

107TH CONGRESS
1ST SESSION

H. R. 2873

AN ACT

To extend and amend the program entitled Promoting Safe and Stable Families under title IV–B, subpart 2 of the Social Security Act, and to provide new authority to support programs for mentoring children of incarcerated parents; to amend the Foster Care Independent Living program under title IV–E of that Act to provide for educational and training vouchers for youths aging out of foster care, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Promoting Safe and
 5 Stable Families Amendments of 2001”.

6 **SEC. 2. TABLE OF CONTENTS.**

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

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. References.

TITLE I—PROMOTING SAFE AND STABLE FAMILIES

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

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

Subtitle B—Mentoring Children of Prisoners

- Sec. 121. Program authorized.

TITLE II—FOSTER CARE AND INDEPENDENT LIVING

- Sec. 201. Educational and training vouchers for youths aging out of foster care.
- Sec. 202. Reallocation and extension of funds.

TITLE III—EFFECTIVE DATE

- Sec. 301. Effective date.

8 **SEC. 3. REFERENCES.**

9 Except as otherwise specified in this Act, an amend-
 10 ment made by this Act to a section or other provision shall
 11 be considered an amendment to the section or other provi-
 12 sion of the Social Security Act.

1 **TITLE I—PROMOTING SAFE AND**
2 **STABLE FAMILIES**
3 **Subtitle A—Grants to States for**
4 **Promoting Safe and Stable Fam-**
5 **ilies**

6 **SEC. 101. FINDINGS AND PURPOSE.**

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

9 **“SEC. 430. FINDINGS AND PURPOSE.**

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

13 “(1) Family support programs directed at spe-
14 cific vulnerable populations have had positive effects
15 on parents, children, or both. The vulnerable popu-
16 lations for which programs have been shown to be
17 effective include teenage mothers with very young
18 children and families that have children with special
19 needs.

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

23 “(3) The time lines established by the Adoption
24 and Safe Families Act of 1997 have made the
25 prompt availability of services to address family

1 problems (and in particular the prompt availability
2 of appropriate services and treatment addressing
3 substance abuse) an important factor in successful
4 family reunification.

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

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

18 “(1) To prevent child maltreatment among fam-
19 ilies at risk through the provision of supportive fam-
20 ily services.

21 “(2) To assure children’s safety within the
22 home and preserve intact families in which children
23 have been maltreated, when the family’s problems
24 can be addressed effectively.

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

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

9 **SEC. 102. DEFINITIONS.**

10 (a) INCLUSION OF INFANT SAFE HAVEN PROGRAMS
11 AMONG FAMILY PRESERVATION SERVICES.—Section
12 431(a)(1) (42 U.S.C. 629a(a)(1)) is amended—

13 (1) by striking “and” at the end of subpara-
14 graph (D);

15 (2) by striking the period at the end of sub-
16 paragraph (E) and inserting “; and”; and

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

18 “(F) infant safe haven programs to pro-
19 vide a way for a parent to safely relinquish a
20 newborn infant at a safe haven designated pur-
21 suant to a State law.”.

22 (b) FAMILY SUPPORT SERVICES.—Section 431(a)(2)
23 (42 U.S.C. 629a(a)(2)) is amended by inserting “to
24 strengthen parental relationships and promote healthy
25 marriages,” after “environment,”.

1 **SEC. 103. REALLOTMENTS.**

2 Section 433 (42 U.S.C. 629c) is amended by adding
3 at the end the following:

4 “(d) REALLOTMENTS.—The amount of any allotment
5 to a State under this section for any fiscal year that the
6 State certifies to the Secretary will not be required for
7 carrying out the State plan under section 432 shall be
8 available for reallocation using the allotment methodology
9 specified in this section. Any amount so reallocated to a
10 State is deemed part of the allotment of the State under
11 the preceding provisions of this section.”.

12 **SEC. 104. PAYMENTS TO STATES.**

13 (a) IN GENERAL.—Section 434(a) (42 U.S.C.
14 629d(a)) is amended—

15 (1) by striking paragraph (2);

16 (2) by striking all that precedes subparagraph
17 (A) of paragraph (1) and inserting the following:

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

21 (3) by redesignating subparagraphs (A) and
22 (B) of paragraph (1) as paragraphs (1) and (2), re-
23 spectively, and by indenting the provisions 2 ems to
24 the left.

25 (b) CONFORMING AMENDMENTS.—Section 434(b)
26 (42 U.S.C. 629d(b)) is amended—

1 (1) in paragraph (1)—

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

4 (B) by striking “described in this subpart”
5 and inserting “under the State plan under sec-
6 tion 432”; and

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

9 **SEC. 105. EVALUATIONS, RESEARCH, AND TECHNICAL AS-**
10 **SISTANCE.**

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

12 (1) by striking all that precedes “the effective-
13 ness” in paragraph (1) of subsection (a), including
14 the heading for section 435 and the caption for sub-
15 section (a), and inserting the following:

16 **“SEC. 435. EVALUATIONS; RESEARCH; TECHNICAL ASSIST-**
17 **ANCE.**

18 “(a) EVALUATIONS.—

19 “(1) IN GENERAL.—The Secretary shall evalu-
20 ate and report to the Congress biennially on”;

21 (2) by adding at the end of subsection (a) the
22 following:

23 “(3) TIMING OF REPORT.—Beginning in 2003,
24 the Secretary shall submit the biennial report re-
25 quired by this subsection not later than April 1 of

1 every other year, and shall include in each such re-
2 port the funding level, the status of ongoing evalua-
3 tions, findings to date, and the nature of any tech-
4 nical assistance provided to States under subsection
5 (d).”; and

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

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

11 “(1) Promising program models in the service
12 categories specified in section 430(b), particularly
13 time-limited reunification services and postadoption
14 services.

15 “(2) Multi-disciplinary service models designed
16 to address parental substance abuse and to reduce
17 its impacts on children.

18 “(3) The efficacy of approaches directed at
19 families with specific problems and with children of
20 specific age ranges.

21 “(4) The outcomes of adoptions finalized after
22 enactment of the Adoption and Safe Families Act of
23 1997.

1 “(d) TECHNICAL ASSISTANCE.—To the extent funds
2 are available therefor, the Secretary shall provide technical
3 assistance that helps States and Indian tribes to—

4 “(1) develop research-based protocols for identi-
5 fying families at risk of abuse and neglect of use in
6 the field;

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

10 “(3) implement programs with well-articulated
11 theories of how the intervention will result in desired
12 changes among families at risk;

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

15 “(5) establish mechanisms to ensure that
16 postadoption services meet the needs of the indi-
17 vidual families and develop models to reduce the dis-
18 ruption rates of adoption.”.

19 **SEC. 106. AUTHORIZATION OF APPROPRIATIONS; RESERVA-**
20 **TION OF CERTAIN AMOUNTS.**

21 (a) MANDATORY FUNDING.—

22 (1) IN GENERAL.—Subpart 2 of part B of title
23 IV (42 U.S.C. 629–629e) is amended by adding at
24 the end the following:

1 **“SEC. 436. AUTHORIZATION OF APPROPRIATIONS; RES-**
2 **ERVATION OF CERTAIN AMOUNTS.**

3 “(a) AUTHORIZATION.—There are authorized to be
4 appropriated to carry out the provisions of this subpart
5 \$305,000,000 for each of fiscal years 2002 through 2006.

6 “(b) RESERVATION OF CERTAIN AMOUNTS.—From
7 the amount specified in subsection (a) for a fiscal year,
8 the Secretary shall reserve amounts as follows:

9 “(1) EVALUATION, RESEARCH, TRAINING, AND
10 TECHNICAL ASSISTANCE.—The Secretary shall re-
11 serve \$6,000,000 for expenditure by the Secretary—

12 “(A) for research, training, and technical
13 assistance costs related to the program under
14 this subpart; and

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

22 “(2) STATE COURT IMPROVEMENTS.—The Sec-
23 retary shall reserve \$10,000,000 for grants under
24 section 438.

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

4 (2) CONFORMING AMENDMENTS.—Section 433
5 (42 U.S.C. 629e) is amended—

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

8 (B) in subsection (b)—

9 (i) by striking “section 430(b)” and
10 inserting “section 436(a)”; and

11 (ii) by striking “section 430(d)” and
12 inserting “section 436(b)”; and

13 (C) in subsection (c)(1)—

14 (i) by striking “section 430(b)” and
15 inserting “section 436(a)”; and

16 (ii) by striking “section 430(d)” and
17 inserting “section 436(b)”.

18 (b) DISCRETIONARY FUNDING.—Subpart 2 of part B
19 of title IV (42 U.S.C. 629–629e) is further amended by
20 adding at the end the following:

21 **“SEC. 437. DISCRETIONARY GRANTS.**

22 “(a) LIMITATIONS ON AUTHORIZATION OF APPRO-
23 PRIATIONS.—In addition to any amount appropriated pur-
24 suant to section 436, there are authorized to be appro-

1 priated to carry out this section \$200,000,000 for each
2 of fiscal years 2002 through 2006.

3 “(b) RESERVATION OF CERTAIN AMOUNTS.—From
4 the amount (if any) appropriated pursuant to subsection
5 (a) for a fiscal year, the Secretary shall reserve amounts
6 as follows:

7 “(1) EVALUATION, RESEARCH, TRAINING, AND
8 TECHNICAL ASSISTANCE.—The Secretary shall re-
9 serve 3.3 percent for expenditure by the Secretary
10 for the activities described in section 436(b)(1).

11 “(2) STATE COURT IMPROVEMENTS.—The Sec-
12 retary shall reserve 3.3 percent for grants under sec-
13 tion 438.

14 “(3) INDIAN TRIBES.—The Secretary shall re-
15 serve 2 percent for allotment to Indian tribes in ac-
16 cordance with subsection (c)(1).

17 “(c) ALLOTMENTS.—

18 “(1) INDIAN TRIBES.—From the amount (if
19 any) reserved pursuant to subsection (b)(3) for any
20 fiscal year, the Secretary shall allot to each Indian
21 tribe with a plan approved under this subpart an
22 amount that bears the same ratio to such reserved
23 amount as the number of children in the Indian
24 tribe bears to the total number of children in all In-
25 dian tribes with State plans so approved, as deter-

1 mined by the Secretary on the basis of the most cur-
2 rent and reliable information available to the Sec-
3 retary.

4 “(2) TERRITORIES.—From the amount (if any)
5 appropriated pursuant to subsection (a) for any fis-
6 cal year that remains after applying subsection (b)
7 for the fiscal year, the Secretary shall allot to each
8 of the jurisdictions of Puerto Rico, Guam, the Virgin
9 Islands, the Northern Mariana Islands, and Amer-
10 ican Samoa an amount determined in the same man-
11 ner as the allotment to each of such jurisdictions is
12 determined under section 421.

13 “(3) OTHER STATES.—From the amount (if
14 any) appropriated pursuant to subsection (a) for any
15 fiscal year that remains after applying subsection (b)
16 and paragraph (2) of this subsection for the fiscal
17 year, the Secretary shall allot to each State (other
18 than an Indian tribe) which is not specified in para-
19 graph (2) of this subsection an amount equal to
20 such remaining amount multiplied by the food stamp
21 percentage (as defined in section 433(c)(2)) of the
22 State for the fiscal year.

23 “(d) GRANTS.—The Secretary may make a grant to
24 a State which has a plan approved under this subpart in
25 an amount equal to the lesser of—

1 “(1) 75 percent of the total expenditures by the
2 State for activities under the plan during the fiscal
3 year or the immediately succeeding fiscal year; or

4 “(2) the allotment of the State under sub-
5 section (c) for the fiscal year.

6 “(e) APPLICABILITY OF CERTAIN RULES.—The rules
7 of subsections (b) and (c) of section 434 shall apply in
8 like manner to the amounts made available pursuant to
9 this section.”.

10 **SEC. 107. STATE COURT IMPROVEMENTS.**

11 (a) SCOPE OF ACTIVITIES.—Section 13712 of the
12 Omnibus Budget Reconciliation Act of 1993 (42 U.S.C.
13 670 note) is amended—

14 (1) in subsection (a), by striking paragraph (2)
15 and inserting the following:

16 “(2) to implement improvements the highest
17 state courts deem necessary as a result of the as-
18 sessments, including—

19 “(A) to provide for the safety, well-being,
20 and permanence of children in foster care, as
21 set forth in the Adoption and Safe Families Act
22 of 1997 (Public Law 105–89); and

23 “(B) to implement a corrective action plan,
24 as necessary, resulting from reviews of child

1 and family service programs under section
2 1123A of this Act.”; and

3 (2) in subsection (c)(1), in the matter preceding
4 subparagraph (A), by inserting “and improvement”
5 after “assessment”.

6 (b) ALLOTMENTS.—Section 13712(c)(1) of such Act
7 (42 U.S.C. 670 note) is amended by striking all that fol-
8 lows “shall be entitled to payment,” and inserting “for
9 each of fiscal years 2002 through 2006, from the amount
10 reserved pursuant to section 436(b)(2) (and the amount,
11 if any, reserved pursuant to section 437(b)(2)), of an
12 amount equal to the sum of \$85,000 plus the amount de-
13 scribed in paragraph (2) of this subsection for the fiscal
14 year.”.

15 (c) FEDERAL SHARE.—Section 13712(d) of such Act
16 (42 U.S.C. 670 note) is amended—

17 (1) in the heading, by striking “USE OF GRANT
18 FUNDS” and inserting “FEDERAL SHARE”; and

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

23 (d) CONFORMING AMENDMENTS.—Section 13712 of
24 such Act (42 U.S.C. 670 note) is amended—

25 (1) in subsection (a)—

1 (A) in the matter preceding paragraph (1),
2 by striking “of title IV of the Social Security
3 Act”; and

4 (B) in paragraph (1)(A), by striking “of
5 title IV of such Act”; and

6 (2) in subsection (c)(2), by striking “section
7 430(d)(2) of the Social Security Act” and inserting
8 “section 436(b)(2) (and the amount, if any, reserved
9 pursuant to section 437(b)(2))”.

10 (e) **TRANSFER AND REDESIGNATION.**—Section
11 13712 of such Act (42 U.S.C. 670 note), as amended by
12 the preceding provisions of this section, is redesignated as
13 section 438 and is transferred to the end of subpart 2
14 of part B of title IV of the Social Security Act.

15 **Subtitle B—Mentoring Children of** 16 **Prisoners**

17 **SEC. 121. PROGRAM AUTHORIZED.**

18 Subpart 2 of part B of title IV (42 U.S.C. 629–629e)
19 is further amended by adding at the end the following:

20 **“SEC. 439. GRANTS FOR PROGRAMS FOR MENTORING CHIL-** 21 **DREN OF PRISONERS.**

22 “(a) **FINDINGS AND PURPOSE.**—

23 “(1) **FINDINGS.**—

24 “(A) In the period between 1991 and
25 1999, the number of children with a parent in-

1 carcerated in a Federal or State correctional fa-
2 cility increased by more than 100 percent, from
3 approximately 900,000 to approximately
4 2,000,000. In 1999, 2.1 percent of all children
5 in the United States had a parent in Federal or
6 State prison.

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

10 “(C) Nearly 90 percent of the children of
11 incarcerated fathers live with their mothers,
12 and 79 percent of the children of incarcerated
13 mothers live with a grandparent or other rel-
14 ative.

15 “(D) Parental arrest and confinement lead
16 to stress, trauma, stigmatization, and separa-
17 tion problems for children. These problems are
18 coupled with existing problems that include pov-
19 erty, violence, parental substance abuse, high-
20 crime environments, intrafamilial abuse, child
21 abuse and neglect, multiple care givers, and/or
22 prior separations. As a result, these children
23 often exhibit a broad variety of behavioral, emo-
24 tional, health, and educational problems that

1 are often compounded by the pain of separa-
2 tion.

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

21 “(2) PURPOSE.—The purpose of this section is
22 to authorize the Secretary to make competitive
23 grants to applicants in areas with substantial num-
24 bers of children of incarcerated parents, to support
25 the establishment or expansion and operation of pro-

1 grams using a network of public and private commu-
2 nity entities to provide mentoring services for chil-
3 dren of prisoners.

4 “(b) DEFINITIONS.—In this section:

5 “(1) CHILDREN OF PRISONERS.—The term
6 ‘children of prisoners’ means children one or both of
7 whose parents are incarcerated in a Federal, State,
8 or local correctional facility. The term is deemed to
9 include children who are in an ongoing mentoring
10 relationship in a program under this section at the
11 time of their parents’ release from prison, for pur-
12 poses of continued participation in the program.

13 “(2) MENTORING.—The term ‘mentoring’
14 means a structured, managed program in which chil-
15 dren are appropriately matched with screened and
16 trained adult volunteers for one-on-one relationships,
17 involving meetings and activities on a regular basis,
18 intended to meet, in part, the child’s need for in-
19 volvement with a caring and supportive adult who
20 provides a positive role model.

21 “(3) MENTORING SERVICES.—The term ‘men-
22 toring services’ means those services and activities
23 that support a structured, managed program of
24 mentoring, including the management by trained
25 personnel of outreach to, and screening of, eligible

1 children; outreach to, education and training of, and
2 liaison with sponsoring local organizations; screening
3 and training of adult volunteers; matching of chil-
4 dren with suitable adult volunteer mentors; support
5 and oversight of the mentoring relationship; and es-
6 tablishment of goals and evaluation of outcomes for
7 mentored children.

8 “(c) PROGRAM AUTHORIZED.—From the amounts
9 appropriated under subsection (h) for a fiscal year that
10 remain after applying subsection (h)(2), the Secretary
11 shall make grants under this section for each of fiscal
12 years 2002 through 2006 to State or local governments,
13 tribal governments or tribal consortia, faith-based organi-
14 zations, and community-based organizations in areas that
15 have significant numbers of children of prisoners and that
16 submit applications meeting the requirements of this sec-
17 tion, in amounts that do not exceed \$5,000,000 per grant.

18 “(d) APPLICATION REQUIREMENTS.—In order to be
19 eligible for a grant under this section, the chief executive
20 officer of the applicant must submit to the Secretary an
21 application containing the following:

22 “(1) PROGRAM DESIGN.—A description of the
23 proposed program, including—

1 “(A) a list of local public and private orga-
2 nizations and entities that will participate in
3 the mentoring network;

4 “(B) the name, description, and qualifica-
5 tions of the entity that will coordinate and over-
6 see the activities of the mentoring network;

7 “(C) the number of mentor-child matches
8 proposed to be established and maintained an-
9 nually under the program;

10 “(D) such information as the Secretary
11 may require concerning the methods to be used
12 to recruit, screen support, and oversee individ-
13 uals participating as mentors, (which methods
14 shall include criminal background checks on the
15 individuals), and to evaluate outcomes for par-
16 ticipating children, including information nec-
17 essary to demonstrate compliance with require-
18 ments established by the Secretary for the pro-
19 gram; and

20 “(E) such other information as the Sec-
21 retary may require.

22 “(2) COMMUNITY CONSULTATION; COORDINA-
23 TION WITH OTHER PROGRAMS.—A demonstration
24 that, in developing and implementing the program,

1 the applicant will, to the extent feasible and
2 appropriate—

3 “(A) consult with public and private com-
4 munity entities, including religious organiza-
5 tions, and including, as appropriate, Indian
6 tribal organizations and urban Indian organiza-
7 tions, and with family members of potential cli-
8 ents;

9 “(B) coordinate the programs and activi-
10 ties under the program with other Federal,
11 State, and local programs serving children and
12 youth; and

13 “(C) consult with appropriate Federal,
14 State, and local corrections, workforce develop-
15 ment, and substance abuse and mental health
16 agencies.

17 “(3) EQUAL ACCESS FOR LOCAL SERVICE PRO-
18 VIDERS.—An assurance that public and private enti-
19 ties and community organizations, including reli-
20 gious organizations and Indian organizations, will be
21 eligible to participate on an equal basis.

22 “(4) RECORDS, REPORTS, AND AUDITS.—An
23 agreement that the applicant will maintain such
24 records, make such reports, and cooperate with such
25 reviews or audits as the Secretary may find nec-

1 essary for purposes of oversight of project activities
2 and expenditures.

3 “(5) EVALUATION.—An agreement that the ap-
4 plicant will cooperate fully with the Secretary’s on-
5 going and final evaluation of the program under the
6 plan, by means including providing the Secretary ac-
7 cess to the program and program-related records
8 and documents, staff, and grantees receiving funding
9 under the plan.

10 “(e) FEDERAL SHARE.—

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

14 “(A) 75 percent for the first and second
15 fiscal years for which the grant is awarded; and

16 “(B) 50 percent for the third and each
17 succeeding such fiscal years.

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

1 “(f) CONSIDERATIONS IN AWARDING GRANTS.—In
2 awarding grants under this section, the Secretary shall
3 take into consideration—

4 “(1) the qualifications and capacity of appli-
5 cants and networks of organizations to effectively
6 carry out a mentoring program under this section;

7 “(2) the comparative severity of need for men-
8 toring services in local areas, taking into consider-
9 ation data on the numbers of children (and in par-
10 ticular of low-income children) with an incarcerated
11 parents (or parents) in the areas;

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

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

19 “(g) EVALUATION.—The Secretary shall conduct an
20 evaluation of the programs conducted pursuant to this sec-
21 tion, and submit to the Congress not later than April 15,
22 2005, a report on the findings of the evaluation.

23 “(h) AUTHORIZATION OF APPROPRIATIONS; RES-
24 ERVATION OF CERTAIN AMOUNTS.—

1 “(1) AUTHORIZATION.—There are authorized to
2 be appropriated to carry out this section
3 \$67,000,000 for each of fiscal years 2002 and 2003,
4 and such sums as may be necessary for each suc-
5 ceeding fiscal year.

6 “(2) RESERVATION.—The Secretary shall re-
7 serve 2.5 percent of the amount appropriated for
8 each fiscal year under paragraph (1) for expenditure
9 by the Secretary for research, technical assistance,
10 and evaluation related to programs under this sec-
11 tion.”.

12 **TITLE II—FOSTER CARE AND** 13 **INDEPENDENT LIVING**

14 **SEC. 201. EDUCATIONAL AND TRAINING VOUCHERS FOR** 15 **YOUTHS AGING OUT OF FOSTER CARE.**

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

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

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

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

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

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

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

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

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

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

17 “(3) The State may allow youths participating
18 in the voucher program on the date they attain 21
19 years of age to remain eligible until they attain 23
20 years of age, as long as they are enrolled in a post-
21 secondary education or training program and are
22 making satisfactory progress toward completion of
23 that program.

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

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

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

8 “(5) The amount of a voucher under this sec-
9 tion may be disregarded for purposes of determining
10 the recipient’s eligibility for, or the amount of, any
11 other Federal or Federally supported assistance, ex-
12 cept that the total amount of educational assistance
13 to a youth under this section and under other Fed-
14 eral and Federally supported programs shall not ex-
15 ceed the total cost of attendance, as defined in sec-
16 tion 472 of the Higher Education Act of 1965, and
17 except that the State agency shall take appropriate
18 steps to prevent duplication of benefits under this
19 and other Federal or Federally supported programs.

20 “(6) The program is coordinated with other ap-
21 propriate education and training programs.”.

22 (c) CERTIFICATION.—Section 477(b)(3) (42 U.S.C.
23 677(b)(3)) is amended by adding at the end the following:

24 “(J) A certification by the chief executive
25 officer of the State that the State educational

1 and training voucher program under this sec-
2 tion is in compliance with the conditions speci-
3 fied in subsection (i), including a statement de-
4 scribing methods the State will use—

5 “(i) to ensure that the total amount
6 of educational assistance to a youth under
7 this section and under other Federal and
8 Federally supported programs does not ex-
9 ceed the limitation specified in subsection
10 (i)(5); and

11 “(ii) to avoid duplication of benefits
12 under this and any other Federal or Fed-
13 erally assisted benefit program.”.

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

19 “(1) \$140,000,000, which shall be available for
20 all purposes under this section; and

21 “(2) an additional \$60,000,000, which are au-
22 thorized to be available for payments to States for
23 education and training vouchers for youths who age
24 out of foster care, to assist the youths to develop

1 skills necessary to lead independent and productive
2 lives.”.

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

5 (1) in paragraph (1)—

6 (A) by striking “(1) IN GENERAL.—From
7 the amount specified in subsection (h)” and in-
8 serting “(1) GENERAL PROGRAM ALLOT-
9 MENT.—From the amount specified in sub-
10 section (h)(1)”;

11 (B) by striking “which bears the same
12 ratio” and inserting “which bears the ratio”;
13 and

14 (C) by striking “as the number of children
15 in foster care” and all that follows and insert-
16 ing “equal to the State foster care ratio, as ad-
17 justed in accordance with paragraph (2).”;

18 (2) by adding at the end the following new
19 paragraphs:

20 “(3) VOUCHER PROGRAM ALLOTMENT.—From
21 the amount, if any, appropriated pursuant to sub-
22 section (h)(2) for a fiscal year, the Secretary may
23 allot to each State with an application approved
24 under subsection (b) for the fiscal year an amount

1 equal to the State foster care ratio multiplied by the
2 amount so specified.

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

10 (f) PAYMENTS TO STATES.—

11 (1) IN GENERAL.—Section 474(a)(4) (42
12 U.S.C. 674(a)(4)) is amended to read as follows:

13 “(4) an amount equal to the amount (if any) by
14 which—

15 “(A) the lesser of—

16 “(i) 80 percent of the amounts ex-
17 pended by the State during the fiscal year
18 in which the quarter occurs to carry out
19 programs in accordance with the State ap-
20 plication approved under section 477(b) for
21 the period in which the quarter occurs (in-
22 cluding any amendment that meets the re-
23 quirements of section 477(b)(5)); or

24 “(ii) the amount allotted to the State
25 under section 477(c)(1) for the fiscal year

1 in which the quarter occurs, reduced by
2 the total of the amounts payable to the
3 State under this paragraph for all prior
4 quarters in the fiscal year; exceeds

5 “(B) the total amount of any penalties as-
6 sessed against the State under section 477(e)
7 during the fiscal year in which the quarter oc-
8 curs.”.

9 (2) DISCRETIONARY GRANTS.—Section 474 (42
10 U.S.C. 674) is amended by adding at the end the
11 following:

12 “(e) DISCRETIONARY GRANTS FOR EDUCATIONAL
13 AND TRAINING VOUCHERS FOR YOUTHS AGING OUT OF
14 FOSTER CARE.—From amounts appropriated pursuant to
15 section 477(h)(2), the Secretary may make a grant to a
16 State with a plan approved under this part, for a calendar
17 quarter, in an amount equal to the lesser of—

18 “(1) 80 percent of the amounts expended by
19 the State during the quarter to carry out programs
20 for the purposes described in section 477(a)(6); or

21 “(2) the amount, if any, allotted to the State
22 under section 477(c)(3) for the fiscal year in which
23 the quarter occurs, reduced by the total of the
24 amounts payable to the State under this subsection

1 for such purposes for all prior quarters in the fiscal
2 year.”.

3 **SEC. 202. REALLOCATION AND EXTENSION OF FUNDS.**

4 (a) REALLOCATION OF UNUSED FUNDS.—Section
5 477(d) (42 U.S.C. 677(d)) is amended by adding at the
6 end the following:

7 “(4) REALLOCATION OF UNUSED FUNDS.—If a
8 State does not apply for funds under this section for
9 a fiscal year within such time as may be provided by
10 the Secretary, the funds to which the State would be
11 entitled for the fiscal year shall be reallocated to 1
12 or more other States on the basis of their relative
13 need for additional payments under this section, as
14 determined by the Secretary.”.

15 (b) TEMPORARY EXTENSION OF AVAILABILITY OF
16 INDEPENDENT LIVING FUNDS.—Notwithstanding section
17 477(d)(3) of the Social Security Act, payments made to
18 a State under section 477 of such Act for fiscal year 2000
19 shall remain available for expenditure by the State
20 through fiscal year 2002.

21 **TITLE III—EFFECTIVE DATE**

22 **SEC. 301. EFFECTIVE DATE.**

23 (a) IN GENERAL.—Subject to subsection (b), the
24 amendments made by this Act shall take effect on the date
25 of the enactment of this Act.

1 (b) DELAY PERMITTED IF STATE LEGISLATION RE-
2 QUIRED.—In the case of a State plan under subpart 2 of
3 part B or part E of the Social Security Act that the Sec-
4 retary of Health and Human Services determines requires
5 State legislation (other than legislation appropriating
6 funds) in order for the plan to meet the additional require-
7 ments imposed by the amendments specified in subsection
8 (a) of this section, the State plan shall not be regarded
9 as failing to comply with the requirements of such part
10 solely on the basis of the failure of the plan to meet the
11 additional requirements before the first day of the first
12 calendar quarter beginning after the close of the first reg-
13 ular session of the State legislature that begins after the
14 date of the enactment of this Act. For purposes of the
15 preceding sentence, in the case of a State that has a 2-
16 year legislative session, each year of the session shall be
17 deemed to be a separate regular session of the State legis-
18 lature.

Passed the House of Representatives November 13,
2001.

Attest:

Clerk.