

Peterson bill, I think, had 39 Democratic cosponsors, many, many, Republicans, and I think it was a very, very good piece of legislation that did not include ANWR. It carved out ANWR, realizing that was something we agreed to disagree on, and leave that out of the legislation.

But the most important part of the Peterson-Abercrombie bill that differed from what the majority party, as you know, brought to us for a final vote that did pass, it has no incentive whatsoever for the States to allow drilling off of their shores for the billions of gallons of petroleum and millions of cubic feet of natural gas, because they are sitting there thinking, well, gosh, on the gulf coast, Alabama, Texas and Louisiana are getting those royalties and putting them to good use, and we need that.

My State of Georgia, right now, we have 135 miles of shoreline, the great State of Georgia, and we are \$1.5 billion short in this revenue year, this fiscal year. I am sure Georgia would be one of the very first to get in line if we had that included. I am disappointed.

The SPEAKER pro tempore. The time of the gentleman from Georgia has expired.

Mr. WELLER of Illinois. Madam Speaker, I am happy to yield the gentleman 1 additional minute.

Mr. GINGREY. I don't know what is going to happen in the Senate today or tomorrow, but hopefully we can get a bill passed through the Senate that has more, more in it than the draft language that wasn't actually in bill form that came out in the Senate 5 or 6 weeks ago with a group of 10, now up to a group of 20.

It's still not too late for this Congress, House and Senate, to do something for the American people. I urge us to do that in a bipartisan way.

Look, let's do the right thing, and I think the election outcomes will take care of themselves. The good people that need to be here will come back, and the ones that don't, won't. Let's just do the right thing for the American people.

Mr. WELLER of Illinois. Madam Speaker, we have no additional speakers, so I would be happy to briefly close.

H.R. 2608 is bipartisan legislation. It's legislation designed to help those who need help. As my chairman noted, those who, frankly, benefit from this legislation have been victims of tyranny. Those who fought on the wrong side and, in many cases, they fought on the side of the United States and were forced to flee their country, they're elderly, they're disabled, and, frankly, they're people that came here legally.

So I want to ask my colleagues to do exactly what we did when we voted on this legislation before, to vote with strong, unanimous, bipartisan support of this important legislation.

I also want to thank my chairman for working in a bipartisan way to move this important legislation to the

floor, to work with our colleagues in the Senate and the past legislation, which will become law with this vote today.

Madam Speaker, I urge bipartisan support for this legislation. I thank my chairman for the opportunity to work with him on this important legislation.

I yield back the balance of my time. Mr. McDERMOTT. Madam Speaker, I yield myself such time as I may consume.

This bill allows Members to accomplish three objectives with a single vote, help needy refugees, cut taxes and reduce the Federal deficit. That's a trifecta that should draw support from every Member of the House.

But I want to conclude, really, with a story about one of the witnesses who came before our subcommittee. His name was K'Keng, and he fought alongside American forces during the Vietnam War. In fact, he was recruited and trained by our own special forces.

After the U.S. pulled out of Vietnam, he was imprisoned for 6 years as a political prisoner, after which he ultimately made his transfer to the United States as a refugee. He tried working, but the wounds he had suffered during the war made that difficult.

Based on his disability, and the fact that he had almost no source of income, he began receiving supplemental security income, or SSI benefits. For those benefits, he had those benefits, but they were terminated when he reached the 7-year limit on SSI for refugees.

There are thousands of other refugees who have taken different paths to get here, but their basic story is the same. They fled persecution, they now reside legally in the United States, they are disabled or elderly, and they need our help.

This bill will provide them just the assistance, without raising the Federal deficit by a single dime. In fact, the anti-fraud provisions in this bill reduce the debt by nearly \$100 million and cut taxes by over \$300 million.

I urge all Members to support this bipartisan legislation, to help the needy, cut taxes and reduce our debt.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. McDERMOTT) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 2608.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate amendments were concurred in.

A motion to reconsider was laid on the table.

#### FOSTERING CONNECTIONS TO SUCCESS AND INCREASING ADOPTIONS ACT OF 2008

Mr. McDERMOTT. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 6893) to amend parts B and E

of title IV of the Social Security Act to connect and support relative caregivers, improve outcomes for children in foster care, provide for tribal foster care and adoption access, improve incentives for adoption, and for other purposes.

The Clerk read the title of the bill. The text of the bill is as follows:

H.R. 6893

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Fostering Connections to Success and Increasing Adoptions Act of 2008".

#### SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

#### TITLE I—CONNECTING AND SUPPORTING RELATIVE CAREGIVERS

Sec. 101. Kinship guardianship assistance payments for children.

Sec. 102. Family connection grants.

Sec. 103. Notification of relatives.

Sec. 104. Licensing standards for relatives.

Sec. 105. Authority for comparisons and disclosures of information in the Federal Parent Locator Service for child welfare, foster care, and adoption assistance program purposes.

#### TITLE II—IMPROVING OUTCOMES FOR CHILDREN IN FOSTER CARE

Sec. 201. State option for children in foster care, and certain children in an adoptive or guardianship placement, after attaining age 18.

Sec. 202. Transition plan for children aging out of foster care.

Sec. 203. Short-term training for child welfare agencies, relative guardians, and court personnel.

Sec. 204. Educational stability.

Sec. 205. Health oversight and coordination plan.

Sec. 206. Sibling placement.

#### TITLE III—TRIBAL FOSTER CARE AND ADOPTION ACCESS

Sec. 301. Equitable access for foster care and adoption services for Indian children in tribal areas.

Sec. 302. Technical assistance and implementation.

#### TITLE IV—IMPROVEMENT OF INCENTIVES FOR ADOPTION

Sec. 401. Adoption incentives program.

Sec. 402. Promotion of adoption of children with special needs.

Sec. 403. Information on adoption tax credit.

#### TITLE V—CLARIFICATION OF UNIFORM DEFINITION OF CHILD AND OTHER PROVISIONS

Sec. 501. Clarification of uniform definition of child.

Sec. 502. Investment of operating cash.

Sec. 503. No Federal funding to unlawfully present individuals.

#### TITLE VI—EFFECTIVE DATE

Sec. 601. Effective date.

#### TITLE I—CONNECTING AND SUPPORTING RELATIVE CAREGIVERS

##### SEC. 101. KINSHIP GUARDIANSHIP ASSISTANCE PAYMENTS FOR CHILDREN.

(a) STATE PLAN OPTION.—Section 471(a) of the Social Security Act (42 U.S.C. 671(a)) is amended—

(1) by striking "and" at the end of paragraph (26);

(2) by striking the period at the end of paragraph (27) and inserting “; and”; and

(3) by adding at the end the following:

“(28) at the option of the State, provides for the State to enter into kinship guardianship assistance agreements to provide kinship guardianship assistance payments on behalf of children to grandparents and other relatives who have assumed legal guardianship of the children for whom they have cared as foster parents and for whom they have committed to care on a permanent basis, as provided in section 473(d).”.

(b) IN GENERAL.—Section 473 of such Act (42 U.S.C. 673) is amended by adding at the end the following:

“(d) KINSHIP GUARDIANSHIP ASSISTANCE PAYMENTS FOR CHILDREN.—

“(1) KINSHIP GUARDIANSHIP ASSISTANCE AGREEMENT.—

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

“(i) negotiate and enter into a written, binding kinship guardianship assistance agreement with the prospective relative guardian of a child who meets the requirements of this paragraph; and

“(ii) provide the prospective relative guardian with a copy of the agreement.

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

“(i) the amount of, and manner in which, each kinship guardianship assistance payment will be provided under the agreement, and the manner in which the payment may be adjusted periodically, in consultation with the relative guardian, based on the circumstances of the relative guardian and the needs of the child;

“(ii) the additional services and assistance that the child and relative guardian will be eligible for under the agreement;

“(iii) the procedure by which the relative guardian may apply for additional services as needed; and

“(iv) subject to subparagraph (D), that the State will pay the total cost of nonrecurring expenses associated with obtaining legal guardianship of the child, to the extent the total cost does not exceed \$2,000.

“(C) INTERSTATE APPLICABILITY.—The agreement shall provide that the agreement shall remain in effect without regard to the State residency of the relative guardian.

“(D) NO EFFECT ON FEDERAL REIMBURSEMENT.—Nothing in subparagraph (B)(iv) shall be construed as affecting the ability of the State to obtain reimbursement from the Federal Government for costs described in that subparagraph.

“(2) LIMITATIONS ON AMOUNT OF KINSHIP GUARDIANSHIP ASSISTANCE PAYMENT.—A kinship guardianship assistance payment on behalf of a child shall not exceed the foster care maintenance payment which would have been paid on behalf of the child if the child had remained in a foster family home.

“(3) CHILD’S ELIGIBILITY FOR A KINSHIP GUARDIANSHIP ASSISTANCE PAYMENT.—

“(A) IN GENERAL.—A child is eligible for a kinship guardianship assistance payment under this subsection if the State agency determines the following:

“(i) The child has been—

“(I) removed from his or her home pursuant to a voluntary placement agreement or as a result of a judicial determination to the effect that continuation in the home would be contrary to the welfare of the child; and

“(II) eligible for foster care maintenance payments under section 472 while residing for at least 6 consecutive months in the home of the prospective relative guardian.

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

“(iii) The child demonstrates a strong attachment to the prospective relative guard-

ian and the relative guardian has a strong commitment to caring permanently for the child.

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

“(B) TREATMENT OF SIBLINGS.—With respect to a child described in subparagraph (A) whose sibling or siblings are not so described—

“(i) the child and any sibling of the child may be placed in the same kinship guardianship arrangement, in accordance with section 471(a)(31), if the State agency and the relative agree on the appropriateness of the arrangement for the siblings; and

“(ii) kinship guardianship assistance payments may be paid on behalf of each sibling so placed.”.

(c) CONFORMING AMENDMENTS.—

(1) ELIGIBILITY FOR ADOPTION ASSISTANCE PAYMENTS.—Section 473(a)(2) of such Act (42 U.S.C. 673(a)(2)) is amended by adding at the end the following:

“(D) In determining the eligibility for adoption assistance payments of a child in a legal guardianship arrangement described in section 471(a)(28), the placement of the child with the relative guardian involved and any kinship guardianship assistance payments made on behalf of the child shall be considered never to have been made.”.

(2) STATE PLAN REQUIREMENT.—

(A) IN GENERAL.—Section 471(a)(20) of such Act (42 U.S.C. 671(a)(20)) is amended—

(i) by adding “and” at the end of subparagraph (C); and

(ii) by adding at the end the following:

“(D) provides procedures for criminal records checks, including fingerprint-based checks of national crime information databases (as defined in section 534(e)(3)(A) of title 28, United States Code), on any relative guardian, and for checks described in subparagraph (C) of this paragraph on any relative guardian and any other adult living in the home of any relative guardian, before the relative guardian may receive kinship guardianship assistance payments on behalf of the child under the State plan under this part;”.

(B) REDESIGNATION OF NEW PROVISION AFTER AMENDMENT MADE BY PRIOR LAW TAKES EFFECT.—

(i) IN GENERAL.—Section 471(a)(20) of the Social Security Act (42 U.S.C. 671(a)(20)) is amended—

(I) in subparagraph (D), by striking “(C)” and inserting “(B)”;

(II) by redesignating subparagraph (D) as subparagraph (C).

(ii) EFFECTIVE DATE.—The amendments made by clause (i) shall take effect immediately after the amendments made by section 152 of Public Law 109-248 take effect.

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

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

(B) by adding at the end the following:

“(5) an amount equal to the percentage by which the expenditures referred to in paragraph (2) of this subsection are reimbursed of the total amount expended during such quarter as kinship guardianship assistance payments under section 473(d) pursuant to kinship guardianship assistance agreements.”.

(4) CASE PLAN REQUIREMENTS.—Section 475(1) of such Act (42 U.S.C. 675(1)) is amended by adding at the end the following:

“(F) In the case of a child with respect to whom the permanency plan is placement with a relative and receipt of kinship guardianship assistance payments under section 473(d), a description of—

“(i) the steps that the agency has taken to determine that it is not appropriate for the child to be returned home or adopted;

“(ii) the reasons for any separation of siblings during placement;

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

“(iv) the ways in which the child meets the eligibility requirements for a kinship guardianship assistance payment;

“(v) the efforts the agency has made to discuss adoption by the child’s relative foster parent as a more permanent alternative to legal guardianship and, in the case of a relative foster parent who has chosen not to pursue adoption, documentation of the reasons therefor; and

“(vi) the efforts made by the State agency to discuss with the child’s parent or parents the kinship guardianship assistance arrangement, or the reasons why the efforts were not made.”.

(5) SECTION HEADING AMENDMENT.—The section heading for section 473 of such Act (42 U.S.C. 673) is amended by inserting “AND GUARDIANSHIP” after “ADOPTION”.

(d) CONTINUED SERVICES UNDER WAIVER.—Section 474 of such Act (42 U.S.C. 674) is amended by adding at the end the following:

“(g) For purposes of this part, after the termination of a demonstration project relating to guardianship conducted by a State under section 1130, the expenditures of the State for the provision, to children who, as of September 30, 2008, were receiving assistance or services under the project, of the same assistance and services under the same terms and conditions that applied during the conduct of the project, are deemed to be expenditures under the State plan approved under this part.”.

(e) ELIGIBILITY FOR INDEPENDENT LIVING SERVICES AND EDUCATION AND TRAINING VOUCHERS FOR CHILDREN WHO EXIT FOSTER CARE FOR RELATIVE GUARDIANSHIP OR ADOPTION AFTER AGE 16.—

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

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

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

(C) by adding at the end the following:

“(7) to provide the services referred to in this subsection to children who, after attaining 16 years of age, have left foster care for kinship guardianship or adoption.”.

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

(f) CATEGORICAL ELIGIBILITY FOR MEDICAID.—Section 473(b)(3) of such Act (42 U.S.C. 673(b)(3)) is amended—

(1) in subparagraph (A)(ii), by striking “or” at the end;

(2) in subparagraph (B), by striking the period and inserting “; or”; and

(3) by adding at the end the following:

“(C) with respect to whom kinship guardianship assistance payments are being made pursuant to subsection (d).”.

#### SEC. 102. FAMILY CONNECTION GRANTS.

(a) IN GENERAL.—Part B of title IV of the Social Security Act (42 U.S.C. 620-629i) is amended by inserting after section 426 the following:

#### “SEC. 427. FAMILY CONNECTION GRANTS.

“(a) IN GENERAL.—The Secretary of Health and Human Services may make matching grants to State, local, or tribal child welfare agencies, and private nonprofit organizations that have experience in working with foster children or children in kinship care arrangements, for the purpose of helping children

who are in, or at risk of entering, foster care reconnect with family members through the implementation of—

“(1) a kinship navigator program to assist kinship caregivers in learning about, finding, and using programs and services to meet the needs of the children they are raising and their own needs, and to promote effective partnerships among public and private agencies to ensure kinship caregiver families are served, which program—

“(A) shall be coordinated with other State or local agencies that promote service coordination or provide information and referral services, including the entities that provide 2-1-1 or 3-1-1 information systems where available, to avoid duplication or fragmentation of services to kinship care families;

“(B) shall be planned and operated in consultation with kinship caregivers and organizations representing them, youth raised by kinship caregivers, relevant government agencies, and relevant community-based or faith-based organizations;

“(C) shall establish information and referral systems that link (via toll-free access) kinship caregivers, kinship support group facilitators, and kinship service providers to—

“(i) each other;

“(ii) eligibility and enrollment information for Federal, State, and local benefits;

“(iii) relevant training to assist kinship caregivers in caregiving and in obtaining benefits and services; and

“(iv) relevant legal assistance and help in obtaining legal services;

“(D) shall provide outreach to kinship care families, including by establishing, distributing, and updating a kinship care website, or other relevant guides or outreach materials;

“(E) shall promote partnerships between public and private agencies, including schools, community based or faith-based organizations, and relevant government agencies, to increase their knowledge of the needs of kinship care families to promote better services for those families;

“(F) may establish and support a kinship care ombudsman with authority to intervene and help kinship caregivers access services; and

“(G) may support any other activities designed to assist kinship caregivers in obtaining benefits and services to improve their caregiving;

“(2) intensive family-finding efforts that utilize search technology to find biological family members for children in the child welfare system, and once identified, work to reestablish relationships and explore ways to find a permanent family placement for the children;

“(3) family group decision-making meetings for children in the child welfare system, that—

“(A) enable families to make decisions and develop plans that nurture children and protect them from abuse and neglect, and

“(B) when appropriate, shall address domestic violence issues in a safe manner and facilitate connecting children exposed to domestic violence to appropriate services, including reconnection with the abused parent when appropriate; or

“(4) residential family treatment programs that—

“(A) enable parents and their children to live in a safe environment for a period of not less than 6 months; and

“(B) provide, on-site or by referral, substance abuse treatment services, children's early intervention services, family counseling, medical, and mental health services, nursery and pre-school, and other services

that are designed to provide comprehensive treatment that supports the family.

“(b) APPLICATIONS.—An entity desiring to receive a matching grant under this section shall submit to the Secretary an application, at such time, in such manner, and containing such information as the Secretary may require, including—

“(1) a description of how the grant will be used to implement 1 or more of the activities described in subsection (a);

“(2) a description of the types of children and families to be served, including how the children and families will be identified and recruited, and an initial projection of the number of children and families to be served;

“(3) if the entity is a private organization—

“(A) documentation of support from the relevant local or State child welfare agency; or

“(B) a description of how the organization plans to coordinate its services and activities with those offered by the relevant local or State child welfare agency; and

“(4) an assurance that the entity will cooperate fully with any evaluation provided for by the Secretary under this section.

“(c) LIMITATIONS.—

“(1) GRANT DURATION.—The Secretary may award a grant under this section for a period of not less than 1 year and not more than 3 years.

“(2) NUMBER OF NEW GRANTEEES PER YEAR.—The Secretary may not award a grant under this section to more than 30 new grantees each fiscal year.

“(d) FEDERAL CONTRIBUTION.—The amount of a grant payment to be made to a grantee under this section during each year in the grant period shall be the following percentage of the total expenditures proposed to be made by the grantee in the application approved by the Secretary under this section:

“(1) 75 percent, if the payment is for the 1st or 2nd year of the grant period.

“(2) 50 percent, if the payment is for the 3rd year of the grant period.

“(e) FORM OF GRANTEE CONTRIBUTION.—A grantee under this section may provide not more than 50 percent of the amount which the grantee is required to expend to carry out the activities for which a grant is awarded under this section in kind, fairly evaluated, including plant, equipment, or services.

“(f) USE OF GRANT.—A grantee under this section shall use the grant in accordance with the approved application for the grant.

“(g) RESERVATIONS OF FUNDS.—

“(1) KINSHIP NAVIGATOR PROGRAMS.—The Secretary shall reserve \$5,000,000 of the funds made available under subsection (h) for each fiscal year for grants to implement kinship navigator programs described in subsection (a)(1).

“(2) EVALUATION.—The Secretary shall reserve 3 percent of the funds made available under subsection (h) for each fiscal year for the conduct of a rigorous evaluation of the activities funded with grants under this section.

“(3) TECHNICAL ASSISTANCE.—The Secretary may reserve 2 percent of the funds made available under subsection (h) for each fiscal year to provide technical assistance to recipients of grants under this section.

“(h) APPROPRIATION.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated to the Secretary for purposes of making grants under this section \$15,000,000 for each of fiscal years 2009 through 2013.”

(b) CONFORMING AMENDMENT.—Section 425 of such Act (42 U.S.C. 625) is amended by inserting “(other than sections 426, 427, and 429)” after “this subpart”.

(c) RENAMING OF PROGRAM.—The subpart heading for subpart 1 of part B of title IV of such Act is amended to read as follows:

#### “Subpart 1—Stephanie Tubbs Jones Child Welfare Services Program”.

#### SEC. 103. NOTIFICATION OF RELATIVES.

Section 471(a) of the Social Security Act (42 U.S.C. 671(a)), as amended by section 101(a) of this Act, is amended—

(1) by striking “and” at the end of paragraph (27);

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

(3) by adding at the end the following:

“(29) provides that, within 30 days after the removal of a child from the custody of the parent or parents of the child, the State shall exercise due diligence to identify and provide notice to all adult grandparents and other adult relatives of the child (including any other adult relatives suggested by the parents), subject to exceptions due to family or domestic violence, that—

“(A) specifies that the child has been or is being removed from the custody of the parent or parents of the child;

“(B) explains the options the relative has under Federal, State, and local law to participate in the care and placement of the child, including any options that may be lost by failing to respond to the notice;

“(C) describes the requirements under paragraph (10) of this subsection to become a foster family home and the additional services and supports that are available for children placed in such a home; and

“(D) if the State has elected the option to make kinship guardianship assistance payments under paragraph (28) of this subsection, describes how the relative guardian of the child may subsequently enter into an agreement with the State under section 473(d) to receive the payments.”

#### SEC. 104. LICENSING STANDARDS FOR RELATIVES.

(a) STATE PLAN AMENDMENT.—Section 471(a)(10) of the Social Security Act (42 U.S.C. 671(a)(10)) is amended—

(1) by striking “and provides” and inserting “provides”; and

(2) by inserting before the semicolon the following: “, and provides that a waiver of any such standard may be made only on a case-by-case basis for non-safety standards (as determined by the State) in relative foster family homes for specific children in care”.

(b) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary of Health and Human Services shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report that includes the following:

(1) Nationally and for each State, the number and percentage of children in foster care placed in licensed relative foster family homes and the number and percentage of such children placed in unlicensed relative foster family homes.

(2) The frequency with which States grant case-by-case waivers of non-safety licensing standards for relative foster family homes.

(3) The types of non-safety licensing standards waived.

(4) An assessment of how such case-by-case waivers of non-safety licensing standards have affected children in foster care, including their safety, permanency, and well-being.

(5) A review of any reasons why relative foster family homes may not be able to be licensed, despite State authority to grant such case-by-case waivers of non-safety licensing standards.

(6) Recommendations for administrative or legislative actions that may increase the percentage of relative foster family homes that are licensed while ensuring the safety of children in foster care and improving their permanence and well-being.

**SEC. 105. AUTHORITY FOR COMPARISONS AND DISCLOSURES OF INFORMATION IN THE FEDERAL PARENT LOCATOR SERVICE FOR CHILD WELFARE, FOSTER CARE, AND ADOPTION ASSISTANCE PROGRAM PURPOSES.**

Section 453(j)(3) of the Social Security Act (42 U.S.C. 653(j)) is amended, in the matter preceding subparagraph (A), by inserting “, part B, or part E” after “this part”.

**TITLE II—IMPROVING OUTCOMES FOR CHILDREN IN FOSTER CARE**

**SEC. 201. STATE OPTION FOR CHILDREN IN FOSTER CARE, AND CERTAIN CHILDREN IN AN ADOPTIVE OR GUARDIANSHIP PLACEMENT, AFTER ATTAINING AGE 18.**

(a) **DEFINITION OF CHILD.**—Section 475 of the Social Security Act (42 U.S.C. 675) is amended by adding at the end the following:

“(8)(A) Subject to subparagraph (B), the term ‘child’ means an individual who has not attained 18 years of age.

“(B) At the option of a State, the term shall include an individual—

“(i)(I) who is in foster care under the responsibility of the State;

“(II) with respect to whom an adoption assistance agreement is in effect under section 473 if the child had attained 16 years of age before the agreement became effective; or

“(III) with respect to whom a kinship guardianship assistance agreement is in effect under section 473(d) if the child had attained 16 years of age before the agreement became effective;

“(ii) who has attained 18 years of age;

“(iii) who has not attained 19, 20, or 21 years of age, as the State may elect; and

“(iv) who is—

“(I) completing secondary education or a program leading to an equivalent credential;

“(II) enrolled in an institution which provides post-secondary or vocational education;

“(III) participating in a program or activity designed to promote, or remove barriers to, employment;

“(IV) employed for at least 80 hours per month; or

“(V) incapable of doing any of the activities described in subclauses (I) through (IV) due to a medical condition, which incapability is supported by regularly updated information in the case plan of the child.”.

(b) **CONFORMING AMENDMENT TO DEFINITION OF CHILD-CARE INSTITUTION.**—Section 472(c)(2) of such Act (42 U.S.C. 672(c)(2)) is amended by inserting “except, in the case of a child who has attained 18 years of age, the term shall include a supervised setting in which the individual is living independently, in accordance with such conditions as the Secretary shall establish in regulations,” before “but”.

(c) **CONFORMING AMENDMENTS TO AGE LIMITS APPLICABLE TO CHILDREN ELIGIBLE FOR ADOPTION ASSISTANCE OR KINSHIP GUARDIANSHIP ASSISTANCE.**—Section 473(a)(4) of such Act (42 U.S.C. 673(a)(4)) is amended to read as follows:

“(4)(A) Notwithstanding any other provision of this section, a payment may not be made pursuant to this section to parents or relative guardians with respect to a child—

“(i) who has attained—

“(I) 18 years of age, or such greater age as the State may elect under section 475(8)(B)(iii); or

“(II) 21 years of age, if the State determines that the child has a mental or physical handicap which warrants the continuation of assistance;

“(ii) who has not attained 18 years of age, if the State determines that the parents or relative guardians, as the case may be, are no longer legally responsible for the support of the child; or

“(iii) if the State determines that the child is no longer receiving any support from the parents or relative guardians, as the case may be.

“(B) Parents or relative guardians who have been receiving adoption assistance payments or kinship guardianship assistance payments under this section shall keep the State or local agency administering the program under this section informed of circumstances which would, pursuant to this subsection, make them ineligible for the payments, or eligible for the payments in a different amount.”.

(d) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on October 1, 2010.

**SEC. 202. TRANSITION PLAN FOR CHILDREN AGING OUT OF FOSTER CARE.**

Section 475(5) of the Social Security Act (42 U.S.C. 675) is amended—

(1) in subparagraph (F)(ii), by striking “and” at the end;

(2) in subparagraph (G), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(H) during the 90-day period immediately prior to the date on which the child will attain 18 years of age, or such greater age as the State may elect under paragraph (8)(B)(iii), whether during that period foster care maintenance payments are being made on the child’s behalf or the child is receiving benefits or services under section 477, a caseworker on the staff of the State agency, and, as appropriate, other representatives of the child provide the child with assistance and support in developing a transition plan that is personalized at the direction of the child, includes specific options on housing, health insurance, education, local opportunities for mentors and continuing support services, and work force supports and employment services, and is as detailed as the child may elect.”.

**SEC. 203. SHORT-TERM TRAINING FOR CHILD WELFARE AGENCIES, RELATIVE GUARDIANS, AND COURT PERSONNEL.**

(a) **IN GENERAL.**—Section 474(a)(3)(B) of the Social Security Act (42 U.S.C. 674(a)(3)(B)) is amended—

(1) by inserting “or relative guardians” after “adoptive parents”; and

(2) by striking “and the members” and inserting “, the members”;

(3) by inserting “, or State-licensed or State-approved child welfare agencies providing services,” after “providing care”;

(4) by striking “foster and adopted” the 1st place it appears;

(5) by inserting “and members of the staff of abuse and neglect courts, agency attorneys, attorneys representing children or parents, guardians ad litem, or other court-appointed special advocates representing children in proceedings of such courts,” after “part,”;

(6) by inserting “guardians,” before “staff members,”;

(7) by striking “and institutions” and inserting “institutions, attorneys, and advocates”;

(8) by inserting “and children living with relative guardians” after “foster and adopted children” the 2nd place it appears.

(b) **PHASE-IN.**—With respect to an expenditure described in section 474(a)(3)(B) of the Social Security Act by reason of an amendment made by subsection (a) of this section, in lieu of the percentage set forth in such section 474(a)(3)(B), the percentage that shall apply is—

(1) 55 percent, if the expenditure is made in fiscal year 2009;

(2) 60 percent, if the expenditure is made in fiscal year 2010;

(3) 65 percent, if the expenditure is made in fiscal year 2011; or

(4) 70 percent, if the expenditure is made in fiscal year 2012.

**SEC. 204. EDUCATIONAL STABILITY.**

(a) **IN GENERAL.**—Section 475 of the Social Security Act (42 U.S.C. 675), as amended by section 101(c)(4) of this Act, is amended—

(1) in paragraph (1)—

(A) in subparagraph (C), by striking clause (iv) and redesignating clauses (v) through (viii) as clauses (iv) through (vii), respectively; and

(B) by adding at the end the following:

“(G) A plan for ensuring the educational stability of the child while in foster care, including—

“(i) assurances that the placement of the child in foster care takes into account the appropriateness of the current educational setting and the proximity to the school in which the child is enrolled at the time of placement; and

“(ii)(I) an assurance that the State agency has coordinated with appropriate local educational agencies (as defined under section 9101 of the Elementary and Secondary Education Act of 1965) to ensure that the child remains in the school in which the child is enrolled at the time of placement; or

“(II) if remaining in such school is not in the best interests of the child, assurances by the State agency and the local educational agencies to provide immediate and appropriate enrollment in a new school, with all of the educational records of the child provided to the school.”; and

(2) in the 1st sentence of paragraph (4)(A)—

(A) by striking “and reasonable” and inserting “reasonable”; and

(B) by inserting “, and reasonable travel for the child to remain in the school in which the child is enrolled at the time of placement” before the period.

(b) **EDUCATIONAL ATTENDANCE REQUIREMENT.**—Section 471(a) of the Social Security Act (42 U.S.C. 671(a)), as amended by sections 101(a) and 103 of this Act, is amended—

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

(2) by striking the period at the end of paragraph (29) and inserting “; and”; and

(3) by adding at the end the following:

“(30) provides assurances that each child who has attained the minimum age for compulsory school attendance under State law and with respect to whom there is eligibility for a payment under the State plan is a full-time elementary or secondary school student or has completed secondary school, and for purposes of this paragraph, the term ‘elementary or secondary school student’ means, with respect to a child, that the child is—

“(A) enrolled (or in the process of enrolling) in an institution which provides elementary or secondary education, as determined under the law of the State or other jurisdiction in which the institution is located;

“(B) instructed in elementary or secondary education at home in accordance with a home school law of the State or other jurisdiction in which the home is located;

“(C) in an independent study elementary or secondary education program in accordance with the law of the State or other jurisdiction in which the program is located, which is administered by the local school or school district; or

“(D) incapable of attending school on a full-time basis due to the medical condition of the child, which incapability is supported by regularly updated information in the case plan of the child.”.

**SEC. 205. HEALTH OVERSIGHT AND COORDINATION PLAN.**

Section 422(b)(15) of the Social Security Act (42 U.S.C. 622(b)(15)) is amended to read as follows:

“(15)(A) provides that the State will develop, in coordination and collaboration with

the State agency referred to in paragraph (1) and the State agency responsible for administering the State plan approved under title XIX, and in consultation with pediatricians, other experts in health care, and experts in and recipients of child welfare services, a plan for the ongoing oversight and coordination of health care services for any child in a foster care placement, which shall ensure a coordinated strategy to identify and respond to the health care needs of children in foster care placements, including mental health and dental health needs, and shall include an outline of—

“(i) a schedule for initial and follow-up health screenings that meet reasonable standards of medical practice;

“(ii) how health needs identified through screenings will be monitored and treated;

“(iii) how medical information for children in care will be updated and appropriately shared, which may include the development and implementation of an electronic health record;

“(iv) steps to ensure continuity of health care services, which may include the establishment of a medical home for every child in care;

“(v) the oversight of prescription medicines; and

“(vi) how the State actively consults with and involves physicians or other appropriate medical or non-medical professionals in assessing the health and well-being of children in foster care and in determining appropriate medical treatment for the children; and

“(B) subparagraph (A) shall not be construed to reduce or limit the responsibility of the State agency responsible for administering the State plan approved under title XIX to administer and provide care and services for children with respect to whom services are provided under the State plan developed pursuant to this subpart;”.

#### SEC. 206. SIBLING PLACEMENT.

Section 471(a) of the Social Security Act (42 U.S.C. 671(a)), as amended by sections 101(a), 103, and 204(b) of this Act, is amended—

(1) by striking “and” at the end of paragraph (29);

(2) by striking the period at the end of paragraph (30) and inserting “; and”; and

(3) by adding at the end the following:

“(31) provides that reasonable efforts shall be made—

“(A) to place siblings removed from their home in the same foster care, kinship guardianship, or adoptive placement, unless the State documents that such a joint placement would be contrary to the safety or well-being of any of the siblings; and

“(B) in the case of siblings removed from their home who are not so jointly placed, to provide for frequent visitation or other ongoing interaction between the siblings, unless that State documents that frequent visitation or other ongoing interaction would be contrary to the safety or well-being of any of the siblings.”.

### TITLE III—TRIBAL FOSTER CARE AND ADOPTION ACCESS

#### SEC. 301. EQUITABLE ACCESS FOR FOSTER CARE AND ADOPTION SERVICES FOR INDIAN CHILDREN IN TRIBAL AREAS.

(a) AUTHORITY FOR DIRECT PAYMENT OF FEDERAL TITLE IV-E FUNDS FOR PROGRAMS OPERATED BY INDIAN TRIBAL ORGANIZATIONS.—

(1) IN GENERAL.—Part E of title IV of the Social Security Act (42 U.S.C. 670 et seq.) is amended by adding at the end the following: “SEC. 479B. PROGRAMS OPERATED BY INDIAN TRIBAL ORGANIZATIONS.

“(a) DEFINITIONS OF INDIAN TRIBE; TRIBAL ORGANIZATIONS.—In this section, the terms ‘Indian tribe’ and ‘tribal organization’ have

the meanings given those terms in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

“(b) AUTHORITY.—Except as otherwise provided in this section, this part shall apply in the same manner as this part applies to a State to an Indian tribe, tribal organization, or tribal consortium that elects to operate a program under this part and has a plan approved by the Secretary under section 471 in accordance with this section.

“(c) PLAN REQUIREMENTS.—

“(1) IN GENERAL.—An Indian tribe, tribal organization, or tribal consortium that elects to operate a program under this part shall include with its plan submitted under section 471 the following:

“(A) FINANCIAL MANAGEMENT.—Evidence demonstrating that the tribe, organization, or consortium has not had any uncorrected significant or material audit exceptions under Federal grants or contracts that directly relate to the administration of social services for the 3-year period prior to the date on which the plan is submitted.

“(B) SERVICE AREAS AND POPULATIONS.—For purposes of complying with section 471(a)(3), a description of the service area or areas and populations to be served under the plan and an assurance that the plan shall be in effect in all service area or areas and for all populations served by the tribe, organization, or consortium.

“(C) ELIGIBILITY.—

“(i) IN GENERAL.—Subject to clause (ii) of this subparagraph, an assurance that the plan will provide—

“(I) foster care maintenance payments under section 472 only on behalf of children who satisfy the eligibility requirements of section 472(a);

“(II) adoption assistance payments under section 473 pursuant to adoption assistance agreements only on behalf of children who satisfy the eligibility requirements for such payments under that section; and

“(III) at the option of the tribe, organization, or consortium, kinship guardianship assistance payments in accordance with section 473(d) only on behalf of children who meet the requirements of section 473(d)(3).

“(ii) SATISFACTION OF FOSTER CARE ELIGIBILITY REQUIREMENTS.—For purposes of determining whether a child whose placement and care are the responsibility of an Indian tribe, tribal organization, or tribal consortium with a plan approved under section 471 in accordance with this section satisfies the requirements of section 472(a), the following shall apply:

“(I) USE OF AFFIDAVITS, ETC.—Only with respect to the first 12 months for which such plan is in effect, the requirement in paragraph (1) of section 472(a) shall not be interpreted so as to prohibit the use of affidavits or nunc pro tunc orders as verification documents in support of the reasonable efforts and contrary to the welfare of the child judicial determinations required under that paragraph.

“(II) AFDC ELIGIBILITY REQUIREMENT.—The State plan approved under section 402 (as in effect on July 16, 1996) of the State in which the child resides at the time of removal from the home shall apply to the determination of whether the child satisfies section 472(a)(3).

“(D) OPTION TO CLAIM IN-KIND EXPENDITURES FROM THIRD-PARTY SOURCES FOR NON-FEDERAL SHARE OF ADMINISTRATIVE AND TRAINING COSTS DURING INITIAL IMPLEMENTATION PERIOD.—Only for fiscal year quarters beginning after September 30, 2009, and before October 1, 2014, a list of the in-kind expenditures (which shall be fairly evaluated, and may include plants, equipment, administration, or services) and the third-party sources of such expenditures that the tribe, organization, or consortium may claim as

part of the non-Federal share of administrative or training expenditures attributable to such quarters for purposes of receiving payments under section 474(a)(3). The Secretary shall permit a tribe, organization, or consortium to claim in-kind expenditures from third party sources for such purposes during such quarters subject to the following:

“(i) NO EFFECT ON AUTHORITY FOR TRIBES, ORGANIZATIONS, OR CONSORTIA TO CLAIM EXPENDITURES OR INDIRECT COSTS TO THE SAME EXTENT AS STATES.—Nothing in this subparagraph shall be construed as preventing a tribe, organization, or consortium from claiming any expenditures or indirect costs for purposes of receiving payments under section 474(a) that a State with a plan approved under section 471(a) could claim for such purposes.

“(ii) FISCAL YEAR 2010 OR 2011.—

“(I) EXPENDITURES OTHER THAN FOR TRAINING.—With respect to amounts expended during a fiscal year quarter beginning after September 30, 2009, and before October 1, 2011, for which the tribe, organization, or consortium is eligible for payments under subparagraph (C), (D), or (E) of section 474(a)(3), not more than 25 percent of such amounts may consist of in-kind expenditures from third-party sources specified in the list required under this subparagraph to be submitted with the plan.

“(II) TRAINING EXPENDITURES.—With respect to amounts expended during a fiscal year quarter beginning after September 30, 2009, and before October 1, 2011, for which the tribe, organization, or consortium is eligible for payments under subparagraph (A) or (B) of section 474(a)(3), not more than 12 percent of such amounts may consist of in-kind expenditures from third-party sources that are specified in such list and described in subclause (III).

“(III) SOURCES DESCRIBED.—For purposes of subclause (II), the sources described in this subclause are the following:

“(aa) A State or local government.

“(bb) An Indian tribe, tribal organization, or tribal consortium other than the tribe, organization, or consortium submitting the plan.

“(cc) A public institution of higher education.

“(dd) A Tribal College or University (as defined in section 316 of the Higher Education Act of 1965 (20 U.S.C. 1059c)).

“(ee) A private charitable organization.

“(iii) FISCAL YEAR 2012, 2013, OR 2014.—

“(I) IN GENERAL.—Except as provided in subclause (II) of this clause and clause (v) of this subparagraph, with respect to amounts expended during any fiscal year quarter beginning after September 30, 2011, and before October 1, 2014, for which the tribe, organization, or consortium is eligible for payments under any subparagraph of section 474(a)(3) of this Act, the only in-kind expenditures from third-party sources that may be claimed by the tribe, organization, or consortium for purposes of determining the non-Federal share of such expenditures (without regard to whether the expenditures are specified on the list required under this subparagraph to be submitted with the plan) are in-kind expenditures that are specified in regulations promulgated by the Secretary under section 301(e)(2) of the Fostering Connections to Success and Increasing Adoptions Act of 2008 and are from an applicable third-party source specified in such regulations, and do not exceed the applicable percentage for claiming such in-kind expenditures specified in the regulations.

“(II) TRANSITION PERIOD FOR EARLY APPROVED TRIBES, ORGANIZATIONS, OR CONSORTIA.—Subject to clause (v), if the tribe, organization, or consortium is an early approved tribe, organization, or consortium (as

defined in subclause (III) of this clause), the Secretary shall not require the tribe, organization, or consortium to comply with such regulations before October 1, 2013. Until the earlier of the date such tribe, organization, or consortium comes into compliance with such regulations or October 1, 2013, the limitations on the claiming of in-kind expenditures from third-party sources under clause (ii) shall continue to apply to such tribe, organization, or consortium (without regard to fiscal limitation) for purposes of determining the non-Federal share of amounts expended by the tribe, organization, or consortium during any fiscal year quarter that begins after September 30, 2011, and before such date of compliance or October 1, 2013, whichever is earlier.

“(III) DEFINITION OF EARLY APPROVED TRIBE, ORGANIZATION, OR CONSORTIUM.—For purposes of subclause (II) of this clause, the term ‘early approved tribe, organization, or consortium’ means an Indian tribe, tribal organization, or tribal consortium that had a plan approved under section 471 in accordance with this section for any quarter of fiscal year 2010 or 2011.

“(iv) FISCAL YEAR 2015 AND THEREAFTER.—Subject to clause (v) of this subparagraph, with respect to amounts expended during any fiscal year quarter beginning after September 30, 2014, for which the tribe, organization, or consortium is eligible for payments under any subparagraph of section 474(a)(3) of this Act, in-kind expenditures from third-party sources may be claimed for purposes of determining the non-Federal share of expenditures under any subparagraph of such section 474(a)(3) only in accordance with the regulations promulgated by the Secretary under section 301(e)(2) of the Fostering Connections to Success and Increasing Adoptions Act of 2008.

“(v) CONTINGENCY RULE.—If, at the time expenditures are made for a fiscal year quarter beginning after September 30, 2011, and before October 1, 2014, for which a tribe, organization, or consortium may receive payments for under section 474(a)(3) of this Act, no regulations required to be promulgated under section 301(e)(2) of the Fostering Connections to Success and Increasing Adoptions Act of 2008 are in effect, and no legislation has been enacted specifying otherwise—

“(I) in the case of any quarter of fiscal year 2012, 2013, or 2014, the limitations on claiming in-kind expenditures from third-party sources under clause (ii) of this subparagraph shall apply (without regard to fiscal limitation) for purposes of determining the non-Federal share of such expenditures; and

“(II) in the case of any quarter of fiscal year 2015 or any fiscal year thereafter, no tribe, organization, or consortium may claim in-kind expenditures from third-party sources for purposes of determining the non-Federal share of such expenditures if a State with a plan approved under section 471(a) of this Act could not claim in-kind expenditures from third-party sources for such purposes.

“(2) CLARIFICATION OF TRIBAL AUTHORITY TO ESTABLISH STANDARDS FOR TRIBAL FOSTER FAMILY HOMES AND TRIBAL CHILD CARE INSTITUTIONS.—For purposes of complying with section 471(a)(10), an Indian tribe, tribal organization, or tribal consortium shall establish and maintain a tribal authority or authorities which shall be responsible for establishing and maintaining tribal standards for tribal foster family homes and tribal child care institutions.

“(3) CONSORTIUM.—The participating Indian tribes or tribal organizations of a tribal consortium may develop and submit a single plan under section 471 that meets the requirements of this section.

“(d) DETERMINATION OF FEDERAL MEDICAL ASSISTANCE PERCENTAGE FOR FOSTER CARE MAINTENANCE AND ADOPTION ASSISTANCE PAYMENTS.—

“(1) PER CAPITA INCOME.—For purposes of determining the Federal medical assistance percentage applicable to an Indian tribe, a tribal organization, or a tribal consortium under paragraphs (1), (2), and (5) of section 474(a), the calculation of the per capita income of the Indian tribe, tribal organization, or tribal consortium shall be based upon the service population of the Indian tribe, tribal organization, or tribal consortium, except that in no case shall an Indian tribe, a tribal organization, or a tribal consortium receive less than the Federal medical assistance percentage for any State in which the tribe, organization, or consortium is located.

“(2) CONSIDERATION OF OTHER INFORMATION.—Before making a calculation under paragraph (1), the Secretary shall consider any information submitted by an Indian tribe, a tribal organization, or a tribal consortium that the Indian tribe, tribal organization, or tribal consortium considers relevant to making the calculation of the per capita income of the Indian tribe, tribal organization, or tribal consortium.

“(e) NONAPPLICATION TO COOPERATIVE AGREEMENTS AND CONTRACTS.—Any cooperative agreement or contract entered into between an Indian tribe, a tribal organization, or a tribal consortium and a State for the administration or payment of funds under this part that is in effect as of the date of enactment of this section shall remain in full force and effect, subject to the right of either party to the agreement or contract to revoke or modify the agreement or contract pursuant to the terms of the agreement or contract. Nothing in this section shall be construed as affecting the authority for an Indian tribe, a tribal organization, or a tribal consortium and a State to enter into a cooperative agreement or contract for the administration or payment of funds under this part.

“(f) JOHN H. CHAFEE FOSTER CARE INDEPENDENCE PROGRAM.—Except as provided in section 477(j), subsection (b) of this section shall not apply with respect to the John H. Chafee Foster Care Independence Program established under section 477 (or with respect to payments made under section 474(a)(4) or grants made under section 474(e)).

“(g) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as affecting the application of section 472(h) to a child on whose behalf payments are paid under section 472, or the application of section 473(b) to a child on whose behalf payments are made under section 473 pursuant to an adoption assistance agreement or a kinship guardianship assistance agreement, by an Indian tribe, tribal organization, or tribal consortium that elects to operate a foster care and adoption assistance program in accordance with this section.”

(2) CONFORMING AMENDMENTS.—Section 472(a)(2)(B) of such Act (42 U.S.C. 672(a)(2)(B)) is amended—

(A) in clause (i), by striking “or” at the end;

(B) in clause (ii), by striking “and” at the end and inserting “or”; and

(C) by adding at the end the following:

“(iii) an Indian tribe or a tribal organization (as defined in section 479B(a)) or a tribal consortium that has a plan approved under section 471 in accordance with section 479B; and”

(b) AUTHORITY TO RECEIVE PORTION OF STATE ALLOTMENT AS PART OF AN AGREEMENT TO OPERATE THE JOHN H. CHAFEE FOSTER CARE INDEPENDENCE PROGRAM.—Section 477 of such Act (42 U.S.C. 677) is amended by adding at the end the following:

“(j) AUTHORITY FOR AN INDIAN TRIBE, TRIBAL ORGANIZATION, OR TRIBAL CONSORTIUM TO RECEIVE AN ALLOTMENT.—

“(1) IN GENERAL.—An Indian tribe, tribal organization, or tribal consortium with a plan approved under section 479B, or which is receiving funding to provide foster care under this part pursuant to a cooperative agreement or contract with a State, may apply for an allotment out of any funds authorized by paragraph (1) or (2) (or both) of subsection (h) of this section.

“(2) APPLICATION.—A tribe, organization, or consortium desiring an allotment under paragraph (1) of this subsection shall submit an application to the Secretary to directly receive such allotment that includes a plan which—

“(A) satisfies such requirements of paragraphs (2) and (3) of subsection (b) as the Secretary determines are appropriate;

“(B) contains a description of the tribe’s, organization’s, or consortium’s consultation process regarding the programs to be carried out under the plan with each State for which a portion of an allotment under subsection (c) would be redirected to the tribe, organization, or consortium; and

“(C) contains an explanation of the results of such consultation, particularly with respect to—

“(i) determining the eligibility for benefits and services of Indian children to be served under the programs to be carried out under the plan; and

“(ii) the process for consulting with the State in order to ensure the continuity of benefits and services for such children who will transition from receiving benefits and services under programs carried out under a State plan under subsection (b)(2) to receiving benefits and services under programs carried out under a plan under this subsection.

“(3) PAYMENTS.—The Secretary shall pay an Indian tribe, tribal organization, or tribal consortium with an application and plan approved under this subsection from the allotment determined for the tribe, organization, or consortium under paragraph (4) of this subsection in the same manner as is provided in section 474(a)(4) (and, where requested, and if funds are appropriated, section 474(e)) with respect to a State, or in such other manner as is determined appropriate by the Secretary, except that in no case shall an Indian tribe, a tribal organization, or a tribal consortium receive a lesser proportion of such funds than a State is authorized to receive under those sections.

“(4) ALLOTMENT.—From the amounts allotted to a State under subsection (c) of this section for a fiscal year, the Secretary shall allot to each Indian tribe, tribal organization, or tribal consortium with an application and plan approved under this subsection for that fiscal year an amount equal to the tribal foster care ratio determined under paragraph (5) of this subsection for the tribe, organization, or consortium multiplied by the allotment amount of the State within which the tribe, organization, or consortium is located. The allotment determined under this paragraph is deemed to be a part of the allotment determined under section 477(c) for the State in which the Indian tribe, tribal organization, or tribal consortium is located.

“(5) TRIBAL FOSTER CARE RATIO.—For purposes of paragraph (4), the tribal foster care ratio means, with respect to an Indian tribe, tribal organization, or tribal consortium, the ratio of—

“(A) the number of children in foster care under the responsibility of the Indian tribe, tribal organization, or tribal consortium (either directly or under supervision of the State), in the most recent fiscal year for which the information is available; to



“(B) the sum of—

“(i) the total number of children in foster care under the responsibility of the State within which the Indian tribe, tribal organization, or tribal consortium is located; and

“(ii) the total number of children in foster care under the responsibility of all Indian tribes, tribal organizations, or tribal consortia in the State (either directly or under supervision of the State) that have a plan approved under this subsection.”.

(c) STATE AND TRIBAL COOPERATION.—

(1) STATE PLAN REQUIREMENT TO NEGOTIATE IN GOOD FAITH.—

(A) IN GENERAL.—Section 471(a) of the Social Security Act (42 U.S.C. 671(a)), as amended by sections 101(a), 103, 204(b), and 206 of this Act, is amended—

(i) by striking “and” at the end of paragraph (30);

(ii) by striking the period at the end of paragraph (31) and inserting “; and”; and

(iii) by adding at the end the following:

“(32) provides that the State will negotiate in good faith with any Indian tribe, tribal organization or tribal consortium in the State that requests to develop an agreement with the State to administer all or part of the program under this part on behalf of Indian children who are under the authority of the tribe, organization, or consortium, including foster care maintenance payments on behalf of children who are placed in State or tribally licensed foster family homes, adoption assistance payments, and, if the State has elected to provide such payments, kinship guardianship assistance payments under section 473(d), and tribal access to resources for administration, training, and data collection under this part.”.

(B) CHAFEE PROGRAM CONFORMING AMENDMENT.—Section 477(b)(3)(G) of such Act (42 U.S.C. 677(b)(3)(G)) is amended—

(i) by striking “and that” and inserting “that”; and

(ii) by striking the period at the end and inserting “; and that the State will negotiate in good faith with any Indian tribe, tribal organization, or tribal consortium in the State that does not receive an allotment under subsection (j)(4) for a fiscal year and that requests to develop an agreement with the State to administer, supervise, or oversee the programs to be carried out under the plan with respect to the Indian children who are eligible for such programs and who are under the authority of the tribe, organization, or consortium and to receive from the State an appropriate portion of the State allotment under subsection (c) for the cost of such administration, supervision, or oversight.”.

(2) APPLICATION OF TRIBAL FEDERAL MATCHING RATE TO COOPERATIVE AGREEMENTS OR CONTRACTS BETWEEN STATE OR TRIBES.—Paragraphs (1) and (2) of section 474(a) of such Act (42 U.S.C. 674(a)) are each amended by inserting “(or, with respect to such payments made during such quarter under a cooperative agreement or contract entered into by the State and an Indian tribe, tribal organization, or tribal consortium for the administration or payment of funds under this part, an amount equal to the Federal medical assistance percentage that would apply under section 479B(d) (in this paragraph referred to as the ‘tribal FMAP’) if such Indian tribe, tribal organization, or tribal consortium made such payments under a program operated under that section, unless the tribal FMAP is less than the Federal medical assistance percentage that applies to the State)” before the semicolon.

(d) RULES OF CONSTRUCTION.—Nothing in the amendments made by this section shall be construed as—

(1) authorization to terminate funding on behalf of any Indian child receiving foster

care maintenance payments or adoption assistance payments on the date of enactment of this Act and for which the State receives Federal matching payments under paragraph (1) or (2) of section 474(a) of the Social Security Act (42 U.S.C. 674(a)), regardless of whether a cooperative agreement or contract between the State and an Indian tribe, tribal organization, or tribal consortium is in effect on such date or an Indian tribe, tribal organization, or tribal consortium elects subsequent to such date to operate a program under section 479B of such Act (as added by subsection (a) of this section); or

(2) affecting the responsibility of a State—

(A) as part of the plan approved under section 471 of the Social Security Act (42 U.S.C. 671), to provide foster care maintenance payments, adoption assistance payments, and if the State elects, kinship guardianship assistance payments, for Indian children who are eligible for such payments and who are not otherwise being served by an Indian tribe, tribal organization, or tribal consortium pursuant to a program under such section 479B of such Act or a cooperative agreement or contract entered into between an Indian tribe, a tribal organization, or a tribal consortium and a State for the administration or payment of funds under part E of title IV of such Act; or

(B) as part of the plan approved under section 477 of such Act (42 U.S.C. 677) to administer, supervise, or oversee programs carried out under that plan on behalf of Indian children who are eligible for such programs if such children are not otherwise being served by an Indian tribe, tribal organization, or tribal consortium pursuant to an approved plan under section 477(j) of such Act or a cooperative agreement or contract entered into under section 477(b)(3)(G) of such Act.

(e) REGULATIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2) of this subsection, not later than 1 year after the date of enactment of this section, the Secretary of Health and Human Services, in consultation with Indian tribes, tribal organizations, tribal consortia, and affected States, shall promulgate interim final regulations to carry out this section and the amendments made by this section. Such regulations shall include procedures to ensure that a transfer of responsibility for the placement and care of a child under a State plan approved under section 471 of the Social Security Act to a tribal plan approved under section 471 of such Act in accordance with section 479B of such Act (as added by subsection (a)(1) of this section) or to an Indian tribe, a tribal organization, or a tribal consortium that has entered into a cooperative agreement or contract with a State for the administration or payment of funds under part E of title IV of such Act does not affect the eligibility of, provision of services for, or the making of payments on behalf of, such children under part E of title IV of such Act, or the eligibility of such children for medical assistance under title XIX of such Act.

(2) IN-KIND EXPENDITURES FROM THIRD-PARTY SOURCES FOR PURPOSES OF DETERMINING NON-FEDERAL SHARE OF ADMINISTRATIVE AND TRAINING EXPENDITURES.—

(A) IN GENERAL.—Subject to subparagraph (B) of this paragraph, not later than September 30, 2011, the Secretary of Health and Human Services, in consultation with Indian tribes, tribal organizations, and tribal consortia, shall promulgate interim final regulations specifying the types of in-kind expenditures, including plants, equipment, administration, and services, and the third-party sources for such in-kind expenditures which may be claimed by tribes, organizations, and consortia with plans approved under section 471 of the Social Security Act

in accordance with section 479B of such Act, up to such percentages as the Secretary, in such consultation shall specify in such regulations, for purposes of determining the non-Federal share of administrative and training expenditures for which the tribes, organizations, and consortia may receive payments for under any subparagraph of section 474(a)(3) of such Act.

(B) EFFECTIVE DATE.—In no event shall the regulations required to be promulgated under subparagraph (A) take effect prior to October 1, 2011.

(C) SENSE OF THE CONGRESS.—It is the sense of the Congress that if the Secretary of Health and Human Services fails to publish in the Federal Register the regulations required under subparagraph (A) of this paragraph, the Congress should enact legislation specifying the types of in-kind expenditures and the third-party sources for such in-kind expenditures which may be claimed by tribes, organizations, and consortia with plans approved under section 471 of the Social Security Act in accordance with section 479B of such Act, up to specific percentages, for purposes of determining the non-Federal share of administrative and training expenditures for which the tribes, organizations, and consortia may receive payments for under any subparagraph of section 474(a)(3) of such Act.

(f) EFFECTIVE DATE.—The amendments made by subsections (a), (b), and (c) shall take effect on October 1, 2009, without regard to whether the regulations required under subsection (e)(1) have been promulgated by such date.

#### SEC. 302. TECHNICAL ASSISTANCE AND IMPLEMENTATION.

Section 476 of the Social Security Act (42 U.S.C. 676) is amended by adding at the end the following:

“(c) TECHNICAL ASSISTANCE AND IMPLEMENTATION SERVICES FOR TRIBAL PROGRAMS.—

“(1) AUTHORITY.—The Secretary shall provide technical assistance and implementation services that are dedicated to improving services and permanency outcomes for Indian children and their families through the provision of assistance described in paragraph (2).

“(2) ASSISTANCE PROVIDED.—

“(A) IN GENERAL.—The technical assistance and implementation services shall be to—

“(i) provide information, advice, educational materials, and technical assistance to Indian tribes and tribal organizations with respect to the types of services, administrative functions, data collection, program management, and reporting that are required under State plans under part B and this part;

“(ii) assist and provide technical assistance to—

“(I) Indian tribes, tribal organizations, and tribal consortia seeking to operate a program under part B or under this part through direct application to the Secretary under section 479B; and

“(II) Indian tribes, tribal organizations, tribal consortia, and States seeking to develop cooperative agreements to provide for payments under this part or satisfy the requirements of section 422(b)(9), 471(a)(32), or 477(b)(3)(G); and

“(iii) subject to subparagraph (B), make one-time grants, to tribes, tribal organizations, or tribal consortia that are seeking to develop, and intend, not later than 24 months after receiving such a grant to submit to the Secretary a plan under section 471 to implement a program under this part as authorized by section 479B, that shall—

“(I) not exceed \$300,000; and

“(II) be used for the cost of developing a plan under section 471 to carry out a program under section 479B, including costs related to development of necessary data collection systems, a cost allocation plan, agency and tribal court procedures necessary to meet the case review system requirements under section 475(5), or any other costs attributable to meeting any other requirement necessary for approval of such a plan under this part.

“(B) GRANT CONDITION.—

“(i) IN GENERAL.—As a condition of being paid a grant under subparagraph (A)(iii), a tribe, tribal organization, or tribal consortium shall agree to repay the total amount of the grant awarded if the tribe, tribal organization, or tribal consortium fails to submit to the Secretary a plan under section 471 to carry out a program under section 479B by the end of the 24-month period described in that subparagraph.

“(ii) EXCEPTION.—The Secretary shall waive the requirement to repay a grant imposed by clause (i) if the Secretary determines that a tribe's, tribal organization's, or tribal consortium's failure to submit a plan within such period was the result of circumstances beyond the control of the tribe, tribal organization, or tribal consortium.

“(C) IMPLEMENTATION AUTHORITY.—The Secretary may provide the technical assistance and implementation services described in subparagraph (A) either directly or through a grant or contract with public or private organizations knowledgeable and experienced in the field of Indian tribal affairs and child welfare.

“(3) APPROPRIATION.—There is appropriated to the Secretary, out of any money in the Treasury of the United States not otherwise appropriated, \$3,000,000 for fiscal year 2009 and each fiscal year thereafter to carry out this subsection.”

#### TITLE IV—IMPROVEMENT OF INCENTIVES FOR ADOPTION

##### SEC. 401. ADOPTION INCENTIVES PROGRAM.

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

(1) in subsection (b)(4), by striking “in the case of fiscal years 2001 through 2007.”;

(2) in subsection (b)(5), by striking “1998 through 2007” and inserting “2008 through 2012.”;

(3) in subsection (c)(2), by striking “each of fiscal years 2002 through 2007” and inserting “a fiscal year.”;

(4) in each of subsections (h)(1)(D), and (h)(2), by striking “2008” and inserting “2013”.

(b) UPDATING OF FISCAL YEAR USED IN DETERMINING BASE NUMBERS OF ADOPTIONS.—Section 473A(g) of such Act (42 U.S.C. 673b(g)) is amended—

(1) in paragraph (3), by striking “means” and all that follows and inserting “means, with respect to any fiscal year, the number of foster child adoptions in the State in fiscal year 2007.”;

(2) in paragraph (4)—

(A) by inserting “that are not older child adoptions” before “for a State.”; and

(B) by striking “means” and all that follows and inserting “means, with respect to any fiscal year, the number of special needs adoptions that are not older child adoptions in the State in fiscal year 2007.”; and

(3) in paragraph (5), by striking “means” and all that follows and inserting “means, with respect to any fiscal year, the number of older child adoptions in the State in fiscal year 2007.”.

(c) INCREASE IN INCENTIVE PAYMENTS FOR SPECIAL NEEDS ADOPTIONS AND OLDER CHILD ADOPTIONS.—Section 473A(d)(1) of such Act (42 U.S.C. 673b(d)(1)) is amended—

(1) in subparagraph (B), by striking “\$2,000” and inserting “\$4,000.”; and

(2) in subparagraph (C), by striking “\$4,000” and inserting “\$8,000.”

(d) 24-MONTH AVAILABILITY OF PAYMENTS TO STATES.—Section 473A(e) of such Act (42 U.S.C. 673b(e)) is amended—

(1) in the heading, by striking “2-YEAR” and inserting “24-MONTH.”; and

(2) by striking “through the end of the succeeding fiscal year” and inserting “for the 24-month period beginning with the month in which the payments are made.”.

(e) ADDITIONAL INCENTIVE PAYMENT FOR EXCEEDING THE HIGHEST EVER FOSTER CHILD ADOPTION RATE.—

(1) IN GENERAL.—Section 473A(d) of such Act (42 U.S.C. 673b(d)) is amended—

(A) in paragraph (1), in the matter preceding subparagraph (A), by striking “paragraph (2)” and inserting “paragraphs (2) and (3)”;

(B) in paragraph (2), by striking “this section” each place it appears and inserting “paragraph (1)”;

(C) by adding at the end the following:

“(3) INCREASED INCENTIVE PAYMENT FOR EXCEEDING THE HIGHEST EVER FOSTER CHILD ADOPTION RATE.—

“(A) IN GENERAL.—If—

“(i) for fiscal year 2009 or any fiscal year thereafter the total amount of adoption incentive payments payable under paragraph (1) of this subsection are less than the amount appropriated under subsection (h) for the fiscal year; and

“(ii) a State's foster child adoption rate for that fiscal year exceeds the highest ever foster child adoption rate determined for the State,

then the adoption incentive payment otherwise determined under paragraph (1) of this subsection for the State shall be increased, subject to subparagraph (C) of this paragraph, by the amount determined for the State under subparagraph (B) of this paragraph.

“(B) AMOUNT OF INCREASE.—For purposes of subparagraph (A), the amount determined under this subparagraph with respect to a State and a fiscal year is the amount equal to the product of—

“(i) \$1,000; and

“(ii) the excess of—

“(I) the number of foster child adoptions in the State in the fiscal year; over

“(II) the product (rounded to the nearest whole number) of—

“(aa) the highest ever foster child adoption rate determined for the State; and

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

“(C) PRO RATA ADJUSTMENT IF INSUFFICIENT FUNDS AVAILABLE.—For any fiscal year, if the total amount of increases in adoption incentive payments otherwise payable under this paragraph for a fiscal year exceeds the amount available for such increases for the fiscal year, the amount of the increase payable to each State under this paragraph for the fiscal year shall be—

“(i) the amount of the increase that would otherwise be payable to the State under this paragraph for the fiscal year; multiplied by

“(ii) the percentage represented by the amount so available for the fiscal year, divided by the total amount of increases otherwise payable under this paragraph for the fiscal year.”.

(2) DEFINITIONS.—Section 473A(g) of such Act (42 U.S.C. 673b(g)) is amended by adding at the end the following:

“(7) HIGHEST EVER FOSTER CHILD ADOPTION RATE.—The term ‘highest ever foster child adoption rate’ means, with respect to any fiscal year, the highest foster child adoption rate determined for any fiscal year in the pe-

riod that begins with fiscal year 2002 and ends with the preceding fiscal year.

“(8) FOSTER CHILD ADOPTION RATE.—The term ‘foster child adoption rate’ means, with respect to a State and a fiscal year, the percentage determined by dividing—

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

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

(3) CONFORMING AMENDMENTS.—

(A) STATE ELIGIBILITY.—Section 473A(b)(2) of such Act (42 U.S.C. 673b(b)(2)) is amended—

(i) in subparagraph (A), by striking “or” at the end;

(ii) in subparagraph (B), by adding “or” at the end; and

(iii) by adding at the end the following:

“(C) the State's foster child adoption rate for the fiscal year exceeds the highest ever foster child adoption rate determined for the State.”.

(B) DATA.—Section 473A(c)(2) of such Act (42 U.S.C. 673b(c)(2)), as amended by subsection (a)(3) of this section, is amended by inserting “and the foster child adoption rate for the State for the fiscal year,” after “during a fiscal year.”.

##### SEC. 402. PROMOTION OF ADOPTION OF CHILDREN WITH SPECIAL NEEDS.

Section 473 of the Social Security Act (42 U.S.C. 673), as amended by section 101(b) of this Act, is amended—

(1) in subsection (a)—

(A) in paragraph (2)—

(i) in subparagraph (A)—

(I) by redesignating items (aa) and (bb) of clause (i)(I) as subitems (AA) and (BB), respectively;

(II) in subitem (BB) of clause (i)(I) (as so redesignated), by striking “item (aa) of this subclause” and inserting “subitem (AA) of this item”;

(III) by redesignating subclauses (I) through (III) of clause (i) as items (aa) through (cc), respectively;

(IV) by redesignating clauses (i) and (ii) as subclauses (I) and (II), respectively;

(V) by realigning the margins of the items, subclauses, and clauses redesignated by subclauses (I) through (IV) accordingly;

(VI) by striking “if the child—” and inserting “if—

“(i) in the case of a child who is not an applicable child for the fiscal year (as defined in subsection (e)), the child—”;

(VII) in subclause (II) of clause (i) (as so redesignated)—

(aa) by striking “(c)” and inserting “(c)(1)”;

(bb) by striking the period at the end and inserting “; or”;

(VIII) by adding at the end the following:

“(ii) in the case of a child who is an applicable child for the fiscal year (as so defined), the child—

“(I)(aa) at the time of initiation of adoption proceedings was in the care of a public or licensed private child placement agency or Indian tribal organization pursuant to—

“(AA) an involuntary removal of the child from the home in accordance with a judicial determination to the effect that continuation in the home would be contrary to the welfare of the child; or

“(BB) a voluntary placement agreement or voluntary relinquishment;

“(bb) meets all medical or disability requirements of title XVI with respect to eligibility for supplemental security income benefits; or

“(cc) was residing in a foster family home or child care institution with the child's minor parent, and the child's minor parent



was in such foster family home or child care institution pursuant to—

“(AA) an involuntary removal of the child from the home in accordance with a judicial determination to the effect that continuation in the home would be contrary to the welfare of the child; or

“(BB) a voluntary placement agreement or voluntary relinquishment; and

“(II) has been determined by the State, pursuant to subsection (c)(2), to be a child with special needs.”; and

(ii) in subparagraph (C)—

(I) by redesignating subclauses (I) and (II) of clause (iii) as items (aa) and (bb), respectively;

(II) by redesignating subclauses (I) and (II) of clause (iv) as items (aa) and (bb), respectively;

(III) by redesignating clauses (i) through (iv) as subclauses (I) through (IV), respectively;

(IV) by realigning the margins of the subclauses and clauses redesignated by subclauses (I) through (III) accordingly;

(V) by striking “if the child—” and inserting “if—

“(i) in the case of a child who is not an applicable child for the fiscal year (as defined in subsection (e)), the child—”;

(VI) in clause (i)(I) (as so redesignated), by striking “(A)(ii)” and inserting “(A)(i)(II)”;

(VII) in clause (i)(IV) (as so redesignated)—

(aa) in the matter preceding item (aa), by striking “(A)” and inserting “(A)(i)”;

(bb) by striking the period at the end and inserting “; or”;

(VIII) by adding at the end the following:

“(i) in the case of a child who is an applicable child for the fiscal year (as so defined), the child meets the requirements of subparagraph (A)(ii)(II), is determined eligible for adoption assistance payments under this part with respect to a prior adoption (or who would have been determined eligible for such payments had the Adoption and Safe Families Act of 1997 been in effect at the time that such determination would have been made), and is available for adoption because the prior adoption has been dissolved and the parental rights of the adoptive parents have been terminated or because the child’s adoptive parents have died.”; and

(B) by adding at the end the following:

“(7)(A) Notwithstanding any other provision of this subsection, no payment may be made to parents with respect to any applicable child for a fiscal year that—

“(i) would be considered a child with special needs under subsection (c)(2);

“(ii) is not a citizen or resident of the United States; and

“(iii) was adopted outside of the United States or was brought into the United States for the purpose of being adopted.

“(B) Subparagraph (A) shall not be construed as prohibiting payments under this part for an applicable child described in subparagraph (A) that is placed in foster care subsequent to the failure, as determined by the State, of the initial adoption of the child by the parents described in subparagraph (A).

“(8) A State shall spend an amount equal to the amount of savings (if any) in State expenditures under this part resulting from the application of paragraph (2)(A)(ii) to all applicable children for a fiscal year to provide to children or families any service (including post-adoption services) that may be provided under this part or part B.”;

(2) in subsection (c)—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and realigning the margins accordingly;

(B) by striking “this section, a child shall not be considered a child with special needs unless” and inserting “this section—

“(1) in the case of a child who is not an applicable child for a fiscal year, the child shall not be considered a child with special needs unless”; and

(C) in paragraph (1)(B), as so redesignated, by striking the period at the end and inserting “; or”; and

(D) by adding at the end the following:

“(2) in the case of a child who is an applicable child for a fiscal year, the child shall not be considered a child with special needs unless—

“(A) the State has determined, pursuant to a criterion or criteria established by the State, that the child cannot or should not be returned to the home of his parents;

“(B)(i) the State has determined that there exists with respect to the child a specific factor or condition (such as ethnic background, age, or membership in a minority or sibling group, or the presence of factors such as medical conditions or physical, mental, or emotional handicaps) because of which it is reasonable to conclude that the child cannot be placed with adoptive parents without providing adoption assistance under this section and medical assistance under title XIX; or

“(ii) the child meets all medical or disability requirements of title XVI with respect to eligibility for supplemental security income benefits; and

“(C) the State has determined that, except where it would be against the best interests of the child because of such factors as the existence of significant emotional ties with prospective adoptive parents while in the care of the parents as a foster child, a reasonable, but unsuccessful, effort has been made to place the child with appropriate adoptive parents without providing adoption assistance under this section or medical assistance under title XIX.”; and

(3) by adding at the end the following:

“(e) APPLICABLE CHILD DEFINED.—

“(1) ON THE BASIS OF AGE.—

“(A) IN GENERAL.—Subject to paragraphs (2) and (3), in this section, the term ‘applicable child’ means a child for whom an adoption assistance agreement is entered into under this section during any fiscal year described in subparagraph (B) if the child attained the applicable age for that fiscal year before the end of that fiscal year.

“(B) APPLICABLE AGE.—For purposes of subparagraph (A), the applicable age for a fiscal year is as follows:

“In the case of fiscal year:	The applicable age is:
2010 .....	16
2011 .....	14
2012 .....	12
2013 .....	10
2014 .....	8
2015 .....	6
2016 .....	4
2017 .....	2
2018 or thereafter .....	any age.

“(2) EXCEPTION FOR DURATION IN CARE.—Notwithstanding paragraph (1) of this subsection, beginning with fiscal year 2010, such term shall include a child of any age on the date on which an adoption assistance agreement is entered into on behalf of the child under this section if the child—

“(A) has been in foster care under the responsibility of the State for at least 60 consecutive months; and

“(B) meets the requirements of subsection (a)(2)(A)(ii).

“(3) EXCEPTION FOR MEMBER OF A SIBLING GROUP.—Notwithstanding paragraphs (1) and (2) of this subsection, beginning with fiscal year 2010, such term shall include a child of any age on the date on which an adoption as-

sistance agreement is entered into on behalf of the child under this section without regard to whether the child is described in paragraph (2)(A) of this subsection if the child—

“(A) is a sibling of a child who is an applicable child for the fiscal year under paragraph (1) or (2) of this subsection;

“(B) is to be placed in the same adoption placement as an applicable child for the fiscal year who is their sibling; and

“(C) meets the requirements of subsection (a)(2)(A)(ii).”.

#### SEC. 403. INFORMATION ON ADOPTION TAX CREDIT.

Section 471(a) of the Social Security Act (42 U.S.C. 671(a)), as amended by sections 101(a), 103, 204(b), 206, and 301(c)(1)(A) of this Act, is amended—

(1) by striking “and” at the end of paragraph (31);

(2) by striking the period at the end of paragraph (32) and inserting “; and”; and

(3) by adding at the end the following:

“(33) provides that the State will inform any individual who is adopting, or whom the State is made aware is considering adopting, a child who is in foster care under the responsibility of the State of the potential eligibility of the individual for a Federal tax credit under section 23 of the Internal Revenue Code of 1986.”.

#### TITLE V.—CLARIFICATION OF UNIFORM DEFINITION OF CHILD AND OTHER PROVISIONS

##### SEC. 501. CLARIFICATION OF UNIFORM DEFINITION OF CHILD.

(a) CHILD MUST BE YOUNGER THAN CLAIMANT.—Section 152(c)(3)(A) of the Internal Revenue Code of 1986 is amended by inserting “is younger than the taxpayer claiming such individual as a qualifying child and” after “such individual”.

(b) CHILD MUST BE UNMARRIED.—Section 152(c)(1) of such Code is amended by striking “and” at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting “, and”, and by adding at the end the following new subparagraph:

“(E) who has not filed a joint return (other than only for a claim of refund) with the individual’s spouse under section 6013 for the taxable year beginning in the calendar year in which the taxable year of the taxpayer begins.”.

(c) RESTRICT QUALIFYING CHILD TAX BENEFITS TO CHILD’S PARENT.—

(1) CHILD TAX CREDIT.—Section 24(a) of such Code is amended by inserting “for which the taxpayer is allowed a deduction under section 151” after “of the taxpayer”.

(2) PERSONS OTHER THAN PARENTS CLAIMING QUALIFYING CHILD.—

(A) IN GENERAL.—Section 152(c)(4) of such Code is amended by adding at the end the following new subparagraph:

“(C) NO PARENT CLAIMING QUALIFYING CHILD.—If the parents of an individual may claim such individual as a qualifying child but no parent so claims the individual, such individual may be claimed as the qualifying child of another taxpayer but only if the adjusted gross income of such taxpayer is higher than the highest adjusted gross income of any parent of the individual.”.

(B) CONFORMING AMENDMENTS.—

(i) Section 152(c)(4)(A) of such Code is amended by striking “Except” through “2 or more taxpayers” and inserting “Except as provided in subparagraphs (B) and (C), if (but for this paragraph) an individual may be claimed as a qualifying child by 2 or more taxpayers”.

(ii) The heading for section 152(c)(4) of such Code is amended by striking “CLAIMING” and inserting “WHO CAN CLAIM THE SAME”.

(d) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

#### SEC. 502. INVESTMENT OF OPERATING CASH.

Section 323 of title 31, United States Code, is amended to read as follows:

##### “§ 323. Investment of operating cash

“(a) To manage United States cash, the Secretary of the Treasury may invest any part of the operating cash of the Treasury for not more than 90 days. The Secretary may invest the operating cash of the Treasury in—

“(1) obligations of depositories maintaining Treasury tax and loan accounts secured by pledged collateral acceptable to the Secretary;

“(2) obligations of the United States Government; and

“(3) repurchase agreements with parties acceptable to the Secretary.

“(b) Subsection (a) of this section does not require the Secretary to invest a cash balance held in a particular account.

“(c) The Secretary shall consider the prevailing market in prescribing rates of interest for investments under subsection (a)(1) of this section.

“(d)(1) The Secretary of the Treasury shall submit each fiscal year to the appropriate committees a report detailing the investment of operating cash under subsection (a) for the preceding fiscal year. The report shall describe the Secretary’s consideration of risks associated with investments and the actions taken to manage such risks.

“(2) For purposes of paragraph (1), the term ‘appropriate committees’ means the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate.”.

#### SEC. 503. NO FEDERAL FUNDING TO UNLAWFULLY PRESENT INDIVIDUALS.

Nothing in this Act shall be construed to alter prohibitions on Federal payments to individuals who are unlawfully present in the United States.

### TITLE VI—EFFECTIVE DATE

#### SEC. 601. EFFECTIVE DATE.

(a) **IN GENERAL.**—Except as otherwise provided in this Act, each amendment made by this Act to part B or E of title IV of the Social Security Act shall take effect on the date of the enactment of this Act, and shall apply to payments under the part amended for quarters beginning on or after the effective date of the amendment.

(b) **DELAY PERMITTED IF STATE LEGISLATION REQUIRED.**—In the case of a State plan approved under part B or E of title IV of the Social Security Act which the Secretary of Health and Human Services determines requires State legislation (other than legislation appropriating funds) in order for the plan to meet the additional requirements imposed by this Act, the State plan shall not be regarded as failing to comply with the requirements of such part solely on the basis of the failure of the plan to meet such additional requirements before the 1st day of the 1st calendar quarter beginning after the close of the 1st regular session of the State legislature that ends after the 1-year period beginning with the date of the enactment of this Act. For purposes of the preceding sentence, in the case of a State that has a 2-year legislative session, each year of the session is deemed to be a separate regular session of the State legislature.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. McDERMOTT) and the gentleman from Illinois (Mr. WELLER) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

#### GENERAL LEAVE

Mr. McDERMOTT. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on this bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. McDERMOTT. Madam Speaker, I yield myself such time as I might consume.

Children in foster care are sometimes called our forgotten children. We are here to banish that thought forever. We are here to provide children in foster care the same things that all children need, family, support and an equal chance to succeed.

With that goal in mind, the House unanimously passed legislation in June to improve the Nation’s child welfare system. The bill we are considering today is a modified version of that legislation, and it reflects an agreement with Senators BAUCUS, GRASSLEY and ROCKEFELLER, who have been working on similar legislation.

This agreement maintains all the critical provisions in the House-passed bill, such as helping grandparents and other relatives who want to permanently care for children in foster care and extending assistance to thousands of children who now age out of foster care every year on their 18th birthday.

In addition, the legislation now includes a provision that will begin to make sure that all special needs children are eligible for adoption assistance, not just those who come from a family that is eligible for a welfare program that no longer exists.

When a child is removed from his or her home because of abuse or neglect, government, on behalf of society, becomes legally responsible for that child. All of us, therefore, act as parents to children in foster care. But for too many foster care children, we fail to fully live up to our parental responsibilities.

We fail to provide them with permanent homes. We fail to meet their health and education needs, and we fail to help them find their way in the world.

Perhaps the most obvious example of our failure is when foster children are literally pushed out into the streets when they are 18 years old. No parent I know abandons their children at age 18, and yet that is what our Federal policy for foster care does.

It says to kids to have been abused or neglected, who have been removed from their homes, or who have been placed many times in multiple foster homes that we expect more of them than we would expect of anyone else, including our own children. We displace them from their homes and from any meaningful financial support, and tell them, make it on your own, you are on your own.

Another example is our failure and the inconsistent effort to help foster

children stay connected to their families. We have a system that tells grandparents that they will be denied any assistance if they become legal guardians for a foster child. This is contrary to the growing base of research illustrating that children do better living with relative guardians than they do living in traditional foster care.

Additionally, siblings are too often split apart at the time of placement. Just when a foster child most needs their brother or sister, they are sometimes separated from them.

Ensuring school stability is yet another area where we too often come up short. Not enough is done to ensure children can stay in their current schools when they are placed in foster care. We rob them of the one place where they may actually feel secure.

We also hear too many stories about foster children not receiving adequate health services, especially for mental health. Furthermore, we have a special duty to ensure the prescription medications foster children are receiving are effective and appropriate, instead of quick and easy.

Finally, we don’t provide adequate assistance for Native American children who are removed from their homes and then cared for in the tribal communities.

The Fostering Connections to Success and Increasing Adoptions Act would provide new supports and protections to address many of the concerns I just outlined. The legislation would allow States to extend foster care up to the age of 21, giving young men and women more time to get an education and become truly self-sufficient.

Recognizing that many grandparents and other relatives want to provide loving, permanent homes for children in foster care, this bill would provide Federal payments to relatives who become legal guardians of children for whom they have cared as foster parents. It also requires improved efforts to keep siblings together when they are removed from their homes.

The measure would require increased oversight on health care needs of foster children, focusing on the assessment, the treatment of health conditions, continuity of care, and monitoring the use of prescription drugs. There is also renewed attention paid to ensuring educational stability for children in foster care, including avoiding frequent school changes.

Additionally, this bill gives tribes equal and fair access to Federal resources dedicated to keeping vulnerable children safe. For the first time, a tribal child welfare program would directly receive Federal foster care funding.

The legislation would also provide new resources to ensure all child welfare workers have equal access to training, which ultimately results in better care for children.

This bill extends and improves incentives for States that increase the number of children adopted out of the foster care system. To ensure that we are

adequately helping all families adopting special needs children out of the foster care system, the bill will phase out a requirement that an adopted child's birth parents be eligible for welfare under outdated rules from a program that no longer exists.

The legislation includes two provisions that save money and thereby ensures that the bill is completely budget neutral. The first provision would clarify the uniform definition of a child for tax purposes to ensure that the earned income tax credit and other tax benefits are being provided to the families for which the benefits were intended.

The second provision would allow the Treasury Department to improve its management of the government's short-term operating cash. This language, which has been recommended by the GAO and proposed by the administration, would permit investment of cash in a broader number of institutions, thereby reducing the current concentration of risk and increasing the rate of return.

I want to thank, again, my ranking member, JERRY WELLER, who is going to leave us. He has been a real partner in striving to work for and improve the lives of children in the foster care system. His efforts will be missed when he leaves Congress at the end of this session, but enacting this bill will surely send him out on a high note.

Before I yield to Mr. WELLER, I would like to talk about another Member of Congress who is not with us today.

The passing of Stephanie Tubbs Jones was a great shock to all of us who worked with her. We were always impressed by her tireless energy and her infectious smile.

Stephanie was a true champion for vulnerable families and children. In fact, her first legislative achievement in Congress was a bill designed to improve training opportunities for case-workers in the child welfare system.

□ 1245

In recognition of Representative Tubbs Jones' efforts to help vulnerable kids, this bill names the primary source of Federal funding for the Social Security Act for Child Protective Services after her, as well as making several improvements to the program.

The Stephanie Tubbs Jones Child Welfare Services Program will help at-risk children for many years and decades to come, just as she did during her life.

In conclusion, this bill does not address every challenge confronting children in the welfare system, but will take a major step toward correcting many of the system's shortcomings. I only wish Jerry was going to be here to work with me while we put a bigger bill through next year.

This legislation is bipartisan, budget neutral, and good for kids; therefore, it deserves the support of every Member of the House, as it did when it passed unanimously some months ago.

I reserve the balance of my time.

Mr. WELLER of Illinois. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I am proud to rise in support of H.R. 6893, the Fostering Connections to Success and Increasing Adoptions Act, legislation I am proud to cosponsor with my chairman, Mr. McDERMOTT.

This bipartisan, bicameral House-Senate agreement extends the Adoptions Incentives program, which has earned due praise for increasing adoptions from the Nation's foster care system. It improves the program by raising financial incentives for adopting older children who are the hardest to adopt, among other changes. That program expires in 2 weeks, so passage of this legislation is both necessary and timely.

But this bill does much, much more. It expands the eligibility of special needs children for Federal adoption assistance, promoting the adoption of thousands more children out of the foster care system in the coming years. Along the way, it places a priority on older children, children in foster care the longest, and sibling groups who are the hardest to find adoptive families.

The bill also promotes stronger family ties in caring for children removed from their own parents due to abuse and neglect, and expects States to do more to locate adult relatives like grandparents or aunts and uncles who can step in to care for such children. And by permitting child welfare agencies access to information from the child support program, the bill helps provide tools to help with that process.

It allows States to provide Federal payments to help those adults care for children. And it helps those adults obtain other assistance to ensure kids in their care can thrive. Instead of busting the budget, these pro-family changes actually save money by cutting expensive foster care administrative costs, while most importantly, improving the outcomes for kids in need of a loving home.

The bill also responds to concerns that too many youth today are "emanipated" from foster care at age 18 and end up on the streets, in jail, or worse. It offers more help for these older foster youth, providing for their care through age 21 as a State option. But like any responsible parent would expect, it requires able-bodied young people over age 18 to work, stay in school, or participate in training to receive the additional help. Like successful welfare reform policies of the 1990s, it conditions assistance on youths engaging in positive behavior.

The same goes for foster and adoptive youth under age 18. For the first time, they would have to stay in school for their foster parents to receive Federal financial assistance. That may be tough love, but it is far more loving than subsidizing high school dropouts as taxpayers often do today for a shocking share of young people in foster care.

I am honored that this legislation includes two provisions I have worked for years to pass and which will benefit children in foster care. First, it ensures equal access to foster care assistance for Native American children, allowing tribes to operate programs just like the States do today.

Second, it provides that all child welfare workers, whether employed by public or not-for-profit agencies, have access to the same resources for training so they can provide the best service to families and most of all children in foster care.

Madam Speaker, this legislation is good for children and for families. It is good for communities, and it is good for taxpayers. It is fully paid for, including by reducing unnecessary foster care administrative costs and by incorporating antifraud reforms proposed by the administration, amongst other savings. It is bipartisan, and includes the best of legislation developed by the House and Senate to better protect and support children. I urge all Members to support this excellent piece of legislation.

Madam Speaker, as this is the final major legislative activity in the subcommittee on which I serve as ranking member, I would like to thank the hardworking staff who have made this legislation possible. On the Ways and Means Committee Republican staff, I would especially like to thank Matt Weidinger, Margo Smith, and Brian Newell, who have helped me as ranking member of the Income Security Subcommittee.

Last, but not least, I would also like to thank Jack Dusik, who has handled much of my Ways and Means Committee activities for over 5 years. Jack has been a tireless servant of the American people and a great asset to me in representing the 11th Congressional District, and I wish him well as he moves onward.

Finally, Madam Speaker, I would like to extend my gratitude to my friend, Chairman McDERMOTT, for his friendship over my years in Congress. It has been a real pleasure working with him as a strong partner in fighting for America's disadvantaged youth on the Income Security and Family Support Subcommittee.

Madam Speaker, I urge bipartisan support for this important bipartisan legislation.

I reserve the balance of my time.

Mr. McDERMOTT. Madam Speaker, I yield 2 minutes to the gentleman from California (Mr. STARK).

(Mr. STARK asked and was given permission to revise and extend his remarks.)

Mr. STARK. Madam Speaker, I point out that this subcommittee stands as proxy parents for half a million children in this country who spend time in foster care each year. So I would like to thank Grandpa McDERMOTT and Grandpa WELLER on behalf of these 500,000 children whose lives are being improved, and Grandma TAUSCHER, for

helping see that these children's lives are improved.

I was lucky enough to have Cherita Jones, a former foster youth, as an intern in my office earlier this year. Cherita worked hard and was lucky to live with a caring foster family. She is now out working as an advocate for foster children. I am proud that we are taking this step here today.

This bill does, in fact, continue foster children's care beyond age 18, and it further allows relatives, grandparents, to participate in supporting the foster children and allows them in many cases to live in loving homes rather than group homes and less permanent settings.

I hope we can continue to work together to improve their lives, and I look forward to working with Chairman McDERMOTT to protect the Social Security benefits of foster children and make sure that these resources are used for the benefit of these children and not as a funding source for general revenue to many States. I urge the adoption of the bill.

Mr. WELLER of Illinois. Madam Speaker, I reserve the balance of my time.

Mr. McDERMOTT. Madam Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Madam Speaker, today is a good day for the more than 4½ million grandparents in this Nation who are raising over 6 million children. Today is a good day for the 80,000 grandparents in Illinois who are raising their young grandchildren, and the 36,500 who are living with kinship caregivers. These families have told Members of Congress for years that they needed more support and that the system wasn't working for many children, and especially for African American kids.

Today we can tell them that we heard you and we are doing something about it. I commend Chairman McDERMOTT, Ranking Member WELLER, as well as Senators CLINTON, SNOWE, GRASSLEY, BAUCUS and ROCKEFELLER for their commitment to reforming foster care.

I rise in strong, unwavering, and resolute support for H.R. 6893. This compromise between the House and Senate advances child welfare in many areas. In particular, it recognizes that guardianship is an important path to permanency for tens of thousands of children in foster care.

In August 2007, the GAO confirmed something that my congressional district and the foster care community has known for years—that African American children are overrepresented in the foster care system, and that subsidized guardianship is a key Federal policy that can help thousands of children into permanent, loving homes.

I thank Chairman McDERMOTT and Ranking Member WELLER for including many of the provisions supporting kinship caregivers that I have championed for years. Specifically, the bill includes

four core elements of my bill, H.R. 2188, the Kinship Caregiver Support Act, which I introduced with Representative TIM JOHNSON and which Senators CLINTON and SNOWE championed in the Senate.

It allows States to use Federal funds to support family caregivers raising relatives in the foster care systems.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. McDERMOTT. I yield the gentleman an additional minute.

Mr. DAVIS of Illinois. It provides funding to establish kinship navigator programs; it requires notification of relatives when a child enters foster care; it extends eligibility for independent living services and education training vouchers for youth who exit foster care after age 16; and it allows States to waive nonsafety-related elements of the licensing requirements that may not apply to families.

In addition, I am very happy that the bill ensures that families that currently receive subsidized guardianship under the current Federal waiver program will be eligible under the new program. This provision protects over 6,000 children in Illinois, as well as the thousands of children in other States who benefit from the waiver program.

So again, Madam Speaker, I want to commend Chairman McDERMOTT and Ranking Member WELLER, and I also want to congratulate my colleague, Mr. WELLER, as he prepares to leave Congress after a stellar career, and I thank Chairman McDERMOTT for acknowledging the work of Stephanie Tubbs Jones. This is an excellent bill, and I urge its passage.

Mr. WELLER of Illinois. Madam Speaker, I want to commend my friend and colleague from Illinois (Mr. DAVIS) for his efforts on behalf of families and his contribution to this bipartisan legislation.

Madam Speaker, I yield 3 minutes to the gentlewoman from North Carolina (Ms. FOXX).

Ms. FOXX. Madam Speaker, I want to thank my colleague from Illinois.

I think what we need to be doing here today is continuing to alert the American people to what is not happening in terms of dealing with the energy situation in the United States.

Last night, House Democrats rejected any efforts on behalf of the Republicans to pass bipartisan energy legislation. They rejected our efforts to do that and they rammed through a sham, hoax, illusory, no-energy bill that falls way short of the all-of-the-above solution that the American people are demanding.

The bill passed by a vote of 236–189, and that should tell the American people how much opposition there was to this no-energy bill.

Even Democrats have indicated that this was the wrong bill. Senator MARY LANDRIEU has said that the bill is going to be dead on arrival in the Senate. So we know this was simply a vote, as has been publicized in Congressional Quar-

terly and other publications here in Washington, that was simply a cover for Democrats who are running for re-election.

Representative GENE GREEN said, "I do not believe our bill goes far enough to address America's energy needs."

Even they admit that what was done last night did not respond to the needs of the American people. We are going to continue to discuss this on this floor and even after the Congress adjourns. We also should point out that from the first of August until the end of December, this Democrat-controlled Congress plans to work 14 days. While Americans are facing the highest energy prices they have ever faced in this country, the Democrat-controlled Congress plans to be in session and work for 14 days in a 5-month period of time. That is shameful. That is unacceptable.

We need to be helping the American people by bringing down the price of gasoline. We can do that. Republicans have a bill that will do that. We even would support the bipartisan bill that we introduced last night, but that isn't good enough. All they want is a cover for their Members to go back home and say we voted to drill for more energy.

□ 1300

That's not true. By not revenue sharing, they're stealing money from the States who would opt in to do this.

Mr. McDERMOTT. Madam Speaker, I reserve the balance of my time.

Mr. WELLER of Illinois. Madam Speaker, I have no additional speakers, so I will close for our side.

As the chairman and I have both stated, this is bipartisan, bicameral legislation, broadly supported. I would note I have a number of letters of support. I would like to insert into the RECORD at this point, Madam Speaker, a letter from the National Conference of State Legislatures, a letter from the Conference of Chief Justices, the Conference of State Court Administrators, as well as a letter signed by 581 national, State and local organizations from every State in the Union in support of this bipartisan, bicameral legislation designed to help kids, particularly those who need adoption.

SEPTEMBER 15, 2008.

Hon. HARRY REID,  
Majority Leader,  
528 Hart Senate Office Building, Washington,  
DC.

Hon. NANCY PELOSI,  
Office of the Speaker,  
H-232, U.S. Capitol, Washington, DC.

Hon. MITCH MCCONNELL,  
Minority Leader  
61–A Russell Senate Office Building, Wash-  
ington, DC.

Hon. JOHN BOEHNER,  
Republican Leader,  
Office of the House,  
H-204, U.S. Capitol, Washington, DC.

DEAR MAJORITY LEADER REID, SPEAKER PELOSI, MINORITY LEADER MCCONNELL, AND REPUBLICAN LEADER BOEHNER: We are writing to urge you to take necessary steps to ensure passage this month of important improvements in supports for children and

youth in foster care, including new opportunities for permanent families through adoption and relative guardianship and other assistance for older youth transitioning from foster care. The House unanimously passed the Fostering Connections to Success Act in June and the Senate Finance Committee approved a similar bill last week. Today, the relevant committees announced agreement on H.R. 6893 that reconciles the House and Senate bills. As 581 national and state and local organizations from every state that advocate for the children and youth who will benefit from these improvements, we want to ensure that H.R. 6893, the Fostering Connections to Success and Increasing Adoptions Act of 2008, will be passed during this session of Congress.

The Act has bipartisan support and is fully paid for. Its important improvements will help hundreds of thousands of children and youth in foster care by:

Extending and increasing incentives for adoption, particularly incentives for the adoption of children with special needs and older youth in foster care and making many more children with special needs eligible for federal adoption assistance.

Allowing states to offer, for the first time with federal assistance, guardianship payments for children who are in foster care but who have grandparents or other relative guardians who want to care for them permanently outside of foster care.

Making it easier for immediate relatives to step in to raise children when their parents cannot by requiring notification of relatives when children are removed from their parents and grants to link caregivers with the services their children need.

Offering important protections and supports for American Indian children in foster care, by allowing tribes, for the first time, the same direct access to federal foster care, adoption assistance and relative guardianship funding that states have.

Increasing opportunities for success for older youth in foster care as they transition into adult life by allowing them to receive federal foster care payments beyond the age of 18.

Improving educational opportunities for children and youth in foster care, which will also increase their opportunities for later success.

Promoting the health care of children and youth in foster care.

Expanding training opportunities for relative guardians, staff in private agencies and the courts, and attorneys and others representing children.

These reforms encompass many of the critical improvements that former foster youth, adoptive parents, relative caregivers, and others have been requesting of Congress for years. We commend you for your leadership and commitment to addressing the needs of our nation's most vulnerable children and youth. The organizations below support timely enactment of these important improvements for children and youth in foster care.

Respectfully yours,

Adopt America Network, Alliance for Children and Families, American Academy for Child and Adolescent Psychiatry, American Academy of Adoption Attorneys, American Academy of Pediatrics, American Association of Children's Residential Centers, American Humane Association, American Professional Society on the Abuse of Children, American Psychological Association, The Arc of the U.S., Association on American Indian Affairs.

Bazelon Center for Mental Health Law, Black Administrators in Child Welfare, Inc., Catholic Charities USA, Center for Law and Social Policy, Child Welfare League of Amer-

ica, Childhelp, Inc., Children Awaiting Parents, Children's Action Network, Children's Defense Fund, Children's Rights.

Coalition of Labor Union Women, Coalition on Human Needs, Community Action Partnership, Council for Health and Human Service Ministries United Church of Christ, Dave Thomas Foundation for Adoption, Docs for Tots, Family Violence Prevention Fund, First Focus, First Star, Foster Care Alumni of America.

Foster Family-based Treatment Association, FosterClub, GrandFamilies of America, Grandfamilies Teens, Generations United, Holt International, Jewish Labor Committee, Juvenile Law Center, The Kids are Waiting: Fix Foster Care Now Campaign, Kidsave, Lutheran Services in America.

Mental Health America, National Advocacy Center for the Sisters of the Good Shepherd, National African-American Drug Policy Coalition, Inc., National Alliance to End Homelessness, National Association of Black Social Workers, National Association for Children's Behavioral Health, National Association of Counsel for Children, National Association of County Human Services Administrators, National Association of Counties, National Association for the Education of Homeless Children and Youth.

National Association of Social Workers, National CASA Association, National Center on Domestic and Sexual Violence, National Center on Housing and Child Welfare, National Child Abuse Coalition, National Children's Alliance, National Collaboration for Youth, National Committee of Grandparents for Children's Rights, National Council for Adoption, National Council of Jewish Women.

National Foster Care Coalition, National Foster Parent Association, National Indian Child Welfare Association, National Network for Youth, National Policy Partnership for Children of the Incarcerated, National Relative Caregiver Consultants, National Resource Center for Youth Services, Native American Children's Alliance, NETWORK, A National Catholic Social Justice Lobby, North American Council on Adoptable Children.

Orphan Foundation, Pre-K Now, Prevent Child Abuse America, The Rebecca Project for Human Rights, Religious Coalition for Reproductive Choice, Service Employees International Union (SEIU), Specialized Alternatives for Families and Youth of America, Teaching-Family Association, United Cerebral Palsy, United Church of Christ Justice and Witness Ministries.

United Neighborhood Centers of America, United Way of America, USAction, Voice for Adoption, Voices for America's Children, Youth Law Center, Zero to Three.

CONFERENCE OF CHIEF JUSTICES  
CONFERENCE OF STATE COURT  
ADMINISTRATORS

*Government Relations Office, Arlington,  
Virginia, September 15, 2008.*

Hon. HARRY REID,  
*Majority Leader, Hart Senate Office Building,  
Washington, DC.*

Hon. MITCH MCCONNELL,  
*Minority Leader, Russell Senate Office Building,  
Washington, DC.*

Hon. NANCY PELOSI,  
*Office of the Speaker, Office of the House, U.S.  
Capitol, Washington, DC.*

Hon. JOHN BOEHNER,  
*Republican Leader, U.S. Capitol, Washington,  
DC.*

DEAR SENATORS REID AND MCCONNELL AND REPRESENTATIVES PELOSI AND BOEHNER: On behalf of the Conference of Chief Justices and the Conference of State Court Administrators, we are writing to urge you to take necessary steps to ensure passage this month

of important improvements in support of children and youth in foster care, including new opportunities for permanent families through adoption and relative guardianship and other assistance for older youth transitioning from foster care. As you know, the House passed the Fostering Connections to Success Act (HR 6307) in June and the Senate provisions are moving toward final passage.

Both HR 6307 and the Senate provisions have bipartisan support and are fully paid for. Both proposals also include the following important improvements that will help hundreds of thousands of children in foster care by:

Extending and increasing incentives for adoption, particularly incentives for the adoption of children with special needs and older youth in foster care;

Allowing states to offer for the first time federal assistance for guardianship payments for children who are in foster care, but who have grandparents or other relative guardians who want to care for them permanently outside of foster care;

Making it easier for relatives to step in to raise children when their parents cannot by requiring notification of relatives when children are removed from their parents and providing grants to link caregivers with the services their children need;

Offering important protections and supports for American Indian children in foster care, by allowing tribes, for the first time, the same direct access to federal foster care, adoption assistance, and relative guardianship funding that states have;

Increasing opportunities for success for older youth in foster care as they transition into adult life by allowing them to continue to receive federal foster care payments beyond the age of 18; and

Improving educational opportunities for children and youth in foster care, which will also increase their opportunities for later success.

All of these reforms encompass many of the critical improvements that hundreds of former foster youth, adoptive parents, relative caregivers, and others have been requesting of Congress. We commend you for your leadership and commitment to addressing the needs of our nation's most vulnerable children and youth. On behalf of state courts, we support timely enactment of these important improvements for children and youth in foster care.

Sincerely yours,

MARGARET H. MARSHALL,  
*President, Conference  
of Chief Justices.*

STEPHANIE J. COLE,  
*President, Conference  
of State Court Ad-  
ministrators.*

NATIONAL CONFERENCE OF  
STATE LEGISLATURES,

Re H.R. 6893

*September 15, 2008*

Hon. NANCY PELOSI,  
*Office of the Speaker,  
H-232, U.S. Capitol, Washington, DC.*

Hon. JOHN BOEHNER,  
*Office of the House Republican Leader,  
H-204, U.S. Capitol, Washington, DC.*

DEAR SPEAKER PELOSI AND MINORITY LEADER BOEHNER: The National Conference of State Legislatures (NCSL) supports the bicameral, bipartisan Fostering Connections to Success and Increasing Adoptions Act of 2008, HR 6893. State legislators know the importance of finding permanency for children in the child welfare system, whether through adoption or relative guardianship, and the need to help youth preparing to transition from foster care in their states and communities. We appreciate that Congress is taking action on these issues.

This important legislation extends and increases incentives for adoption, particularly incentives for the adoption of children with special needs and older youth in foster care. State legislators have long supported the concept that grandparents, or other immediate family members, who are caring for children who cannot safely remain with their parents as foster parents, should be given priority for such custody and placement over placement in a foster home with a non-relative. Additionally, subsidized guardianship with relatives may be an appropriate permanency option for children who cannot safely return home. Many states have moved forward on their own, so we applaud the fact that this bill makes federal funds available for this option and for support services for caretaker relatives. Positive features of the bill include a program to help kinship care givers navigate their way through the social services system and codification of variations in licensing that would allow more children to be placed safely with relatives when they do need to be placed in foster care.

In addition, the legislation increases resources available to children aging out of foster care to help them successfully transition into adult life. NCSL's Child Welfare policy has long called for expansion of federal financial participation for states that choose to provide assistance to youth age 18–21 who are preparing to transition from foster care to self-sufficiency.

These improvements encompass many of the critical changes to federal adoption and child welfare policy that state legislators have called upon Congress to enact. Reauthorization of the adoption incentives program will provide critical resources and reward state efforts to find permanence for children in the child welfare system. We commend the House and Senate for its leadership and commitment to addressing the needs of our nation's most vulnerable children and youth. Thank you for moving this legislation forward so that Congress can complete work on a child welfare measure this year.

Sincerely,

Representative RUTH KAGI,

*Washington Chair, NCSL Human Services  
and Welfare Committee*

Madam Speaker, I also note that of the 581 national, State and local organizations, and of course they represent every State of the Union that are in support of this important legislation, that a number of them are from the State that I represent, the State of Illinois, including the Baby Fold, which is an organization headquartered in Normal, Illinois in the district that I represent. The Allendale Association, the Child Care Association of Illinois, Children's Home and Aid, Community Action Partnership of Lake County, Latino Consortium, Methodist Youth Services Northwestern University Settlement Association, Project IRENE, SOS Children's Village of Illinois, UCAN, Voices for Illinois Children, and the Youth Outreach Services are examples of organizations in the State that I represent, which demonstrate broad support for this bipartisan, bicameral legislation designed to help children who need help.

I particularly want to point out that, as we worked to develop this legislation, it's very clear, as I had the privilege of working with my chairman, Mr. McDERMOTT, as well as Chairman BAU-

CUS and Ranking Member GRASSLEY in the Senate, that we shared a common commitment, and that is that we wanted to put together a package legislation that not only deserved bipartisan support but that responded to the needs, particularly of children in foster care, children that need help and need the opportunity to find a loving family. I found that by all of us working together in a bipartisan way, we produced this bipartisan, bicameral legislation which is now before us.

With the vote of the House today and the action of the Senate later, this legislation is going to become law. I really want to commend Chairman BAUCUS and Chairman McDERMOTT for their leadership, as well as Ranking Member GRASSLEY, for the leadership of everyone involved, because the commitment we had from day one was producing legislation that would receive a majority of support in the House and Senate and become law, because we truly want to help children.

So the bottom line is pretty simple, and that is, I urge my colleagues in the House to join us with strong bipartisan support and send this legislation to the President; legislation that provides incentives to encourage families to adopt children in need of a loving home; legislation designed to ensure that child care workers receive the resources they need so they're fully trained to help children in our foster care system, whether they work for a not-for-profit organization or for a government agency; and also legislation to ensure that the first Americans receive the same opportunity to access Federal funds for foster care as those of us who came later, and so that the provision which allows tribes to receive these funds, rather than having to go begging to the States, becomes law with this legislation.

This is good legislation. It's bipartisan legislation. This legislation was put together with the right spirit. I do want to thank my chairman again for the partnership we've had on this legislation as well as many other initiatives. It's nice to show that when we all work together in a bipartisan way, we can get things done.

Clearly this legislation, I think, is a great example of what happens when you set aside partisan politics and work together for the good of our Nation, particularly in this case children who are in need of a loving home.

Madam Speaker, I urge bipartisan support.

I yield back the balance of my time. Mr. McDERMOTT. Madam Speaker, I think we are having a discussion today about the tale of two bills, actually. The bill that we have before us here today is really landmark legislation, and as Mr. WELLER has said, it is the product of bipartisanship here in the House and actually, bicameral.

I talked to Senator GRASSLEY; we talked about various aspects of the bill so that there was open communication on this issue. And what we've produced

from that is landmark legislation that is a significant step forward for children, for foster children, probably the biggest step in more than 10 years. And I think when the Congress works together for the common good, things get done in a very positive way.

Children are America's future, and today we're making an investment in that future, and in our own. We all want our children to be connected to their family, and this bill expects the same for foster children. We want our children to feel like they are in a loving, permanent home, and this legislation expects no less for foster kids. We want our kids to go to a school and have decent medical care, and again, we've done that in this bill, or we've begun the process. Finally, we want our children to have the best chance to succeed in life, a desire that did not end on their 18th birthday. This bill shares in that hope for kids.

This bill says to foster kids, you're not forgotten. There is a future and the future begins today. I want to encourage all my colleagues to support this bill.

Chairmen get the unique opportunity of kind of borrowing a lot of ideas from other people. I took some from DANNY DAVIS and some from Stephanie Tubbs Jones and some from Mr. WELLER, and we put a bill together.

Even chairmen shouldn't get all the credit, because staff people like Nick Gwynn and Sonya Nesbit and Sean Hughes on our side have played a major part in talking our way through this bill.

In contrast, we have the energy bill which was brought out here and we continue to hear people talk about as though there was no hope of working with the Senate.

Now if the Republicans in the Senate would like to work with the Democrats, I think we can put a bill together. We did it on child welfare. Certainly we ought to be able to do it on something as important as energy.

But to write off legislation and say, oh, the only bill that could pass out of here is the only one that could pass through the Senate, that's simply not respecting the legislative process. The Republicans in the Senate really have to make a choice. They either support American taxpayers and consumers and talk about new energy jobs, or they do what the big oil companies want. That's a very simple choice.

I think that it's unfortunate if we in this House give up and say, well, the Senate won't come to their senses; they won't do anything reasonable on energy. They did reasonable things on child welfare because they cared about this country's kids. I think, in the Senate, they care about this country's welfare, and they're going to do something reasonable on energy.

So all this talk about only the House can produce a perfect bill to be rubber-stamped by the Senate, it didn't work in child welfare. They had to make their changes. We will see some



changes in that Senate bill, if they're thinking about the common good, and not about election on the 4th of November. If it's all about elections, we won't get a bill on energy out of the Senate. But if there is a desire to deal with the common good for this country, then we will look at the comprehensive bill that was put together over here. And actually some Republicans voted for it. Now that shows it can be bipartisan, even in the House, on a very contentious issue. I think that the fact that it's over in the Senate bodes well. We have a whole week yet for them to come to their senses and send us a bill back.

Ms. BERKLEY. Madam Speaker, I rise today in support of H.R. 6893, the Fostering Connections to Success and Increasing Adoptions Act.

The provisions of this bill will increase the tools available to states to help children in foster care have stable placements and easier transitions into adult life.

This legislation allows states to continue foster care assistance for kids up the age of 21, authorizes federal assistance to relatives assuming legal guardianship of children for whom they have cared as foster parents, and extends and improves the Adoption Incentives Program, among other things.

While much more remains to be done to ensure the safety and well being of our nation's foster children, I support this legislation as a common sense and much needed first step in the right direction, and I hope that Nevada and other states will take advantage of the new tools made available to them.

I urge my colleagues to support this legislation time.

Mr. LEWIS of Georgia. Madam Speaker, I rise today to urge all of my colleagues to support H.R. 6893, the Fostering Connections to Success Act and Increasing Adoptions Act.

I applaud the Gentleman from Washington (Mr. McDERMOTT) and the Gentleman from Illinois (Mr. WELLER) for working with our Senate colleagues in crafting this legislation. I am proud to serve on the Ways and Means Income Security and Family Support Subcommittee under their leadership.

Today, more than half a million children are living in foster care. H.R. 6893 addresses many of the key problems that plague the foster care system. This bill includes much needed educational stability requirements and new oversight for children's health care. H.R. 6893 also includes key adoption incentives that help create permanent, safe, loving families for all children. Of particular importance to my constituents in Georgia are the improvements to kinship guardian care and to services for youth aging out of foster care included in this bill.

I am proud to be a cosponsor of this important legislation; it is an important step in the right direction. We must pass H.R. 6893 in both the House and Senate before the end of this Congress. Then we must collaborate on more comprehensive improvements to the child welfare system in the 111th Congress.

Madam Speaker, in my home state, there are thousands of young people in foster care. Young people in foster care have not chosen this life. For a variety of reasons beyond their control, foster care children are uprooted from all that they know and rely on us for help. We

must answer their call. As Members of Congress, citizens, and as parents, we must open our hearts and offer our hands and resources to serve these young people.

I ask my colleagues to join me in doing so by supporting H.R. 6893. We would do no less for our own children.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today in strong support of H.R. 6893, The Fostering Connections to Success and Increasing Adoptions Act, introduced by my distinguished colleague, Representative McDERMOTT. This important legislation encourage a safe and successful adoptions which will strengthen our social system and provide quality foster homes for orphaned children across the United States.

#### QUOTE

"Investing in children is not a national luxury or a national choice. It's a national necessity. If the foundation of your house is crumbling, you don't say you can't afford to fix it while you're building astronomically expensive fences to protect it from outside enemies. The issue is not are we going to pay—it's are we going to pay now, up front, or are we going to pay a whole lot more later on." Marian Wright Edelman

#### GENERAL

The fundamental purpose of adoption is to serve the best interests of children. It does so by providing loving, responsible, and legally permanent parents when their biological parents cannot or will not parent them. Serving the best interests of children should be paramount in deciding all issues of adoption policy and practice. Adoption is healthy, satisfying, and good for children, not an enduring challenge to identity and wholeness. People who are adopted as infants grow up as healthy and productive as people raised in their biological families. The vast majority of foster children make the transition into their adoptive families and grow up very successfully.

In the 1990s, there are approximately 120,000 adoptions of children each year. This number has remained fairly constant in the 1990s, and is still relatively proportionate to population size in the U.S. Adopted children do as well as or better than their non-adopted counterparts, according to a 1994 study by the Search Institute, a Minneapolis-based public policy research organization providing leadership, knowledge and resources to promote healthy children, youth and communities. As these statistics show adoption is a vital part of our society. The large number of families that took children into their homes and hearts do a great service for the children of our nation.

This bill will improve the compensation for foster parents and increase the amount of federal assistance they receive. These assistance stipulations include:

Federal reimbursement to States choosing to provide assistance to grandparents and other relatives who become legal foster parents.

Federal assistance for foster children up to the age of 21.

Improved health care for every foster child, including a plan for educational stability.

Federal Funding for training to cover private child welfare workers and court personnel.

An improved Adoption Incentives Program.

#### MINORITIES

There are currently 510,000 children in foster care, and 129,000 children are waiting to

be adopted. 61 percent of these children waiting to be adopted are of a minority background. Within the Children's Services Division, 71 percent of the adoptions are of Caucasian children. This bill will ensure that parents and children involved with adoption will have ample resources available if needed. In turn, this will encourage domestic adoptions that will help every ethnicity of orphaned children throughout the United States.

#### CONCLUSION

I firmly believe that we must pass this legislation in order to support adoption in our country. Adoption benefits this entire country; as domestic children are provided with nourishing homes, that will enable them a more positive environment. This bill will allow foster parents and foster children the compensation and care that they deserve.

By passing this legislation, we will provide the necessary means for more adoptions to take place in this country where we are built on strong families and strong people. We must do what we can to assist those whose hearts are kind and ambitions are sincere. I urge my colleagues to support this; I know together we can provide the necessary support for the families and adopted children of the United States. Thank you, Madam Speaker, I yield the remainder of my time.

Mr. TIAHRT. Madam Speaker, I rise today to express my support for adoption. Specifically, I rise to express my support for two bills we are considering on the floor today—the Fostering Connections to Success and Increased Adoptions Act, and the resolution Recognizing National Adoption Day and National Adoption Month.

It is no secret that I am pro-life. Life begins at conception, and I believe that we should do everything within our power to encourage and facilitate mothers to carry their child to term. It is my hope and prayer that every child will be wanted and loved by his or her parent. But I am not so naïve as to think that this is always the case. Tragically, there are situations where the mother and/or father cannot care for their baby. Perhaps the mother is still in school, and too young to responsibly raise the child. Perhaps she is unmarried, and does not have the means to provide for her baby. There are a myriad of reasons. But while there are some in this great nation who would suggest these, and other extenuating circumstances are exactly why abortion needs to remain legal, I instead believe that they are exactly the reason adoption needs greater national attention.

Over the years that I have had the privilege of serving the people of the 4th District of Kansas here in Washington, I have worked with many of my colleagues on both sides of the aisle to pass legislation that protects the sanctity of life, for those born, and those still in the womb. An important aspect of that effort, however, is caring for the child after it is born. Unfortunately, this is an area that is often overlooked. It is my hope that legislation before us today, H.R. 6893 and H. Res. 1432, will help remedy this problem.

The Fostering Connections to Success and Increased Adoptions Act takes great steps to assist both children and adoptive parents. It provides financial assistance for relatives of children in foster care that agree to become permanent guardians. And it includes educational stability as a factor when establishing a child's case plans. Provisions like these help to establish a sense of consistency in the life

of a child that is all too often lacking that. It also reauthorizes the Adoption Incentives Program, which can make the possibility of adopting more feasible for some families.

Madam Speaker, the choice to adopt a child is not one to be made without great consideration. There are risks and challenges involved with such a decision. We in Congress should show them our support and encouragement for them when they do decide to adopt. One way for us to do that is through H. Res. 1432. I encourage my colleagues to join me in voting for these bills, and let's show our support for adoption, and the children and families involved in it.

Mr. McDERMOTT. I yield back the balance of my time and encourage everyone to vote for this bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. McDERMOTT) that the House suspend the rules and pass the bill, H.R. 6893.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### SUPPORTING THE GOALS AND IDEALS OF NATIONAL ADOPTION DAY AND NATIONAL ADOPTION MONTH

Mr. McDERMOTT. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1432) supporting the goals and ideals of National Adoption Day and National Adoption Month by promoting national awareness of adoption and the children in foster care awaiting families, celebrating children and families involved in adoption, recognizing current programs and efforts designed to promote adoption, and encouraging people in the United States to seek improved safety, permanency, and well-being for all children.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

#### H. RES. 1432

Whereas there are nearly 500,000 children in the foster care system in the United States, approximately 130,000 of whom are waiting for families to adopt them;

Whereas nearly 54 percent of the children in foster care are age 10 or younger;

Whereas the average length of time a child spends in foster care is more than 2 years;

Whereas, for many foster children, the wait for a permanent, adoptive, "forever" family in which they are loved, nurtured, comforted, and protected seems endless;

Whereas the number of youth who "age out" of the foster care system by reaching adulthood without being placed in a permanent home has increased by more than 58 percent since 1998, as nearly 27,000 foster youth "aged out" of foster care during 2007;

Whereas every day loving and nurturing families are strengthened and expanded when committed and dedicated individuals make an important difference in the life of a child through adoption;

Whereas, while 3 in 10 people in the United States have considered adoption, a majority of them have misconceptions about the process

of adopting children from foster care and the children who are eligible for adoption;

Whereas 71 percent of those who have considered adoption consider adopting children from foster care above other forms of adoption;

Whereas 45 percent of people in the United States believe that children enter the foster care system because of juvenile delinquency, when in reality the vast majority of children in the foster care system were victims of neglect, abandonment, or abuse;

Whereas 46 percent of people in the United States believe that foster care adoption is expensive, when in reality there is no substantial cost for adopting from foster care, and financial support in the form of an adoption assistance subsidy is available to adoptive families of eligible children adopted from foster care and continues after the adoption is finalized until the child is 18, so that income will not be a barrier to becoming a parent to a foster child who needs to belong to a family;

Whereas significant tax credits are available to families who adopt children with special needs;

Whereas the Department of Health and Human Services, Administration for Children and Families, in a partnership with the Ad Council, supports a national recruitment campaign for adoptive parents;

Whereas the Collaboration to AdoptUsKids features a photolisting Website for waiting foster children and prospective adoptive families at [www.adoptuskids.org](http://www.adoptuskids.org), and in Spanish at [www.adoptel.org](http://www.adoptel.org);

Whereas National Adoption Day is a collective national effort to find permanent, loving families for children in the foster care system;

Whereas, since the first National Adoption Day in 2000, 20,000 children have joined forever families during National Adoption Day;

Whereas in 2006, adoptions were finalized for over 3,300 children through more than 250 National Adoption Day events in all 50 States, the District of Columbia, and Puerto Rico;

Whereas National Adoption Month celebrates the gift of adoption, recognizing the adoptive and foster families who share their hearts and homes with children in need, and raises awareness of the need for families for the many waiting children, particularly older children and teens, children of color, members of sibling groups, and children with physical and emotional challenges; and

Whereas November 2008 is National Adoption Month, and November 15, 2008, is National Adoption Day, and activities and information about both are available at [www.childwelfare.gov/adoption/nam/activities.cfm](http://www.childwelfare.gov/adoption/nam/activities.cfm); Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of National Adoption Day and National Adoption Month;

(2) recognizes that every child in foster care deserves a permanent and loving family;

(3) recognizes the significant commitment of taxpayers to support adoption, including the \$1,900,000,000 provided to support adoption through the Title IV-E Adoption Assistance program, as well as the assistance provided through the Title IV-E Foster Care program to 130,000 children waiting for adoptive families, among other important programs; and

(4) encourages the citizens of the United States to consider adoption of children in foster care who are waiting for a permanent, loving family.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. McDERMOTT) and the

gentleman from Illinois (Mr. WELLER) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

Mr. McDERMOTT. Madam Speaker, I would yield such time as he may consume to the gentleman from Nevada (Mr. PORTER), the resolution's chief sponsor.

#### GENERAL LEAVE

Mr. PORTER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include therein extraneous materials on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nevada?

There was no objection.

Mr. PORTER. Madam Speaker, I am here today as an honored Member of the United States Congress, and I appreciate, Madam Speaker, your leadership and that of our chairman and our ranking member on an issue I think is very important to every family in this great country, but most important for those families that are trying to adopt a child or those in foster care.

Today, we're recognizing National Adoption Day, which is November 15, 2008. It's for continued awareness of adoption and foster issues.

Madam Speaker, can you imagine that there are children today sitting in a living room somewhere across America, possibly watching television, maybe reading a book or playing cards with their friends or another sibling. But imagine if you're that child and a car pulls up in front of your house, and out of it comes one or two individuals that come and knock at your door and tell you that you have to move. You may have been there for a week. You may have been there for a month. You may have been there for a year with this particular foster family. Imagine the pain of that child, realizing that two strangers are coming to the door to take them to another place to reside.

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Now, most children in our country are blessed they don't face that particular challenge. Again, can you imagine if that same child then is removed from that home and moved to another home, without even a medical record, they may have to have additional inoculation, they may not have their glasses, they may not have all their personal belongings.

Madam Speaker, this is why we are recognizing Adoption Day and recognizing foster families across the country, because of the important role that they play in the well-being of our children.

Currently, there are 500,000 children in the foster care system around the United States, and there's 130,000 children just waiting for adoption. At firsthand knowledge, in the State of Nevada, we have about 4,000 children a year that enter into the foster care