Public Law 107–133
107th Congress

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.

Jan. 17, 2002
[H.R. 2873]

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

Promoting Safe and Stable Families Amendments of 2001.
42 USC 1305 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Promoting Safe and Stable Families Amendments of 2001".

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

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SEC. 3. REFERENCES.

Except as otherwise specified in this Act, an amendment made by this Act to a section or other provision shall be considered an amendment to the section or other provision of the Social Security Act.

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TITLE I—PROMOTING SAFE AND STABLE FAMILIES

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

SEC. 101. FINDINGS AND PURPOSE.

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

"SEC. 430. FINDINGS AND PURPOSE.

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

"(1) Family support programs directed at specific vulnerable populations have had positive effects on parents, children, or both. The vulnerable populations for which programs have been shown to be effective include teenage mothers with very young children and families that have children with special needs.

"(2) Family preservation programs have been shown to provide extensive and intensive services to families in crisis.

"(3) The time lines established by the Adoption and Safe Families Act of 1997 have made the prompt availability of services to address family problems (and in particular the prompt availability of appropriate services and treatment addressing substance abuse) an important factor in successful family reunification.

"(4) The rapid increases in the annual number of adoptions since the enactment of the Adoption and Safe Families Act of 1997 have created a growing need for postadoption services and for service providers with the particular knowledge and skills required to address the unique issues adoptive families and children may face.

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

"(1) To prevent child maltreatment among families at risk through the provision of supportive family services.

"(2) To assure children's safety within the home and preserve intact families in which children have been maltreated, when the family's problems can be addressed effectively.

"(3) To address the problems of families whose children have been placed in foster care so that reunification may occur in a safe and stable manner in accordance with the Adoption and Safe Families Act of 1997.

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

SEC. 102. DEFINITIONS.

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

(1) by striking "and" at the end of subparagraph (D);

(2) by striking the period at the end of subparagraph (E) and inserting "; and"; and

(3) by adding at the end the following:

"(F) infant safe haven programs to provide a way for a parent to safely relinquish a newborn infant at a safe haven designated pursuant to a State law.".

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

SEC. 103. REALLOTMENTS.

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

"(d) REALLOTMENTS.—The amount of any allotment to a State under this section for any fiscal year that the State certifies to the Secretary will not be required for carrying out the State plan under section 432 shall be available for reallotment using the allotment methodology specified in this section. Any amount so reallotted to a State is deemed part of the allotment of the State under the preceding provisions of this section.".

SEC. 104. PAYMENTS TO STATES.

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

(1) by striking paragraph (2);

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

"(a) ENTITLEMENT.—Each State that has a plan approved under section 432 shall be entitled to payment of the lesser of—"; and

(3) by redesignating subparagraphs (A) and (B) of paragraph (1) as paragraphs (1) and (2), respectively, and by indenting the provisions 2 ems to the left.

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

(1) in paragraph (1)—

(A) by striking "paragraph (1) or (2)(B) of"; and

(B) by striking "described in this subpart" and inserting "under the State plan under section 432"; and

(2) in paragraph (2), by striking "subsection (a)(1)" and inserting "subsection (a)".

SEC. 105. EVALUATIONS, RESEARCH, AND TECHNICAL ASSISTANCE.

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

(1) by striking all that precedes "the effectiveness" in paragraph (1) of subsection (a), including the heading for section 435 and the caption for subsection (a), and inserting the following:

"SEC. 435. EVALUATIONS; RESEARCH; TECHNICAL ASSISTANCE.

"(a) EVALUATIONS.—

"(1) IN GENERAL.—The Secretary shall evaluate and report to the Congress biennially on";

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

Deadline.

"(3) TIMING OF REPORT.—Beginning in 2003, the Secretary shall submit the biennial report required by this subsection not later than April 1 of every other year, and shall include in each such report the funding level, the status of ongoing evaluations, findings to date, and the nature of any technical assistance provided to States under subsection (d)."; and

(3) by adding at the end the following:

"(c) RESEARCH.—The Secretary shall give priority consideration to the following topics for research and evaluation under this subsection, using rigorous evaluation methodologies where feasible:

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

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

"(3) The efficacy of approaches directed at families with specific problems and with children of specific age ranges.

"(4) The outcomes of adoptions finalized after enactment of the Adoption and Safe Families Act of 1997.

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

"(1) develop research-based protocols for identifying families at risk of abuse and neglect of use in the field;

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

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

"(4) establish mechanisms to ensure that service provision matches the treatment model; and

"(5) establish mechanisms to ensure that postadoption services meet the needs of the individual families and develop models to reduce the disruption rates of adoption.".

SEC. 106. AUTHORIZATION OF APPROPRIATIONS; RESERVATION OF CERTAIN AMOUNTS.

(a) MANDATORY FUNDING.—

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

42 USC 629f.

"SEC. 436. AUTHORIZATION OF APPROPRIATIONS; RESERVATION OF CERTAIN AMOUNTS.

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

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

"(1) EVALUATION, RESEARCH, TRAINING, AND TECHNICAL ASSISTANCE.—The Secretary shall reserve $6,000,000 for expenditure by the Secretary—

"(A) for research, training, and technical assistance costs related to the program under this subpart; and

"(B) for evaluation of State programs based on the plans approved under section 432 and funded under this subpart, and any other Federal, State, or local program,

regardless of whether federally assisted, that is designed to achieve the same purposes as the State programs.

"(2) STATE COURT IMPROVEMENTS.—The Secretary shall reserve $10,000,000 for grants under section 438.

"(3) INDIAN TRIBES.—The Secretary shall reserve 1 percent for allotment to Indian tribes in accordance with section 433(a).".

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

(A) in subsection (a), by striking "section 430(d)(3)" and inserting "section 436(b)(3)";

(B) in subsection (b)—

(i) by striking "section 430(b)" and inserting "section 436(a)"; and

(ii) by striking "section 430(d)" and inserting "section 436(b)"; and

(C) in subsection (c)(1)—

(i) by striking "section 430(b)" and inserting "section 436(a)"; and

(ii) by striking "section 430(d)" and inserting "section 436(b)".

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

"SEC. 437. DISCRETIONARY GRANTS. 42 USC 629g.

"(a) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—In addition to any amount appropriated pursuant to section 436, there are authorized to be appropriated to carry out this section $200,000,000 for each of fiscal years 2002 through 2006.

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

"(1) EVALUATION, RESEARCH, TRAINING, AND TECHNICAL ASSISTANCE.—The Secretary shall reserve 3.3 percent for expenditure by the Secretary for the activities described in section 436(b)(1).

"(2) STATE COURT IMPROVEMENTS.—The Secretary shall reserve 3.3 percent for grants under section 438.

"(3) INDIAN TRIBES.—The Secretary shall reserve 2 percent for allotment to Indian tribes in accordance with subsection (c)(1).

"(c) ALLOTMENTS.—

"(1) INDIAN TRIBES.—From the amount (if any) reserved pursuant to subsection (b)(3) for any fiscal year, the Secretary shall allot to each Indian tribe with a plan approved under this subpart an amount that bears the same ratio to such reserved amount as the number of children in the Indian tribe bears to the total number of children in all Indian tribes with State plans so approved, as determined by the Secretary on the basis of the most current and reliable information available to the Secretary.

"(2) TERRITORIES.—From the amount (if any) appropriated pursuant to subsection (a) for any fiscal year that remains after applying subection (b) for the fiscal year, the Secretary shall allot to each of the jurisdictions of Puerto Rico, Guam,

the Virgin Islands, the Northern Mariana Islands, and American Samoa an amount determined in the same manner as the allotment to each of such jurisdictions is determined under section 421.

"(3) OTHER STATES.—From the amount (if any) appropriated pursuant to subsection (a) for any fiscal year that remains after applying subsection (b) and paragraph (2) of this subsection for the fiscal year, the Secretary shall allot to each State (other than an Indian tribe) which is not specified in paragraph (2) of this subsection an amount equal to such remaining amount multiplied by the food stamp percentage (as defined in section 433(c)(2)) of the State for the fiscal year.

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

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

"(2) the allotment of the State under subsection (c) for the fiscal year.

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

SEC. 107. STATE COURT IMPROVEMENTS.

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

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

"(2) to implement improvements the highest state courts deem necessary as a result of the assessments, including—

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

"(B) to implement a corrective action plan, as necessary, resulting from reviews of child and family service programs under section 1123A of this Act."; and

(2) in subsection (c)(1), in the matter preceding subparagraph (A), by inserting "and improvement" after "assessment".

(b) ALLOTMENTS.—Section 13712(c)(1) of such Act (42 U.S.C. 670 note) is amended by striking all that follows "shall be entitled to payment," and inserting "for each of fiscal years 2002 through 2006, from the amount reserved pursuant to section 436(b)(2) (and the amount, if any, reserved pursuant to section 437(b)(2)), of an amount equal to the sum of $85,000 plus the amount described in paragraph (2) of this subsection for the fiscal year.".

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

(1) in the heading, by striking "USE OF GRANT FUNDS" and inserting "FEDERAL SHARE"; and

(2) by striking "to pay—" and all that follows and inserting "to pay not more than 75 percent of the cost of activities under this section in each of fiscal years 2002 through 2006.".

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

(1) in subsection (a)—

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

(B) in paragraph (1)(A), by striking "of title IV of such Act"; and

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

(e) TRANSFER AND REDESIGNATION.—Section 13712 of such Act (42 U.S.C. 670 note), as amended by the preceding provisions of this section, is redesignated as section 438 and is transferred to the end of subpart 2 of part B of title IV of the Social Security Act. 42 USC 629h.

Subtitle B—Mentoring Children of Prisoners

SEC. 121. PROGRAM AUTHORIZED.

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

"SEC. 439. GRANTS FOR PROGRAMS FOR MENTORING CHILDREN OF PRISONERS. 42 USC 629i.

"(a) FINDINGS AND PURPOSE.—

"(1) FINDINGS.—

"(A) In the period between 1991 and 1999, the number of children with a parent incarcerated in a Federal or State correctional facility increased by more than 100 percent, from approximately 900,000 to approximately 2,000,000. In 1999, 2.1 percent of all children in the United States had a parent in Federal or State prison.

"(B) Prior to incarceration, 64 percent of female prisoners and 44 percent of male prisoners in State facilities lived with their children.

"(C) Nearly 90 percent of the children of incarcerated fathers live with their mothers, and 79 percent of the children of incarcerated mothers live with a grandparent or other relative.

"(D) Parental arrest and confinement lead to stress, trauma, stigmatization, and separation problems for children. These problems are coupled with existing problems that include poverty, violence, parental substance abuse, high-crime environments, intrafamilial abuse, child abuse and neglect, multiple care givers, and/or prior separations. As a result, these children often exhibit a broad variety of behavioral, emotional, health, and educational problems that are often compounded by the pain of separation.

"(E) Empirical research demonstrates that mentoring is a potent force for improving children's behavior across all risk behaviors affecting health. Quality, one-on-one relationships that provide young people with caring role models for future success have profound, life-changing potential. Done right, mentoring markedly advances youths' life prospects. A widely cited 1995 study by Public/Private Ventures measured the impact of one Big Brothers Big Sisters program and found significant effects in the lives of youth—cutting first-time drug use by almost half and first-time

alcohol use by about a third, reducing school absenteeism by half, cutting assaultive behavior by a third, improving parental and peer relationships, giving youth greater confidence in their school work, and improving academic performance.

"(2) PURPOSE.—The purpose of this section is to authorize the Secretary to make competitive grants to applicants in areas with substantial numbers of children of incarcerated parents, to support the establishment or expansion and operation of programs using a network of public and private community entities to provide mentoring services for children of prisoners.

"(b) DEFINITIONS.—In this section:

"(1) CHILDREN OF PRISONERS.—The term 'children of prisoners' means children one or both of whose parents are incarcerated in a Federal, State, or local correctional facility. The term is deemed to include children who are in an ongoing mentoring relationship in a program under this section at the time of their parents' release from prison, for purposes of continued participation in the program.

"(2) MENTORING.—The term 'mentoring' means a structured, managed program in which children are appropriately matched with screened and trained adult volunteers for one-on-one relationships, involving meetings and activities on a regular basis, intended to meet, in part, the child's need for involvement with a caring and supportive adult who provides a positive role model.

"(3) MENTORING SERVICES.—The term 'mentoring services' means those services and activities that support a structured, managed program of mentoring, including the management by trained personnel of outreach to, and screening of, eligible children; outreach to, education and training of, and liaison with sponsoring local organizations; screening and training of adult volunteers; matching of children with suitable adult volunteer mentors; support and oversight of the mentoring relationship; and establishment of goals and evaluation of outcomes for mentored children.

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

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

"(1) PROGRAM DESIGN.—A description of the proposed program, including—

"(A) a list of local public and private organizations and entities that will participate in the mentoring network;

"(B) the name, description, and qualifications of the entity that will coordinate and oversee the activities of the mentoring network;

"(C) the number of mentor-child matches proposed to be established and maintained annually under the program;

"(D) such information as the Secretary may require concerning the methods to be used to recruit, screen support, and oversee individuals participating as mentors, (which methods shall include criminal background checks on the individuals), and to evaluate outcomes for participating children, including information necessary to demonstrate compliance with requirements established by the Secretary for the program; and

"(E) such other information as the Secretary may require.

"(2) COMMUNITY CONSULTATION; COORDINATION WITH OTHER PROGRAMS.—A demonstration that, in developing and implementing the program, the applicant will, to the extent feasible and appropriate—

"(A) consult with public and private community entities, including religious organizations, and including, as appropriate, Indian tribal organizations and urban Indian organizations, and with family members of potential clients;

"(B) coordinate the programs and activities under the program with other Federal, State, and local programs serving children and youth; and

"(C) consult with appropriate Federal, State, and local corrections, workforce development, and substance abuse and mental health agencies.

"(3) EQUAL ACCESS FOR LOCAL SERVICE PROVIDERS.—An assurance that public and private entities and community organizations, including religious organizations and Indian organizations, will be eligible to participate on an equal basis.

"(4) RECORDS, REPORTS, AND AUDITS.—An agreement that the applicant will maintain such records, make such reports, and cooperate with such reviews or audits as the Secretary may find necessary for purposes of oversight of project activities and expenditures.

"(5) EVALUATION.—An agreement that the applicant will cooperate fully with the Secretary's ongoing and final evaluation of the program under the plan, by means including providing the Secretary access to the program and program-related records and documents, staff, and grantees receiving funding under the plan.

"(e) FEDERAL SHARE.—

"(1) IN GENERAL.—A grant for a program under this section shall be available to pay a percentage share of the costs of the program up to—

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

"(B) 50 percent for the third and each succeeding such fiscal years.

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

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

"(1) the qualifications and capacity of applicants and networks of organizations to effectively carry out a mentoring program under this section;

"(2) the comparative severity of need for mentoring services in local areas, taking into consideration data on the numbers of children (and in particular of low-income children) with an incarcerated parents (or parents) in the areas;

"(3) evidence of consultation with existing youth and family service programs, as appropriate; and

"(4) any other factors the Secretary may deem significant with respect to the need for or the potential success of carrying out a mentoring program under this section.

Deadline.
Reports.

"(g) EVALUATION.—The Secretary shall conduct an evaluation of the programs conducted pursuant to this section, and submit to the Congress not later than April 15, 2005, a report on the findings of the evaluation.

"(h) AUTHORIZATION OF APPROPRIATIONS; RESERVATION OF CERTAIN AMOUNTS.—

"(1) AUTHORIZATION.—There are authorized to be appropriated to carry out this section $67,000,000 for each of fiscal years 2002 and 2003, and such sums as may be necessary for each succeeding fiscal year.

"(2) RESERVATION.—The Secretary shall reserve 2.5 percent of the amount appropriated for each fiscal year under paragraph (1) for expenditure by the Secretary for research, technical assistance, and evaluation related to programs under this section.".

TITLE II—FOSTER CARE AND INDEPENDENT LIVING

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

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

(1) by striking "and" at the end of paragraph (4);

(2) by striking the period at the end of paragraph (5) and inserting "; and"; and

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

"(6) to make available vouchers for education and training, including postsecondary training and education, to youths who have aged out of foster care.".

(b) EDUCATIONAL AND TRAINING VOUCHERS.—Section 477 (42 U.S.C. 677) is amended by adding at the end the following:

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

"(1) Vouchers under the program may be available to youths otherwise eligible for services under the State program under this section.

"(2) For purposes of the voucher program, youths adopted from foster care after attaining age 16 may be considered to be youths otherwise eligible for services under the State program under this section.

"(3) The State may allow youths participating in the voucher program on the date they attain 21 years of age to remain eligible until they attain 23 years of age, as long as they are enrolled in a postsecondary education or training program and are making satisfactory progress toward completion of that program.

"(4) The voucher or vouchers provided for an individual under this section—

"(A) may be available for the cost of attendance at an institution of higher education, as defined in section 102 of the Higher Education Act of 1965; and

"(B) shall not exceed the lesser of $5,000 per year or the total cost of attendance, as defined in section 472 of that Act.

"(5) The amount of a voucher under this section may be disregarded for purposes of determining the recipient's eligibility for, or the amount of, any other Federal or Federally supported assistance, except that the total amount of educational assistance to a youth under this section and under other Federal and Federally supported programs shall not exceed the total cost of attendance, as defined in section 472 of the Higher Education Act of 1965, and except that the State agency shall take appropriate steps to prevent duplication of benefits under this and other Federal or Federally supported programs.

"(6) The program is coordinated with other appropriate education and training programs.".

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

"(J) A certification by the chief executive officer of the State that the State educational and training voucher program under this section is in compliance with the conditions specified in subsection (i), including a statement describing methods the State will use—

"(i) to ensure that the total amount of educational assistance to a youth under this section and under other Federal and Federally supported programs does not exceed the limitation specified in subsection (i)(5); and

"(ii) to avoid duplication of benefits under this and any other Federal or Federally assisted benefit program.".

(d) INCREASED AUTHORIZATIONS OF APPROPRIATIONS.—Section 477(h) (42 U.S.C. 677(h)) is amended by striking "there are authorized" and all that follows and inserting the following: "there are authorized to be appropriated to the Secretary for each fiscal year—

"(1) $140,000,000, which shall be available for all purposes under this section; and

"(2) an additional $60,000,000, which are authorized to be available for payments to States for education and training vouchers for youths who age out of foster care, to assist the youths to develop skills necessary to lead independent and productive lives.".

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

(1) in paragraph (1)—

(A) by striking "(1) IN GENERAL.—From the amount specified in subsection (h)" and inserting "(1) GENERAL PROGRAM ALLOTMENT.—From the amount specified in subsection (h)(1)";

(B) by striking "which bears the same ratio" and inserting "which bears the ratio"; and

(C) by striking "as the number of children in foster care" and all that follows and inserting "equal to the State foster care ratio, as adjusted in accordance with paragraph (2).."; and

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

"(3) VOUCHER PROGRAM ALLOTMENT.—From the amount, if any, appropriated pursuant to subsection (h)(2) for a fiscal year, the Secretary may allot to each State with an application approved under subsection (b) for the fiscal year an amount equal to the State foster care ratio multiplied by the amount so specified.

"(4) STATE FOSTER CARE RATIO.—In this subsection, the term 'State foster care ratio' means the ratio of the number of children in foster care under a program of the State in the most recent fiscal year for which the information is available to the total number of children in foster care in all States for the most recent fiscal year.".

(f) PAYMENTS TO STATES.—

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

"(4) an amount equal to the amount (if any) by which—

"(A) the lesser of—

"(i) 80 percent of the amounts expended by the State during the fiscal year in which the quarter occurs to carry out programs in accordance with the State application approved under section 477(b) for the period in which the quarter occurs (including any amendment that meets the requirements of section 477(b)(5)); or

"(ii) the amount allotted to the State under section 477(c)(1) for the fiscal year in which the quarter occurs, reduced by the total of the amounts payable to the State under this paragraph for all prior quarters in the fiscal year; exceeds

"(B) the total amount of any penalties assessed against the State under section 477(e) during the fiscal year in which the quarter occurs.".

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

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

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

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

subsection for such purposes for all prior quarters in the fiscal year.".

SEC. 202. REALLOCATION AND EXTENSION OF FUNDS.

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

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

(b) TEMPORARY EXTENSION OF AVAILABILITY OF INDEPENDENT LIVING FUNDS.—Notwithstanding section 477(d)(3) of the Social Security Act, payments made to a State under section 477 of such Act for fiscal year 2000 shall remain available for expenditure by the State through fiscal year 2002. 42 USC 677 note.

TITLE III—EFFECTIVE DATE

SEC. 301. EFFECTIVE DATE. 42 USC 629 note.

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

(b) DELAY PERMITTED IF STATE LEGISLATION REQUIRED.—In the case of a State plan under subpart 2 of part B or part E of the Social Security Act that 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 the amendments specified in subsection (a) of this section, 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 the additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after 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 shall be deemed to be a separate regular session of the State legislature.

Approved January 17, 2002.

LEGISLATIVE HISTORY—H.R. 2873:

HOUSE REPORTS: No. 107–281 (Comm. on Ways and Means).
CONGRESSIONAL RECORD, Vol. 147 (2001):
Nov. 13, considered and passed House.
Dec. 13, considered and passed Senate.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 38 (2002):
Jan. 17, Presidential remarks.