

110TH CONGRESS
1ST SESSION

H. R. 3409

To create the conditions, structures, and supports needed to ensure permanency for the Nation's unaccompanied youth, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 3, 2007

Mr. HINOJOSA (for himself, Ms. CARSON, Mr. PAYNE, Mr. GRIJALVA, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. DELAURO, Mrs. CHRISTENSEN, Ms. BERKLEY, Mr. AL GREEN of Texas, Mr. STARK, Mr. HOLT, Mrs. DAVIS of California, and Mr. DAVIS of Illinois) introduced the following bill; which was referred to the Committee on Education and Labor, and in addition to the Committees on Ways and Means, Energy and Commerce, Financial Services, and the Judiciary, 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 create the conditions, structures, and supports needed to ensure permanency for the Nation's unaccompanied youth, 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 "Place to Call Home
5 Act".

1 SEC. 2. TABLE OF CONTENTS.

2 The table of contents of this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. Findings; purpose.

TITLE I—PREVENTION OF UNACCOMPANIED SITUATIONS AMONG YOUTH

Subtitle A—Reduction of Family Stressors Contributing to Unaccompanied Situations Among Youth

- Sec. 101. Child abuse prevention and treatment programs.
- Sec. 102. Increase in funding for the promoting safe and stable families program.
- Sec. 103. Parental and youth substance abuse and mental illness.
- Sec. 104. Curtailment of involuntary separation of children from their families.

Subtitle B—Equal Protection of Youth in Child Welfare System

- Sec. 111. Expanded eligibility for foster care and adoption assistance.
- Sec. 112. Kinship guardianship assistance payments.
- Sec. 113. Flexibility to establish separate standards for relative foster family homes.
- Sec. 114. Application of standards to all children.
- Sec. 115. Eligibility for foster care maintenance payments and adoption assistance payments through age 20.
- Sec. 116. Youth access to the child welfare system.

Subtitle C—Reduction of Youth Institutional Discharge Into Homelessness

- Sec. 121. Discharge from child welfare system.
- Sec. 122. Receipt of certain juvenile justice formula grant funds conditioned on States' policies to ensure appropriate housing for juveniles released into the community and to reduce rates of runaways.
- Sec. 123. Discharge planning from private and public inpatient health facilities required for purposes of certain Substance Abuse and Mental Health programs and the Medicaid program.

TITLE II—YOUTH EMERGENCY AND TRANSITIONAL HOUSING

Subtitle A—Runaway and Homeless Youth Act Programs

- Sec. 201. Short title.
- Sec. 202. Findings.
- Sec. 203. Basic center program.
- Sec. 204. Renovation.
- Sec. 205. Transitional living grant program.
- Sec. 206. Coordinating, training, research, and other activities.
- Sec. 207. Report.
- Sec. 208. National homeless youth awareness campaign.
- Sec. 209. Grants for research evaluation, demonstration, and service projects.
- Sec. 210. Sexual abuse prevention program.
- Sec. 211. Performance standards.
- Sec. 212. Appeals.

- Sec. 213. Definition.
- Sec. 214. Authorization of appropriations.
- Sec. 215. Loan forgiveness for runaway and homeless youth workers.

Subtitle B—HUD McKinney-Vento Programs

- Sec. 221. Definition of homeless individual.
- Sec. 222. Eligibility of activities to provide family support services under emergency shelter grants program .
- Sec. 223. Eligibility of family strengthening projects to prevent youth homelessness under supportive housing program.

Subtitle C—John H. Chafee Foster Care Independence Program

- Sec. 231. John H. Chafee Foster Care Independence Program.

Subtitle D—Youth Offender Reentry Grants Program

- Sec. 241. Establishment of program.
- Sec. 242. Applications.
- Sec. 243. Allotments to states.
- Sec. 244. Use of funds.
- Sec. 245. Penalties.
- Sec. 246. Data collection and performance measurement.
- Sec. 247. Evaluations.
- Sec. 248. Limitations on authorization of appropriations.
- Sec. 249. Educational and training vouchers.

Subtitle E—Transitional Housing Program for Youth Victims of Commercial Sexual Exploitation

- Sec. 251. Transitional housing assistance for youth victims of commercial sexual exploitation.

TITLE III—YOUTH ACCESS TO SUPPORTIVE SERVICES

- Sec. 301. Work Opportunity Credit.
- Sec. 302. Unaccompanied youth access to Workforce Investment Activities.
- Sec. 303. Unaccompanied youth access to public health services.
- Sec. 304. Enhanced youth access to medical assistance under Medicaid.

TITLE IV—YOUTH ACCESS TO ELEMENTARY AND SECONDARY EDUCATION

- Sec. 401. Increased access to 21st Century Community Learning Centers.
- Sec. 402. Education for homeless children and youths.
- Sec. 403. Grants to increase student attendance.

TITLE V—YOUTH ACCESS TO POSTSECONDARY EDUCATION

- Sec. 501. Sense of Congress with respect to access to health care by minors at least 13 years of age.
- Sec. 502. Financial assistance for disconnected students.
- Sec. 503. Federal early outreach and student services programs for disconnected students.
- Sec. 504. Projects to increase enrollment and success of disconnected students in postsecondary education.
- Sec. 505. Continual access to student housing for homeless youth.

TITLE VI—YOUTH PERMANENT HOUSING

- Sec. 601. Housing choice vouchers for rental assistance for homeless youth.
- Sec. 602. Family unification vouchers for transitioning foster care youth.
- Sec. 603. Inclusion of youth in housing plans.
- Sec. 604. Sense of Congress regarding right of minors to enter into contracts for necessities.
- Sec. 605. Transitional housing assistance for youth victims of commercial sexual exploitation.
- Sec. 606. GAO study of housing assistance for low-income youth.

TITLE VII—YOUNG FAMILY CONCERNS

- Sec. 701. TANF State plan amendment.
- Sec. 702. Adult-supervised living arrangements.
- Sec. 703. Suspension of time limit for young adult parent involved in education or training.
- Sec. 704. Transitional compliance.
- Sec. 705. Sanction protections for minor parents.
- Sec. 706. Teen parent study and report.
- Sec. 707. Amendment to Child Care and Development Block Grant Act of 1990.

TITLE VIII—UNACCOMPANIED IMMIGRANT YOUTH

- Sec. 801. Definitions.

Subtitle A—Custody, Release, Family Reunification, and Detention

- Sec. 811. Procedures when encountering unaccompanied alien children.
- Sec. 812. Family reunification for unaccompanied alien children with relatives in the United States.
- Sec. 813. Appropriate conditions for detention of unaccompanied alien children.
- Sec. 814. Repatriated unaccompanied alien children.
- Sec. 815. Establishing the age of an unaccompanied alien child.
- Sec. 816. Effective date.

Subtitle B—Access by Unaccompanied Alien Children to Child Advocates and Counsel

- Sec. 821. Child advocates.
- Sec. 822. Counsel.
- Sec. 823. Preservation of law enforcement authority.
- Sec. 824. Effective date; applicability.

Subtitle C—Strengthening Policies for Permanent Protection of Alien Children

- Sec. 831. Special immigrant juvenile classification.
- Sec. 832. Training for officials and certain private parties who come into contact with unaccompanied alien children.
- Sec. 833. Report.
- Sec. 834. Effective date.

Subtitle D—Children Refugee and Asylum Seekers

- Sec. 841. Guidelines for Children's Asylum Claims.
- Sec. 842. Unaccompanied refugee children.

Sec. 843. Exceptions for unaccompanied alien children in asylum and refugee-like circumstances.

Subtitle E—Authorization of Appropriations

Sec. 851. Authorization of appropriations.

Subtitle F—Amendments to the Homeland Security Act of 2002

Sec. 861. Additional responsibilities and powers of the Office of Refugee Resettlement with respect to unaccompanied alien children.

Sec. 862. Technical corrections.

Sec. 863. Effective date.

TITLE IX—JUVENILE STATUS OFFENDERS

Sec. 901. Deinstitutionalization of status offenders.

1 **SEC. 3. FINDINGS; PURPOSE.**

2 (a) FINDINGS.—The Congress finds the following:

3 (1) Preventing and ending unaccompanied situ-
4 ations among the Nation’s youth is a family, com-
5 munity, State, and national concern.

6 (2) The population of unaccompanied youth in-
7 cludes individuals who are not more than age 18 and
8 who are not in the physical custody of a parent or
9 legal guardian, and individuals not less than age 18
10 and not more than age 25 who are experiencing
11 homelessness.

12 (3) The prevalence of unaccompanied situations
13 among youth in the Nation is staggering, with stud-
14 ies suggesting that between 1,600,000 and
15 2,800,000 unaccompanied young people experience
16 homelessness each year.

17 (4) Running away from home or from custodial
18 institutions is widespread, with 1 out of every 7 chil-

1 dren in the United States running away before the
2 age of 18.

3 (5) Youth who end up on the streets or in
4 emergency shelters are those who have been left or
5 evicted from their homes by their families due to se-
6 vere family conflict, an adult family member's sub-
7 stance abuse or mental illness, violence in the house-
8 hold, the youth's sexual orientation, the youth's
9 pregnant or parenting status, or the youth's delin-
10 quent behavior; who have been physically, sexually,
11 or emotionally abused at home; who have been sepa-
12 rated from their families for economic reasons, in-
13 cluding the whole family's homelessness; who have
14 been discharged by State custodial systems without
15 adequate transition plans; who have lost their par-
16 ents through death, incarceration, or divorce; and
17 who are young adults with incomes that are too low
18 to secure their basic needs.

19 (6) The future well-being of the Nation is de-
20 pendent on the value placed on all young people, in-
21 cluding youth in unaccompanied situations, and the
22 opportunities provided for youth to acquire the
23 knowledge, skills, and abilities necessary to develop
24 into safe, healthy, and productive adults.

1 (7) Many of the supports and services needed
2 to prevent and end unaccompanied situations among
3 youth are also important for assisting domiciled
4 youth in high risk situations and for strengthening
5 fragile families.

6 (8) It is imperative that the United States Gov-
7 ernment and the States provide unaccompanied
8 youth and youth in high risk situations with the sup-
9 ports and services they need to prevent and end un-
10 accompanied situations.

11 (9) The Nation's unaccompanied youth deserve
12 permanency, which is understood to include a lasting
13 connection to loving families, caring adults, and sup-
14 portive peers; a safe place to live; and the possession
15 of skills and resources necessary for a life of phys-
16 ical and mental wellness, continuous asset-building,
17 dignity, and joy.

18 (b) PURPOSE.—The purpose of the Act is to create
19 the conditions, structures, and supports needed to ensure
20 permanency for the Nation's unaccompanied youth.

1 **TITLE I—PREVENTION OF UNAC-**
2 **COMPANIED SITUATIONS**
3 **AMONG YOUTH**

4 **Subtitle A—Reduction of Family**
5 **Stressors Contributing to Unac-**
6 **companied Situations Among**
7 **Youth**

8 **SEC. 101. CHILD ABUSE PREVENTION AND TREATMENT**
9 **PROGRAMS.**

10 (a) **ADVISORY BOARD ON CHILD ABUSE AND NE-**
11 **GLECT.**—Section 102(c) of the Child Abuse Prevention
12 and Treatment Act (42 U.S.C. 5101(c)) is amended—

13 (1) by redesignating paragraphs (8) through
14 (13) as paragraphs (9) through (14), respectively;
15 and

16 (2) by inserting after paragraph (7) the fol-
17 lowing:

18 “(8) organizations with expertise in runaway
19 and homeless children and youth;”.

20 (b) **DISCRETIONARY GRANTS.**—Section 105(b) of
21 such Act (42 U.S.C. 5106(b)) is amended—

22 (1) by redesignating paragraph (5) as para-
23 graph (6); and

24 (2) by inserting after paragraph (4) the fol-
25 lowing:

1 “(5) Programs and projects to preserve, sup-
2 port or reunify families in which a child or youth
3 member is a runaway, homeless, or street youth or
4 at high risk of becoming a runaway, homeless, or
5 street youth.”.

6 (c) GENERAL PROGRAM AUTHORIZATION OF APPRO-
7 PRIATIONS.—

8 (1) IN GENERAL.—Section 112(a)(1) of such
9 Act (42 U.S.C. 5106h(a)(1)) is amended—

10 (A) by striking “2004” and inserting
11 “2009”; and

12 (B) by striking “2005 through 2008” and
13 inserting “2010 through 2013”.

14 (2) EFFECTIVE DATE.—The amendment made
15 by paragraph (1) shall take effect on September 30,
16 2008.

17 (d) COMMUNITY-BASED GRANTS PROGRAM AUTHOR-
18 IZATION OF APPROPRIATIONS.—

19 (1) IN GENERAL.—Section 210 of such Act (42
20 U.S.C. 5116i) is amended—

21 (A) by striking “2004” and inserting
22 “2009”; and

23 (B) by striking “2005 through 2008” and
24 inserting “2010 through 2013”.

1 (2) EFFECTIVE DATE.—The amendment made
2 by paragraph (1) shall take effect on September 30,
3 2008.

4 **SEC. 102. INCREASE IN FUNDING FOR THE PROMOTING**
5 **SAFE AND STABLE FAMILIES PROGRAM.**

6 Section 436(a) of the Social Security Act (42 U.C.S.
7 629f(a)) is amended by striking “\$345,000,000” and in-
8 serting “\$505,000,000”.

9 **SEC. 103. PARENTAL AND YOUTH SUBSTANCE ABUSE AND**
10 **MENTAL ILLNESS.**

11 (a) SUBSTANCE ABUSE PREVENTION AND TREAT-
12 MENT PERFORMANCE PARTNERSHIP BLOCK GRANT PRO-
13 GRAM.—Section 1935(a) of the Public Health Service Act
14 (42 U.S.C. 300x–35(a)) is amended—

15 (1) by striking “and” before “such sums”; and

16 (2) by inserting “, and \$2,500,000,000 for each
17 of fiscal years 2008 through 2012” before the period
18 at the end.

19 (b) PRIORITY SUBSTANCE ABUSE TREATMENT
20 NEEDS OF REGIONAL AND NATIONAL SIGNIFICANCE.—

21 Section 509(f) of the Public Health Service Act (42 U.S.C.
22 290bb–2(f)) is amended—

23 (1) by striking “and such sums” and inserting
24 “, such sums”; and

1 (2) by inserting “, and \$350,000,000 for each
2 of fiscal years 2008 through 2012” before the period
3 at the end.

4 (c) PRIORITY SUBSTANCE ABUSE PREVENTION
5 NEEDS OF REGIONAL AND NATIONAL SIGNIFICANCE.—
6 Section 516(f) of the Public Health Service Act (42 U.S.C.
7 290bb–22(f)) is amended—

8 (1) by striking “and” before “such sums”; and
9 (2) by inserting “, and \$350,000,000 for each
10 of fiscal years 2008 through 2012” before the period
11 at the end.

12 (d) BLOCK GRANTS FOR COMMUNITY MENTAL
13 HEALTH SERVICES.—Section 1920(a) of the Public
14 Health Service Act (42 U.S.C. 300x–9(a)) is amended—

15 (1) by striking “and” before “such sums”; and
16 (2) by inserting “, and \$500,000,000 for each
17 of fiscal years 2008 through 2012” before the period
18 at the end.

19 (e) PRIORITY MENTAL HEALTH NEEDS OF RE-
20 GIONAL AND NATIONAL SIGNIFICANCE.—Section
21 520A(f)(1) of the Public Health Service Act (42 U.S.C.
22 290bb–32(f)(1)) is amended—

23 (1) by striking “and” before “such sums”; and

1 (2) by inserting “, and \$350,000,000 for each
2 of fiscal years 2008 through 2012” before the period
3 at the end.

4 (f) GRANTS FOR STRENGTHENING FAMILIES.—Sec-
5 tion 519A(j) of the Public Health Service Act (42 U.S.C.
6 290bb–25a(j)) is amended—

7 (1) by striking “and” before “such sums”; and

8 (2) by inserting “\$20,000,000 for each of fiscal
9 years 2008 through 2012” before the period at the
10 end.

11 **SEC. 104. CURTAILMENT OF INVOLUNTARY SEPARATION OF**
12 **CHILDREN FROM THEIR FAMILIES.**

13 (a) CONDITION ON RECEIPT OF FEDERAL FOSTER
14 CARE OR ADOPTION ASSISTANCE FUNDS THAT STATE
15 NOT PLACE A CHILD IN FOSTER CARE BECAUSE THE
16 CHILD’S FAMILY IS HOMELESS OR LIVING IN SUB-
17 STANDARD HOUSING.—Section 471(a) of the Social Secu-
18 rity Act (42 U.S.C. 671(a)) is amended—

19 (1) by striking “and” at the end of paragraph
20 (26);

21 (2) by striking the period at the end of para-
22 graph (27) and inserting “; and”; and

23 (3) by adding at the end the following:

1 “(28) provide that the State shall have in effect
2 such laws and procedures as are necessary to ensure
3 that—

4 “(A) a child may not be placed in foster
5 care under the responsibility of the State solely
6 because the family with which the child is living
7 is homeless (as defined in paragraph (2) of sec-
8 tion 725 of the McKinney-Vento Homeless As-
9 sistance Act (42 U.S.C. 11434a)) or living in
10 substandard housing (as defined in section
11 204(b)(11) of the National Housing Act) or a
12 dwelling unit that is experiencing severe phys-
13 ical problems (as defined in subparagraph (F)
14 of such section); and

15 “(B) the State will work with the family
16 and State housing authorities to secure perma-
17 nent housing for any family that includes a
18 minor child and is homeless or at risk of becom-
19 ing homeless.”.

20 (b) STATE DEMONSTRATION GRANTS FOR FAMILY
21 VIOLENCE SERVICES.—Section 303(a)(2) of the Family
22 Violence Prevention and Services Act (42 U.S.C.
23 10402(a)(2)) is amended—

24 (1) by redesignating subparagraph (G) as sub-
25 paragraph (H); and

1 (2) by inserting after subparagraph (F) the fol-
2 lowing:

3 “(G) provide documentation that proce-
4 dures have been developed and implemented re-
5 garding admission to shelters whereby child and
6 youth members of a family or household unit
7 are permitted to remain with the whole family
8 or household unit; and”.

9 (c) SHELTER PROGRAMS.—

10 (1) FEMA EMERGENCY FOOD AND SHELTER
11 GRANTS PROGRAM.—

12 (A) PURPOSES OF GRANTS.—Section
13 313(b)(1) of the McKinney-Vento Homeless As-
14 sistance Act (42 U.S.C. 11343(b)(1)) is amend-
15 ed by inserting before the semicolon the fol-
16 lowing: “that establish and implement policies
17 regarding admission to the program whereby
18 child and youth members of a family or house-
19 hold unit are permitted to remain with the
20 whole family or household unit”.

21 (B) PROGRAM GUIDELINES.—Subsection
22 (a) of section 316 of the McKinney-Vento
23 Homeless Assistance Act (42 U.S.C. 11346(a))
24 is amended—

1 (i) in paragraph (5), by striking
2 “and” at the end;

3 (ii) in paragraph (6), by striking the
4 period at the end and inserting “; and”;
5 and

6 (iii) by adding at the end the fol-
7 lowing new paragraph :

8 “(7) guidelines prohibiting any private non-
9 profit organization and local government carrying
10 out a local emergency food and shelter program with
11 amounts provided under this subtitle from excluding,
12 from admission into any family shelter provided in
13 connection with the program, any family or house-
14 hold on the basis that such family or household in-
15 cludes any minor, unless the organization or govern-
16 ment provides such assurances, as the National
17 Board shall require, that an appropriate alternative
18 living arrangement for the whole family or household
19 unit has been secured.”.

20 (2) HUD HOMELESS PROGRAMS.—

21 (A) IN GENERAL.—Subtitle A of title IV of
22 the McKinney-Vento Homeless Assistance Act
23 (42 U.S.C. 11361 et seq.) is amended by add-
24 ing at the end the following new section:

1 **“SEC. 403. PROHIBITION OF INVOLUNTARY SEPARATION OF**
2 **YOUTH FROM THEIR FAMILIES.**

3 “In the case of any housing or shelter for families
4 provided using any amounts from a grant under this title,
5 no family or household may be excluded from admission
6 into such housing or shelter on the basis that such family
7 or household includes any minor, unless the State or local
8 government, private nonprofit organization, or other entity
9 administering such housing or shelter provides such assur-
10 ances, as the Secretary shall by regulation require, that
11 an appropriate alternative living arrangement for the
12 whole family or household unit has been secured.”.

13 (B) EMERGENCY SHELTER GRANTS PRO-
14 GRAM.—Section 415(c) of the McKinney-Vento
15 Homeless Assistance Act (42 U.S.C. 11375(c))
16 is amended—

17 (i) in subparagraph (6), by striking
18 “and” at the end;

19 (ii) in paragraph (7), by striking the
20 period at the end and inserting “; and”;
21 and

22 (iii) by adding at the end the fol-
23 lowing new paragraph:

24 “(8) it will, in the case of assistance involving
25 solely activities described in paragraphs (2) and (3)
26 of section 414(a), develop and implement procedures

1 regarding admission to the family emergency shelter
2 whereby child and youth members of a family or
3 household unit are permitted to remain with the
4 whole family or household unit.”.

5 (d) PROTECTING HOUSEHOLD MEMBERS WITHOUT
6 RECORDS FROM FEDERAL ONE-STRIKE EVICTION AND
7 SCREENING LAWS.—

8 (1) PUBLIC HOUSING LEASE PROVISIONS RE-
9 QUIRING EVICTION FOR CRIMINAL ACTIVITY.—Para-
10 graph (6) of section 6(l) of the United States Hous-
11 ing Act of 1937 (42 U.S.C. 1437d(l)(6)) is amended
12 by inserting before the first semicolon the following:
13 “, eviction, or removal of the tenant, member, or
14 guest or other person under the tenant’s control,
15 who is engaged in the criminal activity or drug-re-
16 lated criminal activity”.

17 (2) PUBLIC HOUSING LEASE PROVISIONS RE-
18 GARDING FUGITIVE FELONS AND PAROLE VIOLA-
19 TORS.—Paragraph (9) of section 6(l) of the United
20 States Housing Act of 1937 (42 U.S.C. 1437d(l)(9))
21 is amended—

22 (A) by redesignating the provision fol-
23 lowing subparagraph (A) (designated as para-
24 graph (2) and relating to violating a condition
25 of probation or parole) as subparagraph (B)

1 and realigning such provision so that the left
2 margin is aligned with the left margin of sub-
3 paragraph (A); and

4 (B) in the matter after and below subpara-
5 graph (B) (as so redesignated by subparagraph
6 (A) of this paragraph), by adding at the end
7 the following: “Notwithstanding any other pro-
8 vision of this paragraph, an owner or manager
9 shall bifurcate a lease under this subsection or
10 remove a household member from a lease under
11 this subsection, without regard to whether a
12 household member is a signatory to the lease,
13 in order to evict, remove, terminate occupancy
14 rights, or terminate assistance to any individual
15 who is a tenant or lawful occupant and who is
16 fleeing to avoid prosecution, or custody or con-
17 finement after conviction or violating a condi-
18 tion of probation or parole, without evicting, re-
19 moving, terminating occupancy rights, termi-
20 nating assistance to, or otherwise penalizing
21 other household members.”.

22 (3) SECTION 8 LEASE TERMS REQUIRING EVIC-
23 TION FOR CRIMINAL ACTIVITY.—Clause (iii) of sec-
24 tion 8(d)(1)(B) of the United States Housing Act of
25 1937 (42 U.S.C. 1437f(d)(1)(B)(iii)) is amended by

1 inserting after “termination of tenancy,” the fol-
2 lowing: “eviction, or removal of the tenant, member,
3 or guest or other person under the tenant’s control,
4 who is engaged in the criminal activity or drug-re-
5 lated criminal activity,”.

6 (4) SECTION 8 LEASE TERMS REGARDING FUGI-
7 TIVE FELONS AND PAROLE VIOLATORS.—Clause (v)
8 of section 8(d)(1)(B) of the United States Housing
9 Act of 1937 (42 U.S.C. 1437f(d)(1)(B)(v)) is
10 amended—

11 (A) by realigning such clause so that the
12 left margin is aligned with the left margin of
13 clause (iv); and

14 (B) by inserting after and below subclause
15 (II) the following:

16 “Notwithstanding any other provision of
17 this clause, an owner or manager shall bi-
18 furcate a lease under this subparagraph or
19 remove a household member from a lease
20 under this subparagraph, without regard
21 to whether a household member is a signa-
22 tory to a lease, in order to evict, remove,
23 terminate occupancy rights, or terminate
24 assistance to any individual who is a ten-
25 ant or lawful occupant and who is fleeing

1 to avoid prosecution, custody or confine-
2 ment after conviction or violating a condi-
3 tion of probation or parole, without evict-
4 ing, removing, terminating occupancy
5 rights, terminating assistance to, or other-
6 wise penalizing other household mem-
7 bers.”.

8 (5) VOUCHER PROGRAM LEASE TERMS REQUIR-
9 ING EVICTION FOR CRIMINAL ACTIVITY.—Subpara-
10 graph (D) of section 8(o)(7) of the United States
11 Housing Act of 1937 (42 U.S.C. 1437f(o)(7)(D)) is
12 amended by inserting before the first semicolon the
13 following: “, eviction, or removal of the tenant, mem-
14 ber, or guest or other person under the tenant’s con-
15 trol, who is engaged in the criminal activity or drug-
16 related criminal activity.”

17 (6) INELIGIBILITY OF ILLEGAL DRUG USERS
18 AND ALCOHOL ABUSERS.—Paragraph (1) of section
19 576(b) of the Quality Housing and Work Responsi-
20 bility Act of 1998 is amended by striking “for any
21 household with a member” and inserting “of any
22 household member”.

23 (7) AUTHORITY TO DENY ADMISSION TO CRIMI-
24 NAL OFFENDERS.—Paragraph (1) of section 576(c)
25 of the Quality Housing and Work Responsibility Act

1 of 1998 is amended by striking “such applicant”
2 and inserting “the member of the applicant’s house-
3 hold who was engaging in such activity”.

4 (8) INELIGIBILITY OF DANGEROUS SEX OF-
5 FENDERS.—Subsection (a) of section 578 of the
6 Quality Housing and Work Responsibility Act of
7 1998 (42 U.S.C. 13663(a)) is amended to read as
8 follows:

9 “(a) IN GENERAL.—Notwithstanding any other pro-
10 vision of law, an owner of federally assisted housing shall
11 prohibit admission to such housing of any individual who
12 is subject to a lifetime registration requirement under a
13 State sex offender registration program.”.

14 **Subtitle B—Equal Protection of**
15 **Youth in Child Welfare System**

16 **SEC. 111. EXPANDED ELIGIBILITY FOR FOSTER CARE AND**
17 **ADOPTION ASSISTANCE.**

18 (a) FOSTER CARE.—

19 (1) ELIMINATION OF INCOME ELIGIBILITY RE-
20 QUIREMENT.—

21 (A) IN GENERAL.—Section 472(a) of the
22 Social Security Act (42 U.S.C. 672(a)) is
23 amended—

24 (i) in paragraph (1), by striking
25 “—” and all that follows and inserting

1 “the removal and foster care placement
2 met, and continues to meet the require-
3 ments of paragraph (2).”; and

4 (ii) by striking paragraphs (3) and
5 (4).

6 (B) CONFORMING AMENDMENT.—Section
7 470 of such Act (42 U.S.C. 670) is amended by
8 striking “who otherwise would have been eligi-
9 ble for assistance under the State’s plan ap-
10 proved under part A (as such plan was in effect
11 on June 1, 1995)”.

12 (2) FOSTER CARE MAINTENANCE PAYMENTS
13 MATCH RATE.—Section 474 of such Act (42 U.S.C.
14 674) is amended—

15 (A) in subsection (a)(1), by inserting “,
16 subject to subsection (g)(1)” before the semi-
17 colon; and

18 (B) by adding at the end the following:

19 “(g)(1)(A) The Secretary shall reduce the percentage
20 by which expenditures referred to in subsection (a)(1) are
21 reimbursed, by such equal percentage for all States as may
22 be necessary to ensure that—

23 “(i) the ratio, for any calendar quarter, of
24 the total of the amounts payable to States
25 under such subsection to the total of all

1 amounts expended by the States as foster care
2 maintenance payments (whether or not eligible
3 for reimbursement under this part), excluding
4 any expenditure made from other funds pro-
5 vided by the Federal Government or from State
6 funds with respect to which matching funds are
7 provided by the Federal Government; equals

8 “(ii) the average such ratio for the 12
9 quarters most recently preceding the effective
10 date of this subsection.

11 “(B) The Secretary shall establish procedures to
12 allow States to submit to the Secretary supplemental
13 claims for reimbursement of expenditures referred to in
14 subsection (a)(1) incurred during the 3-year period begin-
15 ning with the effective date of this subsection.

16 “(C) The Secretary shall pay a claim submitted pur-
17 suant to subparagraph (B) with respect to an expenditure,
18 to the extent that, in the absence of this paragraph, an
19 amount would be payable under this part with respect to
20 the expenditure.

21 “(D) For each State with respect to which a claim
22 has been paid under subparagraph (B) of this paragraph,
23 the Secretary shall—

24 “(i) calculate the overall rate at which the ex-
25 penditures referred to in subsection (a)(2) have been

1 reimbursed under this part during the 3-year period
2 described in subparagraph (B) of this paragraph;
3 and

4 “(ii) for each subsequent calendar quarter, re-
5 imburse the expenditures at the overall rate.”.

6 (3) MAINTENANCE OF EFFORT.—Section
7 471(a) of such Act (42 U.S.C. 671(a)), as amended
8 by section 104(a) of this Act, is amended—

9 (A) by striking “and” at the end of para-
10 graph (27);

11 (B) by striking the period at the end of
12 paragraph (28) and inserting “; and”; and

13 (C) by adding at the end the following:

14 “(29) provides that the total of the amounts ex-
15 pended by the State in any fiscal year for foster care
16 maintenance payments, family preservation services
17 (as defined in section 431(a)(1)), family support
18 services (as defined in section 431(a)(2)), time-lim-
19 ited family reunification services (as defined in sec-
20 tion 431(a)(7)), and adoption promotion and sup-
21 port services (as defined in section 431(a)(8)) shall
22 be not less than the average annual total of the
23 amounts expended by the State in fiscal years 2001
24 through 2006 for foster care maintenance payments
25 for children with respect to whom the payments were

1 not required by section 472(a) to be made solely be-
2 cause the children did not meet the requirement of
3 section 472(a)(1)(B) (as then in effect).”.

4 (b) ADOPTION ASSISTANCE.—

5 (1) ELIMINATION OF INCOME ELIGIBILITY RE-
6 QUIREMENT.—Section 473(a)(2) of such Act (42
7 U.S.C. 673(a)(2)) is amended to read as follows:

8 “(2)(A) For purposes of paragraph (1)(B)(ii), a
9 child meets the requirements of this paragraph if the
10 child—

11 “(i)(I) at the time adoption proceedings
12 were initiated, had been removed from his or
13 her home—

14 “(aa) pursuant to a voluntary place-
15 ment agreement with respect to which
16 Federal payments are provided under sec-
17 tion 474; or

18 “(bb) as a result of a judicial deter-
19 mination to the effect that continuation
20 therein would be contrary to the welfare of
21 the child;

22 “(II) is eligible for supplemental security
23 income benefits under title XVI; or

24 “(III) is a child whose costs in a foster
25 family home or child-care institution are cov-

1 ered by the foster care maintenance payments
2 being made with respect to the minor parent of
3 the child as described in section 475(4)(B); and

4 “(ii) has been determined by the State,
5 pursuant to subsection (c), to be a child with
6 special needs.

7 “(B) A child who meets the requirements
8 of subparagraph (A)(ii) of this paragraph, who
9 was determined eligible for adoption assistance
10 payments under this part with respect to a
11 prior adoption, and who is available for adop-
12 tion because the prior adoption has been dis-
13 solved and the parental rights of the adoptive
14 parents have been terminated or because the
15 child’s adoptive parents have died, shall be
16 treated as meeting the requirements of this
17 paragraph for purposes of paragraph
18 (1)(B)(ii).”.

19 (2) ADOPTION ASSISTANCE PAYMENTS MATCH
20 RATE.—Section 474 of such Act (42 U.S.C. 674) is
21 amended—

22 (A) in subsection (a)(2), by inserting “,
23 subject to subsection (g)(2)” before the semi-
24 colon; and

1 (B) by adding at the end of subsection (g)
2 (as added by subsection (a)(2)(B) of this sec-
3 tion) the following:

4 “(2)(A) The Secretary shall reduce the percentage by
5 which the expenditures referred to in subsection (a)(2) are
6 reimbursed, by such equal percentage for all States as may
7 be necessary to ensure that—

8 (i) the ratio, for any calendar quarter, of the
9 total of the amounts payable to States under such
10 subsection to the total of all amounts expended by
11 the States as adoption assistance payments (whether
12 or not eligible for reimbursement under this part),
13 excluding any expenditure made from other funds
14 provided by the Federal Government or from State
15 funds with respect to which matching funds are pro-
16 vided by the Federal Government; equals

17 (ii) the average such ratio for the 12 quarters
18 most recently preceding the effective date of this
19 subsection.

20 (B) The Secretary shall establish procedures to
21 allow States to submit to the Secretary supplemental
22 claims for reimbursement of expenditures referred to in
23 subsection (a)(2) incurred during the 3-year period begin-
24 ning with the effective date of this subsection.

1 “(C) The Secretary shall pay a claim submitted pur-
2 suant to subparagraph (B) with respect to an expenditure,
3 to the extent that, in the absence of this paragraph, an
4 amount would be payable under this part with respect to
5 the expenditure.

6 “(D) For each State with respect to which a claim
7 has been paid under subparagraph (B) of this paragraph,
8 the Secretary shall—

9 “(i) calculate the overall rate at which the ex-
10 penditures referred to in subsection (a)(2) have been
11 reimbursed under this part during the 3-year period
12 described in subparagraph (B) of this paragraph;
13 and

14 “(ii) for each subsequent calendar quarter, re-
15 imburse the expenditures at the overall rate.”.

16 (c) ADMINISTRATIVE COSTS.—

17 (1) IN GENERAL.—Section 474 of such Act (42
18 U.S.C. 674) is amended—

19 (A) in subsection (a)(3)(E), by inserting “,
20 subject to subsection (g)(3)” after “expendi-
21 tures”; and

22 (B) by adding at the end of subsection (g)
23 (as added by subsection (a)(2)(B) of this sec-
24 tion) the following:

1 “(3)(A) The Secretary shall reduce the percentage by
2 which the expenditures referred to in subsection (a)(3)(E)
3 are reimbursed, by such equal percentage for all States
4 as may be necessary to ensure that—

5 “(i) the ratio, for any calendar quarter, of the
6 total of the amounts payable to States under sub-
7 section (a)(3)(E) to the total of all amounts ex-
8 pended by the States for expenditures referred to in
9 such subsection (whether or not eligible for reim-
10 bursement under this part), excluding any expendi-
11 ture made from other funds provided by the Federal
12 Government or from State funds with respect to
13 which matching funds are provided by the Federal
14 Government; equals

15 “(ii) the average such ratio for the 12 quarters
16 most recently preceding the effective date of this
17 subsection.

18 “(B) The Secretary shall establish procedures to
19 allow States to submit to the Secretary supplemental
20 claims for reimbursement of expenditures referred to in
21 subsection (a)(3)(E) incurred during the 3-year period be-
22 ginning with the effective date of this subsection.

23 “(C) The Secretary shall pay a claim submitted pur-
24 suant to subparagraph (B) with respect to an expenditure,
25 to the extent that, in the absence of this paragraph, an

1 amount would be payable under this part with respect to
2 the expenditure.

3 “(D) For each State with respect to which a claim
4 has been paid under subparagraph (B) of this paragraph,
5 the Secretary shall—

6 “(i) calculate the overall rate at which the ex-
7 penditures referred to in subsection (a)(3)(E) have
8 been reimbursed under this part during the 3-year
9 period described in subparagraph (B) of this para-
10 graph; and

11 “(ii) for each subsequent calendar quarter, re-
12 imburse the expenditures at the overall rate.”.

13 (2) LIMITATION ON EXPENDITURES NOT RE-
14 LATED TO PLACEMENT OR CASE MANAGEMENT AC-
15 TIVITIES.—Section 474 of such Act (42 U.S.C. 674),
16 as amended by the preceding provisions of this sec-
17 tion, is amended by adding at the end the following:

18 “(h) A State shall not use more than 15 percent of
19 the amounts paid to the State under this part for expendi-
20 tures relating to determining eligibility, setting rates for
21 foster care homes and institutions, and the proportionate
22 share of related agency overhead.”.

23 (d) REMOVAL OF TITLE IV–E FROM FUNDING CAP
24 FOR THE TERRITORIES.—Section 1108 of such Act (42
25 U.S.C. 1308) is amended in each of subsections (a) and

1 (b)(1), by striking “parts A and E” and inserting “part
2 A”.

3 (e) CONFORMING CHANGES FOR FMAP FOR THE
4 DISTRICT OF COLUMBIA.—Section 474(a) of such Act (42
5 U.S.C. 674(a)) is amended in each of paragraphs (1) and
6 (2) by striking “(as defined in section 1905(b) of this
7 Act)” inserting “(which shall be as defined in section
8 1905(b), in the case of a State other than the District
9 of Columbia, or 70 percent, in the case of the District
10 of Columbia)”.

11 **SEC. 112. KINSHIP GUARDIANSHIP ASSISTANCE PAYMENTS.**

12 (a) IN GENERAL.—Section 473 of the Social Security
13 Act (42 U.S.C. 670–679b) is amended by adding at the
14 end the following:

15 “(d) KINSHIP GUARDIANSHIP ASSISTANCE PAY-
16 MENTS FOR CHILDREN.—

17 “(1) IN GENERAL.—Each State with a plan ap-
18 proved under this part may, at State option, enter
19 into kinship guardianship assistance agreements to
20 provide kinship guardianship assistance payments on
21 behalf of children to grandparents and other rel-
22 atives who have assumed legal guardianship (as de-
23 fined in section 475(7)) of the children for whom
24 they have cared as foster parents and for whom they
25 have committed to care for on a permanent basis.

1 “(2) KINSHIP GUARDIANSHIP ASSISTANCE
2 AGREEMENT.—

3 “(A) IN GENERAL.—In order to receive
4 payments under section 474(a)(6), a State
5 shall—

6 “(i) negotiate and enter into a writ-
7 ten, binding kinship guardianship assist-
8 ance agreement with the prospective rel-
9 ative guardian of a child who meets the re-
10 quirements of this paragraph;

11 “(ii) provide the prospective relative
12 guardian with a copy of the agreement;
13 and

14 “(iii) certify that any child on whose
15 behalf kinship guardianship assistance pay-
16 ments are made under the agreement shall
17 be provided medical assistance under title
18 XIX in accordance with section
19 1902(a)(10)(A)(i)(I).

20 “(B) MINIMUM REQUIREMENTS.—The
21 agreement shall specify, at a minimum—

22 “(i) the amount of, and manner in
23 which, each kinship guardianship assist-
24 ance payment will be provided under the
25 agreement;

1 “(ii) the additional services and assist-
2 ance that the child and relative guardian
3 will be eligible for under the agreement;

4 “(iii) the procedure by which the rel-
5 ative guardian may apply for additional
6 services as needed, provided the agency
7 and relative guardian agree on the addi-
8 tional services as specified in the case plan;
9 and

10 “(iv) subject to subparagraph (D),
11 that the State will pay the total cost of
12 nonrecurring expenses associated with ob-
13 taining legal guardianship of the child.

14 “(C) INTERSTATE APPLICATION.—The
15 agreement shall provide—

16 “(i) that the agreement shall remain
17 in effect without regard to the State resi-
18 dency of the kinship guardian; and

19 “(ii) for the protection of the interests
20 of the child in any case where the kinship
21 guardian and the child move to another
22 State while the agreement is in effect.

23 “(D) NO EFFECT ON FEDERAL REIM-
24 BURSEMENT.—Nothing in subparagraph (B)(iv)
25 shall be construed as affecting the ability of the

1 State to obtain reimbursement from the Fed-
2 eral Government for costs described in that
3 subparagraph.

4 “(3) KINSHIP GUARDIANSHIP ASSISTANCE PAY-
5 MENT.—

6 “(A) IN GENERAL.—The kinship guardian-
7 ship assistance payment shall be based on con-
8 sideration of the needs of the relative guardian
9 and of the child and shall be at least equal to
10 the amount of the foster care maintenance pay-
11 ment for which the child would have been eligi-
12 ble if the child had remained in foster care, or,
13 at State option, the amount of the adoption as-
14 sistance payment for which the child would
15 have been eligible if the child had been adopted.
16 The payment may be readjusted periodically
17 based on relevant changes in such needs.

18 “(B) LIMITATION.—A kinship guardian-
19 ship assistance payment may not be made to a
20 relative guardian for any child who has attained
21 21 years of age.

22 “(4) CHILD’S ELIGIBILITY FOR A KINSHIP
23 GUARDIANSHIP ASSISTANCE PAYMENT.—

24 “(A) IN GENERAL.—A child is eligible for
25 a kinship guardianship assistance payment

1 under this subsection if the State agency deter-
2 mines the following:

3 “(i) The child has been—

4 “(I) removed from his or her
5 home pursuant to a voluntary place-
6 ment agreement or as a result of a ju-
7 dicial determination to the effect that
8 continuation in the home would be
9 contrary to the welfare of the child;

10 “(II) under the care of the State
11 agency for the 12-month period end-
12 ing on the date of the agency deter-
13 mination; and

14 “(III) eligible for foster care
15 maintenance payments under section
16 472.

17 “(ii) Being returned home or adopted
18 are not appropriate permanency options
19 for the child.

20 “(iii) The child demonstrates a strong
21 attachment to the prospective relative
22 guardian and the relative guardian has a
23 strong commitment to caring permanently
24 for the child.

1 “(iv) With respect to a child who has
2 attained 14 years of age, the child has
3 been consulted regarding the kinship
4 guardianship arrangement.

5 “(B) TREATMENT OF SIBLINGS.—With re-
6 spect to a child described in subparagraph (A)
7 whose sibling or siblings are not so described—

8 “(i) the child and any sibling of the
9 child may be placed in the same kinship
10 guardianship arrangement if the State
11 agency and the relative agree on the appro-
12 priateness of the arrangement for the sib-
13 lings; and

14 “(ii) kinship guardianship assistance
15 payments may be paid for the child and
16 each sibling so placed.”.

17 (b) CONFORMING AMENDMENTS.—

18 (1) STATE PLAN REQUIREMENT.—Section
19 471(a)(20)(A) of such Act (42 U.S.C.
20 671(a)(20)(A)) is amended by striking “before the
21 foster or adoptive parent may be finally approved for
22 placement of a child regardless of whether foster
23 care maintenance payments or adoption assistance
24 payments” and inserting “or relative guardian be-
25 fore the foster or adoptive parent or relative guard-

1 ian may be finally approved for placement of a child
2 regardless of whether foster care maintenance pay-
3 ments, adoption assistance payments, or kinship
4 guardianship assistance payments”.

5 (2) MAINTENANCE OF ELIGIBILITY FOR ADOPT-
6 TION ASSISTANCE.—Section 473(a) of such Act (42
7 U.S.C. 673(a)) is amended by adding at the end the
8 following:

9 “(7) The adoptive parents of a child who has
10 been determined by the State, pursuant to sub-
11 section (c), to be a child with special needs and on
12 whose behalf kinship guardianship assistance pay-
13 ments have been made under subsection (d) shall be
14 eligible for adoption assistance as if no kinship
15 guardianship assistance agreement or payments had
16 been made. The State shall make payments of non-
17 recurring adoption expenses under this section to the
18 adoptive parents of such a child. The State may
19 make adoption assistance payments under this sec-
20 tion even if the child fails to meet the requirements
21 of subparagraphs (A) and (B) of paragraph (2), if
22 the child would meet the requirements of such sub-
23 paragraphs if the child were treated as if the child
24 were in the same financial and other circumstances

1 the child was in at the time the kinship guardianship
2 assistance agreement was made.”.

3 (3) PAYMENTS TO STATES.—Section 474(a) of
4 such Act (42 U.S.C. 674(a)) is amended—

5 (A) by striking the period at the end and
6 inserting “; plus”; and

7 (B) by adding at the end the following:

8 “(6) an amount equal to the percentage by
9 which the expenditures referred to in paragraph (2)
10 of this subsection are reimbursed (after applying the
11 reduction required by subsection (g)(2)(A) of this
12 section) of the total amount expended during such
13 quarter as kinship guardianship assistance payments
14 under section 473(d) pursuant to kinship guardian-
15 ship assistance agreements.”.

16 (4) DEFINITIONS.—Section 475(1) of such Act
17 (42 U.S.C. 675(1)) is amended by adding at the end
18 the following:

19 “(F) In the case of a child with respect to
20 whom the permanency plan is placement with a
21 relative and receipt of kinship guardianship as-
22 sistance payments under section 473(d), a de-
23 scription of—

24 “(i) the steps that the agency has
25 taken to determine that it is not appro-

1 priate for the child to be returned home or
2 adopted;

3 “(ii) the reasons why a permanent
4 placement with a fit and willing relative
5 through a kinship guardianship assistance
6 arrangement is in the child’s best interests;

7 “(iii) the ways in which the child
8 meets the eligibility requirements for a kin-
9 ship guardianship assistance payment;

10 “(iv) the efforts the agency has made
11 to discuss adoption by the child’s relative
12 foster parent as a more permanent alter-
13 native to legal guardianship and, in the
14 case of a relative foster parent who has
15 chosen not to pursue adoption, documenta-
16 tion of the reasons therefor; and

17 “(v) the efforts made by the State
18 agency to secure the consent of the child’s
19 parent or parents to the kinship guardian-
20 ship assistance arrangement, or the rea-
21 sons why the efforts were not made.”.

22 (c) NOTICE TO RELATIVES WHEN CHILDREN ENTER
23 FOSTER CARE.—

24 (1) IN GENERAL.—Section 471(a)(19) of such
25 Act (42 U.S.C. 671(a)(19)) is amended—

1 (A) by striking “that the State” and in-
2 serting “that—

3 “(A) the State”;

4 (B) by adding “and” after the semicolon;
5 and

6 (C) by adding at the end the following:

7 “(B) within 60 days of the removal of the
8 child from the custody of the parent or parents
9 of the child, the State shall identify and give
10 notice to all adult relatives of the child (includ-
11 ing any other adult relatives suggested by the
12 parents or parents), subject to exceptions due
13 to family or domestic violence, that—

14 “(i) specifies that the child has been
15 or is being removed from the custody of
16 the parent or parents; and

17 “(ii) explains the options the relative
18 has under Federal, State, and local law to
19 participate in the care and placement of
20 the child, including any options that may
21 be lost by failing to respond to the no-
22 tice;”.

23 (2) EFFECTIVE DATE.—The amendments made
24 by this section shall take effect on October 1, 2007.

1 **SEC. 113. FLEXIBILITY TO ESTABLISH SEPARATE STAND-**
2 **ARDS FOR RELATIVE FOSTER FAMILY**
3 **HOMES.**

4 Section 471(a)(10) of the Social Security Act (42
5 U.S.C. 671(a)(10)) is amended by inserting before the
6 semicolon the following: “, and, at the option of the State,
7 that the authority or authorities may—

8 “(A) establish and maintain separate standards
9 for foster family homes in which a foster parent is
10 a relative of the foster child, that, at a minimum,
11 protect the safety of the child and provide for crimi-
12 nal records checks as described in paragraph (20);
13 and

14 “(B) apply the standards referred to in sub-
15 paragraph (A) of this paragraph to any such relative
16 foster care provider to whom funds are paid pursu-
17 ant to section 472 or part B in lieu of the standards
18 that would otherwise apply to a foster family
19 home.”.

20 **SEC. 114. APPLICATION OF STANDARDS TO ALL CHILDREN.**

21 Section 471(a)(10) of the Social Security Act (42
22 U.S.C. 671(a)(10)) is amended by striking “receiving
23 funds under this part or part B of this title” and inserting
24 “caring for a child who is in the custody of the State”.

1 **SEC. 115. ELIGIBILITY FOR FOSTER CARE MAINTENANCE**
2 **PAYMENTS AND ADOPTION ASSISTANCE PAY-**
3 **MENTS THROUGH AGE 20.**

4 (a) FOSTER CARE MAINTENANCE PAYMENTS.—Sec-
5 tion 472 of the Social Security Act (42 U.S.C. 672), as
6 amended by subsections (a)(1)(A)(i) and (e)(1) of section
7 111 of this Act, is amended—

8 (1) in subsection (a)—

9 (A) by striking paragraph (1) and insert-
10 ing the following:

11 “(1) ELIGIBILITY.—Each State with a plan ap-
12 proved under this part shall make foster care main-
13 tenance payments on behalf of—

14 “(A) each child who has been removed
15 from the home of a relative specified in section
16 406(a) (as in effect on July 16, 1996) into fos-
17 ter care if the removal and foster care place-
18 ment met, and the placement continues to meet,
19 the requirements of paragraph (2) of this sub-
20 section; and

21 “(B) each child who is an individual de-
22 scribed in subsection (j)(2) of this section who
23 has entered foster care under the responsibility
24 of the State if the foster care placement met
25 and continues to meet the requirements of
26 paragraph (3) of this subsection.”;

1 (B) in the paragraph heading of paragraph
2 (2) by inserting “APPLICABLE TO MINORS”
3 after “REQUIREMENTS”; and

4 (C) by adding at the end the following:

5 “(3) FOSTER CARE PLACEMENT REQUIRE-
6 MENTS APPLICABLE TO CHILDREN WHO HAVE AT-
7 TAINED THE AGE OF MAJORITY.—The foster care
8 placement of a child who is an individual described
9 in subsection (j)(2) meets the requirements of this
10 paragraph if—

11 “(A) the foster care placement is in ac-
12 cordance with a voluntary placement agreement
13 entered into by the individual;

14 “(B) the individual’s placement and care
15 meet the requirement of paragraph (2)(B) of
16 this subsection; and

17 “(C)(i) the individual has been placed in a
18 foster family home, child-care institution, or
19 dwelling described in subsection (b)(3)(C); or

20 “(ii) the individual has secured a dwelling
21 described in subsection (b)(3)(D).”;

22 (2) in subsection (b)—

23 (A) by striking “or” at the end of para-
24 graph (1);

1 (B) by striking the period at the end of
2 paragraph (2) and inserting “, or”; and

3 (C) by adding at the end the following:

4 “(3) in the case of a child who is an individual
5 described in subsection (j)(2) of this section—

6 “(A) in a home described in paragraph (1),
7 in accordance with the payment rules set forth
8 in paragraph (1);

9 “(B) in an institution described in para-
10 graph (2), in accordance with the payment rules
11 set forth in paragraph (2);

12 “(C) in a dwelling operated by an agency
13 that provides social services to children and
14 their families which supplements, supports, or
15 substitutes parental care and supervision for
16 the purpose of safeguarding and promoting the
17 welfare of children, and that meets such stand-
18 ards for licensure or approval as are established
19 by the State for the provision of the services,
20 whether the payments therefor are made to the
21 agency or directly to the individual; or

22 “(D) in housing rented or leased by the in-
23 dividual.”;

24 (3) in subsection (e), by inserting “minor” be-
25 fore “child who”;

1 (4) in subsection (f)—

2 (A) in paragraph (1)—

3 (i) by striking “a minor” and insert-
4 ing “a child”; and

5 (ii) by striking “the minor” and in-
6 serting “the child (or, if the child has at-
7 tained 18 years of age, the child himself or
8 herself)”; and

9 (B) in paragraph (2)—

10 (i) by striking “a minor child” and in-
11 serting “a child (or, if the child has at-
12 tained 18 years of age, the child himself or
13 herself)”; and

14 (ii) by inserting “(if the child is a
15 minor)” after “obligations of the parents
16 or guardians”; and

17 (5) by adding at the end the following:

18 “(j) In this section, the term ‘child’ means—

19 “(1) a minor child; and

20 “(2) an individual who—

21 “(A) has not attained 21 years of age; and

22 “(B) has been emancipated from foster
23 care under the responsibility of the State by
24 reason of attaining the age of majority.”.

25 (b) ADOPTION ASSISTANCE PAYMENTS.—

1 (1) IN GENERAL.—Section 473(a)(1)(A) of such
2 Act (42 U.S.C. 673(a)(1)(A)) is amended by insert-
3 ing “who have not attained 21 years of age” before
4 the period.

5 (2) CONFORMING AMENDMENT.—Section
6 473(a)(4)(A) of such Act (42 U.S.C. 673(a)(4)(A))
7 is amended by striking “the age of eighteen” and all
8 that follows through “twenty-one” and inserting “21
9 years of age”.

10 (c) CONFORMING AMENDMENT.—Section 474(a)(1)
11 of such Act (42 U.S.C. 674(a)(1)) is amended by striking
12 “under section 472 for children in foster family homes or
13 child-care institutions” and inserting “in accordance with
14 section 472”.

15 **SEC. 116. YOUTH ACCESS TO THE CHILD WELFARE SYSTEM.**

16 Within 12 months after the date of the enactment
17 of this Act, the Comptroller General of the United States
18 shall submit to the Committees on Ways and Means and
19 on Education and Labor of the House of Representatives
20 and the Committees on Finance and on Health, Edu-
21 cation, Labor, and Pensions of the Senate a report on the
22 policies and practices of the States regarding (1) access
23 to child welfare services (including services related to fos-
24 ter care and adoption) by children who have attained 13
25 years of age, (2) and consideration of runaway and home-

1 less situations as risk assessment factors for determining
2 the appropriateness of placement in the child welfare sys-
3 tem. The report shall include an inventory of the policies
4 and practices, an assessment of the effectiveness of the
5 policies and practices, and such recommendations for Fed-
6 eral or State legislative or regulatory action as may be
7 appropriate.

8 **Subtitle C—Reduction of Youth In-**
9 **stitutional Discharge Into**
10 **Homelessness**

11 **SEC. 121. DISCHARGE FROM CHILD WELFARE SYSTEM.**

12 (a) STATE PLANS REQUIRED TO DESCRIBE STATE
13 POLICIES AND PROCEDURES REGARDING RUNAWAY OR
14 MISSING FOSTER CHILDREN.—Section 471(a) of the So-
15 cial Security Act (42 U.S.C. 671(a)), as amended by sec-
16 tions 104(a) and 111(a)(3) of this Act, is amended—

17 (1) by striking “and” at the end of paragraph
18 (28);

19 (2) by striking the period at the end of para-
20 graph (29) and inserting “; and”; and

21 (3) by adding at the end the following:

22 “(30) describes the written policies and proce-
23 dures of the State that are designed to reduce the
24 incidence of children missing or running away from

1 foster care, and to locate and return such children
2 to foster placements.”.

3 (b) JUDICIAL REVIEW OF PERMANENCY PLAN FOR
4 CHILD LEAVING FOSTER CARE.—Section 475(5)(C) of
5 such Act (42 U.S.C. 675(5)(C)) is amended—

6 (1) by striking “and (iii)” and inserting “(iii)”;
7 and

8 (2) by adding at the end the following: “and
9 (iv) procedural safeguards shall be applied to assure
10 that the final permanency hearing regarding the
11 transition of the child from foster care to a planned,
12 permanent living arrangement or independent living
13 is held in a family or juvenile court or another court
14 (including a tribal court) of competent jurisdiction;”.

15 (c) CASE PLANS TO INCLUDE DESCRIPTION OF
16 HOUSING ARRANGEMENTS FOR CHILDREN AGING OUT OF
17 FOSTER CARE.—Section 475(1)(D) of such Act (42
18 U.S.C. 675(1)(D)) is amended by inserting “, and of the
19 steps taken to ensure that such child will have a perma-
20 nent living arrangement if they are emancipated from fos-
21 ter care and (in the case of a child age 17 or over or with
22 a permanency goal of emancipation) documentation of the
23 permanent living arrangements upon emancipation” be-
24 fore the period.

1 (d) REVIEW OF STEPS TAKEN TO ENSURE APPRO-
2 PRIATE HOUSING FOR CHILDREN LEAVING FOSTER
3 CARE.—Section 475(5)(C)(iii) of such Act (42 U.S.C.
4 675(5)(C)(iii)) is amended by inserting “, and reviews all
5 documentation of the efforts to secure a permanent living
6 arrangement for the child upon emancipation from foster
7 care” before the semicolon.

8 (e) MODIFICATION OF CASE PLAN REQUIRE-
9 MENTS.—Section 475(1)(D) of such Act (42 U.S.C.
10 675(1)(D)) is amended to read as follows:

11 “(D) Where appropriate, for a child who
12 has attained 14 years of age (and, at State op-
13 tion, any other child), a written description of
14 the programs and services that will facilitate
15 the transition of the child from foster care to
16 independent living, including a discussion of the
17 appropriateness of the services that have been
18 provided to the child under the plan. The plan
19 for these youth shall also include documentation
20 of the steps the agency is taking to find a per-
21 manent placement with a family or other adult
22 connection for the youth, and a permanent liv-
23 ing arrangement.”.

1 **SEC. 122. RECEIPT OF CERTAIN JUVENILE JUSTICE FOR-**
2 **MULA GRANT FUNDS CONDITIONED ON**
3 **STATES' POLICIES TO ENSURE APPROPRIATE**
4 **HOUSING FOR JUVENILES RELEASED INTO**
5 **THE COMMUNITY AND TO REDUCE RATES OF**
6 **RUNAWAYS.**

7 Section 223(a) of the Juvenile Justice and Delin-
8 quency Prevention Act of 1974 (42 U.S.C. 5633(a)) is
9 amended—

10 (1) in paragraph (27), at the end by striking
11 “and”;

12 (2) in paragraph (28), at the end by striking
13 the period and inserting a semicolon; and

14 (3) by adding at the end the following new
15 paragraphs:

16 “(28) provide a description of the State’s use of
17 funds under this part and other funds for post-re-
18 lease and aftercare services for juveniles released
19 from confinement in a juvenile justice facility;

20 “(29) provide that there is in effect in the State
21 such policies and procedures as are necessary to en-
22 sure that upon release of a juvenile from the juvenile
23 justice system of the State into the community, the
24 juvenile will be placed in a stable environment that
25 consists of appropriate permanent or transitional
26 housing until permanent housing is available; and

1 “(30) provide that the State has in effect (or
2 will develop and implement) standards to—

3 “(A) reduce the rate of occurrence of juve-
4 niles running away from placements in secure
5 detention or confinement or nonsecure residen-
6 tial placements;

7 “(B) locate juveniles who have run away
8 from such placements; and

9 “(C) return such juveniles to such respec-
10 tive placements.”.

11 **SEC. 123. DISCHARGE PLANNING FROM PRIVATE AND PUB-**
12 **LIC INPATIENT HEALTH FACILITIES RE-**
13 **QUIRED FOR PURPOSES OF CERTAIN SUB-**
14 **STANCE ABUSE AND MENTAL HEALTH PRO-**
15 **GRAMS AND THE MEDICAID PROGRAM.**

16 (a) REQUIREMENT APPLIED TO SAMHSA GRANT
17 PROGRAMS UNDER TITLE V OF THE PHSA.—Part D of
18 title V of the Public Health Service Act (42 U.S.C. 290dd
19 et seq.) is amended by adding at the end the following
20 section:

21 **“SEC. 544. DISCHARGE PLANNING IN PRIVATE AND PUBLIC**
22 **HOSPITALS AND INPATIENT FACILITIES.**

23 “Any private or public hospital, nursing home, hos-
24 pice program, subacute care facility, transitional care fa-
25 cility, residential treatment facility, rehabilitation facility,

1 or other inpatient facility that receives support in any
2 form from any State program, or other program, sup-
3 ported in whole or in part by funds appropriated to any
4 Federal department or agency pursuant to this title, shall
5 have in effect policies and procedures to ensure that each
6 individual who has not attained age 25 and who is fur-
7 nished services at such hospital, home, program, or facil-
8 ity, respectively, is referred to the most medically appro-
9 priate level of care and is furnished with a discharge plan
10 from such hospital, home, program, or facility, respec-
11 tively, that includes an assurance that such individual is
12 placed in a permanent living arrangement as soon as such
13 discharge is medically appropriate.”.

14 (b) REQUIREMENT APPLIED TO BLOCK GRANTS RE-
15 GARDING MENTAL HEALTH AND SUBSTANCE ABUSE
16 UNDER TITLE XIX OF THE PHSA.—Section 1943(a) of
17 the Public Health Service Act (42 U.S.C. 300x–53(a)) is
18 amended—

19 (1) in paragraph (2), at the end by striking
20 “and”;

21 (2) in paragraph (3), at the end by striking the
22 period and inserting “; and”; and

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

1 “(4) ensure that any private or public hospital,
2 nursing home, hospice program, subacute care facil-
3 ity, transitional care facility, residential treatment
4 facility, rehabilitation facility, or other inpatient fa-
5 cility that receives support in any form from any
6 State program, or other program, supported in
7 whole or in part by funds appropriated to any Fed-
8 eral department or agency pursuant to this part,
9 shall have in effect policies and procedures to ensure
10 that each individual who has not attained age 25
11 and who is furnished services at such hospital, home,
12 program, or facility, respectively, is referred to the
13 most medically appropriate level of care and is fur-
14 nished with a discharge plan from such hospital,
15 home, program, or facility, respectively, that includes
16 an assurance that such individual is placed in a per-
17 manent living arrangement as soon as such dis-
18 charge is medically appropriate.”.

19 (c) REQUIREMENT APPLIED TO STATE PLAN FOR
20 MEDICAL ASSISTANCE UNDER MEDICAID PROGRAM.—
21 Section 1902(a) of the Social Security Act (42 U.S.C.
22 1396a(a)) is amended—

23 (1) in paragraph (69), at the end by striking
24 “and”;

1 (2) in paragraph (70), at the end by striking
2 the period and inserting “; and”; and

3 (3) by inserting after paragraph (70) the fol-
4 lowing new paragraph:

5 “(71) provide that each hospital, nursing facil-
6 ity, hospice program, subacute care facility, transi-
7 tional care facility, residential treatment facility, re-
8 habilitation facility, or other inpatient facility receiv-
9 ing funds under the plan, shall have in effect policies
10 and procedures to ensure that each child who is an
11 individual who has not attained age 25 and who is
12 furnished services at such hospital, home, program,
13 or facility, respectively, is referred to the most medi-
14 cally appropriate level of care and is furnished with
15 a discharge plan from such hospital, home, program,
16 or facility, respectively, that includes an assurance
17 that such individual is placed in a permanent living
18 arrangement as soon as such discharge is medically
19 appropriate.”.

20 (d) EFFECTIVE DATES.—

21 (1) PUBLIC HEALTH AMENDMENTS.—The
22 amendments made by subsections (a) and (b) shall
23 apply to support provided for periods beginning on
24 or after October 1, 2007.

25 (2) MEDICAID AMENDMENT.—

1 (A) IN GENERAL.—Except as provided in
2 paragraph (2), the amendment made by sub-
3 section (c) shall apply to calendar quarters be-
4 ginning on or after October 1, 2007, without
5 regard to whether or not final regulations to
6 carry out such amendments have been promul-
7 gated by such date.

8 (B) EXCEPTION IF STATE LEGISLATION
9 REQUIRED.—In the case of a State plan for
10 medical assistance under title XIX of the Social
11 Security Act which the Secretary of Health and
12 Human Services determines requires State leg-
13 islation (other than legislation appropriating
14 funds) in order for the plan to meet the addi-
15 tional requirement imposed by the amendment
16 made by subsection (c), the State plan shall not
17 be regarded as failing to comply with the re-
18 quirements of such title solely on the basis of
19 its failure to meet this additional requirement
20 before the first day of the first calendar quarter
21 beginning after the close of the first regular
22 session of the State legislature that begins after
23 the date of the enactment of this Act. For pur-
24 poses of the previous sentence, in the case of a
25 State that has a 2-year legislative session, each

1 year of such session shall be deemed to be a
2 separate regular session of the State legislature.

3 **TITLE II—YOUTH EMERGENCY**
4 **AND TRANSITIONAL HOUSING**
5 **Subtitle A—Runaway and**
6 **Homeless Youth Act Programs**

7 **SEC. 201. SHORT TITLE.**

8 This subtitle may be cited as the “Runaway and
9 Homeless Youth Act Reauthorization of 2008”.

10 **SEC. 202. FINDINGS.**

11 Section 302 of the Runaway and Homeless Youth Act
12 (42 U.S.C. 5701) is amended—

13 (1) by redesignating paragraphs (3) and (4) as
14 paragraphs (4) and (5), respectively, and

15 (2) by inserting after paragraph (2) the fol-
16 lowing:

17 “(3) services to such young people should be de-
18 veloped and provided using a positive youth develop-
19 ment approach that ensures the young person a
20 sense of—

21 “(A) safety and structure;

22 “(B) belonging and membership;

23 “(C) self-worth and social contribution;

24 “(D) independence and control over one’s

25 life; and

1 “(E) closeness in interpersonal relation-
2 ships.”.

3 **SEC. 203. BASIC CENTER PROGRAM.**

4 (a) SERVICES PROVIDED.—Section 311(a) of the
5 Runaway and Homeless Youth Act (42 U.S.C. 5711(a))
6 is amended—

7 (1) by amending paragraph (2)(B)(i) to read as
8 follows:

9 “(i) safe and appropriate shelter pro-
10 vided for not to exceed 15 days, or not to
11 exceed 30 days if the center is located in
12 a State or locality with a child or youth-
13 serving-facility licensure law or regulation
14 that permits a length of stay in excess of
15 15 days; and”, and

16 (2) in subsection (b)(2)—

17 (A) by striking “\$100,000” and inserting
18 “\$200,000”,

19 (B) by striking “\$45,000” and inserting
20 “\$100,000”, and

21 (C) by adding at the end the following:

22 “Whenever the Secretary determines than any part of the
23 amount allotted under paragraph (1) with respect to a
24 State will not be obligated before the end of the fiscal year,

1 the Secretary shall reallocate such part with respect to the
2 remaining States for obligation for such fiscal year.”.

3 (b) ELIGIBILITY.—Section 312(b) of the Runaway
4 and Homeless Youth Act (42 U.S.C. 5712(b)) is amend-
5 ed—

6 (1) in paragraph (11) by striking “and” at the
7 end,

8 (2) in paragraph (12) by striking the period
9 and inserting “; and”, and

10 (3) by adding at the end the following:

11 “(13) shall develop an adequate emergency pre-
12 paredness and management plan.”.

13 (c) DEFINITION.—Section 387(3)(A)(i) of the Run-
14 away and Homeless Youth Act (42 U.S.C. 5782a(3)(A)(i))
15 is amended by striking “not more than 18” and inserting
16 “less than 18 unless the center is located in a State or
17 locality with a child- or youth-serving facility licensure law
18 or regulation that permits a higher age”.

19 **SEC. 204. RENOVATION.**

20 Section 321 of the Runaway and Homeless Youth Act
21 (42 U.S.C. 5714–1) is amended by inserting “(including
22 renovation)” after “operate”.

1 **SEC. 205. TRANSITIONAL LIVING GRANT PROGRAM.**

2 (a) **ELIGIBILITY.**—Section 322(a) of the Runaway
3 and Homeless Youth Act (42 U.S.C. 5714–2(a)) is amend-
4 ed—

5 (1) in paragraph (1)—

6 (A) by striking “indirectly” inserting “by
7 contract (excluding the use of vouchers)”, and

8 (B) by striking “services” the 1st place it
9 appears and inserting “provide, directly or indi-
10 rectly (excluding the use of vouchers), serv-
11 ices,”.

12 (2) in paragraph (2)—

13 (A) by striking “, except” and inserting
14 “(except”, and

15 (B) by striking “period;” and inserting the
16 following:

17 “period) or, if the program is located in a State or
18 locality with a child- or youth-serving facility licen-
19 sure law or regulation that permits a length of stay
20 in excess of such 540-day period, a continuous pe-
21 riod not to exceed 730 days;”,

22 (3) in paragraph (14) by striking “and” at the
23 end,

24 (4) in paragraph (15) by striking the period and
25 inserting “; and”, and

26 (5) by adding at the end the following:

1 “(16) to develop an adequate emergency pre-
2 paredness and management plan.”.

3 **SEC. 206. COORDINATING, TRAINING, RESEARCH, AND**
4 **OTHER ACTIVITIES.**

5 Part D of the Runaway and Homeless Youth Act (42
6 U.S.C. 5714–21 et seq.) is amended by adding at the end
7 the following:

8 **“SEC. 345. PERIODIC ESTIMATE OF INCIDENCE AND PREVA-**
9 **LENCE OF YOUTH HOMELESSNESS.**

10 “(a) PERIODIC ESTIMATE.—Not later than 2 years
11 after the effective date of this section and at 5-year inter-
12 vals thereafter, the Secretary shall prepare, and submit
13 to the Speaker of the House of Representatives and the
14 President pro tempore of the Senate, a written report—

15 “(1) by using the best quantitative and quali-
16 tative social science research method available, con-
17 taining an estimate of the incidence and prevalence
18 of runaway and homeless individuals who are not
19 less than 13 years of age and not more than 25
20 years of age; and

21 “(2) that includes with such estimate an assess-
22 ment of the characteristics of such individuals.

23 “(b) CONTENT.—Each assessment required by sub-
24 section (a) shall include—

1 “(1) the results of conducting a survey of, and
2 direct interviews with, a representative sample of
3 runaway and homeless individuals who are not less
4 than 13 years of age and not more than 25 years
5 of age to determine past and current—

6 “(A) socioeconomic characteristics of such
7 individuals;

8 “(B) barriers to such individuals obtain-
9 ing—

10 “(i) safe, quality, and affordable hous-
11 ing;

12 “(ii) comprehensive and affordable
13 health insurance and health services; and

14 “(iii) incomes, public benefits, sup-
15 portive services, and connections to caring
16 adults;

17 “(C) such other information that the Sec-
18 retary determines, in consultation with States,
19 units of local government, and national non-
20 governmental organizations concerned with
21 homelessness, may be useful.

22 “(c) IMPLEMENTATION.—If the Secretary enters into
23 any contract with a non-Federal entity for purposes of car-
24 rying out subsection (a), such entity shall be a nongovern-
25 mental organization, or an individual, determined by the

1 Secretary to have appropriate expertise in quantitative
2 and qualitative social science research.”.

3 **SEC. 207. REPORT.**

4 (a) IN GENERAL.—Not later than 2 years after the
5 date of the enactment of this Act, the Secretary of Health
6 and Human Services shall submit to the Speaker of the
7 House of Representatives and the President pro tempore
8 of the Senate, a report based on the best quantitative re-
9 search method available and containing an estimate of—

10 (1) the public service costs, including law en-
11 forcement, emergent and urgent health services (in-
12 cluding crisis mental health and substance abuse
13 services), child welfare services, juvenile and criminal
14 justice services, and public income benefits costs, at-
15 tributable to such services being provided to run-
16 away and homeless individuals who are not less than
17 13 years of age and not more than 25 years of age,
18 and

19 (2) the extent to which the public service cost
20 reductions offset the costs of providing family reuni-
21 fication, emergency shelter, transitional housing,
22 permanent housing, and supportive services to such
23 individuals.

24 (b) IMPLEMENTATION.—If the Secretary carries out
25 subsection (a) by contract with an non-Federal entity,

1 such entity shall be a nongovernmental organization or an
2 individual determined by the Secretary to have appro-
3 priate expertise in quantitative and qualitative social
4 science research.

5 **SEC. 208. NATIONAL HOMELESS YOUTH AWARENESS CAM-**
6 **PAIGN.**

7 The Runaway and Homeless Youth Act (42 U.S.C.
8 5601 et seq.) is amended—

9 (1) by redesignating part F as part G,

10 (2) by inserting after part E the following:

11 **“PART F—NATIONAL HOMELESS YOUTH**
12 **AWARENESS CAMPAIGN**

13 **“SEC. 361. NATIONAL HOMELESS YOUTH AWARENESS CAM-**
14 **PAIGN. .**

15 “(a) IN GENERAL.—The Secretary shall, directly or
16 via contract, conduct a national homeless youth awareness
17 campaign (referred to in this section as the ‘national
18 awareness campaign’) in accordance with this section for
19 purposes of—

20 “(1) preventing runaway and homeless situa-
21 tions among youth in the United States;

22 “(2) increasing awareness of individuals of all
23 ages of the issues facing youth in runaway and
24 homeless situations;

1 “(3) assisting youth in crisis situations learn
2 about resources and services available in their com-
3 munities to intervene in or resolve the crisis; and

4 “(4) encouraging parents and guardians, edu-
5 cators, health care professionals, social service pro-
6 fessionals, law enforcement officials, and other inter-
7 ested adults to assist youth in averting or resolving
8 runaway and homeless situations.

9 “(b) USE OF FUNDS.—

10 “(1) IN GENERAL.—Amounts made available to
11 carry out this section for the national awareness
12 campaign may only be used for the following:

13 “(A) The purchase of media time and
14 space, including the strategic planning for, and
15 accounting of, such purchases.

16 “(B) Creative and talent costs.

17 “(C) Advertising production costs.

18 “(D) Testing and evaluation of advertising.

19 “(E) Evaluation of the effectiveness of the
20 national media campaign.

21 “(F) The negotiated fees for the winning
22 bidder on requests for proposals issued by the
23 Secretary to enter into contracts to carry out
24 activities authorized by this section.

1 “(G) Partnerships with national organiza-
2 tions concerned with youth homelessness, com-
3 munity-based youth service organizations, in-
4 cluding faith-based organizations, and govern-
5 ment organizations related to the national
6 awareness campaign.

7 “(H) Entertainment industry outreach,
8 interactive outreach, media projects and activi-
9 ties, public information, news media outreach,
10 and corporate sponsorship and participation.

11 “(I) Operational and management ex-
12 penses.

13 “(2) SPECIFIC REQUIREMENTS.—

14 “(A) TESTING AND EVALUATION OF AD-
15 VERTISING.—In using amounts for testing and
16 evaluation of advertising under paragraph
17 (1)(D), the Secretary shall test all advertise-
18 ments prior to use in the national awareness
19 campaign to ensure that the advertisements are
20 effective and meet industry-accepted standards.

21 “(B) EVALUATION OF EFFECTIVENESS OF
22 AWARENESS CAMPAIGN.—In using amounts for
23 the evaluation of the effectiveness of the na-
24 tional awareness campaign under paragraph
25 (1)(E), the Secretary shall—

1 “(i) designate an independent entity
2 to evaluate the effectiveness of the national
3 awareness campaign; and

4 “(ii) ensure that the effectiveness of
5 the national awareness campaign is evalu-
6 ated in a manner that enables consider-
7 ation of whether the national awareness
8 has contributed to reducing runaway and
9 homeless situations among youth, linking
10 runaway and homeless youth to resources
11 and services available in their communities,
12 and such other measures of evaluation as
13 the Secretary determinates are appro-
14 priate.

15 “(c) PROHIBITIONS.—None of the amounts made
16 available under subsection (b) may be obligated or ex-
17 pende for any of the following:

18 “(1) To supplant pro bono public service time
19 donated by national and local broadcasting networks
20 for the national awareness campaign.

21 “(2) For partisan political purposes, or express
22 advocacy in support of or to defeat any clearly iden-
23 tified candidate, clearly identified ballot initiative, or
24 clearly identified legislative or regulatory proposal.

1 “(3) To fund advertising that features any
2 elected officials, persons seeking elected office, cabi-
3 net level officials, or other Federal employees em-
4 ployed pursuant to section 213 of Schedule C of title
5 5, Code of Federal Regulations.

6 “(4) To fund advertising that does not contain
7 a primary message intended to reduce or prevent
8 runaway and homeless situations among youth.

9 “(5) To fund advertising containing a primary
10 message intended to promote support for the aware-
11 ness campaign or private sector contributions to the
12 awareness campaign.

13 “(d) FINANCIAL AND PERFORMANCE ACCOUNT-
14 ABILITY.—The Secretary shall cause to be performed—

15 “(1) audits and reviews of costs of the national
16 awareness campaign pursuant to section 304C of the
17 Federal Property and Administrative Services Act of
18 1949 (41 U.S.C. 254d); and

19 “(2) an audit to determine whether the costs of
20 the national awareness campaign are allowable
21 under section 306 of such Act (41 U.S.C. 256).

22 “(e) REPORT.—The Secretary shall include in each
23 report submitted under section 381(a) a summary of the
24 national awareness campaign that describes—

1 “(1) the strategy of the national awareness
2 campaign and whether specific objectives of the
3 media campaign were accomplished;

4 “(2) steps taken to ensure that the national
5 awareness campaign operates in an effective and ef-
6 ficient manner consistent with the overall strategy
7 and focus of the national awareness campaign;

8 “(3) plans to purchase advertising time and
9 space;

10 “(4) policies and practices implemented to en-
11 sure that Federal funds are used responsibly to pur-
12 chase advertising time and space and eliminate the
13 potential for waste, fraud, and abuse; and

14 “(5) all contracts entered into with a corpora-
15 tion, partnership, or individual working on behalf of
16 the national awareness campaign.”, and

17 (3) in section 388(a)—

18 (A) in paragraph (1) by striking “part E”
19 and inserting “parts E and F”, and

20 (B) in paragraph (2) by adding at the end
21 the following:

22 “(5) PART F.—There are authorized to be ap-
23 propriated to carry out part F \$20,000,000 for fis-
24 cal year 2009 and such sums as may be necessary
25 for fiscal years 2010, 2011, 2012, and 2013.”.

1 **SEC. 209. GRANTS FOR RESEARCH EVALUATION, DEM-**
2 **ONSTRATION, AND SERVICE PROJECTS.**

3 Section 343(b) Runaway and Homeless Youth Act
4 (42 U.S.C. 5714–23(b)) is amended to read as follows:

5 “(b) PRIORITIES.—The Secretary—

6 “(1) shall establish priorities for making grants
7 for purposes of carrying out projects under sub-
8 section (a); and

9 “(2) not later than 1 year after the effective
10 date of this subsection and at 2-year intervals there-
11 after, shall provide an opportunity for public com-
12 ment concerning the priorities proposed under para-
13 graph (1) and maintain an official record of such
14 public comment.”.

15 **SEC. 210. SEXUAL ABUSE PREVENTION PROGRAM.**

16 Section 351(a)(1) Runaway and Homeless Youth Act
17 (42 U.S.C. 5714–41(a)(1)) is amended by inserting “pub-
18 lic and” after “priority to”.

19 **SEC. 211. PERFORMANCE STANDARDS.**

20 Part G, as so redesignated, of Runaway and Home-
21 less Youth Act (42 U.S.C. 5714a et seq.) is amended by
22 adding at the end the following:

23 **“SEC. 290. PERFORMANCE STANDARDS.**

24 “(a) ESTABLISHMENT OF PERFORMANCE STAND-
25 ARDS.—Not later than 2 years after the effective date of
26 this section, the Secretary shall issue rules that specify

1 standards of performance for public and nonprofit private
2 entities that receive grants under sections 311, 321 and
3 351.

4 “(b) CONSULTATION.—The Secretary shall consult
5 with representatives of public and nonprofit entities that
6 receive grants under this title, statewide and regional non-
7 profit organizations (and combinations of such organiza-
8 tions) that receive grants under this title, and national
9 nonprofit organizations concerned with youth homeless-
10 ness in developing the performance standards required by
11 subsection (a).

12 “(c) PUBLIC COMMENT.—The Secretary shall provide
13 an opportunity for public comment concerning the estab-
14 lishment of the performance standards required by sub-
15 section (a) before issuing rules to establish such standards
16 and shall maintain an official record of such public com-
17 ment.”.

18 **SEC. 212. APPEALS.**

19 Part G, as so redesignated and as amended by section
20 209, of Runaway and Homeless Youth Act (42 U.S.C.
21 5714a et seq.) is amended by adding at the end the fol-
22 lowing:

23 **“SEC. 291. APPEALS.**

24 “(a) ESTABLISHMENT OF APPEAL PROCEDURE.—
25 Not later than 2 years after the effective date of this sec-

1 tion, the Secretary shall establish by rule a timely appeal
2 procedure applicable to review the amounts of grants
3 made, and the denial of grants requested, under this title.

4 “(b) CONSULTATION.—The Secretary shall consult
5 with representatives of public and nonprofit private enti-
6 ties that receive grants under this title, statewide and re-
7 gional nonprofit organizations (and combinations of such
8 organizations) that receive grants under this title, and na-
9 tional nonprofit organizations concerned with youth home-
10 lessness in establishing the appeal procedure required by
11 subsection (a).

12 “(c) PUBLIC COMMENT.—The Secretary shall provide
13 an opportunity for public comment concerning the estab-
14 lishment of the appeal procedure required by subsection
15 (a) before issuing rules to establish such procedure and
16 shall maintain an official record of such public comment.”.

17 **SEC. 213. DEFINITION.**

18 Section 387 Runaway and Homeless Youth Act (42
19 U.S.C. 5732a) is amended—

20 (1) by redesignating paragraphs (4), (5), (6),
21 and (7) as paragraphs (5), (6), (7), and (8), respec-
22 tively, and

23 (2) by inserting after paragraph (3) the fol-
24 lowing:

1 “(4) RUNAWAY YOUTH.—The term ‘runaway
2 youth’ means an individual who is less than 18 years
3 of age and who absents himself or herself from home
4 or place of legal residence without the permission of
5 parents or legal guardians.”.

6 **SEC. 214. AUTHORIZATION OF APPROPRIATIONS.**

7 Section 388(a) Runaway and Homeless Youth Act
8 (42 U.S.C. 5751(a)) is amended—

9 (1) in paragraph (1)—

10 (A) by striking “\$105,000,000 for fiscal
11 year 2004” and inserting “\$200,000,000 for
12 fiscal year 2009”, and

13 (B) by striking “2005, 2006, 2007, and
14 2008” and inserting “2010, 2011, 2012, and
15 2013” , and

16 (2) in paragraph (4) by striking “such sums as
17 may be necessary for fiscal years 2004, 2005, 2006,
18 2007, and 2008” and inserting “\$30,000,000 for
19 fiscal year 2009 and such sums as may be necessary
20 for fiscal years 2010, 2011, 2012, and 2013”.

21 **SEC. 215. LOAN FORGIVENESS FOR RUNAWAY AND HOME-**
22 **LESS YOUTH WORKERS.**

23 (a) FFEL AND DIRECT LOAN FORGIVENESS.—Title
24 IV of the Higher Education Act of 1965 (20 U.S.C. 1070

1 et seq.) is amended by inserting after section 428K the
2 following new section:

3 **“SEC. 428L. LOAN FORGIVENESS FOR RUNAWAY AND HOME-**
4 **LESS YOUTH WORKERS.**

5 “(a) PURPOSE.—The purpose of this section is to en-
6 courage qualified individuals to enter and continue em-
7 ployment as workers for runaway and homeless youth.

8 “(b) LOAN FORGIVENESS.—

9 “(1) LOAN FORGIVENESS AUTHORIZED.—The
10 Secretary is authorized to forgive, in accordance
11 with this section and the agreement described in
12 subsection (e), the student loan debt of an eligible
13 borrower in the amount specified in subsection (d)
14 and for the period specified in such agreement.

15 “(2) METHOD OF LOAN FORGIVENESS.—To
16 provide the loan forgiveness authorized in paragraph
17 (1), the Secretary is authorized to carry out a pro-
18 gram—

19 “(A) through the holder of the loan, to as-
20 sume the obligation to repay a qualified loan
21 amount for a loan made under part B of this
22 title; and

23 “(B) to cancel a qualified loan amount for
24 a loan made under part D of this title.

1 “(c) ELIGIBLE BORROWER.—The Secretary is au-
2 thORIZED to provide loan forgiveness under this section to
3 any individual who—

4 “(1) is employed as a worker for runaway and
5 homeless youth on, at a minimum, a part-time basis
6 of at least 20 hours per week, and who has been em-
7 ployed as such for not less than 5 consecutive years
8 on, at minimum, such a part-time basis; and

9 “(2) is not in default on a loan for which the
10 borrower seeks forgiveness.

11 “(d) LOAN FORGIVENESS AMOUNT.—The Secretary
12 may, from funds appropriated under subsection (l), forgive
13 the loan obligation of an eligible borrower in accordance
14 with such terms, limitations, and conditions as may be
15 mutually agreed upon by such borrower and the Secretary
16 in the agreement described in subsection (e), except that
17 the amount paid by the Secretary under this section shall
18 not exceed \$17,500 in the aggregate for any borrower.

19 “(e) LOAN FORGIVENESS AGREEMENT.—

20 “(1) TERMS OF AGREEMENT.—The Secretary
21 shall not provide loan forgiveness to an eligible bor-
22 rower unless the borrower enters into a written
23 agreement with the Secretary which provides that—

24 “(A) the borrower shall remain employed
25 as a worker for runaway and homeless youth

1 for a period of service specified in the agree-
2 ment (but not less than 5 years), unless invol-
3 untarily separated from that employment;

4 “(B) if the borrower is involuntarily sepa-
5 rated from the employment described in sub-
6 paragraph (A) on account of misconduct, or vol-
7 untarily separates from that employment, be-
8 fore the end of the period specified in the agree-
9 ment, the borrower shall repay the Secretary
10 the amount of any benefits received by such
11 borrower under this section;

12 “(C) if the borrower is required to repay
13 an amount to the Secretary under subpara-
14 graph (B) and fails to repay such amount, a
15 sum equal to such amount shall be recoverable
16 by the Government from the borrower (or such
17 borrower’s estate, if applicable) by such method
18 as is provided by law for the recovery of
19 amounts owing to the Government;

20 “(D) the Secretary may waive, in whole or
21 in part, a right of recovery under this sub-
22 section if it is shown that recovery would be
23 against equity and good conscience or against
24 the public interest; and

1 “(E) the Secretary shall provide loan for-
2 giveness under this section for the period of the
3 agreement, subject to the availability of appro-
4 priations.

5 “(2) AGREEMENT RENEWAL.—Upon completion
6 by an eligible borrower of the period of service re-
7 quired under the agreement described in paragraph
8 (1), the Secretary may renew such agreement with
9 the eligible borrower for a successive period of serv-
10 ice to be specified in the renewed agreement (which
11 may be less than 5 years).

12 “(f) REPAYMENTS BY BORROWERS.—Any amount re-
13 paid by, or recovered from, a borrower (or a borrower’s
14 estate) under subsection (e)(1)(B) shall be credited to the
15 appropriation account from which the loan forgiveness
16 amount involved was originally paid. Any amount so cred-
17 ited shall be merged with other sums in such account and
18 shall be available for the same purposes and period, and
19 subject to the same limitations (if any), as the sums with
20 which the amount was merged.

21 “(g) APPLICATION FOR LOAN FORGIVENESS.—An el-
22 igible borrower desiring loan forgiveness under this section
23 shall submit a complete and accurate application to the
24 Secretary at such time, in such manner, and containing
25 such information as the Secretary may require.

1 “(h) PRIORITY.—The Secretary shall provide loan
2 forgiveness under this section on a first-come, first-served
3 basis, and subject to the availability of appropriations.

4 “(i) REGULATIONS.—The Secretary is authorized to
5 issue such regulations as may be necessary to carry out
6 the provisions of this section.

7 “(j) CONSTRUCTION.—Nothing in this section shall
8 be construed to authorize the refunding of any repayment
9 of any loan made by a borrower prior to the date on which
10 the Secretary entered into an agreement with the borrower
11 under subsection (e).

12 “(k) DEFINITION.—In this section the term ‘worker
13 for runaway and homeless youth’ means an employee of
14 a public or nonprofit private entity providing services for
15 runaway and homeless youth that is an entity receiving
16 grant awards under section 5711, section 5714–1, or sec-
17 tion 5714–41 of the Runaway and Homeless Youth Act
18 (42 U.S.C. 5701 et seq.), or that the Secretary of Health
19 and Human Services determines to meet the requirements
20 for receiving such grant awards.

21 “(l) AUTHORIZATION OF APPROPRIATIONS.—There is
22 authorized to be appropriated to carry out this section
23 \$20,000,000 for fiscal year 2009, and such sums as may
24 be necessary for each of the fiscal years 2010 through
25 2013.”.

1 (b) CANCELLATION OF LOANS.—

2 (1) AMENDMENT.—Section 465(a)(2) of the
3 Higher Education Act of 1965 (20 U.S.C.
4 1087ee(a)(2)) is amended—

5 (A) by striking “or” at the end of subpara-
6 graph (H);

7 (B) by striking the period at the end of
8 subparagraph (I) and inserting “; or”; and

9 (C) by inserting after subparagraph (I) the
10 following new subparagraph:

11 “(J) as a full-time worker for runaway and
12 homeless youth (as defined in section 428L).”.

13 (2) EFFECTIVE DATE.—The amendment made
14 by this subsection shall apply with respect to—

15 (A) eligible loans made before, on, or after
16 the date of enactment of this Act; and

17 (B) service as a worker for runaway and
18 homeless youth (as defined in section 428L of
19 the Higher Education Act of 1965, as amended
20 by subsection (a) of this section) that is pro-
21 vided on or after the date of enactment of this
22 Act.

23 (3) CONSTRUCTION.—Nothing in this sub-
24 section shall be construed to authorize the refunding
25 of any repayment of a loan made by a borrower

1 prior to the date on which the borrower became eli-
2 gible for cancellation under section 465(a) of the
3 Higher Education Act of 1965 (20 U.S.C.
4 1087ee(a)).

5 **Subtitle B—HUD McKinney-Vento** 6 **Programs**

7 **SEC. 221. DEFINITION OF HOMELESS INDIVIDUAL.**

8 Section 103 of the McKinney-Vento Homeless Assist-
9 ance Act (42 U.S.C. 11302) is amended—

10 (1) by striking subsection (a) and inserting the
11 following new subsection:

12 “(a) IN GENERAL.—For purposes of this Act, the
13 terms ‘homeless’, ‘homeless individual’, and ‘homeless per-
14 son’—

15 “(1) mean an individual who lacks a fixed, reg-
16 ular, and adequate nighttime residence; and

17 “(2) include—

18 “(A) an individual who—

19 “(i) is sharing the housing of other
20 persons due to loss of housing, economic
21 hardship, or a similar reason;

22 “(ii) is living in a motel, hotel, trailer
23 park, or camping ground due to the lack of
24 alternative adequate accommodations;

1 “(iii) is living in an emergency or
2 transitional shelter;

3 “(iv) is abandoned in a hospital; or

4 “(v) is awaiting foster care placement;

5 “(B) an individual who has a primary
6 nighttime residence that is a public or private
7 place not designed for or ordinarily used as a
8 regular sleeping accommodation for human
9 beings;

10 “(C) an individual who is living in a car,
11 park, public space, abandoned building, sub-
12 standard housing, bus or train station, or simi-
13 lar setting; and

14 “(D) migratory children (as such term is
15 defined in section 1309 of the Elementary and
16 Secondary Education Act of 1965 (20 U.S.C.
17 6399) who qualify as homeless for the purposes
18 of this Act because the children are living in
19 circumstances described in any of subpara-
20 graphs (A) through (C) of this paragraph.”;
21 and

22 (2) in subsection (c)—

23 (A) by striking “or otherwise detained”;
24 and

1 (B) by inserting after the period at the end
2 the following: “Such term includes individuals
3 who have been released from prison on parole.”.

4 **SEC. 222. ELIGIBILITY OF ACTIVITIES TO PROVIDE FAMILY**
5 **SUPPORT SERVICES UNDER EMERGENCY**
6 **SHELTER GRANTS PROGRAM .**

7 Subsection (a) of section 414 of the McKinney-Vento
8 Homeless Assistance Act (42 U.S.C. 11374(a)) is amend-
9 ed by inserting after paragraph (4) the following new
10 paragraph:

11 “(5) Programs and projects to preserve, sup-
12 port, or reunify families in which a child or youth
13 member is a runaway, homeless, or street youth or
14 at risk of becoming a runaway, homeless, or street
15 youth.”.

16 **SEC. 223. ELIGIBILITY OF FAMILY STRENGTHENING**
17 **PROJECTS TO PREVENT YOUTH HOMELESS-**
18 **NESS UNDER SUPPORTIVE HOUSING PRO-**
19 **GRAM.**

20 Subsection (c) of section 425 of the McKinney-Vento
21 Homeless Assistance Act (42 U.S.C. 11385(c)) is amend-
22 ed by striking “and (G)” and inserting the following: “(G)
23 establishing and operating programs and projects to pre-
24 serve, support, or reunify families in which a child or
25 youth member is a runaway, homeless, or street youth or

1 at risk of becoming a runaway, homeless, or street youth,
2 and (H)”.

3 **Subtitle C—John H. Chafee Foster**
4 **Care Independence Program**

5 **SEC. 231. JOHN H. CHAFEE FOSTER CARE INDEPENDENCE**
6 **PROGRAM.**

7 (a) INCREASE IN ANNUAL AUTHORIZATION
8 LEVEL.—Section 477(h)(1) of the Social Security Act (42
9 U.S.C. 677(h)(1)) is amended by striking “\$140,000,000”
10 and inserting “\$200,000,000”.

11 (b) EXPANSION OF ELIGIBILITY FOR SERVICES.—
12 Section 477 of such Act (42 U.S.C. 677) is amended—

13 (1) in subsection (a)—

14 (A) in paragraph (1), by striking “18” and
15 inserting “14”; and

16 (B) in paragraph (5), by striking “between
17 18 and 21” and inserting “who have attained
18 18 years of age, and who have not attained 25
19 years of age”;

20 (2) in each of subsections (b)(3)(A) and
21 (b)(3)(B), by striking “21” and inserting “25”;

22 (3) in subsection (i)—

23 (A) in paragraph (2), by striking “youths
24 adopted from foster care after attaining age

1 16” and inserting “youths in or exiting from
2 foster care after attaining 14 years of age”; and

3 (B) by striking paragraph (3) and redesignating paragraphs (4) through (6) as paragraphs (3) through (5), respectively.

6 (c) AUTHORITY TO USE PROGRAM FUNDS TO PROVIDE INDEPENDENT LIVING SERVICES AND EDUCATION AND TRAINING VOUCHERS FOR CHILDREN WHO EXIT FOSTER CARE TO GUARDIANSHIP OR ADOPTION AFTER AGE 14.—

11 (1) INDEPENDENT LIVING SERVICES.—Section 477(a) of such Act (42 U.S.C. 677(a)) is amended—

13 (A) by striking “and” at the end of paragraph (5);

15 (B) by striking the period at the end of paragraph (6) and inserting “; and”; and

17 (C) by adding at the end the following:

18 “(7) to provide the services referred to in this subsection to children who, after attaining 14 years of age, have left foster care for kinship guardianship or adoption.”.

22 (2) EDUCATION AND TRAINING VOUCHERS.—Section 477(i)(2) of such Act (42 U.S.C. 677(i)(2)) is amended by striking “from foster care after attaining age 16” and inserting “or entering kinship

1 guardianship from foster care after attaining 14
2 years of age”.

3 (d) ELIGIBILITY OF PRIVATE SERVICE PROVIDERS
4 FOR FUNDS.—Section 477(b)(2) of such Act (42 U.S.C.
5 677(b)(2)) is amended by adding at the end the following:

6 “(G) Distribute funds provided to the
7 State under this section among a diverse range
8 of qualified providers of services that are pri-
9 vate entities, and ensure that the entities have
10 equal opportunity to receive the funds.”.

11 (e) EXPANSION OF PROGRAM EVALUATIONS.—Sec-
12 tion 477(g)(1) of such Act (42 U.S.C. 677(g)(1)) is
13 amended—

14 (1) in the 1st sentence, by inserting “, and of
15 model programs that focus on improving outcomes
16 for youth aging out of care in the areas of edu-
17 cation, employment, personal development, and
18 housing” after “significance”;

19 (2) in the 2nd sentence, by striking “and per-
20 sonal development” and inserting “mental and phys-
21 ical health, personal development, and housing, and
22 on the use of room and board services and how the
23 use of the services improve housing outcomes for
24 youth.”; and

1 (3) in the 3rd sentence, by inserting “, where
2 practicable,” before “random assignment”.

3 (f) IMPROVING AWARENESS OF AVAILABLE SERV-
4 ICES.—

5 (1) DUTIES OF THE SECRETARY.—Section 477
6 of such Act (42 U.S.C. 677) is amended by adding
7 at the end the following:

8 “(j) DISTRIBUTION OF INFORMATION ABOUT OTHER
9 RELATED PROGRAMS.—To improve access to the array of
10 services available to youth transitioning out of foster care
11 and assist States in leveraging available resources, the
12 Secretary shall provide for the efficient distribution to
13 States and local areas of information about Federal pro-
14 grams, other than the program established by this section,
15 that may assist youth in their transition to self-sufficiency
16 and provide guidance on how to access services under the
17 programs.”.

18 (2) DUTIES OF THE STATE.—Section 477(b)(3)
19 of such Act (42 U.S.C. 677(b)(3)) is amended—

20 (A) by redesignating subparagraphs (H)
21 through (J) as subparagraphs (I) through (K),
22 respectively; and

23 (B) by inserting after subparagraph (F)
24 the following:

1 “(G) A certification by the chief executive offi-
2 cer that, when or before a child leaves foster care
3 under the responsibility of the State, the State will
4 inform the child of the full range of available finan-
5 cial, housing, counseling, health, public benefit em-
6 ployment, and education services, and other appro-
7 priate support and services for which the child is eli-
8 gible.”.

9 **Subtitle D—Youth Offender**
10 **Reentry Grants Program**

11 **SEC. 241. ESTABLISHMENT OF PROGRAM.**

12 The Attorney General shall carry out a program
13 under which the Attorney General may award grants to
14 States to provide for programs designed and conducted for
15 the following purposes:

16 (1) To identify individuals who are incarcerated
17 in correctional facilities and who are likely to be re-
18 leased from such facilities before attaining 25 years
19 of age, and to help such individuals make the transi-
20 tion to self-sufficiency by providing pre-release serv-
21 ices such discharge planning and reentry planning,
22 training in daily living skills, training in parenting
23 skills, training in budgeting and financial manage-
24 ment skills, substance abuse prevention, mental
25 health counseling, and preventive health activities

1 (including smoking avoidance, nutrition education,
2 sexually transmitted illnesses prevention (including
3 HIV prevention), and pregnancy prevention), and
4 assistance in applying for income assistance and
5 health insurance for which the individual may be eli-
6 gible.

7 (2) To help such individuals receive at the pre-
8 release and post-release stages the education, train-
9 ing, and services necessary to obtain employment
10 and housing.

11 (3) To help such individuals at the pre-release
12 and post-release stages prepare for and enter post-
13 secondary training and education institutions.

14 (4) To provide personal and emotional support
15 to such individuals at the pre-release and post-re-
16 lease stages through mentors and the promotion of
17 interactions with dedicated adults.

18 (5) To provide post-release financial, housing,
19 counseling, employment, education, health and men-
20 tal health, assistance in applying for public benefits,
21 and other appropriate support and services to such
22 individuals to complement their own efforts to
23 achieve self-sufficiency and to assure that program
24 participants recognize and accept their personal re-

1 sponsibility for preparing for and then making the
2 transition from adolescence to adulthood.

3 (6) To make available to such individuals post-
4 release vouchers for education and training, includ-
5 ing postsecondary training and education.

6 (7) To help such individuals at the pre-release
7 and post-release stages repair harm to victims, fam-
8 ily members, and communities caused by their of-
9 fense, including through community service and
10 through victim impact programming.

11 **SEC. 242. APPLICATIONS.**

12 (a) IN GENERAL.—A State may apply for funds from
13 its allotment under section 243 for a period of five con-
14 secutive fiscal years by submitting to the Attorney Gen-
15 eral, in writing, a plan that meets the requirements of sub-
16 section (b) and the certifications required by subsection
17 (c) with respect to the plan.

18 (b) STATE PLAN.—A plan meets the requirements of
19 this subsection if the plan specifies which State agency
20 or agencies will administer, supervise, or oversee the pro-
21 grams carried out under the plan, and describes how the
22 State intends to do the following:

23 (1) Design and deliver programs to achieve the
24 purposes of this title.

1 (2) Ensure utilization of funds for both pre-re-
2 lease and post-release supports and services, though
3 not necessarily in a uniform manner.

4 (3) Ensure that the programs serve individuals
5 described in section 241(1) of various ages and at
6 various stages of achieving independence.

7 (4) Involve the public and private sectors in
8 helping such individuals achieve independence.

9 (5) Distribute funds provided to the State
10 under this section among a diverse range of qualified
11 private nonprofit providers of post-release supports
12 and services, and ensure that the entities have equal
13 opportunity to receive the funds.

14 (6) Cooperate in national evaluations of the ef-
15 fects of the programs in achieving the purposes of
16 this title.

17 (c) CERTIFICATIONS.—The certifications required by
18 this paragraph with respect to a plan are the following:

19 (1) A certification by the chief executive officer
20 of the State that the State will provide assistance
21 and services to individuals described in section
22 241(1).

23 (2) A certification by the chief executive officer
24 of the State that not more than 30 percent of the
25 amounts paid to the State from its allotment under

1 section 243 for a fiscal year will be expended for
2 post-release room or board for such individuals.

3 (3) A certification by the chief executive officer
4 of the State that the State will provide training to
5 help family members, providers of supports and
6 services, and correctional facility personnel under-
7 stand and address the issues confronting such indi-
8 viduals preparing for independent living.

9 (4) A certification by the chief executive officer
10 of the State that the State has consulted widely with
11 public and private organizations in developing the
12 plan and that the State has given all interested
13 members of the public at least 30 days to submit
14 comments on the plan.

15 (5) A certification by the chief executive officer
16 of the State that the State will make every effort to
17 coordinate the State programs receiving funds pro-
18 vided from an allotment made to the State under
19 section 243 with other Federal and State programs
20 for any of such individuals (especially the John H.
21 Chafee Foster Care Independence Program under 42
22 U.S.C. 677 and transitional living youth projects
23 funded under part B of title III of the Juvenile Jus-
24 tice and Delinquency Prevention Act of 1974 (42
25 U.S.C. 5714–1 et seq.)), local housing programs,

1 programs for disabled individuals, and youth activi-
2 ties of local workforce one-stop centers.

3 (6) A certification by the chief executive officer
4 of the State that each Indian tribe in the State has
5 been consulted about the programs to be carried out
6 under the plan; that there have been efforts to co-
7 ordinate the programs with such tribes; and that
8 benefits and services under the programs will be
9 made available to such individuals who are Indian in
10 the State on the same basis as to other such individ-
11 uals in the State.

12 (7) A certification by the chief executive officer
13 that, when or before an individual described in sec-
14 tion 241(1) leaves a correctional facility, the State
15 will inform the individual of the full range of avail-
16 able financial, housing, counseling, health and men-
17 tal health, employment, education, community serv-
18 ices, victim impact programming, and other appro-
19 priate support and services for which the individual
20 is eligible.

21 (8) A certification by the chief executive officer
22 of the State that the State will ensure that such in-
23 dividuals participating in the program under this
24 title participate directly in designing their own case
25 plans, discharge plans, reentry plans and program

1 activities that prepare them for independent living
2 and that such individuals accept personal responsi-
3 bility for living up to their part of the program.

4 (9) A certification by the chief executive officer
5 of the State that the State has established and will
6 enforce standards and procedures to prevent fraud
7 and abuse in the programs carried out under the
8 plan.

9 (10) A certification by the chief executive offi-
10 cer of the State that the State educational and
11 training voucher program under this title is in com-
12 pliance with the conditions specified in section 249,
13 including a statement describing methods the State
14 will use—

15 (A) to ensure that the total amount of edu-
16 cational assistance to any such individual under
17 this title and under other Federal and federally
18 supported programs does not exceed the limita-
19 tion specified in section 249(3); and

20 (B) to avoid duplication of benefits under
21 this and any other Federal or federally assisted
22 benefit program.

23 (d) APPROVAL.—The Attorney General shall approve
24 an application submitted by a State pursuant to sub-
25 section (a) for a period if—

1 (1) the application is submitted on or before
2 June 30 of the calendar year in which such period
3 begins; and

4 (2) the Attorney General finds that the applica-
5 tion contains the material required by subsection
6 (a).

7 (e) **AUTHORITY TO IMPLEMENT CERTAIN AMEND-**
8 **MENTS; NOTIFICATION.**—A State with an application ap-
9 proved under subsection (d) may implement any amend-
10 ment to the plan contained in the application if the appli-
11 cation, incorporating the amendment, would be approvable
12 under subsection (d). Within 30 days after a State imple-
13 ments any such amendment, the State shall notify the At-
14 torney General of the amendment.

15 (f) **AVAILABILITY.**—The State shall make available to
16 the public any application submitted by the State pursu-
17 ant to subsection (a), and a brief summary of the plan
18 contained in the application.

19 **SEC. 243. ALLOTMENTS TO STATES.**

20 (a) **GENERAL PROGRAM ALLOTMENT.**—From the
21 amount specified in section 248(1) that remains after ap-
22 plying section 247(b) for a fiscal year, the Attorney Gen-
23 eral shall allot to each State with an application approved
24 under section 242 for the fiscal year the amount which
25 bears the ratio to such remaining amount equal to the

1 State youth ratio, as adjusted in accordance with sub-
2 section (b).

3 (b) HOLD HARMLESS POSITION.—

4 (1) IN GENERAL.—The Attorney General shall
5 allot to each State whose allotment for a fiscal year
6 under subsection (a) is less than the greater of
7 \$500,000 or the amount payable to the State under
8 this title for fiscal year 2008, an additional amount
9 equal to the difference between such allotment and
10 such greater amount.

11 (2) RATABLE REDUCTION OF CERTAIN ALLOT-
12 MENTS.—In the case of a State not described in
13 paragraph (1) for a fiscal year, the Attorney General
14 shall reduce the amount allotted to the State for the
15 fiscal year under subsection (a) by the amount that
16 bears the same ratio to the sum of the differences
17 determined under paragraph (1) for the fiscal year
18 as the excess of the amount so allotted over the
19 greater of \$500,000 or the amount payable to the
20 State under this title for fiscal year 1998 bears to
21 the sum of such excess amounts determined for all
22 such States.

23 (c) VOUCHER PROGRAM ALLOTMENT.—From the
24 amount, if any, appropriated pursuant to section 248(2)
25 for a fiscal year, the Attorney General may allot to each

1 State with an application approved under section 242 for
2 the fiscal year an amount equal to the State youth ratio
3 multiplied by the amount so specified.

4 (d) STATE YOUTH RATIO.—In this section, the term
5 “State youth ratio” means the ratio of the number individ-
6 uals who have attained at least age 13 and who have not
7 attained age 25 in the State in the most recent fiscal year
8 for which the information is available to the total number
9 of individuals who have attained at least age 13 and who
10 have not attained age 25 in all States for the most recent
11 fiscal year.

12 **SEC. 244. USE OF FUNDS.**

13 (a) IN GENERAL.—A State to which an amount is
14 paid from its allotment under section 243 may use the
15 amount in any manner that is reasonably calculated to ac-
16 complish the purposes of this title.

17 (b) NO SUPPLANTATION OF OTHER FUNDS AVAIL-
18 ABLE FOR SAME GENERAL PURPOSES.—The amounts
19 paid to a State from its allotment under section 243 shall
20 be used to supplement and not supplant any other funds
21 which are available for the same general purposes in the
22 State.

23 (c) TWO-YEAR AVAILABILITY OF FUNDS.—Payments
24 made to a State under this title for a fiscal year shall be

1 expended by the State in the fiscal year or in the suc-
2 ceeding fiscal year.

3 (d) REALLOCATION OF UNUSED FUNDS.—If a State
4 does not apply for funds under this title for a fiscal year
5 within such time as may be provided by the Attorney Gen-
6 eral, the funds to which the State would be entitled for
7 the fiscal year shall be reallocated to 1 or more other
8 States on the basis of their relative need for additional
9 payments under this title, as determined by the Attorney
10 General.

11 **SEC. 245. PENALTIES.**

12 (a) USE OF GRANT IN VIOLATION OF THIS PART.—
13 The Attorney General shall assess a penalty against a
14 State that fails to operate a program receiving funds from
15 an allotment made to a State under section 243 in a man-
16 ner that is consistent with, or not disclosed in the State
17 application approved under section 242 in an amount
18 equal to not less than 1 percent and not more than 5 per-
19 cent of the amount of the allotment.

20 (b) FAILURE TO COMPLY WITH DATA REPORTING
21 REQUIREMENT.—The Attorney General shall assess a
22 penalty against a State that fails during a fiscal year to
23 comply with an information collection plan implemented
24 under section 246 in an amount equal to not less than

1 1 percent and not more than 5 percent of the amount al-
2 lotted to the State for the fiscal year.

3 (c) PENALTIES BASED ON DEGREE OF NONCOMPLI-
4 ANCE.—The Attorney General shall assess penalties under
5 this subsection based on the degree of noncompliance.

6 **SEC. 246. DATA COLLECTION AND PERFORMANCE MEAS-**
7 **UREMENT.**

8 (a) IN GENERAL.—The Attorney General, in con-
9 sultation with State and local public officials responsible
10 for administering juvenile justice and criminal justice pro-
11 grams, juvenile justice advocates, youth service providers,
12 and researchers, shall—

13 (1) develop outcome measures (including meas-
14 ures of educational attainment, high school diploma
15 (or its equivalent), employment, homelessness, non-
16 marital childbirth, recidivism, and high-risk behav-
17 iors) that can be used to assess the performance of
18 States in operating youth offender reentry programs;

19 (2) identify data elements needed to track—

20 (A) the number and characteristics of
21 youths receiving services under this title;

22 (B) the type and quantity of services being
23 provided; and

24 (C) State performance on the outcome
25 measures; and

1 (3) develop and implement a plan to collect the
2 needed information beginning with the second fiscal
3 year beginning after December 14, 2008.

4 **SEC. 247. EVALUATIONS.**

5 (a) IN GENERAL.—The Attorney General shall con-
6 duct evaluations of such State programs funded under this
7 title as the Attorney General deems to be innovative or
8 of potential national significance. The evaluation of any
9 such program shall include information on the effects of
10 the program on education, employment, mental and phys-
11 ical health, personal development, and housing, and the
12 use of room and board services and how the use of the
13 services improves housing outcomes for the individuals. To
14 the maximum extent practicable, the evaluations shall be
15 based on rigorous scientific standards including, where
16 practicable, random assignment to treatment and control
17 groups. The Attorney General is encouraged to work di-
18 rectly with State and local governments to design methods
19 for conducting the evaluations, directly or by grant or con-
20 tract.

21 (b) FUNDING OF EVALUATIONS.—The Attorney Gen-
22 eral shall reserve 1.5 percent of the amount under section
23 248 for a fiscal year to carry out, during the fiscal year,
24 evaluation, technical assistance, performance measure-
25 ment, and data collection activities related to this title,

1 directly or through grants or contracts with appropriate
2 entities.

3 **SEC. 248. LIMITATIONS ON AUTHORIZATION OF APPRO-**
4 **PRIATIONS.**

5 There are authorized to be appropriated for each fis-
6 cal year—

7 (1) \$200,000,000 to carry out this title; and

8 (2) \$60,000,000 to carry out section 249.

9 **SEC. 249. EDUCATIONAL AND TRAINING VOUCHERS.**

10 The following conditions shall apply to a State edu-
11 cational and training voucher program under this title:

12 (1) Vouchers under the program may be avail-
13 able to individuals who are eligible for other services
14 under the State program carried out under this title.

15 (2) Vouchers provided for an individual under
16 this title—

17 (A) may be available for the cost of attend-
18 ance at an institution of higher education, as
19 defined in section 102 of the Higher Education
20 Act of 1965 (20 U.S.C. 1002); and

21 (B) shall not exceed the lesser of \$5,000
22 per year or the total cost of attendance, as de-
23 fined in section 472 of the Higher Education
24 Act of 1965 (20 U.S.C.1087ll).

1 (3) The amount of a voucher under this title
2 may be disregarded for purposes of determining the
3 recipient's eligibility for, or the amount of, any other
4 Federal or federally supported assistance, except
5 that the total amount of educational assistance to an
6 individual under this title and under other Federal
7 and federally supported programs shall not exceed
8 such total cost of attendance and except that the
9 State agency shall take appropriate steps to prevent
10 duplication of benefits under this and other Federal
11 or federally supported programs.

12 (4) The program is coordinated with other ap-
13 propriate education and training programs.

14 **Subtitle E—Transitional Housing**
15 **Program for Youth Victims of**
16 **Commercial Sexual Exploitation**

17 **SEC. 251. TRANSITIONAL HOUSING ASSISTANCE FOR**
18 **YOUTH VICTIMS OF COMMERCIAL SEXUAL**
19 **EXPLOITATION.**

20 The Family Violence Prevention and Services Act (42
21 U.S.C. 10401 et seq.) is amended by inserting after sec-
22 tion 319 the following new section:

1 **“SEC. 319A. TRANSITIONAL HOUSING ASSISTANCE FOR**
2 **YOUTH VICTIMS OF COMMERCIAL SEXUAL**
3 **EXPLOITATION.**

4 “(a) **AUTHORITY FOR PROGRAM.**—The Secretary of
5 Health and Human Services shall, to the extent amounts
6 are made available for grants under this section, make
7 grants and provide technical assistance under this section
8 to public and nonprofit private entities to protect, treat,
9 and promote a transition to self-sufficient living for youth
10 subjected to trafficking through establishing and oper-
11 ating safe houses for such youth.

12 “(b) **ELIGIBILITY FOR ASSISTANCE.**—Assistance
13 under this section may be provided only for the establish-
14 ment, strengthening, or funding of a facility or facilities,
15 which may be group homes, host family homes, or super-
16 vised apartments, as residences for youth subjected to
17 trafficking that—

18 “(1) provide voluntary and confidential access
19 to such youth;

20 “(2) provide adequate and appropriate protec-
21 tion to such youth from sexual exploiters, including
22 on-site supervision at each facility that is not a host
23 family home;

24 “(3) provide such youth with appropriate serv-
25 ices under subsection (d) to facilitate transition of
26 the resident youth to self-sufficient living; and

1 “(4) provide a number of staff sufficient to en-
2 sure that all youth at the facility receive adequate
3 supervision and services.

4 “(c) SUPPORTIVE SERVICES.—Support services de-
5 scribed in this subsection include the following:

6 “(1) outreach for the purpose of identifying
7 youth subjected to trafficking;

8 “(2) preventative, primary care and specialty
9 health services (including screening and treatment
10 for sexually transmitted illnesses, counseling, mental
11 health services, and substance abuse services);

12 “(3) habilitation and rehabilitation;

13 “(4) case management;

14 “(5) service coordination;

15 “(6) personal financial planning;

16 “(7) life skills education;

17 “(8) parenting education;

18 “(9) transportation;

19 “(10) vocational training;

20 “(11) employment and training;

21 “(12) education;

22 “(13) assistance in obtaining public benefits;

23 “(14) assistance in obtaining income support;

24 “(15) assistance in obtaining health insurance;

25 “(16) representative payee services;

- 1 “(17) legal assistance;
2 “(18) child care;
3 “(19) housing counseling;
4 “(20) recreational services;
5 “(21) leadership development; and
6 “(22) other services necessary for transition to
7 self-sufficient living.

8 “(d) TERM OF ASSISTANCE.—A facility assisted
9 under this section may not provide residence, shelter, sup-
10 port services, or other assistance to any youth subjected
11 to trafficking for a period of more than 730 days, except
12 that a youth subjected to trafficking who, as of the last
13 day of such a 730-day period of assistance, has not at-
14 tained 21 years of age, may, if otherwise, continue to be
15 provided such assistance until the youth attains 21 years
16 of age.

17 “(e) REPORTS.—

18 “(1) TO SECRETARY.—

19 “(A) IN GENERAL.—Each entity that re-
20 ceives a grant under this section shall annually
21 prepare and submit to the Secretary a report
22 describing the number of youths assisted, and
23 the types of assistance provided, pursuant to
24 this section.

1 “(B) CONTENTS.—Each report shall in-
2 clude information regarding—

3 “(i) the purpose and amount of shel-
4 ter provided to each youth assisted pursu-
5 ant to this section;

6 “(ii) the number of months each
7 youth was provided such assistance;

8 “(iii) the number of youth who were
9 eligible for such assistance, but for whom
10 the entity could not provide assistance
11 solely due to a lack of available housing;
12 and

13 “(iv) the type of services provided to
14 each youth assisted pursuant to this sec-
15 tion; and

16 “(v) such other information as the
17 Secretary considers necessary or appro-
18 priate to carry out the purposes of this
19 section.

20 “(2) TO CONGRESS.—The Secretary shall annu-
21 ally prepare and submit to the Committee on Edu-
22 cation and Labor of the House of Representatives
23 and the Committee on the Judiciary of the Senate
24 a report that contains a compilation of the informa-

1 tion contained in reports submitted to the Secretary
2 under paragraph (1).

3 “(f) EVALUATION, MONITORING, AND ADMINISTRA-
4 TION.—Of the amount appropriated under subsection (h)
5 for each fiscal year, the Secretary may use not more than
6 1 percent for evaluation, monitoring, and administrative
7 costs under this section.

8 “(g) DEFINITIONS.—For purposes of this section, the
9 following definitions shall apply:

10 “(1) SEVERE FORMS OF TRAFFICKING IN PER-
11 PERSONS.—The term ‘severe forms of trafficking in per-
12 sons’ has the meaning given such term in section
13 103 of the Trafficking Victims Protection Act of
14 2000 (22 U.S.C. 7102).

15 “(2) SEX TRAFFICKING.—The term ‘sex traf-
16 ficking’ has the meaning given the term in section
17 103 of the Trafficking Victims Protection Act of
18 2000 (22 U.S.C. 7102).

19 “(3) YOUTH SUBJECTED TO TRAFFICKING.—
20 The term ‘youth subjected to trafficking’ means an
21 individual, regardless of whether or not the indi-
22 vidual is a citizen of the United States, who—

23 “(A) is the subject of sex trafficking or se-
24 vere forms of trafficking in persons that occurs,

1 in whole or in part, within the territorial juris-
2 diction of the United States; and

3 “(B) has attained at least 13 years of age
4 and is not more than 24 years of age at the
5 time the individual is identified as having been
6 the subject of sex trafficking or severe forms of
7 trafficking in persons.

8 “(h) AUTHORIZATION OF APPROPRIATIONS.—There
9 are authorized to be appropriated to carry out this section
10 \$10,000,000 for fiscal year 2008 and such sums as may
11 be necessary for each fiscal years 2009 through 2012.

12 “(i) REGULATIONS.—The Secretary shall issue any
13 regulations necessary or appropriate to carry out this sec-
14 tion.”.

15 **TITLE III—YOUTH ACCESS TO** 16 **SUPPORTIVE SERVICES**

17 **SEC. 301. WORK OPPORTUNITY CREDIT.**

18 (a) IN GENERAL.—Paragraph (1) of section 51(d) of
19 the Internal Revenue Code of 1986 is amended by striking
20 “or” at the end of subparagraph (H), by striking the pe-
21 riod at the end of subparagraph (I) and inserting “, or”,
22 and adding at the end the following new subparagraph:

23 “(J) a qualified homeless youth.”.

24 (b) QUALIFIED HOMELESS YOUTH.—Subsection (d)
25 of section 51 of such Code is amended by redesignating

1 paragraphs (11) through (13) as paragraphs (12) through
2 (14), respectively, and by inserting after paragraph (10)
3 the following new paragraph:

4 “(11) **QUALIFIED HOMELESS YOUTH.**—The
5 term ‘qualified homeless youth’ means any individual
6 who is certified by the designated local agency—

7 “(A) as having attained age 16 but not age
8 25 on the hiring date; and

9 “(B) as being described in paragraph (2)
10 of section 725 of the McKinney-Vento Homeless
11 Assistance Act (42 U.S.C. 11434a), as in effect
12 on the date of the enactment of this paragraph,
13 on the hiring date.”.

14 (c) **EFFECTIVE DATE.**—The amendments made by
15 this subsection shall apply to individuals who begin work
16 for the employer after the date of the enactment of this
17 Act.

18 **SEC. 302. UNACCOMPANIED YOUTH ACCESS TO WORK-**
19 **FORCE INVESTMENT ACTIVITIES.**

20 (a) **DEFINITION.**—Section 101 of the Workforce In-
21 vestment Act of 1998 (20 U.S.C. 2801) is amended by
22 redesignating paragraphs (52) and (53) as paragraphs
23 (53) and (54), respectively, and inserting after paragraph
24 (51) the following new paragraph:

1 “(52) YOUTH.—The term ‘youth’ means an in-
2 dividual age 13 through 24.”.

3 (b) REPRESENTATIVES OF HOMELESS YOUTH ON
4 WIA YOUTH COUNCILS.—Section 117(h)(2)(A) of the
5 Workforce Investment Act of 1998 (20 U.S.C.
6 2832(h)(2)(A)) is amended by redesignating clause (iii)
7 through (vi) as clause (iv) through (vii), respectively, and
8 inserting after clause (ii) the following new clause:

9 “(iii) representatives of organizations
10 or agencies that provide assistance to run-
11 away or homeless youth;”.

12 (c) PARTICIPATION OF YOUTH IN WIA ACTIVITIES
13 WITHOUT PARENTAL CONSENT.—Section 112(b)(18)(B)
14 of the Workforce Investment Act of 1998 (20 U.S.C.
15 2822(b)(18)(B)) is amended by striking the semicolon at
16 the end and inserting “, and including criteria that pro-
17 vides for the participation of minor-age youth in youth ac-
18 tivities without a requirement of parental consent;”.

19 **SEC. 303. UNACCOMPANIED YOUTH ACCESS TO PUBLIC**
20 **HEALTH SERVICES.**

21 (a) PREVENTION, TREATMENT, AND REHABILITA-
22 TION MODEL PROJECTS FOR HIGH RISK YOUTH.—

23 (1) PRIORITIZATION OF SERVICES FOR RUN-
24 AWAY, HOMELESS, AND STREET YOUTH.—Section

1 517(b) of the Public Health Service Act (42 U.S.C.
2 290bb–23(b)) is amended—

3 (A) in paragraph (1), by inserting “run-
4 away, homeless, and street children and youth,”
5 after “adolescent parents,”; and

6 (B) in paragraph (2), by inserting “home-
7 lessness,” after “suicide,”.

8 (2) DEFINITION OF RUNAWAY, HOMELESS, AND
9 STREET YOUTH AS HIGH RISK.—Section 517(g) of
10 the Public Health Service Act (42 U.S.C. 290bb–
11 23(g)) is amended—

12 (A) in paragraph (9), by striking “or”
13 after the semicolon;

14 (B) in paragraph (10), by striking the pe-
15 riod and inserting “; or”; and

16 (C) by adding at the end the following
17 paragraph:

18 “(11) is a runaway, homeless, or street youth.”.

19 (b) SUBSTANCE ABUSE TREATMENT SERVICES FOR
20 CHILDREN AND ADOLESCENTS.—

21 (1) TECHNICAL AMENDMENT.—The second sec-
22 tion 514 of the Public Health Service Act (42
23 U.S.C. 290bb–9; relating to methamphetamine and
24 amphetamine treatment initiative) is redesignated as
25 section 514B.

1 (2) PRIORITY.—Section 514(b) of the Public
2 Health Service Act (42 U.S.C. 290bb–7(b)) is
3 amended—

4 (A) in paragraph (6), by striking “and” at
5 the end;

6 (B) in paragraph (7), by striking the pe-
7 riod at the end and inserting “; and”; and

8 (C) by adding at the end the following:

9 “(8) provide treatment and aftercare services to
10 runaway, homeless, and street youth.”.

11 (3) AUTHORIZATION OF APPROPRIATIONS.—
12 Section 514(f) of the Public Health Service Act (42
13 U.S.C. 290bb–7(f)) is amended—

14 (A) by striking “There are” and inserting
15 the following:

16 “(1) IN GENERAL.—There are”;

17 (B) by striking “and” before “such sums”;

18 (C) by inserting “, and \$60,000,000 for
19 each of fiscal years 2008 through 2012” before
20 the period at the end; and

21 (D) by adding at the end the following:

22 “(2) ALLOCATION.—Of the amount appro-
23 priated to carry out this section for a fiscal year,
24 \$20,000,000 shall be for providing grants, contracts,
25 and cooperative agreements under subsection (a) for

1 treatment and aftercare services to runaway, home-
2 less, and street youth.”.

3 (c) GRANTS FOR THE BENEFIT OF HOMELESS INDI-
4 VIDUALS.—Section 506(e) of the Public Health Service
5 Act (42 U.S.C. 290aa–5(e)) is amended—

6 (1) by striking “and” before “such sums”; and

7 (2) by inserting “, and \$100,000,000 for each
8 of fiscal years 2008 through 2012” before the period
9 at the end.

10 (d) INCREASED COLLABORATION BETWEEN
11 SAMHSA AND ACF.—

12 (1) CENTER FOR SUBSTANCE ABUSE TREAT-
13 MENT.—Section 507(b) of the Public Health Service
14 Act (42 U.S.C. 290bb(b)) is amended—

15 (A) in paragraph (13), by striking “and”
16 at the end;

17 (B) in paragraph (14), by striking the pe-
18 riod at the end and inserting “; and”; and

19 (C) by adding at the end the following:

20 “(15) collaborate with the Assistant Secretary
21 for Children and Families to develop programs to
22 provide substance abuse treatment services to—

23 “(A) children and families who have or had
24 contact with the child welfare system; and

1 “(B) runaway, homeless, and street youth
2 and their families.”.

3 (2) OFFICE FOR SUBSTANCE ABUSE PREVEN-
4 TION.—Section 515(b) of the Public Health Service
5 Act (42 U.S.C. 290bb–21(b)) is amended—

6 (A) in paragraph (10), by striking “and”
7 at the end;

8 (B) in paragraph (11), by striking the pe-
9 riod at the end and inserting “; and”; and

10 (C) by adding at the end the following:

11 “(12) collaborate with the Assistant Secretary
12 for Children and Families to develop programs to
13 prevent alcohol abuse and drug abuse among—

14 “(A) children and families who have or had
15 contact with the child welfare system; and

16 “(B) runaway, homeless, and street youth
17 and their families.”.

18 (3) CENTER FOR MENTAL HEALTH SERVICES.—
19 Section 520(b) of the Public Health Service Act (42
20 U.S.C. 290bb–31(b)) is amended—

21 (A) in paragraph (14), by striking “and”
22 at the end;

23 (B) in paragraph (15), by striking the pe-
24 riod at the end and inserting “; and”; and

25 (C) by adding at the end the following:

1 “(16) collaborate with the Assistant Secretary
2 for Children and Families to develop programs to
3 provide mental health services to—

4 “(A) children and families who have or had
5 contact with the child welfare system; and

6 “(B) runaway, homeless, and street youth
7 and their families.”.

8 **SEC. 304. ENHANCED YOUTH ACCESS TO MEDICAL ASSIST-**
9 **ANCE UNDER MEDICAID.**

10 (a) REQUIRING COVERAGE UNDER MEDICAID OF
11 YOUTH UNDER AGE 25 AND PREGNANT WOMEN WITH
12 INCOMES THAT DO NOT EXCEED 300 PERCENT OF FED-
13 ERAL POVERTY LEVEL.—

14 (1) IN GENERAL.—Section 1902(a)(10)(A)(i) of
15 the Social Security Act (42 U.S.C.
16 1396a(a)(10)(A)(i)) is amended—

17 (A) in subclause (VI), by striking “or” at
18 the end;

19 (B) in subclause (VII), by striking the
20 semicolon at the end and inserting a comma;
21 and

22 (C) by adding at the end the following new
23 subclause:

24 “(VIII) who are not otherwise
25 described in this clause, who are

1 under 25 years of age or pregnant
2 and whose family income, or indi-
3 vidual income in the case of unaccom-
4 panied youth (as defined in section
5 1905(y)), does not exceed 300 percent
6 of the income official poverty line (as
7 defined by the Office of Management
8 and Budget, and revised annually in
9 accordance with section 673(2) of the
10 Omnibus Budget Reconciliation Act of
11 1981) applicable to a family of the
12 size involved, or”.

13 (2) UNACCOMPANIED YOUTH DEFINED.—Sec-
14 tion 1905 of such Act (42 U.S.C. 1396d) is amend-
15 ed by adding at the end the following new sub-
16 section:

17 “(y) The term ‘unaccompanied youth’ means, with re-
18 spect to a State, an individual who is under the age of
19 majority, as specified by such State, and who is not in
20 the physical custody of a parent or legal guardian.”.

21 (3) ADJUSTMENT IN FMAP TO ACCOUNT FOR
22 EXPANDED COVERAGE.—Section 1905 of the Social
23 Security Act (42 U.S.C. 1396d), as amended by
24 paragraph (2), is further amended—

1 (A) in the first sentence of subsection

2 (b)—

3 (i) by striking “and (4)” and inserting

4 “(4)”; and

5 (ii) by inserting before the period at

6 the end the following: “, and (5) the Fed-

7 eral medical assistance percentage for a

8 State, with respect to youth-related med-

9 ical assistance (as defined in paragraph (5)

10 of subsection (z)) during a calendar quar-

11 ter beginning after the effective date de-

12 scribed in section 304(e) of the Place to

13 Call Home Act applicable to such State,

14 shall be the youth access medical assist-

15 ance percentage for such State and quarter

16 determined under such subsection”; and

17 (B) by adding at the end the following new

18 subsection:

19 “(z) COMPUTATION OF YOUTH ACCESS MEDICAL AS-

20 SISTANCE PERCENTAGE.—

21 “(1) IN GENERAL.—For purposes of clause (5)

22 of the first sentence of subsection (b), the youth ac-

23 cess medical assistance percentage determined under

24 this subsection for a State for a calendar quarter in

25 a fiscal year is equal to the ratio of—

1 “(A)(i) the total expenditures under the
2 State plan under this title for the quarter that
3 are attributable to youth-related medical assist-
4 ance (as defined in paragraph (5)), less

5 “(ii) the State share of basic expenditures
6 for youth-related medical assistance described
7 in paragraph (2) for the State and the quarter,
8 to

9 “(B) the total expenditures referred to in
10 subparagraph (A)(i).

11 “(2) STATE SHARE FOR BASIC EXPENDITURES
12 FOR YOUTH-RELATED MEDICAL ASSISTANCE.—

13 “(A) IN GENERAL.—The State share of
14 basic expenditures for youth-related medical as-
15 sistance for a State for a quarter in a fiscal
16 year is equal to 1/4 of the product of the fol-
17 lowing:

18 “(i) BASE AMOUNT.—The base FY
19 2006 amount (specified in subparagraph
20 (B)) for the State.

21 “(ii) CHILD INCREASE FACTOR.—One
22 plus the percentage increase in the number
23 of individuals under 25 years of age resid-
24 ing in the State, as estimated by the Sec-

1 retary, from fiscal year 2006 to the fiscal
2 year involved.

3 “(iii) COST INCREASE FACTOR.—One
4 plus the percentage increase in the medical
5 care component of the consumer price
6 index for all urban consumers (U.S. city
7 average), as estimated by the Secretary,
8 from fiscal year 2006 to the fiscal year in-
9 volved.

10 “(B) BASE FY 2006 AMOUNT.—For pur-
11 poses of this paragraph, the ‘base FY 2006
12 amount’ for a State is equal to the total
13 amount of expenditures made by the State dur-
14 ing calendar quarters in fiscal year 2006 under
15 this title (including under any waiver under sec-
16 tion 1115) that are attributable to youth-re-
17 lated medical assistance, including an appro-
18 priate portion of administrative expenses, re-
19 duced by the amount of Federal financial par-
20 ticipation provided with respect to such expend-
21 itures.

22 “(3) COUNTER-CYCLICAL REDUCTION.—The
23 Secretary shall establish a formula for providing, in
24 addition to the base Federal matching amounts,
25 automatic supplemental assistance to States that ex-

1 perience a sustained economic downturn, based upon
2 State’s quarterly unemployment rate exceeding the
3 State’s average of such rates during a period of pre-
4 vious calendar quarters (in such number as the Sec-
5 retary shall specify) and by a percentage to be deter-
6 mined by the Secretary and in an amount calculated
7 on the basis of the relationship between changes in
8 unemployment and anticipated increases in providing
9 services under this title. The supplemental assistance
10 shall be distributed quarterly through a supplement
11 to the State’s Federal payment under this title and
12 shall be for such duration as the Secretary deter-
13 mines appropriate.

14 “(4) TREATMENT OF TERRITORIES.—In the
15 case of States that are not one of the 50 States or
16 the District of Columbia, the Secretary shall by reg-
17 ulation establish an equitable formula for allocating
18 funds to provide youth-related medical assistance to
19 individuals residing in such States. The additional
20 Federal financial participation under this title, with
21 respect to a fiscal year, that results from such as-
22 sistance for such fiscal year that is attributable to
23 the amendments made by section 304 of the Place
24 to Call Home Act shall not be counted towards the
25 limitation on expenditures under this title for such

1 a State otherwise determined under subsections (f)
2 and (g) of section 1108.

3 “(5) YOUTH-RELATED MEDICAL ASSISTANCE.—
4 For purposes of this subsection, the term ‘youth-re-
5 lated medical assistance’ means medical assistance
6 provided to individuals who are under 25 years of
7 age or during pregnancy (or during the period end-
8 ing with the end of the month in which the 60-day
9 period, beginning on the date of termination of a
10 pregnancy, ends).”.

11 (4) CONFORMING AMENDMENTS.—

12 (A) Section 1902(e)(3)(A) (42 U.S.C.
13 1396a(e)(3)(A)) is amended by striking “18
14 years of age” and inserting “24 years of age”.

15 (B) Section 1902(e)(12) (42 U.S.C.
16 1396a(e)(12)) is amended by striking “19 years
17 of age” and inserting “25 years of age”.

18 (C) Section 1905(a)(i) (42 U.S.C.
19 1396d(a)(i)) is amended by striking “age of
20 21” and inserting “age of 25”.

21 (D) Section 1920A(b)(1) (42 U.S.C.
22 1396r-1a(b)(1)) is amended by striking “19
23 years of age” and inserting “25 years of age”.

1 (E) Section 1928(h)(1) (42 U.S.C.
2 1396s(h)(1)) is amended by striking “18 years
3 of age” and inserting “24 years of age”.

4 (F) Section 1932(a)(2)(A) (42 U.S.C.
5 1396u-2(a)(2)(A)) is amended by striking “19
6 years of age” and inserting “25 years of age”.

7 (b) INDEPENDENT FOSTER CARE ADOLESCENTS ES-
8 TABLISHED AS MANDATORY CATEGORY (AND NOT OP-
9 TIONAL CATEGORY) OF INDIVIDUALS FOR MEDICAID COV-
10 ERAGE; COVERAGE OF SUCH ADOLESCENTS UNDER 25
11 YEARS OF AGE.—

12 (1) ESTABLISHMENT AS MANDATORY CAT-
13 EGORY.—Section 1902(a)(10)(A)(i) of the Social Se-
14 curity Act (42 U.S.C. 1396a(a)(10)(A)(i)), as
15 amended by subsection (a)(1), is further amended by
16 adding at the end the following new subclause:

17 “(IX) who are independent foster
18 care adolescents (as defined in section
19 1905(w)(1)); and”.

20 (2) EXPANDED COVERAGE THROUGH AGE 24.—
21 Section 1905(w) of such Act (42 U.S.C. 1396d(w))
22 is amended—

23 (A) in paragraph (1), by inserting “, sub-
24 ject to paragraph (3),” after “means”;

1 (B) in paragraph (1)(A), by striking
2 “under 21” and inserting “under 25”; and

3 (C) in paragraph (3)—

4 (i) by striking “section
5 1902(a)(10)(A)(ii)(XVII)” and inserting
6 “section 1902(a)(10)(A)(i)(IX)”; and

7 (ii) by striking “18 years of age” and
8 inserting “25 years of age”.

9 (3) CONFORMING AMENDMENTS.—

10 (A) Section 1902(a)(10)(A)(ii) of such Act
11 (42 U.S.C. 1396b(a)(10)(A)(ii)) is amended by
12 striking subclause (XVII).

13 (B) Section 1903(f)(4) of such Act (42
14 U.S.C. 1396b(f)(4)) is amended by striking
15 “1902(a)(10)(A)(ii)(XVII),” and inserting
16 “1902(a)(10)(A)(i)(IX),”.

17 (c) COST-SHARING PROTECTIONS FOR CHILDREN
18 AND PREGNANT WOMEN.—

19 (1) IN GENERAL.—Section 1916 of the Social
20 Security Act (42 U.S.C. 1396o) is amended—

21 (A) in subsection (a), by striking “sub-
22 sections (g) and (i)” and inserting “subsections
23 (g), (i), and (j)”; and

24 (B) by adding at the end the following new
25 subsection:

1 “(j)(1) The provisions of this subsection shall apply
2 to all children and pregnant women (including women dur-
3 ing the period ending with the end of the month that ends
4 60 days after the date of determination of a pregnancy)
5 eligible for medical assistance under this title and shall
6 supersede any contrary provision of this title.

7 “(2) In the case of an individual described in para-
8 graph (1), there shall be no premium imposed for coverage
9 under this title.

10 “(3) Subject to paragraph (5), in the case of an indi-
11 vidual described in paragraph (1) whose family income—

12 “(A) does not exceed 200 percent of the poverty
13 line, there shall be no out-of-pocket cost-sharing im-
14 posed under this title; or

15 “(B) exceeds 200 percent, but does not exceed
16 300 percent, of the poverty line, only nominal out-
17 of-pocket cost-sharing may be imposed under this
18 title.

19 In no case shall an individual described in paragraph (1)
20 be denied services under this title because of failure to
21 pay out-of-pocket cost sharing.

22 “(4) A State may elect to waive or reduce out-of-
23 pocket cost-sharing otherwise authorized under this sub-
24 section.

1 “(5)(A) For each individual described in paragraph
2 (1), premiums and out-of-pocket cost-sharing may not ex-
3 ceed the levels that would have been charged for that indi-
4 vidual under this title as of October 1, 2005, updated in
5 a manner specified by the Secretary based on changes,
6 after that date, to average earnings among families with
7 incomes that do not exceed 200 percent of the poverty line.

8 “(B) The State plan shall provide effective measures,
9 consistent with standards established by the Secretary, to
10 further limit out-of-pocket cost-sharing (taking into ac-
11 count both premiums and cost-sharing) of all individuals
12 described in paragraph (1) to affordable levels, for both
13 individual health care services and total family costs. Such
14 measures may include coding of each individual’s enroll-
15 ment card. Such measures may not include a requirement
16 that households track incurred costs.”.

17 (2) CONFORMING AMENDMENT.—Section
18 1916A(a)(1) of such Act (42 U.S.C. 1396o–1(a)(1))
19 is amended by striking “section 1916(g)” and in-
20 serting “subsections (g) and (j) of section 1916”.

21 (d) REQUIREMENT TO PERMIT UNACCOMPANIED
22 YOUTH TO APPLY FOR MEDICAL ASSISTANCE.—Section
23 1902(a) of such Act (42 U.S.C. 1396a(a)) is amended—

24 (1) in paragraph (69), by striking “and” at the
25 end;

1 (2) in paragraph (70), by striking at the end
2 the period and inserting “; and”; and

3 (3) by inserting after paragraph (70) the fol-
4 lowing new paragraph:

5 “(71) provide that the State has in place poli-
6 cies and procedures to ensure that an unaccom-
7 panied youth, as defined in section 1905(y), may
8 apply for medical assistance under the State plan
9 without the consent of a parent or legal guardian.”.

10 (e) EFFECTIVE DATE.—

11 (1) IN GENERAL.—Except as provided in para-
12 graph (2), the amendments made by this section
13 shall apply to calendar quarters beginning on or
14 after October 1, 2007, without regard to whether or
15 not final regulations to carry out such amendments
16 have been promulgated by such date.

17 (2) EXCEPTION IF STATE LEGISLATION RE-
18 QUIRED.—In the case of a State plan for medical as-
19 sistance under title XIX of the Social Security Act
20 which the Secretary of Health and Human Services
21 determines requires State legislation (other than leg-
22 islation appropriating funds) in order for the plan to
23 meet the additional requirements imposed by the
24 amendments made by this section, the State plan
25 shall not be regarded as failing to comply with the

1 requirements of such title solely on the basis of its
2 failure to meet these additional requirements before
3 the first day of the first calendar quarter beginning
4 after the close of the first regular session of the
5 State legislature that begins after the date of the en-
6 actment of this Act. For purposes of the previous
7 sentence, in the case of a State that has a 2-year
8 legislative session, each year of such session shall be
9 deemed to be a separate regular session of the State
10 legislature.

11 **TITLE IV—YOUTH ACCESS TO EL-**
12 **EMENTARY AND SECONDARY**
13 **EDUCATION**

14 **SEC. 401. INCREASED ACCESS TO 21ST CENTURY COMMU-**
15 **NITY LEARNING CENTERS.**

16 Section 4203(a) of the Elementary and Secondary
17 Education Act of 1965 (20 U.S.C. 7173(a)) is amended—

18 (1) in paragraph (10) by inserting after “par-
19 ticipating students” the following: “, including
20 homeless children and youths,”;

21 (2) in paragraph (13) by striking “and” at the
22 end;

23 (3) in paragraph (14) by striking the period at
24 the end and inserting “; and”; and

25 (4) by adding at the end the following:

1 “(15) contains an assurance that the State edu-
2 cational agency will require eligible entities to de-
3 scribe in their applications under section 4204(b)
4 how they will ensure the participation, attendance,
5 and success of eligible homeless children and youths,
6 paying particular attention to the needs of unaccom-
7 panied youth.”.

8 **SEC. 402. EDUCATION FOR HOMELESS CHILDREN AND**
9 **YOUTHS.**

10 The McKinney-Vento Homeless Assistance Act is
11 amended—

12 (1) in section 722(g) (42 U.S.C. 11432(g))—

13 (A) in paragraph (1)—

14 (i) in subparagraph (F), by amending
15 clause (ii) to read as follows:

16 “(ii) homeless youths, including
17 youths separated from the public schools,
18 are identified and accorded access to ap-
19 propriate secondary education and support
20 services, including through the implemen-
21 tation of policies and practices to ensure
22 that such youths are able to receive credit
23 for full or partial coursework satisfactorily
24 completed while attending a prior school
25 and are afforded opportunities to recover

1 credits lost during periods of homelessness;
2 and”; and
3 (ii) in subparagraph (J)—
4 (I) in clause (ii), by striking
5 “and” at end; and
6 (II) in clause (iii)—
7 (aa) in the matter preceding
8 subclause (I), by striking the
9 colon at the end and inserting
10 “—”;
11 (bb) in subclause (I)—
12 (AA) by striking “If the
13 homeless child” and insert-
14 ing “if the homeless child”;
15 and
16 (BB) by striking the
17 period at the end and insert-
18 ing “; and”;
19 (cc) in subclause (II)—
20 (AA) by striking “If the
21 homeless child’s” and insert-
22 ing “if the homeless child’s”;
23 and

1 (BB) by striking the
2 period at the end and insert-
3 ing “; and”; and

4 (dd) by adding at the end
5 the following new clause:

6 “(iv) the State educational agency and
7 local educational agencies in the State will
8 adopt policies and practices to ensure that
9 homeless children and youths have oppor-
10 tunities to meet the same challenging State
11 student academic achievement standards to
12 which other students are held and are able
13 to participate fully in all classes and school
14 activities, including extracurricular activi-
15 ties, athletic activities for which such chil-
16 dren and youths meet skill-level require-
17 ments, before- and after-school programs,
18 summer school programs, field trips, and
19 classes, tests, activities with additional
20 fees, services provided under title I of the
21 Elementary and Secondary Education Act
22 of 1965 and similar State and local pro-
23 grams, and other activities made available
24 to nonhomeless students, and that such
25 policies and practices will pay particular

1 attention to removing barriers related to
2 fees, credit accrual policies, guardianship,
3 and transportation issues.”;

4 (B) in paragraph (3)—

5 (i) by amending subparagraph (B) to
6 read as follows:

7 “(B) SCHOOL STABILITY.—In determining
8 the educational best interest of the child or
9 youth under subparagraph (A), and to promote
10 the school stability of the child or youth, the
11 local educational agency shall—

12 “(i) presume that continuing in the
13 school of origin is in the child’s or youth’s
14 best interest, except when doing so is con-
15 trary to the wishes of the child’s or youth’s
16 parent or guardian or the unaccompanied
17 youth;

18 “(ii) consider student-centered factors
19 related to the child’s or youth’s educational
20 best interest, in coordination with the par-
21 ent, guardian, or youth, including—

22 “(I) the harmful impact of school
23 mobility on academic achievement and
24 social and emotional well-being;

1 “(II) the age of the child or
2 youth;

3 “(III) the impact any commute
4 may have on the child’s or youth’s
5 education;

6 “(IV) personal safety issues;

7 “(V) the child’s or youth’s need
8 for special instruction, including spe-
9 cial education and related services;

10 “(VI) the length of anticipated
11 stay in temporary shelter or other
12 temporary location;

13 “(VII) the time remaining in the
14 school year; and

15 “(VIII) the school placement of
16 family members;

17 “(iii) provide the child’s or youth’s
18 parent or guardian or the unaccompanied
19 youth with a written explanation, in a
20 manner and form understandable to such
21 parent, guardian, or youth, including a
22 statement regarding the right to appeal
23 under subparagraph (E), if the local edu-
24 cational agency determines that it is not in
25 the child’s or youth’s best interest to at-

1 tend the school of origin or the school re-
2 quested by the parent, guardian, or youth;

3 “(iv) in the case of an unaccompanied
4 youth, ensure that the homeless liaison
5 designated under paragraph (1)(J)(ii) as-
6 sists in placement or enrollment decisions
7 under this subparagraph, considers the
8 views of such unaccompanied youth, and
9 provides notice to such youth of the right
10 to appeal under subparagraph (E); and

11 “(v) provide transportation pursuant
12 to subsections (g)(1)(J)(iii) and (g)(4).”;

13 (ii) in subparagraph (C)—

14 (I) by amending clause (i) to
15 read as follows:

16 “(i) The school selected in accordance
17 with this paragraph shall immediately en-
18 roll the homeless child or youth, regardless
19 of whether the child or youth—

20 “(I) is unable to produce records
21 normally required for enrollment, in-
22 cluding previous academic records, im-
23 munization and other required health
24 records and screenings, proof of resi-

1 dency or guardianship, or other docu-
2 mentation;

3 “(II) has unpaid school fees from
4 prior schools and is unable to pay fees
5 in the school selected; or

6 “(III) has missed application
7 deadlines during any period of home-
8 lessness.”;

9 (II) by adding at the end the fol-
10 lowing new clause:

11 “(iv) Whenever the school selected en-
12 rolls an unaccompanied youth in accord-
13 ance with this paragraph, no liability shall
14 be imposed upon the school by reason of
15 enrolling the youth without parent or
16 guardian consent.”; and

17 (iii) by amending subparagraph (D) to
18 read as follows:

19 “(D) RECORDS.—

20 “(i) IN GENERAL.—Any record ordi-
21 narily kept by the school, including immu-
22 nization or medical records or other health
23 records and screenings, academic records,
24 birth certificates, guardianship records,
25 and evaluations for special services or pro-

1 grams, regarding each homeless child or
2 youth shall be—

3 “(I) maintained so that such
4 records are available, in a timely fash-
5 ion, when a child or youth enters a
6 new school or school district;

7 “(II) immediately sent to the en-
8 rolling school, regardless of whether
9 the student owes fees or fines or was
10 not withdrawn from the previous
11 school in conformance with local with-
12 drawal procedures; and

13 “(III) handled in a manner con-
14 sistent with section 444 of the Gen-
15 eral Education Provisions Act (20
16 U.S.C. 1232g).

17 “(ii) RELEASE.—School records need-
18 ed for academic placement decisions shall
19 be released immediately by fax or other
20 available electronic means.”; and

21 (C) in paragraph (6)(A)—

22 (i) in clause (vi), by striking “and” at
23 the end;

1 (ii) in clause (vii), by striking the pe-
2 riod at the end and inserting a semicolon;
3 and

4 (iii) by adding at the end the fol-
5 lowing new clause:

6 “(viii) unaccompanied youths are en-
7 rolled in school and have opportunities to
8 meet the same challenging State student
9 academic achievement standards to which
10 other students are held, including through
11 implementation of the policies and prac-
12 tices required by subsections (g)(1)(F)(ii)
13 and (g)(1)(J)(iv).”;

14 (2) in section 725(6) (42 U.S.C. 11434a(6)), by
15 inserting “legal” before “guardian”; and

16 (3) in section 726 (42 U.S.C. 11435), by insert-
17 ing before the period at the end the following: “, and
18 \$140,000,000 for fiscal year 2008 and such sums as
19 may be necessary for each of fiscal years 2009
20 through 2015”.

21 **SEC. 403. GRANTS TO INCREASE STUDENT ATTENDANCE.**

22 (a) IN GENERAL.—Subpart 2 of part A of title IV
23 of the Elementary and Secondary Education Act (20
24 U.S.C. 7131 et seq.) is amended by adding at the end
25 the following:

1 **“SEC. 4131. GRANTS TO INCREASE STUDENT ATTENDANCE.**

2 “(a) IN GENERAL.—The Secretary shall award
3 grants from funds made available to carry out this section
4 to eligible entities for the purpose increasing student at-
5 tendance at school by developing innovative policies, pro-
6 grams, and practices to prevent, provide alternatives to,
7 and resolve truancy, suspension, and expulsion among stu-
8 dents.

9 “(b) ELIGIBLE ENTITIES.—For purposes of this sec-
10 tion, the term ‘eligible entity’ means—

11 “(1) a local educational agency;

12 “(2) a State educational agency; or

13 “(3) an Indian tribe.

14 “(c) USE OF FUNDS.—Funds received under this sec-
15 tion may be used—

16 “(1) to foster collaboration between school sys-
17 tems, law enforcement, courts, juvenile justice, child
18 welfare, and social service systems, and community-
19 based organizations, including faith-based organiza-
20 tions, for the purpose of this section;

21 “(2) to train school system personnel in positive
22 behavioral interventions and supports and graduated
23 discipline policies and practices;

24 “(3) to support innovative policies, programs,
25 and practices determined by the Secretary to be ef-
26 fective at increasing student attendance at school,

1 such as dedicated attendance workers, home visita-
2 tion, truancy courts, youth courts, and mediation;
3 and

4 “(4) to provide opportunities for student sup-
5 port services personnel to staff in-school suspension
6 and expulsion programs.

7 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
8 are authorized to be appropriated to carry out this section
9 \$10,000,000 for each of fiscal years 2008 through 2013.”.

10 (b) CONFORMING AMENDMENT.—Section 4003(2) of
11 such Act (20 U.S.C. 7103) is amended by inserting “(ex-
12 cluding section 4131)” before the period at the end.

13 **TITLE V—YOUTH ACCESS TO** 14 **POSTSECONDARY EDUCATION**

15 **SEC. 501. SENSE OF CONGRESS WITH RESPECT TO ACCESS** 16 **TO HEALTH CARE BY MINORS AT LEAST 13** 17 **YEARS OF AGE.**

18 It is the sense of the Congress that the legislatures
19 of the States should enact laws—

20 (1) that permit health care providers to furnish
21 services to minors who are at least 13 years of age
22 without the notification or consent of any individual
23 other than such a minor involved; and

1 (2) with respect to any such services so fur-
2 nished by a health care provider to such a minor,
3 that ensure the confidentiality of such services.

4 **SEC. 502. FINANCIAL ASSISTANCE FOR DISCONNECTED**
5 **STUDENTS.**

6 (a) SPECIAL CIRCUMSTANCES.—Section 479A(a) of
7 the Higher Education Act of 1965 (20 U.S.C. 1087tt(a))
8 is amended, in the third sentence, by inserting “a change
9 in housing status that results in homelessness,” before “or
10 other changes”.

11 (b) INDEPENDENT STUDENTS.—Section 480(d) of
12 the Higher Education Act of 1965 (20 U.S.C. 1087vv(d))
13 is amended to read as follows:

14 “(d) INDEPENDENT STUDENT.—

15 “(1) DEFINITION.—The term ‘independent’,
16 when used with respect to a student, means any in-
17 dividual who—

18 “(A) is 24 years of age or older by Decem-
19 ber 31 of the award year;

20 “(B) is an orphan, in foster care, or a
21 ward of the court, or was in foster care or a
22 ward of the court until the individual reached
23 the age of 18;

24 “(C) is an adjudicated or convicted juve-
25 nile, was an adjudicated juvenile until the juve-

1 nile reached the upper age of juvenile court ju-
2 risdiction, or was a convicted juvenile who com-
3 pleted the sentence for such juvenile conviction
4 prior to reaching the age of majority;

5 “(D) is an emancipated youth, as defined
6 by the student’s State of legal residence;

7 “(E) is in legal guardianship, as defined in
8 section 475 of the Social Security Act (42
9 U.S.C. 675);

10 “(F) is a veteran of the Armed Forces of
11 the United States (as defined in subsection
12 (c)(1)) or is currently serving on active duty in
13 the Armed Forces for other than training pur-
14 poses;

15 “(G) is a graduate or professional student;

16 “(H) is a married individual;

17 “(I) has legal dependents other than a
18 spouse;

19 “(J) has been verified as both a homeless
20 child or youth and an unaccompanied youth, as
21 such terms are defined in section 725 of the
22 McKinney-Vento Homeless Assistance Act (42
23 U.S.C. 11434a), during the school year in
24 which the application for financial assistance is

1 submitted, or during the individual's final year
2 of secondary school, by—

3 “(i) a local educational agency liaison
4 for homeless children and youths, as des-
5 igned under section 722(g)(1)(J)(ii) of
6 the McKinney-Vento Homeless Assistance
7 Act (42 U.S.C. 11432(g)(1)(J)(ii));

8 “(ii) a director of a homeless shelter,
9 transitional shelter, basic center, transi-
10 tional living program, or independent living
11 program; or

12 “(iii) a financial aid administrator; or

13 “(K) is a student for whom a financial aid
14 administrator makes a documented determina-
15 tion of independence by reason of other unusual
16 circumstances.

17 “(2) SIMPLIFYING THE DEPENDENCY OVER-
18 RIDE PROCESS.—Nothing in this subsection shall be
19 construed to prohibit a financial aid administrator
20 from making a determination of independence under
21 paragraph (1)(J) based upon a documented deter-
22 mination of independence under such paragraph that
23 was previously made by another financial aid admin-
24 istrator in the same application year.”.

1 (c) TAILORING ELECTRONIC APPLICATIONS FOR
2 STUDENTS WITH SPECIAL CIRCUMSTANCES.—Section
3 483(a) of the Higher Education Act of 1965 (20 U.S.C.
4 1090(a)) is amended by adding at the end the following:

5 “(8) APPLICATIONS FOR STUDENTS SEEKING A
6 DOCUMENTED DETERMINATION OF INDEPEND-
7 ENCE.—In the case of a student seeking a docu-
8 mented determination of independence by a financial
9 aid administrator, as described in section
10 480(d)(1)(J), nothing in this section shall prohibit
11 the Secretary from—

12 “(A) allowing such student to indicate the
13 student’s special circumstance on the electronic
14 version of a form developed under paragraph
15 (5);

16 “(B) collecting and processing, on a pre-
17 liminary basis, data provided by such student
18 using the electronic version of the form; or

19 “(C) distributing such data to States, in-
20 stitutions of higher education, and guaranty
21 agencies for the purposes of processing loan ap-
22 plications and determining need and eligibility
23 for institutional and State financial aid awards
24 for such student on a preliminary basis, pend-

1 ing a documented determination of independ-
2 ence by a financial aid administrator.”.

3 **SEC. 503. FEDERAL EARLY OUTREACH AND STUDENT SERV-**
4 **ICES PROGRAMS FOR DISCONNECTED STU-**
5 **DENTS.**

6 (a) FEDERAL TRIO PROGRAMS.—

7 (1) DEFINITION OF HOMELESS CHILDREN AND
8 YOUTHS.—Section 402A(g) of the Higher Education
9 Act of 1965 (20 U.S.C. 1070a–11(g)) is amended—

10 (A) by redesignating paragraphs (2)
11 through (4) as paragraphs (3) through (5), re-
12 spectively;

13 (B) in paragraph (5), as so redesignated,
14 by striking “paragraph (3) if” and inserting
15 “paragraph (4) if”; and

16 (C) by inserting after paragraph (1) the
17 following:

18 “(2) HOMELESS CHILDREN AND YOUTHS.—The
19 term ‘homeless children and youths’ has the mean-
20 ing given the term in section 725 of the McKinney-
21 Vento Homeless Assistance Act (42 U.S.C.
22 11434a).”.

23 (2) TALENT SEARCH.—Section 402B(b)(10) of
24 the Higher Education Act of 1965 (20 U.S.C.
25 1070a–12(b)(10)) is amended to read as follows:

1 “(10) programs and activities as described in
2 paragraphs (1) through (9) which are specially de-
3 signed for—

4 “(A) students of limited English pro-
5 ficiency;

6 “(B) students who are homeless children
7 and youths;

8 “(C) students who are in foster care or are
9 aging out of the foster care system;

10 “(D) students who are adjudicated or con-
11 victed juveniles or who are exiting the juvenile
12 justice or criminal justice systems; and

13 “(E) students who are pregnant or par-
14 enting.”.

15 (3) UPWARD BOUND.—Section 402C(b)(12) of
16 the Higher Education Act of 1965 (20 U.S.C.
17 1070a–13(b)(12)) is amended to read as follows:

18 “(12) programs and activities as described in
19 paragraphs (1) through (11) which are specially de-
20 signed for—

21 “(A) students of limited English pro-
22 ficiency;

23 “(B) students who are homeless children
24 and youths;

1 “(C) students who are in foster care or are
2 aging out of the foster care system;

3 “(D) students who are adjudicated or con-
4 victed juveniles or who are exiting the juvenile
5 justice or criminal justice systems; and

6 “(E) students who are pregnant or par-
7 enting.”.

8 (4) STUDENT SUPPORT SERVICES.—Section
9 402D of the Higher Education Act of 1965 (20
10 U.S.C. 1070a–14) is amended—

11 (A) in subsection (a)(3)—

12 (i) by striking “students and” and in-
13 serting “students,”; and

14 (ii) by inserting “, students who are
15 homeless children and youths, students
16 who are in foster care or are aging out of
17 the foster care system, students who are
18 adjudicated or convicted juveniles or who
19 are exiting the juvenile justice or criminal
20 justice systems, and students who are
21 pregnant or parenting” before the period;
22 and

23 (B) in subsection (b)—

24 (i) in paragraph (9), by striking
25 “and” after the semicolon;

1 (ii) by amending paragraph (10) to
2 read as follows:

3 “(10) programs and activities as described in
4 paragraphs (1) through (9) which are specially de-
5 signed for—

6 “(A) students of limited English pro-
7 ficiency;

8 “(B) students who are homeless children
9 and youths;

10 “(C) students who are in foster care or are
11 aging out of the foster care system;

12 “(D) students who are adjudicated or con-
13 victed juveniles or who are exiting the juvenile
14 justice or criminal justice systems;

15 “(E) students who are pregnant or par-
16 enting; and”;

17 (iii) by adding at the end the fol-
18 lowing:

19 “(11) assistance in securing housing for—

20 “(A) students who are, or who were, home-
21 less children and youths;

22 “(B) students who are aging out of the
23 foster care system;

24 “(C) students who are exiting the juvenile
25 justice or criminal justice systems; or

1 “(D) students who are pregnant or par-
2 enting.”.

3 (5) EDUCATIONAL OPPORTUNITY CENTERS.—
4 Section 402F(b)(10) of the Higher Education Act of
5 1965 (20 U.S.C. 1070a–16(b)(10)) is amended to
6 read as follows:

7 “(10) programs and activities as described in
8 paragraphs (1) through (9) which are specially de-
9 signed for—

10 “(A) students of limited English pro-
11 ficiency;

12 “(B) students who are homeless children
13 and youths;

14 “(C) students who are in foster care or are
15 aging out of the foster care system;

16 “(D) students who are adjudicated or con-
17 victed juveniles or who are exiting the juvenile
18 justice or criminal justice systems; and

19 “(E) students who are pregnant or par-
20 enting.”.

21 (6) STAFF DEVELOPMENT ACTIVITIES.—Section
22 402G(b)(3) of the Higher Education Act of 1965
23 (20 U.S.C. 1070a–17(b)(3)) is amended by striking
24 “chapter.” and inserting “chapter, including strate-
25 gies for recruiting and serving students who are

1 homeless children and youths, students who are in
2 foster care or are aging out of the foster care sys-
3 tem, students who are adjudicated or convicted juve-
4 niles or who are exiting the juvenile justice or crimi-
5 nal justice systems, and students who are pregnant
6 or parenting.”.

7 (b) GEAR-UP PROGRAMS.—

8 (1) REQUIREMENTS FOR GAINING EARLY
9 AWARENESS AND READINESS FOR UNDERGRADUATE
10 PROGRAMS.—Section 404B(c)(2) of the Higher Edu-
11 cation Act of 1965 (20 U.S.C. 1070a–22(c)(2)) is
12 amended by striking “programs.” and inserting
13 “programs, including programs under subtitle B of
14 title VII of the McKinney-Vento Homeless Assist-
15 ance Act (42 U.S.C. 11431 et seq.).”.

16 (2) EARLY INTERVENTION USE OF FUNDS.—
17 Section 404D(b)(2)(C) of the Higher Education Act
18 of 1965 (20 U.S.C. 1070a–24(b)(2)(C)) is amended
19 by inserting “, for students who are homeless chil-
20 dren and youths, as defined in section 725 of the
21 McKinney-Vento Homeless Assistance Act (42
22 U.S.C. 11434a), for students who are in foster care
23 or are aging out of the foster care system, for stu-
24 dents who are adjudicated or convicted juveniles or
25 who are exiting the juvenile justice or criminal jus-

1 tice systems, or for students who are pregnant or
 2 parenting” before the period.

3 **SEC. 504. PROJECTS TO INCREASE ENROLLMENT AND SUC-**
 4 **CESS OF DISCONNECTED STUDENTS IN POST-**
 5 **SECONDARY EDUCATION.**

6 Part A of title IV of the Higher Education Act of
 7 1965 (20 U.S.C. 1070a et seq.) is amended by adding at
 8 the end the following new subpart:

9 **“Subpart 9—Projects to Increase Enrollment and**
 10 **Success of Disconnected Students**

11 **“SEC. 420K. PURPOSE.**

12 “It is the purpose of this subpart to support projects
 13 in order to—

14 “(1) increase the secondary school graduation
 15 rates of disconnected students;

16 “(2) increase the academic success of discon-
 17 nected students in secondary school; and

18 “(3) increase the enrollment and success of dis-
 19 connected students in higher education.

20 **“SEC. 420L. DEFINITIONS.**

21 “In this subpart:

22 “(1) **DISCONNECTED STUDENTS.**—The term
 23 ‘disconnected students’ means students who are—

24 “(A) homeless children and youths, as such
 25 term is defined in section 725 of the McKinney-

1 Vento Homeless Assistance Act (42 U.S.C.
2 11434a);

3 “(B) orphans, in foster care, or wards of
4 the court, or who were in foster care or were
5 wards of the court until the students reached
6 the age of 18;

7 “(C) adjudicated or convicted juveniles, or
8 who were adjudicated juveniles until the juve-
9 niles reached the upper age of juvenile court ju-
10 risdiction, or who were convicted juveniles who
11 completed the sentence for the juvenile convic-
12 tion prior to reaching the age of majority; or

13 “(D) pregnant or parenting youth.

14 “(2) SECRETARY.—The term ‘Secretary’ means
15 the Secretary of Education.

16 **“SEC. 420M. GRANTS AUTHORIZED.**

17 “(a) COMPETITIVE GRANTS AUTHORIZED.—Subject
18 to the availability of appropriations, the Secretary shall
19 award grants, contracts, and cooperative agreements, on
20 a competitive basis, to partnerships consisting of public
21 and nonprofit organizations. Such partnerships may in-
22 clude—

23 “(1) one or more local educational agencies;

24 “(2) one or more degree-granting institutions of
25 higher education;

1 “(3) a recipient of a grant under subtitle B or
2 C of title IV of the McKinney-Vento Homeless As-
3 sistance Act (42 U.S.C. 11371 et seq., 11381 et
4 seq.), or a recipient of a grant award under sections
5 311, 321, or 351 of the Runaway and Homeless
6 Youth Act (42 U.S.C. 5711, 5714–1, 5714–41); and

7 “(4) businesses, community-based organiza-
8 tions, faith-based organizations, State agencies, or
9 other public or private agencies or organizations.

10 “(b) DURATION.—Grants, contracts, and cooperative
11 agreements under this subpart shall be awarded for a pe-
12 riod of not more than 3 years.

13 “(c) APPLICATIONS.—Each partnership desiring to
14 receive a grant, contract, or cooperative agreement under
15 this subpart shall submit an application to the Secretary
16 at such time, in such manner, and accompanied by such
17 information as the Secretary may require. Each applica-
18 tion shall include—

19 “(1) a description of how the partnership plans
20 to carry out the activities required under this sub-
21 part;

22 “(2) a description of how the partnership will
23 coordinate and collaborate with transportation, edu-
24 cation, housing, social services, health, workforce in-
25 vestment, juvenile justice, and child welfare agencies

1 to carry out the activities required under this sub-
2 part; and

3 “(3) an assurance that the partnership will
4 demonstrate that, to the maximum extent prac-
5 ticable, the partnership is—

6 “(A) utilizing other resources (including
7 Federal, State, and local funds, and other com-
8 munity resources) to provide housing to discon-
9 nected students who are enrolled in institutions
10 of higher education during periods when hous-
11 ing at the institution of higher education is gen-
12 erally unavailable to other students; and

13 “(B) utilizing other resources (including
14 Federal, State, and local funds, and other com-
15 munity resources) to provide campus-based
16 child care to disconnected students who are en-
17 rolled in institutions of higher education.

18 “(d) AWARD CONSIDERATIONS.—In awarding grants,
19 contracts, or cooperative agreements under this subpart,
20 the Secretary shall consider the following:

21 “(1) The number of disconnected students iden-
22 tified in the area proposed to be served by the part-
23 nership.

24 “(2) The extent to which the partnership has
25 demonstrated interagency collaboration among

1 transportation, education, housing, social services,
2 child welfare, health, workforce investment, and ju-
3 venile justice agencies.

4 “(e) AUTHORIZED ACTIVITIES.—Grants, contracts,
5 and cooperative agreements under this subpart shall be
6 used to carry out one or more of the following activities:

7 “(1) Services designed to assist disconnected
8 students in the completion of secondary school and
9 in increasing academic success, such as—

10 “(A) supplemental educational services;

11 “(B) academic counseling;

12 “(C) skills assessment; and

13 “(D) exposure to cultural events, academic
14 programs, and other activities not usually avail-
15 able to disconnected students.

16 “(2) Services designed to assist disconnected
17 students with matriculation in an institution of high-
18 er education, such as—

19 “(A) academic advice and assistance in
20 course selection;

21 “(B) assistance in completing college ad-
22 mission and financial aid applications; and

23 “(C) assistance in preparing for college en-
24 trance examinations.

1 “(3) The direct provision of, or arrangement
2 for, supportive services (including supportive services
3 provided by or at the institution of higher education)
4 that assist disconnected students enrolled in an in-
5 stitution of higher education with achieving success
6 in higher education, including—

7 “(A) outreach to connect disconnected stu-
8 dents to supportive services;

9 “(B) life skills education;

10 “(C) subsidies for, or assistance with ar-
11 ranging, transportation from the student’s liv-
12 ing arrangement to the institution of higher
13 education;

14 “(D) case management;

15 “(E) service coordination;

16 “(F) emergency assistance, including food,
17 clothing, and hygiene items;

18 “(G) assistance with—

19 “(i) obtaining income support;

20 “(ii) obtaining health insurance;

21 “(iii) applying for and obtaining vet-
22 erans benefits and other public benefits;

23 “(iv) obtaining campus-based child
24 care;

1 “(v) obtaining permanent housing;

2 and

3 “(vi) in the case of homeless students,
4 obtaining housing at the institution of
5 higher education when such housing is
6 closed or generally unavailable to other
7 students; and

8 “(H) referrals to—

9 “(i) supplemental educational services;

10 “(ii) employment and training serv-
11 ices;

12 “(iii) personal financial planning and
13 housing counseling;

14 “(iv) legal aid;

15 “(v) health services, including primary
16 and preventive health services, family plan-
17 ning, pediatric care, mental health, sub-
18 stance abuse, and specialty care services;

19 “(vi) parenting education;

20 “(vii) child care;

21 “(viii) victim services; and

22 “(ix) homelessness prevention services.

23 **“SEC. 420N. AUTHORIZATION OF APPROPRIATIONS.**

24 “There are authorized to be appropriated to carry out
25 this subpart \$45,000,000 for fiscal year 2008 and such

1 sums as may be necessary for each of the 5 succeeding
2 fiscal years.”.

3 **SEC. 505. CONTINUAL ACCESS TO STUDENT HOUSING FOR**
4 **HOMELESS YOUTH.**

5 Part A of title IV of the Higher Education Act of
6 1965 (20 U.S.C. 1070a et seq.) is further amended by
7 adding after subpart 9 (as added by section 504 of this
8 Act) the following new subpart:

9 **“Subpart 10—Continual Access to Student Housing**
10 **for Homeless Youth**

11 **“SEC. 4200. CONTINUAL ACCESS TO STUDENT HOUSING**
12 **FOR HOMELESS YOUTH.**

13 “(a) GRANTS AUTHORIZED.—The Secretary of Edu-
14 cation is authorized to award grants to institutions of
15 higher education to provide housing to eligible students
16 during periods when housing at the institution of higher
17 education is closed or generally unavailable to other stu-
18 dents.

19 “(b) REGULATIONS.—The Secretary of Education is
20 authorized to issue such regulations as may be necessary
21 to carry out the provisions of this section.

22 “(c) DEFINITIONS.—For the purposes of this section:

23 “(1) ELIGIBLE STUDENT.—The term ‘eligible
24 student’ means an individual—

1 “(21) RENTAL VOUCHERS FOR HOMELESS
2 YOUTH.—

3 “(A) SET ASIDE.—Subject to subpara-
4 graph (C), the Secretary shall set aside and
5 transfer to the Secretary of Health and Human
6 Services, from amounts made available for rent-
7 al assistance under this subsection, the amount
8 specified in subparagraph (B) for use only for
9 providing such assistance for homeless youth.
10 For purposes of this subparagraph, the term
11 ‘homeless youth’ has the meaning given such
12 term in section 387 of the Runaway and Home-
13 less Youth Act (42 U.S.C. 5732a).

14 “(B) AMOUNT.—The amount specified in
15 this subparagraph is, for fiscal year 2008 and
16 each fiscal year thereafter, the amount nec-
17 essary to provide at least 20,000 vouchers for
18 rental assistance under this subsection.

19 “(C) ADMINISTRATION OF VOUCHER PRO-
20 GRAM.—The Secretary of Health and Human
21 Services may use amounts transferred under
22 this paragraph only for funding contracts for
23 rental assistance under this paragraph to be ad-
24 ministered by entities that receive grants under
25 part B of the Runaway and Homeless Youth

1 Act (42 U.S.C. 5714–1 et seq.) and agree to
2 administer rental assistance under this para-
3 graph. Subject only to the availability of
4 amounts for rental assistance under this para-
5 graph, the Secretary of Health and Human
6 Services shall provide, under each such contract
7 for rental assistance entered into with such an
8 entity, funding for the entity to provide at least
9 two vouchers for rental assistance for each unit
10 of transitional housing being made available by
11 the entity at such time.

12 “(D) FUNDING.—The budget authority
13 made available under any other provisions of
14 law for rental assistance under this subsection
15 for fiscal year 2008 and each fiscal year there-
16 after is authorized to be increased in each such
17 fiscal year by such sums as may be necessary
18 to provide the number of vouchers specified in
19 subparagraph (B) for such fiscal year.”.

20 **SEC. 602. FAMILY UNIFICATION VOUCHERS FOR**
21 **TRANSITIONING FOSTER CARE YOUTH.**

22 Clause (B) of section 8(x)(2) of the United States
23 Housing Act of 1937 (42 U.S.C. 1437f(x)(2)) is amend-
24 ed—

1 (1) by striking “for a period not to exceed 18
2 months,”; and

3 (2) by striking “not more than 21” and insert-
4 ing “are under 25”.

5 **SEC. 603. INCLUSION OF YOUTH IN HOUSING PLANS.**

6 (a) PUBLIC HOUSING AGENCY PLANS.—Paragraph
7 (1) of section 5A(d) of the United States Housing Act of
8 1937 (42 U.S.C. 1437e–1(d)(1)) is amended by striking
9 “and disabled families)” and inserting “, disabled families,
10 and youth not less than 13 years of age and not more
11 than age 24”.

12 (b) COMPREHENSIVE HOUSING AFFORDABILITY
13 STRATEGIES.—

14 (1) IN GENERAL.—Section 105 of the Cran-
15 ston-Gonzalez National Affordable Housing Act (42
16 U.S.C. 12705) is amended—

17 (A) in subsection (b)—

18 (i) in paragraph (1), by inserting
19 “youth who are at least 13 years of age
20 but younger than 25 years of age,” after
21 “acquired immunodeficiency syndrome,”;
22 and

23 (ii) in paragraph (20), by striking
24 “service” and inserting “youth service and
25 other service”; and

1 (B) in subsection (e)(1), by inserting
2 “youth who are at least 13 years of age but
3 younger than 25 years of age,” after “homeless
4 persons,”.

5 (2) CONSOLIDATED PLANS.—The Secretary of
6 Housing and Urban Development shall revise the
7 regulations relating to submission of consolidated
8 plans in accordance with the amendments made by
9 paragraph (1) of this subsection to require inclusion
10 of appropriate information relating to youth and
11 youth service agencies in all such plans.

12 **SEC. 604. SENSE OF CONGRESS REGARDING RIGHT OF MI-**
13 **NORS TO ENTER INTO CONTRACTS FOR NE-**
14 **CESSITIES.**

15 It is the sense of the Congress that each State should
16 enact a law sufficient to permit minors to contract for ne-
17 cessities, including real property, employment, educational
18 loans, admission to school, medical and mental health care
19 and treatment, bank accounts, utilities, and admission to
20 shelter, housing, and supportive services programs, with-
21 out co-signature by an adult or by a representative of a
22 State or local agency, or a private or private nonprofit or-
23 ganization.

1 **SEC. 605. TRANSITIONAL HOUSING ASSISTANCE FOR**
2 **YOUTH VICTIMS OF COMMERCIAL SEXUAL**
3 **EXPLOITATION.**

4 The Family Violence Prevention and Services Act (42
5 U.S.C. 10401 et seq.) is amended by inserting after sec-
6 tion 319 the following new section:

7 **“SEC. 319A. TRANSITIONAL HOUSING ASSISTANCE FOR**
8 **YOUTH VICTIMS OF COMMERCIAL SEXUAL**
9 **EXPLOITATION.**

10 “(a) **AUTHORITY FOR PROGRAM.**—The Secretary of
11 Health and Human Services shall, to the extent amounts
12 are made available for grants under this section, make
13 grants and provide technical assistance under this section
14 to public and nonprofit private entities to protect, treat,
15 and promote a transition to self-sufficient living for youth
16 subjected to trafficking through establishing and oper-
17 ating safe houses for such youth.

18 “(b) **ELIGIBILITY FOR ASSISTANCE.**—Assistance
19 under this section may be provided only for the establish-
20 ment, strengthening, or funding of a facility or facilities,
21 which may be group homes, host family homes, or super-
22 vised apartments, as residences for youth subjected to
23 trafficking that—

24 “(1) provide voluntary and confidential access
25 to such youth;

1 “(2) provide adequate and appropriate protec-
2 tion to such youth from sexual exploiters, including
3 on-site supervision at each facility that is not a host
4 family home;

5 “(3) provide such youth with appropriate serv-
6 ices under subsection (d) to facilitate transition of
7 the resident youth to self-sufficient living; and

8 “(4) provide a number of staff sufficient to en-
9 sure that all youth at the facility receive adequate
10 supervision and services.

11 “(c) SUPPORTIVE SERVICES.—Support services de-
12 scribed in this subsection include the following:

13 “(1) outreach for the purpose of identifying
14 youth subjected to trafficking;

15 “(2) preventative, primary care and specialty
16 health services (including screening and treatment
17 for sexually transmitted illnesses, counseling, mental
18 health services, and substance abuse services);

19 “(3) habilitation and rehabilitation;

20 “(4) case management;

21 “(5) service coordination;

22 “(6) personal financial planning;

23 “(7) life skills education;

24 “(8) parenting education;

25 “(9) transportation;

- 1 “(10) vocational training;
- 2 “(11) employment and training;
- 3 “(12) education;
- 4 “(13) assistance in obtaining public benefits;
- 5 “(14) assistance in obtaining income support;
- 6 “(15) assistance in obtaining health insurance;
- 7 “(16) representative payee services;
- 8 “(17) legal assistance;
- 9 “(18) child care;
- 10 “(19) housing counseling;
- 11 “(20) recreational services;
- 12 “(21) leadership development; and
- 13 “(22) other services necessary for transition to
- 14 self-sufficient living.

15 “(d) TERM OF ASSISTANCE.—A facility assisted

16 under this section may not provide residence, shelter, sup-

17 port services, or other assistance to any youth subjected

18 to trafficking for a period of more than 730 days, except

19 that a youth subjected to trafficking who, as of the last

20 day of such a 730-day period of assistance, has not at-

21 tained 21 years of age, may, if otherwise, continue to be

22 provided such assistance until the youth attains 21 years

23 of age.

24 “(e) REPORTS.—

25 “(1) TO SECRETARY.—

1 “(A) IN GENERAL.—Each entity that re-
2 ceives a grant under this section shall annually
3 prepare and submit to the Secretary a report
4 describing the number of youths assisted, and
5 the types of assistance provided, pursuant to
6 this section.

7 “(B) CONTENTS.—Each report shall in-
8 clude information regarding—

9 “(i) the purpose and amount of shel-
10 ter provided to each youth assisted pursu-
11 ant to this section;

12 “(ii) the number of months each
13 youth was provided such assistance;

14 “(iii) the number of youth who were
15 eligible for such assistance, but for whom
16 the entity could not provide assistance
17 solely due to a lack of available housing;
18 and

19 “(iv) the type of services provided to
20 each youth assisted pursuant to this sec-
21 tion; and

22 “(v) such other information as the
23 Secretary considers necessary or appro-
24 priate to carry out the purposes of this
25 section.

1 “(2) TO CONGRESS.—The Secretary shall annu-
2 ally prepare and submit to the Committee on Edu-
3 cation and Labor of the House of Representatives
4 and the Committee on the Judiciary of the Senate
5 a report that contains a compilation of the informa-
6 tion contained in reports submitted to the Secretary
7 under paragraph (1).

8 “(f) EVALUATION, MONITORING, AND ADMINISTRA-
9 TION.—Of the amount appropriated under subsection (h)
10 for each fiscal year, the Secretary may use not more than
11 1 percent for evaluation, monitoring, and administrative
12 costs under this section.

13 “(g) DEFINITIONS.—For purposes of this section, the
14 following definitions shall apply:

15 “(1) SEVERE FORMS OF TRAFFICKING IN PER-
16 SONS.—The term ‘severe forms of trafficking in per-
17 sons’ has the meaning given such term in section
18 103 of the Trafficking Victims Protection Act of
19 2000 (22 U.S.C. 7102).

20 “(2) SEX TRAFFICKING.—The term ‘sex traf-
21 ficking’ has the meaning given the term in section
22 103 of the Trafficking Victims Protection Act of
23 2000 (22 U.S.C. 7102).

24 “(3) YOUTH SUBJECTED TO TRAFFICKING.—
25 The term ‘youth subjected to trafficking’ means an

1 individual, regardless of whether or not the indi-
2 vidual is a citizen of the United States, who—

3 “(A) is the subject of sex trafficking or se-
4 vere forms of trafficking in persons that occurs,
5 in whole or in part, within the territorial juris-
6 diction of the United States; and

7 “(B) has attained at least 13 years of age
8 and is not more than 24 years of age at the
9 time the individual is identified as having been
10 the subject of sex trafficking or severe forms of
11 trafficking in persons.

12 “(h) **AUTHORIZATION OF APPROPRIATIONS.**—There
13 are authorized to be appropriated to carry out this section
14 \$10,000,000 for fiscal year 2008 and such sums as may
15 be necessary for each fiscal years 2009 through 2012.

16 “(i) **REGULATIONS.**—The Secretary shall issue any
17 regulations necessary or appropriate to carry out this sec-
18 tion.”.

19 **SEC. 606. GAO STUDY OF HOUSING ASSISTANCE FOR LOW-**
20 **INCOME YOUTH.**

21 (a) **REQUIREMENT.**—The Comptroller General of the
22 United States shall carry out a study of housing status
23 and needs of low-income youth and housing assistance
24 provided for low-income youth, to determine or obtain the

1 information required pursuant to subsection (b)(1) to be
2 included in the report under such subsection (b).

3 (b) REPORT.—

4 (1) SUBMISSION.—Not later than the expiration
5 of the 12-month period beginning on the date of the
6 enactment of this Act, the Comptroller General shall
7 submit a report on the results of, and determina-
8 tions made by the Comptroller General pursuant to,
9 the study conducted pursuant to subsection (a) to
10 the Committees on Financial Services, Education
11 and Labor, and Appropriations of the House of Rep-
12 resentatives and the Committees on Banking, Hous-
13 ing, and Urban Affairs, the Judiciary, and Appro-
14 priations of the Senate.

15 (2) CONTENTS.—The report under this sub-
16 section shall include the following information:

17 (A) An estimate of the number of low-in-
18 come, very low-income, and extremely low-in-
19 come households headed by a youth not more
20 than age 24, and a description of the demo-
21 graphic and socioeconomic characteristics of
22 such households.

23 (B) An estimate of the number of low-in-
24 come, very low-income, and extremely low-in-
25 come youth-headed households experiencing a

1 high cost burden in, overcrowding in, or poor
2 quality of housing, or experiencing homeless-
3 ness.

4 (C) An assessment of the housing assist-
5 ance needs of low-income, very low-income, and
6 extremely low-income youth-headed households,
7 including any existing barriers to safe, quality,
8 and affordable housing, and of the levels of
9 homelessness among such households.

10 (D) A description of the extent to which
11 housing assistance programs of the Federal
12 Government provide assistance to low-income,
13 very low-income, and extremely-low income
14 youth-headed households.

15 (E) A statement of the number of dwelling
16 units designated for or occupied by low-income,
17 very low-income, and extremely low-income
18 youth in federally subsidized or insured hous-
19 ing.

20 (F) A summary description of any special
21 considerations made for youth under public
22 housing plans submitted pursuant to section 5A
23 of the United States Housing Act of 1937 (42
24 U.S.C. 1437c-1) and under comprehensive
25 housing affordability strategies submitted pur-

1 suant to section 105 of the Cranston-Gonzalez
2 National Affordable Housing Act (42 U.S.C.
3 12705).

4 (G) A description of the extent to which
5 public housing agencies have established pref-
6 erences for youth for occupancy in public hous-
7 ing and for rental assistance provided with
8 housing choice vouchers under section 8(o) of
9 the United States Housing Act of 1937 (42
10 U.S.C. 1437f(o)).

11 (H) Identification of the activities relating
12 to youth of the Department of Housing and
13 Urban Development.

14 (c) ACQUISITION OF SUPPORTING INFORMATION.—In
15 carrying out the study under this section, the Comptroller
16 General shall seek to obtain information and views from
17 the following persons:

18 (1) The Secretary of Housing and Urban Devel-
19 opment.

20 (2) The Secretary of Health and Human Serv-
21 ices.

22 (3) Low-income, very low-income, and extremely
23 low-income youth.

1 (4) Representatives of State and local housing
2 assistance, child welfare, and juvenile justice agen-
3 cies.

4 (5) Representatives of nonprofit low-income
5 housing providers and homeless service providers, in-
6 cluding homeless youth service providers.

7 (6) National advocacy organizations concerned
8 with youth, homelessness, and low-income housing.

9 **TITLE VII—YOUNG FAMILY** 10 **CONCERNS**

11 **SEC. 701. TANF STATE PLAN AMENDMENT.**

12 Section 402(a)(1)(A) of the Social Security Act (42
13 U.S.C. 602(a)(1)(A)) is amended by adding at the end the
14 following:

15 “(vii) Identify the education and
16 training, living arrangement, and other
17 services needs of individuals described in
18 section 408(a)(5)(B)(ii) who are potentially
19 eligible to receive assistance under the
20 State program funded under this part and
21 establish policies, procedures, and strate-
22 gies to address the needs.”.

23 **SEC. 702. ADULT-SUPERVISED LIVING ARRANGEMENTS.**

24 Section 408(a)(5)(B) of the Social Security Act (42
25 U.S.C. 608(a)(5)(B)) is amended—

1 (1) by striking clause (i) and inserting the fol-
2 lowing:

3 “(i) PROVISION OF ADULT-SUPER-
4 VISED LIVING ARRANGEMENT.—In the case
5 of an individual who is described in clause
6 (ii), the State agency referred to in section
7 402(a)(4) shall provide or ensure the pro-
8 vision of a second chance home, maternity
9 group home, transitional living youth
10 project, or other appropriate adult-super-
11 vised supportive living arrangement, taking
12 into consideration the needs, concerns, and
13 wishes of the individual, unless the State
14 agency determines that the individual’s
15 current living arrangement is appropriate,
16 and therefore, shall require that the indi-
17 vidual and the minor child referred to in
18 subparagraph (A)(ii)(II) reside in such liv-
19 ing arrangement as a condition of the con-
20 tinued receipt of assistance under the
21 State program funded under this part at-
22 tributable to funds provided by the Federal
23 Government (or in an alternative appro-
24 priate arrangement, should circumstances

1 change and the current arrangement cease
2 to be appropriate.”;

3 (2) in clause (ii)—

4 (A) by redesignating subclauses (III) and
5 (IV) as subclauses (V) and (VI), respectively;
6 and

7 (B) by inserting after subclause (II) the
8 following:

9 “(III) the individual is a home-
10 less youth;

11 “(IV) the individual is a street
12 youth;”;

13 (3) by redesignating clause (iii) as clause (vi)
14 and inserting after clause (ii) the following:

15 “(iii) DISCLOSURE OF ADULT-SUPER-
16 VISED LIVING ARRANGEMENT OPTIONS TO
17 INDIVIDUAL.—The State agency shall en-
18 sure that individuals described in subpara-
19 graph (A)(ii) who are applicants or recipi-
20 ents of assistance are fully informed of all
21 adult-supervised living arrangement op-
22 tions that satisfy the requirement of this
23 subsection, and provide the individual the
24 opportunity to request a specific adult-su-
25 pervised living arrangement.

1 “(iv) DETERMINATION OF ADULT-SU-
2 PERVISED LIVING ARRANGEMENT.—In de-
3 termining the appropriateness of the indi-
4 vidual’s current living arrangement in
5 clause (i) and considering the individual’s
6 request for a specific adult-supervised liv-
7 ing arrangement in clause (iii), the State
8 agency shall provide a written explanation
9 of the determination, including a statement
10 regarding the right to appeal the deter-
11 mination under clause (v), to the indi-
12 vidual, if the determination is other than
13 the adult-supervised living arrangement re-
14 quested by the individual.

15 “(v) RIGHT TO APPEAL ADULT-SU-
16 PERVISED LIVING ARRANGEMENT.—If the
17 State agency’s determination of appro-
18 priate adult-supervised living arrangement
19 in clause (i) is other than the adult-super-
20 vised living arrangement requested by the
21 individual in clause (iii), the individual
22 shall have a right to appeal the State agen-
23 cy’s decision through appeal and dispute
24 resolution mechanisms available in the
25 State.”; and

1 (4) by adding at the end the following:

2 “(vi) DEFINITIONS.—In this subpara-
3 graph:

4 “(I) TRANSITIONAL LIVING
5 YOUTH PROJECT.—The term ‘transi-
6 tional living youth project’ has the
7 same meaning as provided in section
8 387(6) of the Juvenile Justice and
9 Delinquency Prevention Act of 1974.

10 “(II) HOMELESS YOUTH.—The
11 term ‘homeless youth’ has the same
12 meaning as provided in section 387(3)
13 of the Juvenile Justice and Delin-
14 quency Prevention Act of 1974.

15 “(III) STREET YOUTH.—The
16 term ‘street youth’ has the same
17 meaning as provided in section 387(5)
18 of the Juvenile Justice and Delin-
19 quency Prevention Act of 1974.”.

20 **SEC. 703. SUSPENSION OF TIME LIMIT FOR YOUNG ADULT**
21 **PARENT INVOLVED IN EDUCATION OR TRAIN-**
22 **ING.**

23 Section 408(a)(7)(B) of the Social Security Act (42
24 U.S.C. 608(a)(7)(B)) is amended—

1 (1) in the subparagraph heading, by striking
2 “MINOR CHILD EXCEPTION” and inserting “AGE EX-
3 CEPTIONS”; and

4 (2) by striking clauses (i) and (ii) and inserting
5 the following:

6 “(i) a minor child, and not the head
7 of a household or married to the head of
8 a household; or

9 “(ii) was pregnant or a parent, and—
10 “(I) had not attained 20 years of
11 age, and was meeting all program re-
12 quirements relating to education,
13 training and living arrangements; or

14 “(II) had attained 20 but not 21
15 years of age, and was scheduled to
16 complete all program requirements re-
17 lating to education or training.”.

18 **SEC. 704. TRANSITIONAL COMPLIANCE.**

19 Section 408(a) of the Social Security Act (42 U.S.C.
20 608(a)) is amended—

21 (1) in paragraph (4), by striking “if” and all
22 that follows and inserting “if—

23 “(A) the individual does not participate
24 in—

1 “(i) educational activities directed to-
2 ward the attainment of a high school di-
3 ploma or its equivalent; or

4 “(ii) an alternative educational or
5 training program that has been approved
6 by the State; and

7 “(B) 91 days have elapsed since the State
8 has notified the individual that the individual is
9 in violation of this paragraph.”; and

10 (2) in paragraph (5), by inserting “, and 91
11 days have elapsed since the State has notified the in-
12 dividual that the individual is in violation of this
13 paragraph” before the period.

14 **SEC. 705. SANCTION PROTECTIONS FOR MINOR PARENTS.**

15 Section 408(a) of the Social Security Act (42 U.S.C.
16 608(a)) is amended by adding at the end the following:

17 “(12) A State to which a grant is made under
18 section 403 of this Act shall not impose a sanction
19 on a recipient of assistance under the State program
20 funded under this part who is an individual de-
21 scribed in section 408(a)(5)(B)(ii) of this Act and
22 whose household includes a minor who has received
23 assistance under the State program funded under
24 this part attributable to funds provided by the Fed-
25 eral Government or under the food stamp program,

1 as defined in section 3(h) of the Food Stamp Act of
2 1977, unless the State has established procedures
3 that help recipients of assistance under the State
4 program funded under this part understand, avoid,
5 or end sanctions, and has applied the procedures to
6 the recipient.”.

7 **SEC. 706. TEEN PARENT STUDY AND REPORT.**

8 Section 413 of the Social Security Act (42 U.S.C.
9 613) is amended by adding at the end the following:

10 “(k) TEEN PARENT STUDY AND REPORT.—

11 “(1) STUDY OF TANF RECIPIENTS.—The Sec-
12 retary shall conduct a study of recipients of assist-
13 ance under State programs funded under this part
14 who are parents and have not attained 20 years of
15 age to determine the following:

16 “(A) Whether State data on the number of
17 such recipients is accurately reflected in Fed-
18 eral data, including an examination of the ex-
19 tent to which such recipients who are members
20 of a family are not reflected in the data, and
21 an examination of the extent to which Federal
22 estimation methods do not reflect the number
23 of such recipients in a State.

24 “(B) What assessment procedures are uti-
25 lized with such recipients, and whether there

1 appear to be best practices that consider such
2 issues as whether the recipient has an edu-
3 cational barrier such as a learning disability or
4 mental health problem.

5 “(C) Whether localities appear to have
6 adequate and appropriate services that meet the
7 needs of such recipients in areas such as infant
8 care, education, training, and mental health, for
9 services such as appropriate housing, mental
10 health, and alternative education, whether staff
11 assist teen parents in researching and locating
12 such services including an appropriate living ar-
13 rangement, and the extent to which such recipi-
14 ents who have not completed high school or the
15 equivalent are encouraged to engage in edu-
16 cation or work.

17 “(D) How State rules providing that, in
18 determining the eligibility of such recipients for
19 such assistance, the income of the recipient is
20 deemed to include the income of any parents
21 with whom such recipient are living appear to
22 have affected the extent to which such recipi-
23 ents who are members of a family with income
24 less than 200 percent of the poverty line (as de-
25 fined in section 673(2) of the Omnibus Budget

1 Reconciliation Act of 1981, including any revision
2 sion required by such section, applicable to a
3 family of the size involved) are able to partici-
4 pate in State programs funded under this part.

5 “(E) Demographic information such as—

6 “(i) the age of such recipients;

7 “(ii) the amount of time such recipi-
8 ents received such assistance in a given
9 year;

10 “(iii) the number of children that
11 such recipients have;

12 “(iv) school attainment by such recipi-
13 ents, by age;

14 “(v) the employment status of such
15 recipients, such as whether a recipient has
16 ever worked or has worked while in school;
17 and

18 “(vi) the child care arrangements of
19 such recipients.

20 “(2) STUDY OF LOW-INCOME TEEN PARENTS
21 WHO ARE NOT TANF RECIPIENTS.—The Secretary
22 shall conduct a study of a representative sample of
23 low-income (as determined by the Secretary) teen
24 parents who are not recipients of assistance under a

1 State program funded under this part, to determine
2 the following:

3 “(A) Whether the teen parent sought to
4 apply for such assistance.

5 “(B) Whether a teen parent who indicated
6 to a State a desire to apply for such assistance
7 received an application for such assistance.

8 “(C) Whether a teen parent who applied
9 for such assistance was subsequently contacted
10 by the State agency responsible for operating a
11 State program funded under this part.

12 “(3) REPORT TO THE CONGRESS.—

13 “(A) IN GENERAL.—Within 3 years after
14 the date of the enactment of this subsection,
15 the Secretary shall submit to the Congress a re-
16 port that contains the findings of the studies
17 required by this subsection and recommenda-
18 tions regarding such issues as how to improve
19 data reporting, State plans, State ‘best practice’
20 information sharing, and assessments.

21 “(B) ADVISORY GROUP.—The Secretary
22 shall establish an advisory group consisting of
23 representatives from not more than 6 organiza-
24 tions that work with parents who have not at-
25 tained 20 years of age, to provide advice to the

1 Secretary on questions relating to such parents
2 that should be investigated and to provide com-
3 ments to accompany the recommendations in
4 the report required by subparagraph (A).”.

5 **SEC. 707. AMENDMENT TO CHILD CARE AND DEVELOP-**
6 **MENT BLOCK GRANT ACT OF 1990.**

7 Section 658E(c)(2) of the Child Care and Develop-
8 ment Block Grant Act of 1990 (42 U.S.C. 9858c(2)) is
9 amended by adding at the end the following:

10 “(I) MEETING THE NEEDS OF HOMELESS
11 FAMILIES.—Demonstrate the manner in which
12 the State will meet the specific needs of families
13 who are experiencing homelessness, including
14 minor parents experiencing homelessness, in-
15 cluding by establishing—

16 “(i) a preference for homeless families
17 for child care services for which financial
18 assistance is provided under this sub-
19 chapter;

20 “(ii) procedures to identify homeless
21 families eligible for child care services for
22 which financial assistance is provided
23 under this subchapter;

24 “(iii) prompt access of such homeless
25 families to child care services for which fi-

1 nancial assistance is provided under this
2 subchapter;

3 “(iv) strategies to address problems
4 with respect to homeless families access to
5 child care services for which financial as-
6 sistance is provided under this subchapter,
7 including problems resulting from enroll-
8 ment delays that are caused by—

9 “(I) immunization and medical
10 records requirements;

11 “(II) residency requirements;

12 “(III) lack of birth certificates,
13 school records, or other documenta-
14 tion; or

15 “(IV) guardianship issues; and

16 “(v) policies to remove barriers to the
17 enrollment and retention of homeless fami-
18 lies in child care services for which finan-
19 cial assistance is provided under this sub-
20 chapter.”.

21 **TITLE VIII—UNACCOMPANIED**
22 **IMMIGRANT YOUTH**

23 **SEC. 801. DEFINITIONS.**

24 (a) IN GENERAL.—In this title:

1 (1) COMPETENT.—The term “competent”, in
2 reference to counsel, means an attorney, or a rep-
3 resentative authorized to represent unaccompanied
4 alien children in immigration proceedings or mat-
5 ters, who—

6 (A) complies with the duties set forth in
7 this title;

8 (B)(i) is properly qualified to handle mat-
9 ters involving unaccompanied alien children; or

10 (ii) is working under the auspices of a
11 qualified nonprofit organization that is experi-
12 enced in handling such matters; and

13 (C) if an attorney—

14 (i) is a member in good standing of
15 the bar of the highest court of any State,
16 possession, territory, Commonwealth, or
17 the District of Columbia; and

18 (ii) is not under any order of any
19 court suspending, enjoining, restraining,
20 disbarring, or otherwise restricting the at-
21 torney in the practice of law.

22 (2) DEPARTMENT.—The term “Department”
23 means the Department of Homeland Security.

24 (3) DIRECTOR.—The term “Director” means
25 the Director of the Office.

1 (4) OFFICE.—The term “Office” means the Of-
2 fice of Refugee Resettlement established by section
3 411 of the Immigration and Nationality Act (8
4 U.S.C. 1521).

5 (5) SECRETARY.—The term “Secretary” means
6 the Secretary of Homeland Security.

7 (6) UNACCOMPANIED ALIEN CHILD.—The term
8 “unaccompanied alien child” has the meaning given
9 the term in section 462(g)(2) of the Homeland Secu-
10 rity Act of 2002 (6 U.S.C. 279(g)(2)).

11 (7) VOLUNTARY AGENCY.—The term “vol-
12 untary agency” means a private, nonprofit voluntary
13 agency with expertise in meeting the cultural, devel-
14 opmental, or psychological needs of unaccompanied
15 alien children, as certified by the Director.

16 (b) AMENDMENTS TO THE IMMIGRATION AND NA-
17 TIONALITY ACT.—Section 101(a) of the Immigration and
18 Nationality Act (8 U.S.C. 1101(a)) is amended by adding
19 at the end the following:

20 “(51) The term ‘unaccompanied alien child’ means
21 a child who—

22 “(A) has no lawful immigration status in the
23 United States;

24 “(B) has not attained the age of 18; and

25 “(C) with respect to whom—

1 “(i) there is no parent or legal guardian in
2 the United States; or

3 “(ii) no parent or legal guardian in the
4 United States is available to provide care and
5 physical custody.

6 “(52) The term ‘unaccompanied refugee children’
7 means persons described in paragraph (42) who—

8 “(A) have not attained the age of 18; and

9 “(B) with respect to whom there are no parents
10 or legal guardians available to provide care and
11 physical custody.”.

12 (c) **RULE OF CONSTRUCTION.**—A department or
13 agency of a State, or an individual or entity appointed by
14 a State court or juvenile court located in the United
15 States, acting in loco parentis, shall not be considered a
16 legal guardian for purposes of section 462 of the Home-
17 land Security Act of 2002 (6 U.S.C. 279) or this title.

18 **Subtitle A—Custody, Release, Fam-**
19 **ily Reunification, and Detention**

20 **SEC. 811. PROCEDURES WHEN ENCOUNTERING UNACCOM-**
21 **PANIED ALIEN CHILDREN.**

22 (a) **UNACCOMPANIED CHILDREN FOUND ALONG THE**
23 **UNITED STATES BORDER OR AT UNITED STATES PORTS**
24 **OF ENTRY.**—

1 (1) IN GENERAL.—Subject to paragraph (2), if
2 an immigration officer finds an unaccompanied alien
3 child who is described in paragraph (2) at a land
4 border or port of entry of the United States and de-
5 termines that such child is inadmissible under the
6 Immigration and Nationality Act (8 U.S.C. 1101 et
7 seq.), the officer shall—

8 (A) permit such child to withdraw the
9 child’s application for admission pursuant to
10 section 235(a)(4) of the Immigration and Na-
11 tionality Act (8 U.S.C. 1225(a)(4)); and

12 (B) return such child to the child’s country
13 of nationality or country of last habitual resi-
14 dence.

15 (2) SPECIAL RULE FOR CONTIGUOUS COUN-
16 TRIES.—

17 (A) IN GENERAL.—Any child who is a na-
18 tional or habitual resident of a country that is
19 contiguous with the United States and that has
20 an agreement in writing with the United States
21 providing for the safe return and orderly repa-
22 triation of unaccompanied alien children who
23 are nationals or habitual residents of such
24 country shall be treated in accordance with

1 paragraph (1), if a determination is made on a
2 case-by-case basis that—

3 (i) such child is a national or habitual
4 resident of a country described in this sub-
5 paragraph;

6 (ii) such child does not have a fear of
7 returning to the child's country of nation-
8 ality or country of last habitual residence
9 owing to a fear of persecution;

10 (iii) the return of such child to the
11 child's country of nationality or country of
12 last habitual residence would not endanger
13 the life or safety of such child; and

14 (iv) the child is able to make an inde-
15 pendent decision to withdraw the child's
16 application for admission due to age or
17 other lack of capacity.

18 (B) RIGHT OF CONSULTATION.—Any child
19 described in subparagraph (A) shall have the
20 right, and shall be informed of that right in the
21 child's native language—

22 (i) to consult with a consular officer
23 from the child's country of nationality or
24 country of last habitual residence prior to
25 repatriation; and

1 (ii) to consult, telephonically, with the
2 Office.

3 (3) RULE FOR APPREHENSIONS AT THE BOR-
4 DER.—The custody of unaccompanied alien children
5 not described in paragraph (2) who are apprehended
6 at the border of the United States or at a United
7 States port of entry shall be treated in accordance
8 with subsection (b).

9 (b) CARE AND CUSTODY OF UNACCOMPANIED ALIEN
10 CHILDREN FOUND IN THE INTERIOR OF THE UNITED
11 STATES.—

12 (1) ESTABLISHMENT OF JURISDICTION.—

13 (A) IN GENERAL.—Except as otherwise
14 provided under subparagraphs (B) and (C) and
15 subsection (a), the care and custody of all unac-
16 companied alien children, including responsi-
17 bility for their detention, where appropriate,
18 shall be under the jurisdiction of the Office.

19 (B) EXCEPTION FOR CHILDREN WHO HAVE
20 COMMITTED CRIMES.—Notwithstanding sub-
21 paragraph (A), the Department shall retain or
22 assume the custody and care of any unaccom-
23 panied alien child who—

24 (i) has been charged with any felony,
25 excluding offenses proscribed by the Immi-

1 gration and Nationality Act (8 U.S.C.
2 1101 et seq.), while such charges are pend-
3 ing; or

4 (ii) has been convicted of any such fel-
5 ony.

6 (C) EXCEPTION FOR CHILDREN WHO
7 THREATEN NATIONAL SECURITY.—Notwith-
8 standing subparagraph (A), the Department
9 shall retain or assume the custody and care of
10 an unaccompanied alien child if the Secretary
11 has substantial evidence, based on an individ-
12 ualized determination, that such child could
13 personally endanger the national security of the
14 United States.

15 (D) TRAFFICKING VICTIMS.—For purposes
16 of section 462 of the Homeland Security Act of
17 2002 (6 U.S.C. 279) and this title, an unac-
18 companied alien child who is eligible for services
19 authorized under the Victims of Trafficking and
20 Violence Protection Act of 2000 (Public Law
21 106–386), shall be considered to be in the cus-
22 tody of the Office.

23 (2) NOTIFICATION.—

24 (A) IN GENERAL.—The Secretary shall
25 promptly notify the Office upon—

1 (i) the apprehension of an unaccom-
2 panied alien child;

3 (ii) the discovery that an alien in the
4 custody of the Department is an unaccom-
5 panied alien child;

6 (iii) any claim by an alien in the cus-
7 tody of the Department that such alien is
8 under the age of 18; or

9 (iv) any suspicion that an alien in the
10 custody of the Department who has
11 claimed to be over the age of 18 is actually
12 under the age of 18.

13 (B) SPECIAL RULE.—In the case of an
14 alien described in clause (iii) or (iv) of subpara-
15 graph (A), the Director shall make an age de-
16 termination in accordance with section 815 and
17 take whatever other steps are necessary to de-
18 termine whether such alien is eligible for treat-
19 ment under section 462 of the Homeland Secu-
20 rity Act of 2002 (6 U.S.C. 279) or this title.

21 (3) TRANSFER OF UNACCOMPANIED ALIEN
22 CHILDREN.—

23 (A) TRANSFER TO THE OFFICE.—The care
24 and custody of an unaccompanied alien child
25 shall be transferred to the Office—

1 (i) in the case of a child not described
2 in subparagraph (B) or (C) of paragraph
3 (1), not later than 72 hours after a deter-
4 mination is made that such child is an un-
5 accompanied alien child;

6 (ii) in the case of a child whose cus-
7 tody and care has been retained or as-
8 sumed by the Department pursuant to sub-
9 subparagraph (B) or (C) of paragraph (1),
10 following a determination that the child no
11 longer meets the description set forth in
12 such subparagraphs; or

13 (iii) in the case of a child who was
14 previously released to an individual or enti-
15 ty described in section 812(a)(1), upon a
16 determination by the Director that such in-
17 dividual or entity is no longer able to care
18 for the child.

19 (B) TRANSFER TO THE DEPARTMENT.—
20 Upon determining that a child in the custody of
21 the Office is described in subparagraph (B) or
22 (C) of paragraph (1), the Director shall trans-
23 fer the care and custody of such child to the
24 Department.

1 (C) PROMPTNESS OF TRANSFER.—In the
2 event of a need to transfer a child under this
3 paragraph, the sending office shall make
4 prompt arrangements to transfer such child and
5 the receiving office shall make prompt arrange-
6 ments to receive such child.

7 (c) AGE DETERMINATIONS.—In any case in which
8 the age of an alien is in question and the resolution of
9 questions about the age of such alien would affect the
10 alien’s eligibility for treatment under section 462 of the
11 Homeland Security Act of 2002 (6 U.S.C. 279) or this
12 title, a determination of whether or not such alien meets
13 such age requirements shall be made in accordance with
14 section 815, unless otherwise specified in subsection
15 (b)(2)(B).

16 (d) ACCESS TO ALIEN.—The Secretary of Homeland
17 Security shall permit the Office to have reasonable access
18 to aliens in the custody of the Secretary to ensure a
19 prompt determination of the age of such alien, if necessary
20 under subsection (b)(2)(B).

21 **SEC. 812. FAMILY REUNIFICATION FOR UNACCOMPANIED**
22 **ALIEN CHILDREN WITH RELATIVES IN THE**
23 **UNITED STATES.**

24 (a) PLACEMENT AUTHORITY.—

1 (1) ORDER OF PREFERENCE.—Subject to the
2 discretion of the Director under paragraph (4), sec-
3 tion 813(a)(2), and section 462(b)(2) of the Home-
4 land Security Act of 2002 (6 U.S.C. 279(b)(2)), an
5 unaccompanied alien child in the custody of the Of-
6 fice shall be promptly placed with 1 of the following
7 individuals or entities in the following order of pref-
8 erence:

9 (A) A parent who seeks to establish cus-
10 tody, as described in paragraph (3)(A).

11 (B) A legal guardian who seeks to estab-
12 lish custody, as described in paragraph (3)(A).

13 (C) An adult relative.

14 (D) An individual or entity designated by
15 the parent or legal guardian that is capable and
16 willing to care for the well-being of the child.

17 (E) A State-licensed juvenile shelter, group
18 home, or foster care program willing to accept
19 custody of the child.

20 (F) A qualified adult or entity seeking cus-
21 tody of the child when it appears that there is
22 no other likely alternative to long-term deten-
23 tion and family reunification does not appear to
24 be a reasonable alternative. For purposes of
25 this subparagraph, the Office shall decide who

1 is a qualified adult or entity and promulgate
2 regulations in accordance with such decision.

3 (2) SUITABILITY ASSESSMENT.—

4 (A) GENERAL REQUIREMENTS.—Notwith-
5 standing paragraph (1), and subject to the re-
6 quirements of subparagraph (B), no unaccom-
7 panied alien child shall be placed with a person
8 or entity described in any of subparagraphs (A)
9 through (F) of paragraph (1) unless the Direc-
10 tor certifies, in writing, that the proposed cus-
11 todian is capable of providing for the child's
12 physical and mental well-being, based on—

13 (i) with respect to an individual custo-
14 dian—

15 (I) verification of such individ-
16 ual's identity and employment;

17 (II) a finding that such indi-
18 vidual has not engaged in any activity
19 that would indicate a potential risk to
20 the child, including the activities de-
21 scribed in paragraph (4)(A);

22 (III) a finding that such indi-
23 vidual has no open investigation by a
24 state or local child protective services

1 authority due to suspected child abuse
2 or neglect;

3 (IV) verification that such indi-
4 vidual has a plan for the provision of
5 care for the child; and

6 (V) verification of familial rela-
7 tionship of such individual, if any re-
8 lationship is claimed; and

9 (ii) verification of nature and extent
10 of previous relationship;

11 (iii) with respect to a custodial entity,
12 verification of such entity's appropriate li-
13 censure by the State, county, or other ap-
14 plicable unit of government; and

15 (iv) such other information as the Di-
16 rector determines appropriate.

17 (B) HOME STUDY.—

18 (i) IN GENERAL.—A home study shall
19 be conducted prior to release with respect
20 to each proposed custodian described in
21 any of subparagraphs (A) through (F) of
22 paragraph (1) unless waived by the Direc-
23 tor.

24 (ii) SPECIAL NEEDS CHILDREN.—In
25 the case of a special needs child with a dis-

1 ability (as defined in section 3 of the
2 Americans with Disabilities Act of 1990
3 (42 U.S.C. 12102(2)), a home study shall
4 be conducted to determine if the child's
5 needs can be properly met by the custo-
6 dian.

7 (C) CONTRACT AUTHORITY.—The Director
8 may, by grant or contract, arrange for some or
9 all of the activities under this section to be car-
10 ried out by—

11 (i) an agency of the State of the
12 child's proposed residence;

13 (ii) an agency authorized by such
14 State to conduct such activities; or

15 (iii) an appropriate voluntary or non-
16 profit agency.

17 (D) DATABASE ACCESS.—In conducting
18 suitability assessments, the Director shall be
19 given access to all relevant information in the
20 appropriate Federal, State, and local law en-
21 forcement and immigration databases.

22 (3) RIGHT OF PARENT OR LEGAL GUARDIAN TO
23 CUSTODY OF UNACCOMPANIED ALIEN CHILD.—

24 (A) PLACEMENT WITH PARENT OR LEGAL
25 GUARDIAN.—If an unaccompanied alien child is

1 placed with any person or entity other than a
2 parent or legal guardian, and subsequent to
3 that placement a parent or legal guardian seeks
4 to establish custody, the Director shall—

5 (i) assess the suitability of placing the
6 child with the parent or legal guardian;
7 and

8 (ii) make a written determination on
9 the child's placement within 30 days.

10 (B) RULE OF CONSTRUCTION.—Nothing in
11 this title shall be construed to—

12 (i) supersede obligations under any
13 treaty or other international agreement to
14 which the United States is a party, includ-
15 ing The Hague Convention on the Civil As-
16 pects of International Child Abduction, the
17 Vienna Declaration and Program of Ac-
18 tion, and the Declaration of the Rights of
19 the Child; or

20 (ii) limit any right or remedy under
21 such international agreement.

22 (4) PROTECTION FROM SMUGGLERS AND TRAF-
23 FICKERS.—

24 (A) POLICIES AND PROGRAMS.—

1 (i) IN GENERAL.—The Director shall
2 establish policies and programs to ensure
3 that unaccompanied alien children are pro-
4 tected from smugglers, traffickers, or other
5 persons seeking to victimize or otherwise
6 engage such children in criminal, harmful,
7 or exploitative activity.

8 (ii) WITNESS PROTECTION PROGRAMS
9 INCLUDED.—Programs established pursu-
10 ant to clause (i) may include witness pro-
11 tection programs.

12 (B) CRIMINAL INVESTIGATIONS AND PROS-
13 ECUTIONS.—Any officer or employee of the Of-
14 fice or the Department of Homeland Security,
15 and any grantee or contractor of the Office,
16 who suspects any individual of involvement in
17 any activity described in subparagraph (A) shall
18 report such individual to Federal or State pros-
19 ecutors for criminal investigation and prosecu-
20 tion.

21 (C) DISCIPLINARY ACTION.—Any officer or
22 employee of the Office or the Department of
23 Homeland Security, and any grantee or con-
24 tractor of the Office, who suspects an attorney
25 of involvement in any activity described in sub-

1 paragraph (A) shall report the individual to the
2 State bar association of which the attorney is a
3 member, or to other appropriate disciplinary
4 authorities, for appropriate disciplinary action,
5 which may include private or public admonition
6 or censure, suspension, or disbarment of the at-
7 torney from the practice of law.

8 (5) GRANTS AND CONTRACTS.—The Director
9 may award grants to, and enter into contracts with,
10 voluntary agencies to carry out this section or sec-
11 tion 462 of the Homeland Security Act of 2002 (6
12 U.S.C. 279).

13 (6) REIMBURSEMENT OF STATE EXPENSES.—
14 The Director may reimburse States for any expenses
15 they incur in providing assistance to unaccompanied
16 alien children who are served pursuant to this title
17 or section 462 of the Homeland Security Act of
18 2002 (6 U.S.C. 279).

19 (b) CONFIDENTIALITY.—All information obtained by
20 the Office relating to the immigration status of a person
21 described in subparagraphs (A), (B), and (C) of sub-
22 section (a)(1) shall remain confidential and may be used
23 only for the purposes of determining such person's quali-
24 fications under subsection (a)(1).

1 (c) REQUIRED DISCLOSURE.—The Secretary of
2 Health and Human Services or the Secretary of Homeland
3 Security shall provide the information furnished under
4 this section, and any other information derived from such
5 furnished information, to—

6 (1) a duly recognized law enforcement entity in
7 connection with an investigation or prosecution of an
8 offense described in paragraph (2) or (3) of section
9 212(a) of the Immigration and Nationality Act (8
10 U.S.C. 1182(a)), when such information is requested
11 in writing by such entity; or

12 (2) an official coroner for purposes of affirma-
13 tively identifying a deceased individual (whether or
14 not such individual is deceased as a result of a
15 crime).

16 (d) PENALTY.—Whoever knowingly uses, publishes,
17 or permits information to be examined in violation of this
18 section shall be fined not more than \$10,000.

19 **SEC. 813. APPROPRIATE CONDITIONS FOR DETENTION OF**
20 **UNACCOMPANIED ALIEN CHILDREN.**

21 (a) STANDARDS FOR PLACEMENT.—

22 (1) PROHIBITION OF DETENTION IN CERTAIN
23 FACILITIES.—Except as provided in paragraph (2),
24 an unaccompanied alien child shall not be placed in

1 an adult detention facility or a facility housing delin-
2 quent children.

3 (2) DETENTION IN APPROPRIATE FACILITIES.—

4 An unaccompanied alien child who has exhibited a
5 violent or criminal behavior that endangers others
6 may be detained in conditions appropriate to such
7 behavior in a facility appropriate for delinquent chil-
8 dren.

9 (3) STATE LICENSURE.—A child shall not be
10 placed with an entity described in section
11 812(a)(1)(E), unless the entity is licensed by an ap-
12 propriate State agency to provide residential, group,
13 child welfare, or foster care services for dependent
14 children.

15 (4) CONDITIONS OF DETENTION.—

16 (A) IN GENERAL.—The Director and the
17 Secretary of Homeland Security shall promul-
18 gate regulations incorporating standards for
19 conditions of detention of an unaccompanied
20 alien child that provide for—

21 (i) educational services appropriate to
22 the child;

23 (ii) medical care;

- 1 (iii) mental health care, including
2 treatment of trauma, physical and sexual
3 violence, or abuse;
- 4 (iv) access to telephones;
- 5 (v) access to legal services;
- 6 (vi) access to interpreters;
- 7 (vii) supervision by professionals
8 trained in the care of children, taking into
9 account the special cultural, linguistic, and
10 experiential needs of children in immigra-
11 tion proceedings;
- 12 (viii) recreational programs and activi-
13 ties;
- 14 (ix) spiritual and religious needs; and
15 (x) dietary needs.

16 (B) NOTIFICATION OF CHILDREN.—Regu-
17 lations promulgated under subparagraph (A)
18 shall provide that all children are notified of
19 such standards orally and in writing in the
20 child’s native language.

21 (b) PROHIBITION OF CERTAIN PRACTICES.—

22 (1) IN GENERAL.—The Director and the Sec-
23 retary shall develop procedures for treatment of un-
24 accompanied alien children prohibiting the unreason-
25 able use of—

1 (A) shackling, handcuffing, or other re-
2 straints on children;

3 (B) solitary confinement;

4 (C) contact with adult detainees; or

5 (D) pat or strip searches.

6 (2) PROCEDURES.—The procedures under para-
7 graph (1) shall require that a reasonable use of a
8 practice described in paragraph (1) shall be justified
9 in writing, reviewed by an immigration judge, and
10 subject to administrative and judicial review.

11 (c) RULE OF CONSTRUCTION.—Nothing in this sec-
12 tion shall be construed to supersede procedures favoring
13 release of children to appropriate adults or entities or
14 placement in the least secure setting possible, as defined
15 in the Stipulated Settlement Agreement under Flores v.
16 Reno.

17 **SEC. 814. REPATRIATED UNACCOMPANIED ALIEN CHIL-**
18 **DREN.**

19 (a) COUNTRY CONDITIONS.—

20 (1) SENSE OF CONGRESS.—It is the sense of
21 Congress that, to the extent consistent with the trea-
22 ties and other international agreements to which the
23 United States is a party, and to the extent prac-
24 ticable, the United States Government should under-
25 take efforts to ensure that it does not repatriate

1 children in its custody into settings that would
2 threaten the life and safety of such children.

3 (2) ASSESSMENT OF CONDITIONS.—

4 (A) IN GENERAL.—The annual Country
5 Reports on Human Rights Practices published
6 by the Department of State shall contain an as-
7 sessment of the degree to which each country
8 protects children from smugglers and traf-
9 fickers.

10 (B) FACTORS FOR ASSESSMENT.—The De-
11 partment shall consult the Country Reports on
12 Human Rights Practices and the Trafficking in
13 Persons Report in assessing whether to repa-
14 triate an unaccompanied alien child to a par-
15 ticular country.

16 (C) HOMELESSNESS ASSESSMENT.—The
17 annual Country Report on Human Rights Prac-
18 tices published by the Department of State
19 shall contain an assessment of the extent of pa-
20 rental abandonment and homelessness among
21 children of the country.

22 (b) REPORT ON REPATRIATION OF UNACCOMPANIED
23 ALIEN CHILDREN.—

24 (1) IN GENERAL.—Not later than 18 months
25 after the date of enactment of this Act, and annually

1 thereafter, the Secretary shall submit a report to the
2 Committee on the Judiciary of the Senate and the
3 Committee on the Judiciary of the House of Rep-
4 resentatives on efforts to repatriate unaccompanied
5 alien children.

6 (2) CONTENTS.—The report submitted under
7 paragraph (1) shall include—

8 (A) the number of unaccompanied alien
9 children ordered removed and the number of
10 such children actually removed from the United
11 States;

12 (B) a description of the type of immigra-
13 tion relief sought and denied to such children;

14 (C) a statement of the nationalities, ages,
15 and gender of such children;

16 (D) a description of the procedures used to
17 effect the removal of such children from the
18 United States;

19 (E) a description of steps taken to ensure
20 that such children were safely and humanely re-
21 patriated to their country of origin;

22 (F) any information gathered in assess-
23 ments of country and local conditions pursuant
24 to subsection (a)(2);

1 (G) the number of unaccompanied alien
2 children requesting permission for a State to
3 have jurisdiction in a juvenile court for the pur-
4 pose obtaining a finding of abuse, neglect, or
5 abandonment, and the number of such requests
6 approved and denied; and

7 (H) the number of unaccompanied alien
8 children eligible for, applying for, granted, or
9 denied a visa under section 101(a)(15)(T) of
10 the Immigration and Nationality Act (8 U.S.C.
11 1101(a)(15)(T)).

12 **SEC. 815. ESTABLISHING THE AGE OF AN UNACCOMPANIED**
13 **ALIEN CHILD.**

14 (a) PROCEDURES.—

15 (1) IN GENERAL.—The Director shall develop
16 procedures, in consultation with the Secretary, to
17 make a prompt determination of the age of an alien,
18 to be used—

19 (A) by the Department, with respect to
20 aliens in the custody of the Department; and

21 (B) by the Office, with respect to aliens in
22 the custody of the Office.

23 (2) EVIDENCE.—The procedures developed
24 under paragraph (1) shall—

1 (A) permit the presentation of multiple
2 forms of evidence, including testimony of the
3 alien, to determine the age of the unaccom-
4 panied alien for purposes of placement, custody,
5 parole, and detention; and

6 (B) allow the appeal of a determination to
7 an immigration judge.

8 (b) PROHIBITION ON SOLE MEANS OF DETERMINING
9 AGE.—Radiographs or the attestation of an alien shall not
10 be used as the sole means of determining age for the pur-
11 poses of determining an alien’s eligibility for treatment
12 under this title or section 462 of the Homeland Security
13 Act of 2002 (6 U.S.C. 279).

14 (c) RULE OF CONSTRUCTION.—Nothing in this sec-
15 tion shall be construed to place the burden of proof in
16 determining the age of an alien on the Government.

17 **SEC. 816. EFFECTIVE DATE.**

18 This subtitle shall take effect on the date which is
19 90 days after the date of enactment of this Act.

20 **Subtitle B—Access by Unaccom-**
21 **panied Alien Children to Child**
22 **Advocates and Counsel**

23 **SEC. 821. CHILD ADVOCATES.**

24 (a) ESTABLISHMENT OF CHILD ADVOCATE PRO-
25 GRAM.—

1 (1) APPOINTMENT.—

2 (A) AUTHORIZATION FOR APPOINTMENT.—

3 The Director may appoint a child advocate, who
4 meets the qualifications described in paragraph
5 (2), for an unaccompanied alien child.

6 (B) MANDATORY APPOINTMENT.—The Di-
7 rector shall appoint a child advocate, who meets
8 the qualifications described in paragraph (2),
9 for each unaccompanied alien child requesting
10 permission for a State to have jurisdiction in a
11 juvenile court for the purpose of obtaining a
12 finding of abuse, neglect, or abandonment.

13 (C) CONTRACT WITH AGENCY.—The Direc-
14 tor is encouraged, wherever practicable, to con-
15 tract with a voluntary agency for the selection
16 of an individual to be appointed as a child advo-
17 cate under this paragraph.

18 (2) QUALIFICATIONS OF CHILD ADVOCATE.—

19 (A) IN GENERAL.—No person shall serve
20 as a child advocate unless such person—

21 (i) is a child welfare professional or
22 other individual who has received training
23 in child welfare matters; and

1 (ii) possesses special training on the
2 nature of problems encountered by unac-
3 companied alien children.

4 (B) PROHIBITION.—A child advocate shall
5 not be an employee of the Department, the Of-
6 fice, or the Executive Office for Immigration
7 Review.

8 (3) DUTIES.—The child advocate shall—

9 (A) conduct interviews with the child in a
10 manner that is appropriate, taking into account
11 the child’s age;

12 (B) investigate the facts and circumstances
13 relevant to the child’s presence in the United
14 States, including facts and circumstances—

15 (i) arising in the country of the child’s
16 nationality or last habitual residence; and

17 (ii) arising subsequent to the child’s
18 departure from such country;

19 (C) work with counsel to identify the
20 child’s eligibility for relief from removal or vol-
21 untary departure by sharing with counsel infor-
22 mation collected under subparagraph (B);

23 (D) develop recommendations on issues
24 relative to the child’s custody, detention, re-
25 lease, and repatriation;

1 (E) take reasonable steps to ensure that—

2 (i) the best interests of the child are
3 promoted while the child participates in, or
4 is subject to, proceedings or matters under
5 the Immigration and Nationality Act (8
6 U.S.C. 1101 et seq.);

7 (ii) the child understands the nature
8 of the legal proceedings or matters and de-
9 terminations made by the court, and that
10 all information is conveyed to the child in
11 an age-appropriate manner; and

12 (F) report factual findings relating to—

13 (i) information collected under sub-
14 paragraph (B);

15 (ii) the care and placement of the
16 child during the pendency of the pro-
17 ceedings or matters; and

18 (iii) any other information collected
19 under subparagraph (D).

20 (4) TERMINATION OF APPOINTMENT.—The
21 child advocate shall carry out the duties described in
22 paragraph (3) until the earliest of the date on
23 which—

24 (A) those duties are completed;

25 (B) the child departs the United States;

1 (C) the child is granted permanent resi-
2 dent status in the United States;

3 (D) the child attains the age of 18; or

4 (E) the child is placed in the custody of a
5 parent or legal guardian.

6 (5) POWERS.—The child advocate—

7 (A) shall have reasonable access to the
8 child, including access while such child is being
9 held in detention or in the care of a foster fam-
10 ily;

11 (B) shall be permitted to review all records
12 and information relating to such proceedings
13 that are not deemed privileged or classified;

14 (C) may seek independent evaluations of
15 the child;

16 (D) shall be notified in advance of all hear-
17 ings or interviews involving the child that are
18 held in connection with proceedings or matters
19 under the Immigration and Nationality Act (8
20 U.S.C. 1101 et seq.), and shall be given a rea-
21 sonable opportunity to be present at such hear-
22 ings or interviews;

23 (E) shall be permitted to consult with the
24 child during any hearing or interview involving
25 such child; and

1 (F) shall be provided at least 24 hours ad-
2 vance notice of a transfer of that child to a dif-
3 ferent placement, absent compelling and un-
4 usual circumstances warranting the transfer of
5 such child before such notification.

6 (b) TRAINING.—

7 (1) IN GENERAL.—The Director shall provide
8 professional training for all persons serving as
9 guardians ad litem under this section.

10 (2) TRAINING TOPICS.—The training provided
11 under paragraph (1) shall include training in—

12 (A) the circumstances and conditions that
13 unaccompanied alien children face; and

14 (B) various immigration benefits for which
15 such alien child might be eligible.

16 (c) PILOT PROGRAM.—

17 (1) IN GENERAL.—Not later than 180 days
18 after the date of enactment of this Act, the Director
19 shall establish and begin to carry out a pilot pro-
20 gram to test the implementation of subsection (a).

21 (2) PURPOSE.—The purpose of the pilot pro-
22 gram established under paragraph (1) is to—

23 (A) study and assess the benefits of pro-
24 viding guardians ad litem to assist unaccom-

1 panied alien children involved in immigration
2 proceedings or matters;

3 (B) assess the most efficient and cost-ef-
4 fective means of implementing the child advo-
5 cate provisions in this section; and

6 (C) assess the feasibility of implementing
7 such provisions on a nationwide basis for all un-
8 accompanied alien children in the care of the
9 Office.

10 (3) SCOPE OF PROGRAM.—

11 (A) SELECTION OF SITE.—The Director
12 shall select 3 sites in which to operate the pilot
13 program established under paragraph (1).

14 (B) NUMBER OF CHILDREN.—To the
15 greatest extent possible, each site selected
16 under subparagraph (A) should have at least 25
17 children held in immigration custody at any
18 given time.

19 (4) REPORT TO CONGRESS.—Not later than 1
20 year after the date on which the first pilot program
21 site is established under paragraph (1), the Director
22 shall submit a report on the achievement of the pur-
23 poses described in paragraph (2) to the Committee
24 on the Judiciary of the Senate and the Committee
25 on the Judiciary of the House of Representatives.

1 **SEC. 822. COUNSEL.**

2 (a) ACCESS TO COUNSEL.—

3 (1) IN GENERAL.—The Director should ensure
4 that all unaccompanied alien children in the custody
5 of the Office or the Department, who are not de-
6 scribed in section 811(a)(2), have competent counsel
7 to represent them in immigration proceedings or
8 matters.

9 (2) PRO BONO REPRESENTATION.—To the max-
10 imum extent practicable, the Director should—

11 (A) make every effort to utilize the services
12 of competent pro bono counsel who agree to
13 provide representation to such children without
14 charge; and

15 (B) ensure that placements made under
16 subparagraphs (D), (E), and (F) of section
17 812(a)(1) are in cities where there is a dem-
18 onstrated capacity for competent pro bono rep-
19 resentation.

20 (3) DEVELOPMENT OF NECESSARY INFRA-
21 STRUCTURES AND SYSTEMS.—For purposes of this
22 subsection, the Director shall develop the necessary
23 mechanisms to identify entities available to provide
24 such legal assistance and representation and to re-
25 cruit such entities.

1 (4) CONTRACTING AND GRANT MAKING AU-
2 THORITY.—

3 (A) IN GENERAL.—The Director shall
4 enter into contracts with, or award grants to,
5 nonprofit agencies with relevant expertise in the
6 delivery of immigration-related legal services to
7 children in order to carry out the responsibil-
8 ities of this title, including providing legal ori-
9 entation, screening cases for referral, recruiting,
10 training, and overseeing pro bono attorneys.

11 (B) SUBCONTRACTING.—Nonprofit agen-
12 cies may enter into subcontracts with, or award
13 grants to, private voluntary agencies with rel-
14 evant expertise in the delivery of immigration-
15 related legal services to children in order to
16 carry out this subsection.

17 (C) CONSIDERATIONS REGARDING GRANTS
18 AND CONTRACTS.—In awarding grants and en-
19 tering into contracts with agencies under this
20 paragraph, the Director shall take into consid-
21 eration the capacity of the agencies in question
22 to properly administer the services covered by
23 such grants or contracts without an undue con-
24 flict of interest.

1 (5) MODEL GUIDELINES ON LEGAL REPRESENTEN-
2 TATION OF CHILDREN.—

3 (A) DEVELOPMENT OF GUIDELINES.—The
4 Executive Office for Immigration Review, in
5 consultation with voluntary agencies and na-
6 tional experts, shall develop model guidelines
7 for the legal representation of alien children in
8 immigration proceedings. Such guidelines shall
9 be based on the children’s asylum guidelines,
10 the American Bar Association Model Rules of
11 Professional Conduct, and other relevant do-
12 mestic or international sources.

13 (B) PURPOSE OF GUIDELINES.—The
14 guidelines developed under subparagraph (A)
15 shall be designed to help protect each child
16 from any individual suspected of involvement in
17 any criminal, harmful, or exploitative activity
18 associated with the smuggling or trafficking of
19 children, while ensuring the fairness of the re-
20 moval proceeding in which the child is involved.

21 (C) IMPLEMENTATION.—The Executive
22 Office for Immigration Review shall adopt the
23 guidelines developed under subparagraph (A)
24 and submit the guidelines for adoption by na-
25 tional, State, and local bar associations.

1 (b) DUTIES.—Counsel under this section shall—

2 (1) represent the unaccompanied alien child in
3 all proceedings and matters relating to the immigra-
4 tion status of the child or other actions involving the
5 Department;

6 (2) appear in person for all individual merits
7 hearings before the Executive Office for Immigration
8 Review and interviews involving the Department;
9 and

10 (3) owe the same duties of undivided loyalty,
11 confidentiality, and competent representation to the
12 child as is due an adult client.

13 (c) ACCESS TO CHILD.—

14 (1) IN GENERAL.—Counsel shall have reason-
15 able access to the unaccompanied alien child, includ-
16 ing access while the child is being held in detention,
17 in the care of a foster family, or in any other setting
18 that has been determined by the Office.

19 (2) RESTRICTION ON TRANSFERS.—Absent
20 compelling and unusual circumstances, no child who
21 is represented by counsel shall be transferred from
22 the child's placement to another placement unless
23 advance notice of at least 24 hours is made to coun-
24 sel of such transfer.

1 (d) NOTICE TO COUNSEL DURING IMMIGRATION
2 PROCEEDINGS.—

3 (1) IN GENERAL.—Except when otherwise re-
4 quired in an emergency situation involving the phys-
5 ical safety of the child, counsel shall be given prompt
6 and adequate notice of all immigration matters af-
7 fecting or involving an unaccompanied alien child,
8 including adjudications, proceedings, and processing,
9 before such actions are taken.

10 (2) OPPORTUNITY TO CONSULT WITH COUN-
11 SEL.—An unaccompanied alien child in the custody
12 of the Office may not give consent to any immigra-
13 tion action, including consenting to voluntary depart-
14 ure, without first consulting with counsel.

15 (e) ACCESS TO RECOMMENDATIONS OF CHILD ADVO-
16 CATE.—Counsel shall be given an opportunity to review
17 the recommendation by the child advocate affecting or in-
18 volving a client who is an unaccompanied alien child.

19 (f) COUNSEL FOR UNACCOMPANIED ALIEN CHIL-
20 DREN.—The United States shall pay for counsel to any
21 unaccompanied alien child without the means to pay for
22 counsel himself or herself.

1 **SEC. 823. PRESERVATION OF LAW ENFORCEMENT AUTHOR-**
2 **ITY.**

3 (a) **IN GENERAL.**—The child advocate or counsel ap-
4 pointed under this subtitle shall not interfere with Federal
5 investigators or prosecutors in a Federal criminal inves-
6 tigation or prosecution in which the child is a victim or
7 witness.

8 (b) **DEFINITION.**—In subsection (a), the term “inter-
9 fere with” shall include—

10 (1) restricting access to a victim or witness;

11 (2) encouraging noncooperation with Federal
12 investigators or prosecutors; and

13 (3) being present during interviews of the child
14 by Federal investigators or prosecutors without the
15 permission of the investigators or prosecutors.

16 **SEC. 824. EFFECTIVE DATE; APPLICABILITY.**

17 (a) **EFFECTIVE DATE.**—This subtitle shall take effect
18 180 days after the date of enactment of this Act.

19 (b) **APPLICABILITY.**—The provisions of this subtitle
20 shall apply to all unaccompanied alien children in Federal
21 custody on, before, or after the effective date of this title.

1 **Subtitle C—Strengthening Policies**
2 **for Permanent Protection of**
3 **Alien Children**

4 **SEC. 831. SPECIAL IMMIGRANT JUVENILE CLASSIFICATION.**

5 (a) **J CLASSIFICATION.**—Section 101(a)(27)(J) of
6 the Immigration and Nationality Act (8 U.S.C.
7 1101(a)(27)(J)) is amended to read as follows:

8 “(J) an immigrant, who is 18 years of age or
9 younger on the date of application for the classifica-
10 tion and who is present in the United States—

11 “(i) who by a court order supported by
12 written findings of fact, which shall be binding
13 on the Secretary of Homeland Security for pur-
14 poses of adjudications under this subparagraph,
15 was declared dependent on a juvenile court lo-
16 cated in the United States or has been legally
17 committed to, or placed under the custody of,
18 a department or agency of a State, or an indi-
19 vidual or entity appointed by a State or juvenile
20 court located in the United States, and who has
21 been deemed eligible by that court for long-term
22 foster care due to abuse, neglect, abandonment,
23 or a similar basis found under State law;

24 “(ii) for whom it has been determined by
25 written findings of fact in administrative or ju-

1 dicial proceedings that it would not be in the
2 alien’s best interest to be returned to the alien’s
3 or parent’s previous country of nationality or
4 country of last habitual residence; and

5 “(iii) with respect to a child in Federal
6 custody, for whom the Office of Refugee Reset-
7 tlement of the Department of Health and
8 Human Services has certified to the Director of
9 U.S. Citizenship and Immigration Services that
10 the classification of an alien as a special immi-
11 grant under this subparagraph has not been
12 made solely to provide an immigration benefit
13 to that alien,

14 “except that no natural parent or prior adoptive
15 parent of any alien provided special immigrant sta-
16 tus under this subparagraph shall thereafter, by vir-
17 tue of such parentage, be accorded any right, privi-
18 lege, or status under this Act;”.

19 (b) ADJUSTMENT OF STATUS.—Section 245(h)(2)(A)
20 of the Immigration and Nationality Act (8 U.S.C.
21 1255(h)(2)(A)) is amended to read as follows:

22 “(A) paragraphs (4), (5)(A), (6)(A),
23 (7)(A), 9(B), and 9(C)(i)(I) of section 212(a)
24 shall not apply; and”.

1 (c) ELIGIBILITY FOR ASSISTANCE.—A child who has
2 been granted relief under section 811(a)(27)(J) of the Im-
3 migration and Nationality Act (8 U.S.C. 1101(a)(27)(J)),
4 may be eligible for funds made available under section
5 412(d) of that Act (8 U.S.C. 1522(d)) until such time as
6 the child attains the age designated in section
7 412(d)(2)(B) of that Act (8 U.S.C. 1522(d)(2)(B)), or
8 until the child is placed in a permanent adoptive home,
9 whichever occurs first.

10 (d) TRANSITION RULE.—Notwithstanding any other
11 provision of law, any child described in section
12 101(a)(27)(J) of the Immigration and Nationality Act (8
13 U.S.C. 1101(a)(27)(J)) who filed an application for spe-
14 cial immigrant juvenile classification before the date of en-
15 actment of this Act and who was 19, 20, or 21 years of
16 age on the date such application was filed shall not be
17 denied such classification after the date of enactment of
18 this Act because of such alien’s age.

19 **SEC. 832. TRAINING FOR OFFICIALS AND CERTAIN PRIVATE**
20 **PARTIES WHO COME INTO CONTACT WITH**
21 **UNACCOMPANIED ALIEN CHILDREN.**

22 (a) TRAINING OF STATE AND LOCAL OFFICIALS AND
23 CERTAIN PRIVATE PARTIES.—

24 (1) IN GENERAL.—The Secretary of Health and
25 Human Services, acting jointly with the Secretary,

1 shall provide appropriate training materials, and if
2 requested, direct training, to State and county offi-
3 cials, child welfare specialists, teachers, public coun-
4 sel, and juvenile judges who come into contact with
5 unaccompanied alien children.

6 (2) CURRICULUM.—The training shall provide
7 education on the processes pertaining to unaccom-
8 panied alien children with pending immigration sta-
9 tus and on the forms of relief potentially available.
10 The Director shall be responsible for establishing a
11 core curriculum that can be incorporated into edu-
12 cation, training, or orientation modules or formats
13 that are currently used by these professionals.

14 (3) VIDEO CONFERENCING.—If direct training
15 is requested under this subsection, such training
16 may be conducted through video conferencing.

17 (b) TRAINING OF DEPARTMENT PERSONNEL.—The
18 Secretary, acting jointly with the Secretary of Health and
19 Human Services, shall provide specialized training to all
20 personnel of the Department who come into contact with
21 unaccompanied alien children. Training for Border Patrol
22 agents and immigration inspectors shall include specific
23 training on identifying children at the United States bor-
24 ders or at United States ports of entry who have been
25 victimized by smugglers or traffickers, and children for

1 whom asylum or special immigrant relief may be appro-
2 priate, including children described in section 811(a)(2).

3 **SEC. 833. REPORT.**

4 Not later than 1 year after the date of enactment
5 of this Act, and annually thereafter, the Secretary of
6 Health and Human Services shall submit a report for the
7 previous fiscal year to the Committee on the Judiciary of
8 the Senate and the Committee on the Judiciary of the
9 House of Representatives that contains—

10 (1) data related to the implementation of sec-
11 tion 462 of the Homeland Security Act (6 U.S.C.
12 279);

13 (2) data regarding the care and placement of
14 children in accordance with this title;

15 (3) data regarding the provision of child advo-
16 cate and counsel services under this title; and

17 (4) any other information that the Director or
18 the Secretary of Health and Human Services deter-
19 mines to be appropriate.

20 **SEC. 834. EFFECTIVE DATE.**

21 The amendment made by section 831 shall apply to
22 all aliens who were in the United States before, on, or
23 after the date of enactment of this Act.

1 **Subtitle D—Children Refugee and**
2 **Asylum Seekers**

3 **SEC. 841. GUIDELINES FOR CHILDREN'S ASYLUM CLAIMS.**

4 (a) SENSE OF CONGRESS.—Congress—

5 (1) commends the former Immigration and
6 Naturalization Service for its issuance of its “Guide-
7 lines for Children’s Asylum Claims”, dated Decem-
8 ber 1998, and encourages and supports the imple-
9 mentation of such guidelines by the Department in
10 an effort to facilitate the handling of children’s af-
11 firmative asylum claims;

12 (2) commends the Executive Office for Immi-
13 gration Review of the Department of Justice for its
14 issuance of its “Guidelines for Immigration Court
15 Cases Involving Unaccompanied Alien Children”,
16 dated September 2004, and encourages and supports
17 the continued implementation of such guidelines by
18 the Executive Office for Immigration Review in its
19 handling of children’s asylum claims before immigra-
20 tion judges; and

21 (3) understands that the guidelines described in
22 paragraph (2) do not specifically address the issue
23 of asylum claims, but go to the broader issue of un-
24 accompanied alien children in general.

25 (b) TRAINING.—

1 (1) IMMIGRATION OFFICERS.—The Secretary
2 shall provide periodic comprehensive training under
3 the “Guidelines for Children’s Asylum Claims” to
4 asylum officers and immigration officers who have
5 contact with children in order to familiarize and sen-
6 sitize such officers to the needs of children asylum
7 seekers.

8 (2) IMMIGRATION JUDGES.—The Executive Of-
9 fice for Immigration Review shall—

10 (A) provide periodic comprehensive train-
11 ing under the “Guidelines for Immigration
12 Court Cases Involving Unaccompanied Alien
13 Children” and the “Guidelines for Children’s
14 Asylum Claims” to immigration judges and
15 members of the Board of Immigration Appeals;
16 and

17 (B) redistribute to all Immigration Courts
18 the “Guidelines for Children’s Asylum Claims”
19 as part of its training of immigration judges.

20 (3) USE OF VOLUNTARY AGENCIES.—Voluntary
21 agencies shall be allowed to assist in the training de-
22 scribed in this subsection.

1 **SEC. 842. UNACCOMPANIED REFUGEE CHILDREN.**

2 (a) IDENTIFYING UNACCOMPANIED REFUGEE CHIL-
3 DREN.—Section 207(e) of the Immigration and Nation-
4 ality Act (8 U.S.C. 1157(e)) is amended—

5 (1) by redesignating paragraphs (3), (4), (5),
6 (6), and (7) as paragraphs (4), (5), (6), (7), and
7 (8), respectively; and

8 (2) by inserting after paragraph (2) the fol-
9 lowing:

10 “(3) An analysis of the worldwide situation
11 faced by unaccompanied refugee children, by region,
12 which shall include an assessment of—

13 “(A) the number of unaccompanied refugee
14 children, by region;

15 “(B) the capacity of the Department of
16 State to identify such refugees;

17 “(C) the capacity of the international com-
18 munity to care for and protect such refugees;

19 “(D) the capacity of the voluntary agency
20 community to resettle such refugees in the
21 United States;

22 “(E) the degree to which the United States
23 plans to resettle such refugees in the United
24 States in the coming fiscal year; and

1 “(F) the fate that will befall such unac-
2 companied refugee children for whom resettle-
3 ment in the United States is not possible.”.

4 (b) TRAINING ON THE NEEDS OF UNACCOMPANIED
5 REFUGEE CHILDREN.—Section 207(f)(2) of the Immigra-
6 tion and Nationality Act (8 U.S.C. 1157(f)(2)) is amended
7 by—

8 (1) striking “and” after “countries,”; and

9 (2) inserting before the period at the end the
10 following: “, and instruction on the needs of unac-
11 companied refugee children”.

12 **SEC. 843. EXCEPTIONS FOR UNACCOMPANIED ALIEN CHIL-**
13 **DREN IN ASYLUM AND REFUGEE-LIKE CIR-**
14 **CUMSTANCES.**

15 (a) PLACEMENT IN REMOVAL PROCEEDINGS.—Any
16 unaccompanied alien child apprehended by the Depart-
17 ment, except for an unaccompanied alien child subject to
18 exceptions under paragraph (1)(A) or (2) of section
19 811(a), shall be placed in removal proceedings under sec-
20 tion 240 of the Immigration and Nationality Act (8 U.S.C.
21 1229a).

22 (b) EXCEPTION FROM TIME LIMIT FOR FILING ASY-
23 LUM APPLICATION.—Section 208(a)(2) of the Immigra-
24 tion and Nationality Act (8 U.S.C. 1158(a)(2)) is amend-
25 ed by adding at the end the following:

1 “(E) APPLICABILITY.—Subparagraphs (A)
2 and (B) shall not apply to an unaccompanied
3 alien child as defined in section 101(a)(51).”.

4 **Subtitle E—Authorization of**
5 **Appropriations**

6 **SEC. 851. AUTHORIZATION OF APPROPRIATIONS.**

7 (a) IN GENERAL.—There are authorized to be appro-
8 priated to the Department of Homeland Security, the De-
9 partment of Justice, and the Department of Health and
10 Human Services, such sums as may be necessary to carry
11 out—

12 (1) the provisions of section 462 of the Home-
13 land Security Act of 2002 (6 U.S.C. 279); and

14 (2) the provisions of this title.

15 (b) AVAILABILITY OF FUNDS.—Amounts appro-
16 priated pursuant to subsection (a) shall remain available
17 until expended.

1 **Subtitle F—Amendments to the**
2 **Homeland Security Act of 2002**

3 **SEC. 861. ADDITIONAL RESPONSIBILITIES AND POWERS OF**
4 **THE OFFICE OF REFUGEE RESETTLEMENT**
5 **WITH RESPECT TO UNACCOMPANIED ALIEN**
6 **CHILDREN.**

7 (a) ADDITIONAL RESPONSIBILITIES OF THE DIREC-
8 TOR.—Section 462(b)(1) of the Homeland Security Act of
9 2002 (6 U.S.C. 279(b)(1)) is amended—

10 (1) in subparagraph (K), by striking “and” at
11 the end;

12 (2) in subparagraph (L), by striking the period
13 at the end and inserting “, including regular follow-
14 up visits to such facilities, placements, and other en-
15 tities, to assess the continued suitability of such
16 placements; and”;

17 (3) by adding at the end the following:

18 “(M) ensuring minimum standards of care
19 for all unaccompanied alien children—

20 “(i) for whom detention is necessary;

21 and

22 “(ii) who reside in settings that are
23 alternative to detention.”.

24 (b) ADDITIONAL POWERS OF THE DIRECTOR.—Sec-
25 tion 462(b) of the Homeland Security Act of 2002 (6

1 U.S.C. 279(b)) is amended by adding at the end the fol-
2 lowing:

3 “(4) **AUTHORITY.**—In carrying out the duties
4 under paragraph (3), the Director is authorized to—

5 “(A) contract with service providers to per-
6 form the services described in sections 813,
7 811, and 812 of the A Place to Call Home Act;
8 and

9 “(B) compel compliance with the terms
10 and conditions set forth in section 813 of the
11 A Place to Call Home Act, including the power
12 to—

13 “(i) declare providers to be in breach
14 and seek damages for noncompliance;

15 “(ii) terminate the contracts of pro-
16 viders that are not in compliance with such
17 conditions; and

18 “(iii) reassign any unaccompanied
19 alien child to a similar facility that is in
20 compliance with such section.”.

21 **SEC. 862. TECHNICAL CORRECTIONS.**

22 Section 462(b) of the Homeland Security Act of 2002
23 (6 U.S.C. 279(b)), as amended by section 861, is amend-
24 ed—

1 (1) in paragraph (3), by striking “paragraph
2 (1)(G)” and inserting “paragraph (1)”; and

3 (2) by adding at the end the following:

4 “(5) STATUTORY CONSTRUCTION.—Nothing in
5 paragraph (2)(B) may be construed to require that
6 a bond be posted for unaccompanied alien children
7 who are released to a qualified sponsor.”.

8 **SEC. 863. EFFECTIVE DATE.**

9 The amendments made by this subtitle shall take ef-
10 fect as if included in the Homeland Security Act of 2002
11 (6 U.S.C. 101 et seq.).

12 **TITLE IX—JUVENILE STATUS**
13 **OFFENDERS**

14 **SEC. 901. DEINSTITUTIONALIZATION OF STATUS OFFEND-**
15 **ERS.**

16 Section 223(a)(11) of the Juvenile Justice and Delin-
17 quency Prevention Act of 1974 (42 U.S.C. 5633(a)(11))
18 is amended by striking “excluding—” through “State;”
19 and inserting “excluding juveniles who are charged with
20 or who have committed a violation of section 922(x)(2)
21 of title 18, United States Code, or of a similar State law;”.

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