiscal year;

22 reduced by

23 “(B) the total amount of any penalties as-
24 sessed against the State under section 477(e)
25 for such fiscal year.”.

1 **TITLE III—EFFECTIVE DATES**

2 **SEC. 301. EFFECTIVE DATES.**

3 (a) IN GENERAL.—Subject to subsections (b), (c),
4 and (d), the amendments made by this Act take effect Oc-
5 tober 1, 2001.

6 (b) ELIMINATION OF OPT-OUT PROVISION FOR
7 CRIMINAL BACKGROUND CHECKS.—Subject to subsection
8 (d), the amendments made by section 201 take effect on
9 the date of enactment of this Act.

10 (c) ELIGIBILITY FOR ADOPTION ASSISTANCE PAY-
11 MENT OF SPECIAL NEEDS CHILDREN VOLUNTARILY RE-
12 LINQUISHED TO PRIVATE NONPROFIT AGENCIES.—Sub-
13 ject to subsection (d), the amendments made by section
14 202 shall be effective with respect to children voluntarily
15 relinquished to, or the subject of a voluntary placement
16 agreement with, a public or nonprofit private agency on
17 or after the date that is 90 days after the date of enact-
18 ment of this Act.

19 (d) DELAY PERMITTED IF STATE LEGISLATION RE-
20 QUIRED.—In the case of a State plan under subpart 2 of
21 part B or part E of the Social Security Act (42 U.S.C.
22 629 et seq.; 670 et seq.) that the Secretary of Health and
23 Human Services determines requires State legislation
24 (other than legislation appropriating funds) in order for
25 the plan to meet the additional requirements imposed by

1 the amendments made by this Act, the State plan shall
2 not be regarded as failing to comply with the requirements
3 of such subpart or part solely on the basis of the failure
4 of the plan to meet such additional requirements before
5 the first day of the first calendar quarter beginning after
6 the close of the first regular session of the State legisla-
7 ture that begins after the date of enactment of this Act.
8 For purposes of the previous sentence, in the case of a
9 State that has a 2-year legislative session, each year of
10 such session shall be deemed to be a separate regular ses-
11 sion of the State legislature.

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