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Miller, Gary  
Miller, George  
Miller, Jeff  
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Weldon (FL)  
Weldon (PA)  
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Whitfield  
Wicker  
Wilson  
Wolf  
Woolsey  
Wu  
Wynn  
Young (AK)  
Young (FL)

## PROMOTING SAFE AND STABLE FAMILIES AMENDMENTS OF 2001

Mr. HERGER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2873) 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, as amended.

The Clerk read as follows:

H. R. 2973

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

### SECTION 1. SHORT TITLE.

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

### SEC. 2. TABLE OF CONTENTS.

*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.*

### 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.*

### 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*

### NOT VOTING—22

Cox  
Cubin  
Davis, Tom  
Filner  
Fossella  
Gillmor  
Goss  
Graham  
Hastings (FL)  
Hoyer  
Hulshof  
Lewis (GA)  
Lucas (OK)  
Mascara  
Mink  
Napolitano  
Reyes  
Sherwood  
Stark  
Watts (OK)  
Weiner  
Wexler

□ 1910

So (two-thirds having voted in favor thereof) the rules were suspended, and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall No. 437, I was in my Congressional District on official business. Had I been present, I would have voted “yea.”

### REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2500, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

Mr. REYNOLDS, from the Committee on Rules, submitted a privileged report (Rept. No. 107-287) on the resolution (H. Res. 286) waiving points of order against the conference report to accompany the bill (H.R. 2500) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes, which was referred to the House Calendar and ordered to be printed.

### REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2779

Ms. SCHAKOWSKY. Mr. Speaker, I ask unanimous consent to withdraw my name as a cosponsor of H.R. 2779.

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

There was no objection.

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 reallocation using the allotment methodology specified in this section. Any amount so reallocated 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:

“(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:

#### “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)”;

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

(C) in subsection (c)(1)—

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

(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.

“(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 subsection (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.

#### 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.

“(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 sub-

mit 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 AWARDED 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.

“(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.

## TITLE III—EFFECTIVE DATE

### SEC. 301. EFFECTIVE DATE.

(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.

The SPEAKER pro tempore (Mr. OTTER). Pursuant to the rule, the gentleman from California (Mr. HERGER) and the gentleman from Maryland (Mr. CARDIN) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. HERGER).

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

Mr. Speaker, it is with great pleasure that I bring to the floor today H.R. 2873, the Promoting Safe and Stable Families Amendments of 2001.

This legislation reauthorizes and increases by a total of \$1 billion over 5 years Federal support for a broad range of services to support fragile families and prevent abuse and neglect of our Nation's children.

This legislation was first proposed by President Bush, and I am pleased that the version before us today authorizes the full amount of new funding the President sought.

As we work to reauthorize the promoting safe and stable families program, I have had the great fortune of meeting courageous people who share their love and their homes by adopting children with special needs.

I learned stories of personal triumph from young people thriving after a lifetime of bouncing from home to home in the foster care system.

I also learned of many of our colleagues here in the Congress who have opened their homes to foster and adopted children, and how their lives are better because of it.

□ 1915

In these times of national uncertainty, I am pleased to report that recent legislation changes, designed to better support abused and neglected children, are working. For example, since the signing of the Adoption and Safe Families Act of 1997, more than 133,000 children have been adopted from foster care. That is a 56 percent increase over the previous 3-year period.

Mr. Speaker, I include for the RECORD a recent Washington Post article describing how adoptions in Maryland and Virginia increased by 84 percent over the last 5 years.

The text of the article is as follows:

[From the Region, Sat., November 3, 2001]

MD., VA. FOSTER-CARE ADOPTIONS UP  
RISE IN FUNDING, CHANGE IN FEDERAL LAW  
CREDITED FOR INCREASE

(By Michael E. Ruane)

Maryland and Virginia officials yesterday announced substantial increases in the number of children who have been adopted from foster care over the last five years.

Maryland's Department of Human resources said there had been a 23 percent increase in the number of foster-care adoptions in the last year, and an 84 percent increase over the last five years.

Maryland officials said 852 children were adopted from foster care in fiscal 2001, an increase of 161 over the previous year.

This year's adoptions were almost double the state's 462 foster-care adoptions in 1996. The announcement was made to coincide with National Adoption Awareness Month this month.

Virginia said its foster-care adoptions rose from 291 in 1997 to 592 in 2001. Figures could not be obtained yesterday from the District.

The most dramatic increase in Maryland was in Baltimore, the officials said, where 514 adoptions were finalized this year, compared with 160 five years ago.

"These are good trends for us," said Stephanie Johnson Pettaway, adoption manager with the Maryland Human Resources' social services administration.

Officials from both states credited the federal Adoption and Safe Families Act of 1997 for much of the increases.

"This law has allowed more flexibility to improve adoption rates," said Charles Ingram, spokesman for the Virginia Department of Social Services. "We've put a great effort into this."

The act has also provided more money for the adoption process.

"That act mandated that some of the monies that went to states for foster care and

child welfare services . . . be given to the states to be used specifically to increase and encourage the number of adoptions," Pettaway said.

"The money then helped to fuel some of the programs that we needed to do to move adoptions," she said. Among other things, it helped pay private agencies that recruited adoptive parents and performed home studies, she said.

But adopting parents also played a vital role. Pettaway said she believes that lately there has been a renewed public interest in families, and a recognition that many children lack a family. She said there are also increasing numbers of parents who have already raised their children but still have the energy and the love to raise more.

"It's a fantastic feeling to just know that you've opened your home to some little folks," said Margurite Addison, 56, Pikesville, who, with her husband, William, 53, has adopted three foster children and is in the process of adopting a fourth. "How can you not open your home?"

"This is love that you can see every day," she said, noting that she and her husband have raised six children of their own. "It's a feeling that only an adoptive parent can" explain.

As the article states, "Officials from both States credited the Federal Adoption and Safe Families Act of 1997 for much of the increases." We have reason to be proud of the success of 1997 law and we must build on this momentum. That is what H.R. 2873 does.

Our legislation also authorizes two bipartisan priority initiatives sought by the President: first, a new mentoring program for the children of prisoners; and second, new education vouchers worth up to \$5,000 per youth aging out of foster care. President Bush is to be commended for his vision in proposing such important and promising new initiatives.

Mr. Speaker, I also would like to thank my colleagues on the Committee on Ways and Means for their support in moving this legislation forward, that includes the gentleman from Maryland (Mr. CARDIN), the ranking member on the Subcommittee on Human Resources, who first joined me in introducing H.R. 2873 in September. I also thank my fellow Republican subcommittee members including the gentlewoman from Connecticut (Mrs. JOHNSON), the gentleman from Oklahoma (Mr. WATKINS), the gentleman from Michigan (Mr. CAMP) and the gentleman from Pennsylvania (Mr. ENGLISH), among many others who have taken a personal interest in moving this legislation forward.

But most of all, I commend the families and social service providers who work every day to protect children from harm and to provide loving and permanent homes for children. Their personal commitment to these children means more than any government program. It is my hope that passing this legislation today would serve to recognize the importance of their efforts and demonstrate our resolve to further strengthen families in the years to come.

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

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

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

Mr. CARDIN. Mr. Speaker, first let me thank the gentleman from California (Mr. HERGER) for his leadership on these issues and for bringing forward this legislation. The two of us have worked together in a bipartisan spirit in order to move legislation that is important for America's families.

Promoting Safe and Stable Families is a very important program. It deals with the most vulnerable families that we have in our community. These are children at risk, at risk of being put into foster care. This program has enjoyed strong bipartisan support because it protects the family unit; it protects our most vulnerable children.

I support this suspension, this bill, because we have already seen a 6-week expiration of this program. This program expired at the beginning of the fiscal year, and if we do not reauthorize it, the States would see an immediate reduction of Federal funds dedicated to these very important programs, including case worker oversight, substance abuse treatment, mental health services, respite care, domestic violence assistance and other related services.

Mr. Speaker, though I must express my real disappointment that this legislation does not include the full requests requested by President Bush and included in the budget resolution that was passed by the Congress, we had approved an additional \$200 million a year for the next 5 years in the Safe and Stable Families Program, the legislation we are considering this evening does not provide for that \$200 million increase.

As the gentleman from California (Mr. HERGER) properly pointed out, we authorize, but we do not include it under the basic guarantee to our States. That is not adequate.

I might say, on the tuition vouchers for children in foster care, the President also requested that we provide those funds. It was included in the budget, and we are not including it in the legislation before us. That is very unfortunate. We are talking about children who will not receive the services as a result of these additional funds not being made available. We estimate in 2002 alone 76,000 families would have benefited from that extra \$200 million that will not be made available.

The gentleman from California (Mr. HERGER) also points out that we have authorized additional money. The problem is, our appropriators have already acted and they have only provided \$70 million of the additional \$327 million that the President requested. We had the ability in this legislation to make sure those funds were available and it was provided for in our budget resolution. We have should have done better.

There are some that say we can no longer afford this because of the September 11 tragedies. We do not want

the terrorists to win. The terrorists should not prevent us from taking care of our families. We have already passed in this body legislation that would spend during this period \$150 billion, primarily on tax relief. Cannot we afford, Mr. Speaker, another \$1 billion for our children?

So although I support this legislation, it is important that we authorize the program, it is important that the funding continue to our local governments to provide these services. We should have done better. We should have done what the President asked us to do and with what our own budget resolution would have provided.

I hope, as this legislation make its way through the other body, that we will find the resolve to include the extra monies as a mandatory expenditure, as requested by the President, and that we can in fact live up to our commitment to America's families.

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

Mr. HERGER. Mr. Speaker, I would like to mention that we have authorized an increase for \$1 billion over 5 years. The appropriators have already appropriated an additional \$70 million dollars for this year; that is an increase that is larger than the last 4 years put together. So I do believe we are putting the dollars forward to ensure that these very important programs are funded.

Mr. Speaker, I yield 3 minutes to the gentlewoman from Pennsylvania, Ms. HART.

Ms. HART. Mr. Speaker, how can we forget the story of the teenager in New Jersey who delivered a baby in a restroom, abandoned the child in a trash can and returned to her high school prom? Or perhaps you recall the new story of an infant discovered in a backyard and the infant was mauled by a hungry dog. In fact, in my district alone, three abandoned infants have been found this year, including one this last week. Fortunately, he was found alive and is recovering.

The Safe and Stable Families amendments include money to help inform young women that there are safe havens available. There are opportunities for them to avoid this tragedy, the death of an infant. It is impossible to know the exact number of infants who are abandoned each year, but media accounts remind us that this is a growing problem nationwide. Between 1991 and 1998, for example, the number of abandoned babies discovered nationwide almost doubled.

These young women are often scared and they hide their pregnancies out of this fear, and then they abandon their children, hoping someone will find them; or just abandon them out of fear, not thinking clearly. But in response to this problem many States, in fact 30, beginning with the State of Texas, enacted Safe Haven laws. These laws provide for an alternative for these young women, that they can leave their children somewhere safe, whether it is a

hospital or police station, without being prosecuted for abandonment.

This legislation throughout these States saves two lives. It saves the baby, Mr. Speaker, and also the young woman who is afraid and alone and not thinking clearly.

As of last week, as I mentioned, a total of 30 States have passed Safe Haven Laws as well, but many are considering Safe Haven laws as well. We must help on the Federal level to prevent this tragedy of newborn babies being abandoned or killed. Safe Haven laws encourage responsible behavior by these women, but these young women will not take advantage of them if they are not aware of them.

The Promoting Safe and Stable Families amendments allow the State to use some of their block grant money to help solve the problem of infant abandonment. This amendment would allow these States to use their block grants to fund public information campaigns and provide education and training to assist the States as they implement these new laws. This is similar to my legislation, H.R. 2018, the Safe Haven Support Act which has 76 co-sponsors of both parties.

Mr. Speaker, I commend the gentleman from California (Mr. HERGER) and the members of the committee for their work on this important issue, because it means, again, saving the baby's life but also saving the life of a young mother.

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

Mr. HERGER. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Pennsylvania (Mr. ENGLISH), a member of the subcommittee.

Mr. ENGLISH. Mr. Speaker, I thank the gentleman for yielding me time. I especially want to thank the chairman of the subcommittee for his extraordinary efforts to move this legislation forward.

Mr. Speaker, President Kennedy once said, "Every American ought to have the right to be treated as he would wish to be treated, as one would wish his children to be treated." That is not the case.

Mr. Speaker, across the United States thousands of children each day are abused and neglected. According to the most recent statistics, 826,000 children were the victims of neglect and abuse in 1999. That works out to about 12 children out of every 1,000. In Pennsylvania alone, more than 5,000 children each year are the victims of significant negligence or abuse.

If you think about it, that is a cumulative burden to our society that is truly massive. It is a massive cumulative burden with multiplying social problems and costs.

Mr. Speaker, I know this is not how we wish to be treated, let alone how we wish our children to be treated.

The Safe and Stable Families Act of 2001 authorizes funding to protect the Nation's children from that abuse with

funding rising from \$305 million to \$505 million. Under this plan, Pennsylvania will receive at least \$13.6 million to support vital programs that give children a safe start, enhancing preventive services for families in crisis, as well as family reunification and adoption promotion service.

This legislation provides States with the tools that they need to preserve and support families, promote adoption and provide overall support for children. This legislation is critical because it shows that Congress is committed to ensuring that all children live in safe, permanent and loving homes.

Through this legislation we also create a Federal program that will allow local governments to reach out to the children of prisoners, developing outreach or mentoring programs. This bill works to ensure the safety and welfare of children while strengthening and preserving the family.

Mr. Speaker, I urge my colleagues to join me in supporting this bill so that every child, regardless of race, religion or socioeconomic status, has a safe place to call home, a stable family life and the opportunity to achieve the American dream.

Mr. COLLINS. Mr. Speaker, I thank Chairman BILL THOMAS and Subcommittee Chairman WALLY HERGER for their effort on this important legislation, the Promoting Safe and Stable Families Amendments of 2001 (H.R. 2873)

H.R. 2873 reauthorizes the Promoting Safe and Stable Families program, which is the primary federal resource to prevent child abuse and neglect. This legislation takes important steps to help strengthen parental relationships and promote healthy marriages. It is for this reason that I offer my strong support for this important legislation.

I support H.R. 2873 because it recognizes the importance of a loving and stable family in the life of a child. While many Americans, such as myself, have been blessed to grow up in loving families, there are too many that do not have such a family. Recognizing this fact and the need for a loving, nurturing and disciplined home in the life of a child, Truett Cathy, the founder and CEO of Chik-Fil-A restaurants, established WinShape Homes in 1987.

Mr. Cathy started WinShape Homes to provide a loving, nurturing home for those children who are victims of circumstances and need a stable, secure family environment in which to grow and mature. Since 1987, WinShape Homes have served over 250 children. Currently, there are approximately 125 children in WinShape's eleven homes. These homes strive to meet all the physical, emotional, and spiritual needs of the children, and they stress character building, manners, proper dress, and hygiene. WinShape accepts boys and girls ages 6–16 regardless of race, culture, or religion. While WinShape Homes cannot adopt the children in their care, these homes function as loving and stable families for these children. A person never graduates from WinShape, even after marriage. Simply put, a WinShape family member is a family member for life.

Mr. Speaker, while I support this legislation and its goals, I am concerned about a related

issue resulting from the Adoption and Safe Families Act of 1997 (ASFA) and the unintended consequences it could have on some children, particularly those who have found a loving home at WinShape. Rightfully, ASFA seeks to end the "foster care drift" that results when children are abused or neglected by their birth parents by placing these children in loving, adoptive homes. In this regard, ASFA has enjoyed great success. Unfortunately, ASFA's provisions do not adequately address the unique situation found in the families at WinShape Homes.

The problem for places like WinShape has resulted from ASFA's structure which pits family reunification against adoption. Under ASFA, states are required to hold "permanency" hearings no later than 12 months after placement in foster care to determine whether parental unification with the child or termination of parental rights should take place. Because WinShape Homes cannot adopt children, children at WinShape Homes may face these "termination proceedings." As a result, a child could potentially be removed from the loving family at WinShape and placed in an entirely new family environment. In addition, while WinShape places a priority on maintaining sibling relationships, such termination proceedings may result in breaking this family bond and separating one sibling from the others through the adoptive process.

Mr. Speaker, as this important work to place children in loving, stable homes continues, I ask that the Members of this House examine these provisions regarding "termination proceedings" and permanent living arrangements, such as WinShape Homes, that provide a loving and stable home for so many children. In so doing, the House will only improve on the success of the Adoption and Safe Families Act.

Once again, I thank both Chairman THOMAS and Chairman HERGER for their work to promote safe and stable families for our children. I look forward to working with them, the House Leadership and all of my colleagues in this House to ensure that more American children grow up in loving and stable families.

Mr. PORTMAN. Mr. Speaker, I rise today in support of H.R. 2873, the Safe and Stable Families Amendments of 2001. This legislation will increase funding for important programs that protect our nation's children from abuse and neglect. In addition to increasing funding for existing programs, this bill will also create a new program to provide mentoring services for the children of prisoners, and to provide educational opportunities for youth, aging out of foster care.

I especially appreciate the commitment Congress is showing to these programs because I've witnessed the success of these programs firsthand. My district is fortunate to be home to Beech Acres, a community-based organization that provides highly-tailored services to over 17,000 children and families per year. Jim Mason, the President of Beech Acres, has been a leader in pioneering creative programs for parenting.

At Beech Acres, Jim established an innovative Educational Advocacy Center for children to help provide those who have been abused, are in foster care, or have special challenges with the continuity and support that they need. The funds authorized in this bill will be helpful to Beech Acres.

I'm also pleased that the Infant Safe Haven programs was added as an allowable activity

within the Safe and Stable Families program. I know that my colleague from California, Representative HERGER, has been working with Representative MELISSA HART to find a way to address the problem of parents who want to relinquish their new born children, and I appreciate their hard work.

This legislation will help make critical improvements in our nation's child protection services. Too often, these children have been neglected first by their parents, and then by society. With this bill, we are continuing our commitment to give these children the support and attention they deserve. I encourage all my colleagues to support its passage.

Mr. CARDIN. Mr. Speaker, I yield back the balance of my time.

Mr. HERGER. Mr. Speaker, I urge support for H.R. 2873, as amended.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. HERGER) that the House suspend the rules and pass the bill, H.R. 2873, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

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#### BEST PHARMACEUTICALS FOR CHILDREN ACT

Mr. TAUZIN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2887) to amend the Federal Food, Drug, and Cosmetic Act to improve the safety and efficacy of pharmaceuticals for children, as amended.

The Clerk read as follows:

H.R. 2887

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

#### SECTION 1. SHORT TITLE.

*This Act may be cited as the "Best Pharmaceuticals for Children Act".*

#### SEC. 2. PEDIATRIC STUDIES OF ALREADY-MARKETED DRUGS.

(a) *IN GENERAL.*—Section 505A of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a) is amended—

(1) *by striking subsection (b); and*  
(2) *by redesignating subsections (c) through through (k) as subsections (b) through (j), respectively.*

(b) *CONFORMING AMENDMENTS.*—Section 505A of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a) is amended in subsection (b) (as redesignated by subsection (a)(2) of this section)—

(1) *by inserting after "the Secretary" the following: "determines that information relating to the use of an approved drug in the pediatric population may produce health benefits in that population and"; and*

(2) *by striking "concerning a drug identified in the list described in subsection (b)".*

#### SEC. 3. RESEARCH FUND FOR THE STUDY OF DRUGS LACKING EXCLUSIVITY.

*Part B of title IV of the Public Health Service Act (42 U.S.C. 284 et seq.) is amended—*

(1) *by redesignating the second section 409C (relating to clinical research) as section 409G;*

(2) *by redesignating the second section 409D (relating to enhancement awards) as section 409H; and*

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

#### "SEC. 409I. PROGRAM FOR PEDIATRIC STUDIES OF DRUGS LACKING EXCLUSIVITY.

"(a) *LIST OF DRUGS LACKING EXCLUSIVITY FOR WHICH PEDIATRIC STUDIES ARE NEEDED.*—

"(1) *IN GENERAL.*—Not later than 1 year after the date of enactment of this section, the Secretary, acting through the Director of the National Institutes of Health and in consultation with the Commissioner of Food and Drugs and experts in pediatric research, shall develop, prioritize, and publish an annual list of approved drugs for which—

"(A)(i) *there is an approved application under section 505(j) of the Federal Food, Drug, and Cosmetic Act;*

"(ii) *there is a submitted application that could be approved under the criteria of section 505(j) of the Federal Food, Drug, and Cosmetic Act;*

"(iii) *there is no patent protection or market exclusivity protection under the Federal Food, Drug, and Cosmetic Act; or*

"(iv) *there is, under section 505A(c)(4)(C) of the Federal Food, Drug, and Cosmetic Act, a referral for inclusion on such list; and*

"(B) *additional studies are needed to assess the safety and effectiveness of the use of the drug in the pediatric population.*

"(2) *CONSIDERATION OF AVAILABLE INFORMATION.*—In developing the list under paragraph (1), the Secretary shall consider, for each drug on the list—

"(A) *the availability of information concerning the safe and effective use of the drug in the pediatric population;*

"(B) *whether additional information is needed;*

"(C) *whether new pediatric studies concerning the drug may produce health benefits in the pediatric population; and*

"(D) *whether reformulation of the drug is necessary;*

"(b) *CONTRACTS FOR PEDIATRIC STUDIES.*—The Secretary shall award contracts to entities that have the expertise to conduct pediatric clinical trials (including qualified universities, hospitals, laboratories, contract research organizations, federally funded programs such as pediatric pharmacology research units, other public or private institutions, or individuals) to enable the entities to conduct pediatric studies concerning one or more drugs identified in the list described in subsection (a).

"(c) *PROCESS FOR CONTRACTS AND LABELING CHANGES.*—

"(1) *WRITTEN REQUEST TO HOLDERS OF APPROVED APPLICATIONS FOR DRUGS LACKING EXCLUSIVITY.*—

"(A) *IN GENERAL.*—The Commissioner of Food and Drugs, in consultation with the Director of National Institutes of Health, may issue a written request (which shall include a timeframe for negotiations for an agreement) for pediatric studies concerning a drug identified in the list described in subsection (a) to all holders of an approved application for the drug under section 505 of the Federal Food, Drug, and Cosmetic Act. Such a written request shall be made in a manner equivalent to the manner in which a written request is made under subsection (a) or (b) of section 505A of the Federal Food, Drug, and Cosmetic Act, including with respect to information provided on the pediatric studies to be conducted pursuant to the request.

"(B) *PUBLICATION OF REQUEST.*—If the Commissioner of Food and Drugs does not receive a response to a written request issued under subparagraph (A) within 30 days of the date on which a request was issued, the Secretary, acting through the Director of National Institutes of Health and in consultation with the Commissioner of Food and Drugs, shall publish a request for contract proposals to conduct the pediatric studies described in the written request.

"(C) *DISQUALIFICATION.*—A holder that receives a first right of refusal shall not be entitled to respond to a request for contract proposals under subparagraph (B).