

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.

# RENEWING AUTHORITY FOR STATE CHILD WELFARE DEMONSTRATION PROGRAMS

Mr. McDERMOTT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6156) to renew the authority of the Secretary of Health and Human Services to approve demonstration projects designed to test innovative strategies in State child welfare programs, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6156

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

## SECTION 1. RENEWAL OF AUTHORITY TO APPROVE DEMONSTRATION PROJECTS DESIGNED TO TEST INNOVATIVE STRATEGIES IN STATE CHILD WELFARE PROGRAMS.

Section 1130 of the Social Security Act (42 U.S.C. 1320a-9) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking “1998 through 2003” and inserting “2011 through 2016”;

(B) in paragraph (3)—

(i) in subparagraph (A), by inserting “or kinship guardianship” after “placements”;

(ii) in subparagraph (C), by striking “address kinship care” and inserting “provide early intervention and crisis intervention services that safely reduce out-of-home placements and improve child outcomes”;

(iii) by redesignating subparagraph (C) as subparagraph (D) and inserting after subparagraph (B) the following:

“(C) If an appropriate application therefor is submitted, the Secretary shall consider authorizing a demonstration project which is designed to identify and address domestic violence that endangers children and results in the placement of children in foster care.”;

(C) in paragraph (4), by inserting “or kinship guardianship” after “assistance”; and

(D) in paragraph (5), by inserting “and the ability of the State to implement a corrective action approved under section 1123A” before the period;

(2) in subsection (e)—

(A) by striking “and” at the end of paragraph (6);

(B) by striking the period at the end of paragraph (7) and inserting “; and”; and

(C) by adding at the end the following:

“(8) an accounting of any additional Federal, State, local, and private investments (other than those with respect to which matching funds were provided under part B or E of title IV) made, during the 2 fiscal years preceding the application to provide the services described in paragraph (1), and an assurance that the State will provide an accounting of that same spending for each year of an approved demonstration project.”;

(3) in subsection (f)(1)—

(A) in subparagraph (B), by striking “; and” and inserting “, including all children and families under the project who come to the attention of the State’s child welfare program, either through a report of abuse or neglect or through the provision of services described in subsection (e)(1) to the child or family”; and

(B) by redesignating subparagraph (C) as subparagraph (D) and inserting after subparagraph (B) the following:

“(C) a comparison of the amounts of Federal, State, local and private investments in the services described in subsection (e)(1), by service type, with the amount of the investments during the period of the demonstration project; and”;

(4) by adding at the end the following:

“(h) INDIAN TRIBES CONSIDERED STATES.—An Indian tribe (as defined in section 479B(a)) shall be considered a State for purposes of this section.”.

## SEC. 2. BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

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

The Chair recognizes the gentleman from Washington.

### GENERAL LEAVE

Mr. McDERMOTT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on H.R. 6156.

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

There was no objection.

Mr. McDERMOTT. I yield myself such time as I may consume.

Mr. Speaker, the legislation before us today will help States test innovative approaches for improving outcomes for vulnerable children who come to the attention of our child welfare system.

The bill restores the authority of the Secretary of Health and Human Services to permit up to 10 demonstration projects annually to allow States and tribes to test efforts to improve child welfare policy. The legislation is cost neutral, and it provides the renewed waiver authority for the next 5 years.

To both increase our understanding of waiver policies and to ensure improved accountability, the legislation newly requires States to report the various sources of Federal, State, local, and private funds that are used in providing specific services under a demonstration project.

Finally, the bill adds a new Federal emphasis on supporting child welfare waivers that identify and address problems related to domestic violence that lead to children being placed in foster care and for waivers that provide early intervention and crisis intervention services that safely reduce out-of-home placements.

Past experience has taught us that child welfare waivers can help States improve outcomes for children while also informing child welfare policy at the national level. Twenty-three States

received one or more waivers under the previous demonstration authority, which began in fiscal year 1996 and ended in March of 2006. Although the authority has expired, a handful of States continue to have demonstration projects in operation today.

One of the most successful strategies tested through the prior waiver authority was providing assistance to grandparents and other relatives who assume legal custody of children in foster care. Through the use of kinship care and guardianship assistance arrangements, children were able to find safe and loving homes with family members. This strategy proved to be successful in improving the outcomes of foster children, and it became Federal policy when it was incorporated into the Fostering Connections to Success and Increasing Adoptions Act, which was signed into law 2 years ago.

While providing waivers can be a useful tool in improving child welfare policy, we ultimately need more comprehensive changes to fully reform the system:

Waivers cannot correct certain basic flaws within our current method of financing child welfare programs, starting with the fact that increasing numbers of children are not eligible for Federal foster care assistance because of badly outdated eligibility criteria;

We also need systemic reforms which place a much greater emphasis on preventing abuse and neglect from occurring in the first place. I intend to continue to work towards broader reform to address these and other challenges facing programs serving children at risk of maltreatment.

Before I close, I want to quickly note that this bill continues a proud tradition of the Ways and Means Committee and of the Subcommittee on Income Security and Family Support of reporting out bipartisan legislation to improve our child welfare system.

During the last Congress, I worked with Representative Jerry Weller of Illinois to enact the Fostering Connections Act, which made a series of important changes to Federal policy related to children in foster care. It passed here by unanimous consent.

Today, I am joined by the ranking member of the subcommittee, Representative JOHN LINDER, in bringing this legislation to the floor; and I expect that it will also pass by unanimous consent. It has been a great pleasure to work with JOHN.

I know you are retiring, and I am going to have to work with a new subcommittee chairman one way or another, or with a ranking member.

So I am looking forward to continuing this tradition of dealing with the problems of children who need somebody to look out for them, and it should be a bipartisan issue every time.

I reserve the balance of my time.

Mr. LINDER. Mr. Chairman, thank you for your kind remarks.

I yield myself such time as I may consume.

Mr. Speaker, this bill comes to the floor in a fashion too many bills have not in this Congress:

First, we held a subcommittee hearing. Then the legislation was drafted with bipartisan support. Finally, we ensured that it does not increase the deficit by a penny. It is an example of what can happen if we pursue goals that are widely shared and that have been demonstrated to achieve results.

The legislation before us would allow all States to follow the successful child welfare reform model tested in Florida and other places. As we learned in our hearing, those reforms reduced the number of Florida children in foster care by 36 percent. It increased adoptions by 12,000, and it improved child safety, all without spending more taxpayer money.

I would like to insert into the RECORD a letter of support for this legislation from Youth Villages, which has worked with local officials to achieve such successes in Florida.

Since 1994, 22 States have joined Florida in using child welfare waivers. This legislation extends the authority for all States to do so for 5 years. This will allow other States to test and replicate policies that are working. It is my hope that this one day will pave the way for successful Federal reforms covering all States.

While it appears to be good policy to allow States to waive Federal rules, perhaps future Congresses will find it equally propitious to abolish them. Meanwhile, let's move this bill forward and continue our efforts to improve the lives of all children.

YOUTH VILLAGES,

Arlington, VA, September 20, 2010.

Chairman JIM McDERMOTT,  
*Ways and Means Subcommittee on Income Security and Family Support, Washington, DC.*

Ranking Member JOHN LINDER,  
*Ways and Means Subcommittee on Income Security and Family Support, Washington, DC.*

DEAR CHAIRMAN McDERMOTT AND RANKING MEMBER LINDER: On behalf of Youth Villages, I am writing in support of your bill, H.R. 6156. This legislation provides critical authority for the Department of Health and Human Services to extend the Title IV-E waiver program, which has demonstrated substantial impact since creation in 1994. These waivers provide states with greater flexibility in the use of Federal funds for alternative services and supports that promote safety, permanency and well-being for children in the child protection and foster care system.

Youth Villages is a leader in innovative and effective services for troubled youth and their families. Since 2008, Youth Villages has had the opportunity to work collaboratively with several local, privatized child welfare organizations, known as Community Based Care agencies in implementing Florida's Title IV-E waiver. Youth Villages has three offices in Florida and is working with local entities to implement our intensive in-home Intercept services, identify and serve underserved or 'stuck' populations, and provide them with outcome data to support the impact of their waiver effort.

As a result of the flexibility afforded by the Title IV-E waiver, intensive reunification and targeted prevention services are given greater focus in the state's child wel-

fare service approach. Without the award of the waiver, it would have been difficult for Youth Villages to expand its Intercept program into the state to serve the child welfare population. In the two years that Youth Villages has been operating in Florida, we have served over 225 children and families across the Central and Southern regions of the state. Over 77% at six months post-discharge are still living at home or in a home-like environment. The savings associated with serving these 225 children through Intercept instead of congregate, out-of-home placements amounts to roughly \$19 million dollars when considering recidivism rates associated with both Intercept and non-Intercept placements.

Youth Villages pledges its full support of H.R. 6156, as this legislation has the ability to transform the child welfare system from one that incentivizes out-of-home placement to a system that promotes in-home treatment and family unification.

Regards,

PATRICK LAWLER,  
*CEO, Youth Villages.*

I yield back the balance of my time.

Mr. McDERMOTT. Mr. Speaker, I would like to enter into the RECORD letters of support for H.R. 6156 that I received from the National Conference of State Legislatures and from the American Public Human Services Association.

NATIONAL CONFERENCE  
OF STATE LEGISLATURES,  
Washington, DC, September 21, 2010.

Re Renewing Waiver Authority in State  
Child Welfare Programs (H.R. 6156).

Hon. NANCY PELOSI,  
*Speaker of the House, Cannon HOB, Washington, DC.*

Hon. JOHN BOEHNER,  
*House Minority Leader, Longworth HOB, Washington, DC.*

DEAR SPEAKER PELOSI AND MINORITY LEADER BOEHNER: On behalf of the National Conference of State Legislatures (NCSL), we urge you to support H.R. 6156, a bill to renew the authority of the Secretary of the Department of Health and Human Services to approve demonstration projects designed to test innovative strategies in state child welfare programs. Congressman McDermott and Congressman Linder have fashioned bipartisan legislation that helps create opportunities to enhance the state/federal partnership to assist our nation's most vulnerable children.

NCSL supports reinstating and expanding federal waiver authority so that states can test the results of increased funding flexibility on the development of service alternatives and on the overall delivery of child welfare services, targeting programs to address the needs of their children. By renewing Title VI-E waiver authority from 2011 through 2016, H.R. 6156 will give states an enhanced ability to provide early intervention and crisis intervention services that will safely reduce out-of-home placements and improve child outcomes.

H.R. 6156 will allow states to improve the quality of their child welfare interventions and reinvest savings in their programs. It will also provide both state and federal legislators more information on what innovations are effective to transform the lives of children who are at risk of abuse and neglect. We applaud Congressmen McDermott and Linder for crafting this legislation.

Sincerely,

Representative MARY JANE  
WALLNER,  
*New Hampshire House  
of Representatives,*

*Chair, NCSL Standing  
Committee on  
Human Services and  
Welfare.*

Representative WES

KELLER,  
*Alaska House of Rep-  
resentatives, Chair,  
NCSL Standing  
Committee on  
Human Services and  
Welfare.*

AMERICAN PUBLIC HUMAN SERVICES  
ASSOCIATION AND NATIONAL ASSO-  
CIATION OF PUBLIC CHILD WELFARE  
ADMINISTRATORS,

September 21, 2010.

Hon. JIM McDERMOTT,

Hon. JOHN LINDER,

*House Ways and Means Committee, Income and  
Family Support Subcommittee, Washington,  
DC.*

DEAR CHAIRMAN McDERMOTT AND RANKING MEMBER LINDER: Thank you for your bipartisan leadership in supporting state flexibility through the use of IV-E waivers. The American Public Human Services Association and its affiliate, the National Association of Public Child Welfare Administrators, support H.R. 6156 which renews the Health and Human Services Secretary's authority to approve demonstration projects designed to test innovative strategies in State child welfare programs.

While we support H.R. 6156, we believe it is critical to address restructuring of federal child welfare financing in the near future. Financing should be aligned with the goals and outcomes expected of states. In October 2009, NAPCWA's Executive Committee commissioned a workgroup comprised of child welfare administrators from large, medium and small states, as well as state and locally administered states, and counties. The workgroup developed recommendations on how to restructure the current Title IV-E financing mechanism. Introducing legislation on comprehensive finance reform that addresses the proposals outlined by NAPCWA is essential if all states are to benefit from the opportunities available to those few states who apply for a waiver.

Title IV-E waivers were instrumental in helping states to be innovative when supporting children, youth and families. Waivers gave states the flexibility to target services and supports to best meet the needs of at-risk populations. Waivers provided the opportunity for states to offer guardianship to relatives who wanted to serve as a permanent family for young people, yet did not want to sever parental rights. States such as Florida and counties such as Los Angeles, Calif., have significantly reduced the number of children who languish in care. The number of children experiencing repeat abuse has also decreased.

State practice helped inform federal partners that IV-E should be applied in ways other than foster care. States operating demonstration programs should be allowed to continue to do so.

The overarching premise of IV-E waivers is to prevent children from entering the foster care system in the first place. Waivers play a critical role and are a step forward toward improving the system. We strongly encourage Congress to pass comprehensive child welfare financing reform consistent with what has been learned through the waivers. Federal funds should be aligned so that states have the ability to use resources to keep children at home when it is safe to do so and services to ensure that children do not languish in foster care.

Thank you for your dedication. We look forward to the continued work of improving

services and outcomes for vulnerable children.

Sincerely,

CARI DESANTIS,  
Executive Director,  
APHSA.

ERIN SULLIVAN SUTTON,  
President, NAPCWA.

□ 1150

Mr. McDERMOTT. Mr. Speaker, I yield back the balance of my time and urge a "yes" vote.

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. 6156, as amended.

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.

### ULTRALIGHT SMUGGLING PREVENTION ACT OF 2010

Mr. TANNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5307) to amend the Tariff Act of 1930 to include ultralight aircraft under the definition of aircraft for purposes of the aviation smuggling provisions under that Act, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5307

*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 cited as the "Ultralight Smuggling Prevention Act of 2010".

#### SEC. 2. DEFINITION OF AIRCRAFT UNDER AVIATION SMUGGLING PROVISIONS OF THE TARIFF ACT OF 1930.

(a) IN GENERAL.—Section 590 of the Tariff Act of 1930 (19 U.S.C. 1590) is amended—

(1) by redesignating subsection (g) as subsection (h); and

(2) by inserting after subsection (f) the following:

"(g) DEFINITION OF AIRCRAFT.—As used in this section, the term 'aircraft' includes an ultralight vehicle, as defined by the Administrator of the Federal Aviation Administration."

(b) EFFECTIVE DATE.—The amendments made by subsection (a) apply with respect to violations of any provision of section 590 of the Tariff Act of 1930 on or after the 30th day after the date of the enactment of this Act.

#### SEC. 3. PAYGO COMPLIANCE.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. TANNER) and the gentleman from Nevada (Mr. HELLER) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

#### GENERAL LEAVE

Mr. TANNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

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

There was no objection.

Mr. TANNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Ultralight Smuggling Prevention Act of 2010 is a bill introduced by my colleague Representative GIFFORDS and is aimed at preventing smuggling through the use of ultralight vehicles, a recent practice threatening our border security.

The legislation is a commonsense, good policy approach to give border enforcement officials the tools they need to protect to the fullest extent and bring to justice those who attempt to smuggle illegal narcotics and contraband into our country, regardless of the means. It makes good sense that we do this bill now. Our prosecutors should be armed with the ability to apply the strongest deterrents.

Before yielding, at this moment I would like to thank Representative GIFFORDS for her efforts in bringing this bill to the floor. It is, I think, great national security. We all know what the problems are, and her dedication and her commitment to this approach is something that I think deserves our notice and our thanks.

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

Mr. HELLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 5307, the Ultralight Smuggling Prevention Act. I want to thank Congresswoman GIFFORDS for the opportunity to work with her on this important piece of legislation.

Mr. Speaker, Nevadans are all too familiar with the impact of illegal drugs on our communities. Meth and other illicit substances are destroying lives and families in my State. Due to its proximity to southwest border States, Nevada serves as a hub for the distribution of Mexican drugs destined for the central and eastern United States. As a result, too many Nevadans are exposed to illicit drugs from Mexico, along with the violence and the crime that accompanies drug smuggling activities.

According to the Office of National Drug Control Policy, Mexican-produced crystal meth is the most readily available form of meth in Nevada. Mexican black tar heroin is the most prevalent form of heroin in my State, and Mexican-grown marijuana is readily available in Nevada.

Because of the impact Mexican drugs are having on Nevada, I believe passage of the legislation we are considering today is important. While ultralights from Mexico don't have the range to make it into Nevada, all methods of smuggling across our southern borders impact the supply of illegal drugs throughout our Nation.

The 2010 National Drug Threat Assessment released by the National Drug Intelligence Center identified ultralights as a new means drug cartels are using to smuggle drugs into the United States. Due to a loophole in current law, drug smugglers who use ultralights are subject to lesser penalties than they should be. The Ultralight Smuggling Prevention Act will provide law enforcement the tools they need to prosecute drug smugglers to the fullest extent of the law.

The Ultralight Smuggling Prevention Act takes the commonsense step of including ultralights under the aviation smuggling provisions of the Tariff Act of 1930. This bill will simply establish the same penalties for smuggling drugs on ultralights as for smuggling on airplanes or automobiles.

In closing, I would like to again recognize and thank Congresswoman GIFFORDS for her leadership. I am also grateful to my colleagues on the House Ways and Means Committee for allowing this bipartisan legislation to come to the floor in this timely manner.

I urge my colleagues to support passage of the Ultralight Smuggling Prevention Act.

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

Mr. TANNER. Thank you, Mr. HELLER.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from Arizona (Ms. GIFFORDS).

Ms. GIFFORDS. Thank you, Chairman TANNER, for this opportunity.

I rise today, along with Congressman HELLER, to address the newest threat of drug smuggling into the United States on the southwest border.

As drug violence wreaks havoc on our southern neighbor, the country of Mexico, the product of this narcoterrorism continues to fuel violent and ruthless acts and is now floating effortlessly across the U.S.-Mexico border into our communities. We must do everything in our power to neutralize this insidious threat and stem the flow of narcotics and drug money that threatens our communities.

The latest tool used by these drug traffickers are these small planes, these small planes that go largely undetected by our law enforcement community. Single-person ultralight aircraft that are flying low, as depicted in this image, make them, of course, very popular among enthusiasts, but are now a new tool that the drug cartels have adopted to corrupt this fine pastime.

Every year now, hundreds of ultralights laden with illegal narcotics are flown over our southern borders and are now landing in our backyards. Here is a map of my backyard. Southern Arizona is on the front lines of this border security crisis. The Tucson sector of the Border Patrol is the Nation's largest and most porous part of the U.S.-Mexico border. Despite the difficult and rugged terrain, drug traffickers are streaming across the border