

111TH CONGRESS
1ST SESSION

S. 938

To require the President to call a White House Conference on Children
and Youth in 2010.

IN THE SENATE OF THE UNITED STATES

APRIL 30, 2009

Ms. LANDRIEU (for herself, Mr. BURR, Mr. DODD, Mr. LEVIN, Mr. BEGICH, Mrs. HAGAN, Mr. BAYH, Mr. JOHNSON, Mr. CASEY, Mrs. LINCOLN, and Mrs. GILLIBRAND) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To require the President to call a White House Conference
on Children and Youth in 2010.

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 “White House Con-
5 ference on Children and Youth in 2010 Act”.

6 **SEC. 2. FINDINGS AND POLICY.**

7 (a) FINDINGS.—Congress finds the following:

8 (1) In 2006 there were over 3,000,000 reports
9 of child abuse and neglect. Only 60 percent of the

1 children from the substantiated reports received fol-
2 low-up services, and 20 percent of such children
3 were placed in foster care as a result of an investiga-
4 tion.

5 (2) Each year there are nearly 900,000 sub-
6 stantiated reports of child abuse and neglect.

7 (3) Each year approximately 60 percent of such
8 substantiated reports are reports of neglect, 30 per-
9 cent are physical or sexual abuse reports, and more
10 than 20 percent are reports that involve other forms
11 of abuse.

12 (4) Each year child abuse and neglect costs the
13 United States an estimated \$104 billion.

14 (5) Over 500,000 children (including youth)
15 were in foster care at the end of fiscal year 2006
16 and nearly 800,000 spent at least some time in fos-
17 ter care during the year.

18 (6) While 51,000 children are adopted from the
19 foster care system each year, more than 125,000
20 children are waiting to be adopted.

21 (7) Each year approximately 25,000 youth
22 leave the foster care system not because they have
23 found permanent placements, but because they have
24 reached the age at which foster care ends.

1 (8) The child welfare system includes State and
2 local governments, tribal governments, child welfare
3 agencies, child welfare caseworkers, private agencies,
4 social workers, the courts, volunteer court-appointed
5 special advocates, mental health, public health and
6 health care professionals, educators, and advocates.

7 (9) There is an overrepresentation of certain
8 populations, including Native Americans, African-
9 Americans and Hispanic populations, in the child
10 welfare system.

11 (10) Rural communities face special barriers to
12 addressing human service needs including a lack of
13 providers, the challenge posed by attempting to serve
14 a widely dispersed population over a large geo-
15 graphic area and cultural differences.

16 (11) The number of children being raised by
17 grandparents and other relatives is increasing and
18 exceeds 6,000,000 children. The Government recog-
19 nized that kinship care is a permanency option
20 through the enactment of the Adoption and Safe
21 Families Act of 1997.

22 (12) The State courts make key decisions in the
23 lives of children involved in the child welfare system,
24 including decisions about whether children have been
25 victims of child abuse, whether parental rights

1 should be terminated, and whether children should
2 be reunified with their families, adopted, or placed
3 in other settings.

4 (13) The child welfare system will never fully
5 address its primary mission unless the courts are an
6 integral and functioning component of a statewide
7 system of care and protection.

8 (14) The child welfare system has an important
9 role to play in preventing abuse and neglect from oc-
10 ccurring in the first place, but is often unable to sup-
11 port prevention efforts due to funding and regu-
12 latory constraints.

13 (15) Key indicators of child health indicators
14 demonstrate declining health of our Nation's chil-
15 dren including increased rates of chronic disease
16 among children, preventable deaths from childhood
17 injury, and the potential for children born in this
18 generation to not live as long as their parents.

19 (b) POLICY.—It is the policy of Congress that—

20 (1) the Government should work jointly with
21 the States and their residents to develop rec-
22 ommendations and plans for action to meet the chal-
23 lenges and needs of children and families involved
24 with the child welfare system, consistent with this
25 Act;

1 (2) in developing such recommendations and
2 plans, the persons involved should emphasize the
3 role of the Government, State and local child welfare
4 systems, State and local family court systems, State
5 and local health departments, child welfare advo-
6 cates, child abuse prevention experts, guardians,
7 parents and other key participants in such child wel-
8 fare systems, with a goal of enhancing and pro-
9 tecting the lives, health and well-being of children
10 and families who are involved with such child welfare
11 systems; and

12 (3) Federal, State, and local programs and poli-
13 cies should be developed to reduce the number of
14 children who are abused and neglected in the first
15 place, to reduce the number of children in foster
16 care, and to dramatically increase the number of
17 children in permanent placements through family re-
18 unification, kinship placement, and adoption, and in-
19 crease the overall health and well-being of children.

20 **SEC. 3. AUTHORIZATION OF THE CONFERENCE.**

21 (a) **AUTHORITY TO CALL THE CONFERENCE.**—The
22 President shall call a White House Conference on Children
23 and Youth in 2010 (referred to in this Act as “the Con-
24 ference”), to be convened not later than 18 months after
25 the selection of the last member of the Policy Committee

1 established in section 4, to encourage improvements in
2 each State and local child welfare system, and to develop
3 recommendations for actions to implement the policy set
4 forth in section 2(b).

5 (b) PLANNING AND DIRECTION.—The Secretary shall
6 plan, convene, and conduct the Conference in cooperation
7 with the heads of other appropriate Federal entities, in-
8 cluding the Attorney General, the Secretary of Education,
9 the Department of Agriculture and the Secretary of Hous-
10 ing and Urban Development.

11 (c) PURPOSES OF THE CONFERENCE.—The purposes
12 of the Conference are—

13 (1) to identify the problems and challenges of
14 child abuse and neglect, and the needs of the chil-
15 dren and families affected by decisions made
16 through the child welfare system;

17 (2) to strengthen the use of research-based best
18 practices that can prevent child abuse and neglect
19 with a special focus on younger children;

20 (3) to strengthen the use of research-based best
21 practices that can improve the health and well-being
22 of children, including children with special health
23 care needs;

24 (4) to strengthen the use of research-based best
25 practices that can increase placement permanency

1 for children removed from their homes, including
2 practices involving family reunification, kinship
3 placement, and adoption;

4 (5) to promote the role of State and local fam-
5 ily courts in each State child welfare system;

6 (6) to develop recommendations that will reduce
7 the number of children who are in out-of-home care
8 and who fail to leave foster care before the age of
9 majority;

10 (7) to make recommendations that will reduce
11 the overrepresentation of certain populations includ-
12 ing but not limited to Native American, African-
13 American, and Hispanic populations in the child wel-
14 fare system;

15 (8) to examine the role of the Government in
16 building an equal partnership with State, local, and
17 tribal entities in order to assist with, and encourage,
18 State, local, and tribal coordination;

19 (9) to develop such specific and comprehensive
20 recommendations for State-level executive and legis-
21 lative action as may be appropriate for maintaining
22 and improving the health and well-being of children
23 in such system; and

1 (10) to review the status of recommendations
2 regarding child welfare made by previous White
3 House conferences.

4 **SEC. 4. POLICY COMMITTEE.**

5 (a) ESTABLISHMENT.—There is established a Policy
6 Committee, which shall be comprised of 17 members to
7 be selected as follows:

8 (1) PRESIDENTIAL APPOINTEES.—Nine mem-
9 bers shall be selected by the President and shall con-
10 sist of—

11 (A) 3 members who are officers or employ-
12 ees of the Federal Government; and

13 (B) 6 members, who may be officers or
14 employees of the Federal Government, with ex-
15 perience in the continuum of child health and
16 welfare services, from prevention, to interven-
17 tion, to treatment, including providers and chil-
18 dren directly affected by the child welfare sys-
19 tem.

20 (2) HOUSE OF REPRESENTATIVES AP-
21 POINTEES.—

22 (A) MAJORITY APPOINTEES.—Two mem-
23 bers shall be selected by the Speaker of the
24 House of Representatives, after consultation
25 with the chairpersons of the Committee on

1 Education and Labor, and the Committee on
 2 Ways and Means, of the House of Representa-
 3 tives.

4 (B) MINORITY APPOINTEES.—Two mem-
 5 bers shall be selected by the minority leader of
 6 the House of Representatives, after consultation
 7 with the ranking minority members of such
 8 committees.

9 (3) SENATE APPOINTEES.—

10 (A) MAJORITY APPOINTEES.—Two mem-
 11 bers shall be selected by the majority leader of
 12 the Senate, after consultation with the chair-
 13 persons of the Committee on Health, Edu-
 14 cation, Labor, and Pensions, and the Com-
 15 mittee on Finance, of the Senate.

16 (B) MINORITY APPOINTEES.—Two mem-
 17 bers shall be selected by the minority leader of
 18 the Senate, after consultation with the ranking
 19 minority members of such committees.

20 (b) PERIOD OF APPOINTMENT; VACANCIES.—Mem-
 21 bers shall be appointed for the life of the Policy Com-
 22 mittee. Any vacancy in the Policy Committee shall not af-
 23 fect its powers, but shall be filled in the same manner as
 24 the original appointment.

25 (c) VOTING; CHAIRPERSON.—

1 (1) VOTING.—The Policy Committee shall act
2 by the vote of a majority of the members present.

3 (2) CHAIRPERSON.—The President shall select
4 a chairperson from among the members of the Pol-
5 icy Committee. The chairperson may vote only to
6 break a tie vote of the other members of the Policy
7 Committee.

8 (d) DUTIES OF POLICY COMMITTEE.—

9 (1) MEETINGS.—The Policy Committee shall
10 hold its first meeting at the call of the Secretary,
11 not later than 30 days after the last member is se-
12 lected. Subsequent meetings of the Policy Committee
13 shall be held at the call of the chairperson of the
14 Policy Committee.

15 (2) GENERAL DUTIES.—Through meetings,
16 hearings, and working sessions, the Policy Com-
17 mittee shall—

18 (A) make recommendations to the Sec-
19 retary to facilitate the timely convening of the
20 Conference;

21 (B) submit to the Secretary a proposed
22 agenda for the Conference not later than 90
23 days after the first meeting of the Policy Com-
24 mittee;

1 (C) determine the number of delegates to
 2 be selected in accordance with section 5 and the
 3 manner by which the delegates are to be se-
 4 lected in accordance with such section;

5 (D) select delegates for the Conference;
 6 and

7 (E) establish other advisory committees as
 8 needed to facilitate Conference participation
 9 of—

10 (i) professionals with direct experience
 11 providing services to children and families
 12 in the child welfare system;

13 (ii) prevention experts, including pro-
 14 fessionals with direct experience providing
 15 services to prevent child abuse and neglect;

16 (iii) child health experts, including
 17 health services and public health profes-
 18 sionals working to improve the health of
 19 children nationwide, and

20 (iv) children and families in the child
 21 welfare system.

22 (e) POWERS OF THE POLICY COMMITTEE.—

23 (1) INFORMATION FROM FEDERAL AGENCIES.—

24 The Policy Committee may secure directly from any
 25 Federal department or agency such information as

1 the Policy Committee considers necessary to carry
2 out this Act. Upon request of the chairperson of the
3 Policy Committee, the head of such department or
4 agency shall furnish such information to the Policy
5 Committee.

6 (2) POSTAL SERVICES.—The Policy Committee
7 may use the United States mails in the same man-
8 ner and under the same conditions as other depart-
9 ments and agencies of the Federal Government.

10 (f) PERSONNEL.—

11 (1) TRAVEL EXPENSES.—The members of the
12 Council shall not receive compensation for the per-
13 formance of services for the Council, but shall be al-
14 lowed travel expenses, including per diem in lieu of
15 subsistence, at rates authorized for employees of
16 agencies under subchapter I of chapter 57 of title 5,
17 United States Code, while away from their homes or
18 regular places of business in the performance of
19 services for the Council. Notwithstanding section
20 1342 of title 31, United States Code, the Secretary
21 may accept the voluntary and uncompensated serv-
22 ices of members of the Council.

23 (2) DETAIL OF GOVERNMENT EMPLOYEES.—
24 Any Federal Government employee may be detailed
25 to the Council without reimbursement, and such de-

1 tail shall be without interruption or loss of civil serv-
2 ice status or privilege.

3 **SEC. 5. CONFERENCE DELEGATES.**

4 To carry out the purposes of the Conference, the Sec-
5 retary shall convene delegates for the conference, who
6 shall be fairly balanced in terms of geography, their points
7 of view with respect to child welfare, without regard to
8 political affiliation or past partisan activity, who shall in-
9 clude—

10 (1) the directors of child welfare systems of the
11 States;

12 (2) members of the State and local family court
13 systems, representatives of the State bar associa-
14 tions, and attorneys specializing in family law;

15 (3) elected officials of State and local govern-
16 ments; and

17 (4) advocates (including national and State or-
18 ganizations), guardians, experts in the field of child
19 welfare, experts in the field of child abuse preven-
20 tion, health and mental health professionals, edu-
21 cators, families and children (including youth) af-
22 fected by the child welfare system, and the general
23 public.

1 **SEC. 6. CONFERENCE ADMINISTRATION.**

2 (a) ADMINISTRATION.—In conducting and planning
3 the Conference, the Secretary shall—

4 (1) request the cooperation and assistance of
5 the heads of such other Federal entities as may be
6 appropriate, including the detailing of personnel;

7 (2) furnish all reasonable assistance, including
8 financial assistance, not less than 18 months before
9 the Secretary convenes the Conference, to State
10 child welfare systems, State and local family court
11 systems, child abuse prevention organizations, State
12 and local health departments, child health and well-
13 being organizations, and other appropriate organiza-
14 tions, to enable them to organize and conduct State-
15 level child welfare conferences in conjunction with
16 and in preparation for participation in the Con-
17 ference;

18 (3) prepare and make available for public com-
19 ment a proposed agenda, for the Conference, that
20 reflects to the greatest extent possible the major
21 child welfare issues facing child welfare systems and
22 the courts, consistent with the policy set forth in
23 section 2(b);

24 (4) prepare and make available background ma-
25 terials that the Secretary determines to be necessary
26 for the use of delegates to the Conference; and

1 (5) employ such additional personnel as may be
2 necessary to carry out this Act without regard to
3 provisions of title 5, United States Code, governing
4 appointments in the competitive service, and without
5 regard to chapter 51 and subchapter III of chapter
6 53 of such title, relating to classification and Gen-
7 eral Schedule pay rates.

8 (b) DUTIES.—In carrying out the Secretary’s respon-
9 sibilities and functions under this section, the Secretary
10 shall ensure that—

11 (1) the conferences held under subsection (a)(2)
12 will—

13 (A) be conducted so as to ensure broad
14 participation of individuals and groups; and

15 (B) include conferences on Native Ameri-
16 cans—

17 (i) to identify conditions that ad-
18 versely affect Native American children in
19 the child welfare system and to identify
20 Native American families who are at risk
21 of entering such system;

22 (ii) to propose solutions to ameliorate
23 such conditions; and

24 (iii) to provide for the exchange of in-
25 formation relating to the delivery of serv-

1 ices to Native American children in the
2 child welfare system and to Native Amer-
3 ican families who are at risk of entering
4 such system;

5 (2) the proposed agenda for the Conference
6 under subsection (a)(3) is—

7 (A) published in the Federal Register not
8 less than 180 days before the Conference is
9 convened; and

10 (B) made available for public comment for
11 a period of not less than 60 days;

12 (3) the final agenda for the Conference, pre-
13 pared after the Secretary takes into consideration
14 comments received under paragraph (2), is published
15 in the Federal Register, and transmitted to the chief
16 executive officers of the States, not later than 30
17 days after the close of the public comment period re-
18 quired by paragraph (2);

19 (4) the personnel employed under subsection
20 (a)(5) are fairly balanced in terms of their points of
21 view with respect to child welfare and are appointed
22 without regard to political affiliation or past par-
23 tisan activity;

24 (5) the recommendations of the Conference are
25 not inappropriately influenced by any public official

1 or special interest, but instead are the result of the
 2 independent and collective judgment of the delegates
 3 of the Conference; and

4 (6) before the Conference is convened—

5 (A) current and adequate statistical data
 6 (including decennial census data) and other in-
 7 formation on the well-being of children in the
 8 United States; and

9 (B) such information as may be necessary
 10 to evaluate Federal programs and policies relat-
 11 ing to children;

12 which the Secretary may obtain by making grants to
 13 or entering into agreements with, public agencies or
 14 nonprofit organizations, are readily available in ad-
 15 vance of the Conference to the delegates.

16 **SEC. 7. REPORT OF THE CONFERENCE.**

17 (a) PROPOSED REPORT.—

18 (1) PREPARATION.—After consultation with the
 19 Policy Committee, the Secretary shall prepare a pro-
 20 posed report of the Conference containing—

21 (A) the results of the Conference, which
 22 shall include a statement of comprehensive co-
 23 herent national policy on State child welfare
 24 systems (including the courts involved);

1 (B) recommendations of the Conference for
2 the implementation of such policy;

3 (C) recommendations to decrease the inci-
4 dence of child abuse or neglect from occurring;
5 and

6 (D) recommendations to improve health
7 outcomes and measures of well-being for chil-
8 dren.

9 (2) PUBLICATION AND SUBMISSION.—The pro-
10 posed report shall be published in the Federal Reg-
11 ister, and submitted to the chief executive officers of
12 the States, not later than 60 days after the Con-
13 ference adjourns.

14 (b) RESPONSE TO PROPOSED REPORT.—The Sec-
15 retary shall solicit recommendations about and other com-
16 ments on the proposed report, to be submitted not later
17 than 180 days after the publication of the report. The Sec-
18 retary shall request that the chief executive officers of the
19 States submit to the Secretary, not later than 180 days
20 after receiving the proposed report, their views and find-
21 ings on the proposed report.

22 (c) FINAL REPORT.—Not later than 90 days after
23 receiving the comments, and the views and findings of the
24 chief executive officers of the States, under subsection (b),
25 the Secretary shall—

1 (1) prepare a final report of the Conference,
2 which shall include—

3 (A) a statement of the policy and rec-
4 ommendations of the Conference;

5 (B) a compilation of the comments, and
6 the views and findings of the chief executive of-
7 ficers of the States; and

8 (C)(i) the recommendations of the Sec-
9 retary for a comprehensive coherent national
10 policy on State child welfare systems (including
11 the courts involved), after taking into consider-
12 ation the comments, views, and findings; and

13 (ii) the recommendations of the Secretary
14 for the administrative and legislative action nec-
15 essary to implement the recommendations de-
16 scribed in clause (i); and

17 (2) publish the final report in the Federal Reg-
18 ister and transmit the report to the President and
19 to Congress.

20 **SEC. 8. DEFINITIONS AND REFERENCES.**

21 (a) **DEFINITIONS.**—In this Act:

22 (1) **SECRETARY.**—The term “Secretary” means
23 the Secretary of Health and Human Services.

24 (2) **STATE.**—The term “State” means any of
25 the several States, the District of Columbia, the

1 Commonwealth of Puerto Rico, Guam, American
2 Samoa, the United States Virgin Islands, and the
3 Commonwealth of the Northern Mariana Islands.

4 (b) REFERENCES.—In this Act, a reference to a child
5 welfare system of a State includes a reference to a child
6 welfare system of a tribal government.

7 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

8 (a) IN GENERAL.—There is authorized to be appro-
9 priated \$10,000,000 to carry out this Act.

10 (b) LIMITATION ON APPROPRIATIONS.—Authority
11 provided in this Act to make expenditures or to enter into
12 contracts under which the United States is obligated to
13 make outlays shall be effective only to the extent that
14 amounts are provided, and only to the extent of the
15 amounts provided, in advance in appropriations Acts.

○