U.S. District Court for the District of Puerto Rico. I would have supported his nomination.

Mr. COLEMAN. Mr. President, I rise today to discuss the Secure Fence Act of 2006 and the issue of securing our northern border. Without question, securing the border is our most vital need in dealing with illegal immigrants and as it stands, our borders lay vulnerable to not only an influx of illegal immigrants but also transportation of dangerous materials. The facts are clear—each year over 1 million unauthorized aliens are interdicted entering the country mostly on the southwest border. Testimony by the Border Patrol union chief places the estimate of illegal entrants not interdicted by Border Patrol to be two times those actually caught. Simply put, the Border Patrol is overwhelmed by the sheer volume of the traffic and it is time to take action.

The Secure Fence Act of 2006 requires the Secretary of Homeland Security to take all appropriate actions to achieve operational control over all U.S. international land and maritime borders within 18 months of its enactment. Additionally, the bill authorizes 700 miles of double-layered fencing at specified locations along the almost 2,000-mile southwest U.S. international border with Mexico.

This bill also takes the right approach in terms of northern border security. The legislation requires the Department of Homeland Security to conduct a study on the feasibility of a state of-the-art infrastructure security system along the northern international land and maritime border of the United States. The study shall include the necessity of implementing such a system, the feasibility of implementing such a system and the economic impact implementing such a system will have along the northern border.

In my home state of Minnesota, we share 547 miles of border with Canada and 458 of those miles are a water boundary. I want to make it clear to my constituents and our Canadian friends that this legislation should not be used to justify construction of a wall along the northern border but to take an inventory of the systems that are working and not working and ensure that we put in place the most effective approach. We are going to measure twice before building once.

The United States and Canada share a long history of working together on issues of mutual concern. Both countries share a common border and common objectives: to ensure that the border is open for business, but closed to crime. The Canada-United States Smart Border Declaration and Action Plan and programs such as the Security and Prosperity Partnership and the Integrated Border Enforcement Teams are great examples of cooperative initiatives that have proven successful.

I am fully confident this strong relationship and commitment to border security will continue as it is one of the cornerstones to securing our northern border.

NATIONAL EMPLOY OLDER WORKERS WEEK

Mr. KOHL. Mr. President, I rise today to recognize National Employ Older Workers Week, a time to celebrate the many older workers who are redefining retirement and the employers that welcome their talents.

Many older Americans do not see retirement as just a period of leisure; they continue to contribute to our nation's businesses, communities, and economy. And some employers, facing a shortage of skilled and experienced workers, have recognized the value of older workers by changing their policies to attract and retain them.

One of those employers is Mercy Health System, which is based in Wisconsin and has 63 health care facilities across Wisconsin and Illinois. AARP recently ranked Mercy Health System the top employer for older workers in the country. Mercy Health System attracts and retains older workers by providing flexible work options, like its Work-to-Retire Program, which offers reduced and seasonal work schedules while maintaining health benefits.

Yet too few employers have followed Mercy Health System's lead in creating better work options for older Americans. While most older workers want to work past traditional retirement age, many do not want to work a traditional full-time schedule. Today, only about one-third of older workers have flexible work schedules. Even when employers offer flexible work options like part-time work schedules, most do not also offer benefits: only 22 percent of part-time workers have access to health benefits.

So while older workers and some employers have begun to reinvent retirement, we have a long way to go. That is why I authored the Older Worker Opportunity Act, which aims to expand opportunities for older Americans to work longer if they so choose. The centerpiece of this legislation is a tax credit for employers that offer flexible, reduced, or seasonal work schedules to older workers while maintaining their health and pension benefits. Such a credit would reward employers like Mercy Health System who are doing the right thing, while encouraging other employers to follow their lead. Greater workplace flexibility would not only benefit older Americans, but would also reduce employer costs by increasing productivity and job retention.

Just this week, the National Committee to Preserve Social Security and Medicare endorsed the Older Worker Opportunity Act. In its letter of support, president and CEO Barbara Kennelly offered that the bill ''could help pave the way for significant increases in older worker employment.'' I agree, and I am proud to have them join our other supporters, including the National Council on Aging, the National Older Worker Career Center, Watson Wyatt Worldwide, the Committee for Economic Development, the Association of Jewish Family and Children's Agencies, and United Jewish Communities. With their backing, this bill will continue to gain steam.

During National Employ Older Workers Week, we also celebrate the Senior Community Service Employment Program—SCSEP—which has provided community service and job training to low-income seniors for 40 years. As our baby boomers age and seniors become a growing share of the population, we must strengthen SCSEP so that all eligible seniors get the help they need. Many of us were concerned when the Administration proposed a major overhaul of this program, which would have been disruptive to both grantees and participants. I am hopeful that the Older Americans Act reauthorization bill will preserve the basic structure of the program and build on its success.

I urge Congress to pass the OAA reauthorization as soon as possible so that seniors in need of SCSEP services have the tools to stay active in the workforce and their communities. But beyond reauthorization, we must also boost SCSEP's funding, which is currently only enough to serve less than one percent of the eligible population. As a member of the Appropriations Committee, I will continue to press for additional funding so that all older Americans who want or need to work longer have the opportunity to do so.

As older Americans live longer and healthier lives, most have the ability and desire to remain active. Some want to maintain physical and mental health, some need to improve their financial security, and some want to continue to contribute to society. Whatever the reason, it's time to change the way we think about retirement. Older Americans are a valuable asset to our nation's businesses, communities, and economy, and we must tap their reservoir of experience and talents. Our seniors deserve it, and our economic future may well depend on it.

CHILD AND FAMILY SERVICES IMPROVEMENT ACT

Mr. GRASSLEY. Mr. President, yesterday, the House of Representatives passed the Senate amendment to S. 3525, which represents the bipartisan and bicameral agreement on the Child and Family Services Improvement Act of 2006.

I was pleased to have introduced the Senate amendment with my friend and partner on the Senate Finance Committee, Senator MAX BAUCUS. Senator BAUCUS and I were joined by Senator ORRIN G. HATCH, and Senator JOHN D. ROCKEFELLER, Jr. and Senator OLYMPIA J. SNOWE. All of these members have a long history of support for important programs to improve the well-being of children.

This important legislation reauthorizes the Promoting Safe and Stable Families Program which provides services to families for family support, family preservation, time-limited reunification of families, and for adoption and post-adoption services. These are critical funding streams, and the reauthorization of the Promoting Safe and Stable Families Program ensures that families can rely on these preventative and supportive services.

The legislation also aligns the Child Welfare Services Act with the prevention activities of the Promoting Safe and Stable Families Program by providing incentives to States to invest in prevention services while allowing States to continue current State spending on existing State priorities.

S. 3525 provides support for increased caseworker visits as well as adopts a version of President Bush's proposal to provide a voucher for mentoring services for children of prisoners.

Additionally, the legislation increases access for funding for Indian tribes, which was a key priority of both Senator BAUCUS and Senator KENT CONRAD.

The legislation that will soon be signed by the President also includes grants for regional partnerships to address the growing problem of methamphetamine and other substance abuse and addictions that have had a substantial impact on child welfare systems and services.

Funding for these competitive grants was a key priority of mine, and I am pleased that the compromise we were able to work out with the House maintains the support for grants to improve the outcomes for children affected by methamphetamine abuse and addiction.

Mr. President, the Senate Finance Committee did a great deal of work on issues relating to child welfare. We held the first full committee hearing in 10 years on child welfare, and we held an additional hearing on the effects of the methamphetamine epidemic on the child welfare system. We worked on a bipartisan basis to mark up and pass the Improving Outcomes for Children Affected by Meth Act of 2005. Key provisions of that bill are features in the legislation which will soon be signed into law.

But there is more that can be done to strengthen and improve child welfare services. I intend to continue to work on a bipartisan basis to develop and enact reforms to ensure that all children have access to loving, permanent homes.

I would like to take this opportunity to thank the staff who worked tirelessly to get this bill done. Members of Congress in both the House and the Senate are very well served by our staffs. These men and women care a great deal about these programs, and we are indebted to them for their insights and analysis.

I am grateful to the talented staff from the office of Senator BAUCUS, specifically, Diedra Henry-Spires, Doug Steiger, and Michelle Easton. Additionally, I am grateful to Senator ROCKEFELLER's extremely knowledgeable aid Barbara Pryor.

I appreciate the work of the staff on the Subcommittee on Human Resources of the House Committee on Ways and Means, Matt Weidinger and Christine Calpin for the majority and Nick Gwyn and Sonja Nesbit for the minority.

I also thank the dedicated analyst from the Congressional Research Service, Emilie Stoltzfus who provided staff with invaluable expertise on child welfare programs.

Thanks to Christina Hawley Anthony from the Congressional Budget Office as well as legislative counsels Ruth Ernst and James Grossman.

Finally, I appreciate the efforts of my own Finance Committee policy lead on this issue, Becky Shipp as well as Mark Hayes, Ted Totman, and Kolan Davis.

Mr. President, because a formal conference was not convened on this bill, there is no conference report filed. However, the staff has prepared a section-by-section analysis of the Senate-House agreement for purposes of the legislative history.

Mr. President, some will say this has been a ''do nothing congress.'' I couldn't disagree more, and I believe that the children and families served by this legislation would disagree as well.

Mr. President, I ask unanimous consent that the section-by-section analysis to which I referred be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION ANALYSIS

S. 3525, THE CHILD AND FAMILY SERVICES IMPROVEMENT ACT OF 2006, AS AMENDED

(Prepared by the Staff of the U.S. House Committee on Ways and Means and the U.S. Senate Committee on Finance, September 27, 2006)

Section 1—Short Title

''The Child and Family Services Improvement Act of 2006''

Section 2—Findings

The legislation makes a number of findings regarding the provision of services under two child welfare programs authorized under Title IV–B of the Social Security Act, the Child Welfare Services (CWS) program and the Promoting Safe and Stable Families (PSSF) program. The findings note the importance of monthly caseworker visits in improving outcomes for children. They also outline the relationship between the entry of children into the child welfare system and their parent's abuse of methamphetamine and other substances.

Section 3—Reauthorization of the Promoting Safe and Stable Families Program

Current Law

For fiscal year (FY) 2006, authorizes mandatory funding of $345 million for the Promoting Safe and Stable Families (PSSF) program (Title IV–B, Subpart 2 of the Social Security Act) and discretionary funding of $200 million for each of FYs 2002 through 2006.

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The legislation extends the mandatory PSSF funding authorization of $345 million for five years (FYs 2007 through 2011) and extends the discretionary funding authorization of $200 million for each of those same five years. The legislation expands the reporting requirement to include both proposed spending and actual spending under the CWS and PSSF programs, and at State option, other programs that support child abuse prevention activities and child welfare services. The legislation also prohibits HHS from making any payment of PSSF funds to a State for administrative costs that exceed 10 percent of total program expenditures (Federal and non-Federal) of a State.

Reason for Change

The PSSF program supports four categories of services provided to children and families: family preservation services, community-based family support services, time-limited reunification services, and adoption promotion and support services. The legislation recognizes the importance of encouraging States to invest in these activities. Thus the legislation provides for the $200 million increase in mandatory PSSF funds over the next five years included in the Deficit Reduction Act of 2005 (Pub. L. 109–171). In total $345 million in mandatory funds (the recent $305 million allotment of annual mandatory funds, plus a $40 million annual increase provided under the Deficit Reduction Act of 2005) will be provided in each of FYs 2007 through 2011.

The legislation also will ensure better oversight and accountability of spending under the CWS and PSSF programs by requiring States to report on projected and actual spending under these two programs. Specifically, data on actual spending will help track State investments for the four priorities of the PSSF program.

Section 4—Targeting of Promoting Safe and Stable Families Program Resources

Current Law

Current law requires States to include assurances in their PSSF plan that they will spend significant portions of their PSSF funds in each of four priority areas: (1) family preservation services; (2) community-based family support services; (3) time-limited family reunification services; and (4) adoption promotion and support services.

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The legislation retains the four priorities of PSSF while targeting the additional $40 million per year provided under the Deficit Reduction Act of 2005 (Pub. L. 109–171) to two new priorities: (1) support for monthly caseworker visits; and (2) competitive grants to promote the well-being of children in or at risk of placement in the child welfare system as a result of their parent's abuse of methamphetamine or other substances.

The legislation provides a total of $95 million to States to support monthly caseworker visits of children in foster care under the responsibility of the State, with a primary emphasis on activities designed to improve caseworker retention, recruitment, training, and ability to access the benefits of technology. States will receive $40 million from FY 2006 PSSF funds (with these funds available through FY 2009), $5 million in FY 2008, $10 million in FY 2009, and $20 million in each of FYs 2010 and 2011 to support monthly caseworker visits. States cannot use these funds to supplant any Federal funds already paid to the State under the Title IV–E program that could be used for the purposes outlined above.

To promote the well-being of children affected by their parent's abuse of methamphetamine or other substances, the legislation provides a total of $145 million to the Secretary of the Department of Health and Human Services (HHS) to award competitive

grants to regional partnerships to pursue innovative approaches to help children and families. Funding will be $40 million in FY 2007, $35 million in FY 2008, $30 million, in FY 2009 and $20 million in each of FYs 2010 and 2011. Partnerships must include the State child welfare agency or an Indian tribe and at least one other eligible partner, including: child welfare service providers (nonprofit and for-profit), community providers of health or mental health services, local law enforcement agencies, judges and court personnel, juvenile justice officials, school personnel, the State agency responsible for administering the substance abuse prevention and treatment block grant (authorized under Title XIX–B, Subpart II of the Public Health Services Act), and any other providers, agencies, personnel, officials or entities related to the provision of child and family services. Grants of between $500,000 and $1 million per year will be awarded for 2 to 5 year periods.

A priority will be given to grant applications that propose to combat methamphetamine abuse, given its substantial affect on child welfare in some areas. Funding for the grants must be used to support the purposes of this program, which may include family-based comprehensive long-term substance abuse treatment services, early intervention and prevention services, mental health services, parent skills training, and replication of successful models for providing family-based comprehensive long-term substance abuse treatment services. Grantees must provide a 15 percent match in the first and second year, a 20 percent match in the third and fourth year, and a 25 percent match in the fifth year. In-kind contributions can qualify towards the match requirement. The Secretary of HHS must consult with State leaders to develop performance indicators and reporting is required of all grant recipients.

The legislation also redirects current PSSF research funding to support evaluation, research, and technical assistance related to the above two PSSF funding priorities. In each of FYs 2007 through 2011, at least $1 million must be spent for research and technical assistance activities that support monthly caseworker visits and at least $1 million must be spent for research and technical assistance activities with respect to the competitive grant program to promote the well-being of children in or at risk of placement in the child welfare system due to a parent's abuse of methamphetamine or other substances.

Reason for Change

The targeting of funds to support monthly visits of foster children is in response to research highlighting how monthly visits lead to better outcomes for children. The Child and Family Service Reviews (CFSRs) completed in each State found a strong correlation between frequent caseworker visits with children and positive outcomes for children, such as timely achievement of permanency and other indicators of child well-being. However, despite the fact that nearly all States had written standards suggesting monthly visits were State policy, a December 2005 report completed by the HHS Office of the Inspector General found that only 20 States were able to produce reports showing whether caseworkers actually visited children in foster care on at least a monthly basis. States are encouraged to invest these resources in those activities with proven effectiveness in supporting monthly caseworker visits of foster children and should be cognizant that these funds may not supplant what States already spend from their Title IV–E programs for these activities. These resources are intended to increase State investment in these important areas.

Parental substance abuse is a well-known problem affecting the child welfare system, and the Office of Applied Studies of the Substance Abuse and Mental Health Services Administration reported that the number of new uses of methamphetamines (meth) has increased 72 percent in the past decade. A study by the National Association of Counties which surveyed 300 counties in 13 States reported that meth abuse is a major cause of child abuse and neglect. Forty percent of all the child welfare officials in the survey reported an increase in out-of-home placements due to meth abuse in 2005.

Section 5—Allotments and Grants to Indian Tribes

Current Law

Requires that 1 percent of all mandatory PSSF funds, and 2 percent of any discretionary appropriations for the PSSF program, be set aside for tribal programs. (The minimum tribal funding provided is $3.45 million and the maximum annual tribal funding possible is $7.45 million.)

Out of the tribal funds reserved, Indian tribes or tribal organizations with an approved plan must be allotted PSSF funds (based on the relative share of tribal persons under age 21 but only among tribes or tribal organizations with approved plans). The Secretary of HHS may exempt a tribe from any plan requirement that it determines would be inappropriate for that tribe (taking into account the resources, needs, and other circumstances of that tribe). However, no tribe or tribal organization may have an approved plan (or receive funds) unless its allotment is equal to at least $10,000. Funds allotted are paid directly to the tribal organization of the Indian tribe to which the money is allotted.

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The legislation increases the set-aside for tribal programs to 3 percent of any discretionary funds appropriated. It also increases the set-aside for tribal programs to 3 percent of the mandatory funds authorized and which remain after the separate reservation of funds is made for (1) monthly caseworker visits, and (2) competitive grants to combat methamphetamine and other substance abuse. Therefore, the minimum funding available per year for tribal programs would be $9.15 million and the maximum funding would be $15.15 million. The legislation eliminates the ability of the Secretary of HHS to exempt tribes from the PSSF plan requirements related to nonsupplantation, data reporting, and monitoring. However, the Secretary retains the ability to waive for Indian tribes the PSSF requirement to invest significant amounts of program funds in each of the four PSSF activities and to spend no more than 10 percent of PSSF funds on administrative costs.

The legislation also permits tribal consortia to have access to an allotment of PSSF funds (and related technical assistance) on the same basis as such funds are currently available to Indian tribes. A tribal consortium's allotment is to be determined based on the number of tribal persons under age 21 in each tribe that is a part of the tribal consortium. If tribes choose to apply collectively as a consortium, the population of tribal persons under age 21 for each tribe would be combined in order to determine the size of the grant to the consortium, including whether the consortium meets the $10,000 eligibility threshold in the Act. A tribal consortium could select which Indian tribal organization (among the tribes in the consortium) would receive the direct payment of its allotment.

Reason for Change

The legislation recognizes the importance of assisting tribes in their efforts to assist abused and neglected children. The legislation significantly increases the amount of funds provided to tribes and allows tribal consortia to apply for PSSF funds. This step is being taken to encourage the further development of tribal child welfare programs, which largely serve severely disadvantaged communities and families and can do so in a culturally appropriate manner. Permanency outcomes for Indian children can be improved if tribal consortia are able to have access to an allotment of PSSF funding on the same basis as is currently available to Indian tribes. This will facilitate smaller tribes' building their own programs and will allow for administrative efficiencies in tribal program administration.

To collect additional data and ensure proper oversight of these funds, tribes and tribal consortia interested in applying for this substantial increase in PSSF funds will be required to adhere to the same data and monitoring plan requirements as States. This additional data will inform how these funds have helped the tribes better ensure the safety, permanency, and well-being of tribal children.

Section 6—Improvements to the Child Welfare Services (CWS) Program

Current Law

Up to $325 million annually is authorized on an indefinite basis for the Child Welfare Services (CWS) program, which provides funds to States to support a wide range of child welfare activities. Federal funding represents 75 percent of total funding for this program, and States are required to contribute 25 percent of total CWS funding from State funds.

S. 3525

The legislation maintains the annual discretionary authorization level of $325 million per year but limits the funding authorization to FYs 2007 through 2011. The legislation also specifies that the purpose of the CWS program for which funds may be expended is to promote State flexibility in the development and expansion of a coordinated child and family services program that utilizes community-based agencies and that ensures all children are raised in safe, loving families, by: (1) protecting and promoting the welfare of all children; (2) preventing the neglect, abuse, or exploitation of children; (3) supporting at-risk families through services which allow children, where appropriate, to remain safely with their families or return to their families in a timely manner; (4) promoting the safety, permanence and well-being of children in foster care and adoptive families; and (5) providing training, professional development and support to ensure a well-qualified child welfare workforce.

The legislation eliminates the plan requirements related to child day care standards and those related to the use of paraprofessionals or volunteers and restates and renumbers the remaining provisions with generally the same intent. It rewrites the provision concerning policies and procedures for children abandoned shortly after birth to assert that a State must have in effect administrative and judicial procedures for children who are abandoned at or shortly after birth (including policies and procedures providing for legal representation of the children) to ensure expeditious decisions can be made for their permanent placement. Further, it clarifies that the State may include residential educational programs as a living arrangement for children for whom reunification, adoption, or guardianship have been ruled out as permanency goals. This provision does not undermine current State policies regarding placement of children in adoptive homes and does not eliminate the 25 bed policy.

Beginning October 1, 2007 (i.e. the beginning of FY 2008), the legislation limits administrative funding to 10 percent, but defines administrative funds to exclude caseworker services and supervision of such services. Also beginning in FY 2008, the legislation limits how much each State can expend from Federal CWS funding for foster care maintenance payments, adoption assistance payments, or child day care to what the State can show that it spent for such purposes in FY 2005. Further, beginning with FY 2008, States are not allowed to use State spending on foster care maintenance payments to meet the State matching requirement to receive Federal CWS fund in amounts that exceed what the State spent from such funds in FY 2005.

The legislation also adds new requirements to the CWS plan the State submits to (1) describe how the State consults with and involves physicians and other appropriate medical professionals in the assessment of children in foster care and in determining appropriate medical treatment, and (2) develop a plan on how to respond, track and continue care for children receiving child welfare services in the event of a disaster.

Reason for Change

The legislation will reorganize and update the CWS program and encourage more effective oversight. It also aligns the program to be coterminous with the reauthorization of the PSSF program to allow for better coordination between the two programs. It will encourage States to invest funding in prevention services, but allows each State to maintain in the coming years its FY 2005 level of spending from Federal CWS funds for foster care, adoption assistance and child care purposes. It adds a new State planning requirement to ensure consultation with medical professionals as well as State planning to continue the availability of child welfare services during a disaster.

Section 7—Monthly Caseworker Standard

Current Law

There is no minimum Federal standard for monthly visits of foster children in State custody.

S. 3525

The legislation requires the State to update its CWS State plan by October 1, 2007 to describe its standards for the content and frequency of caseworker visits of foster children in State custody, which at a minimum must ensure that children are visited on a monthly basis and that the caseworker visits are well-planned and focused on issues pertinent to case planning and service delivery to ensure the safety, permanency, and well-being of children.

The legislation also sets a minimum Federal standard requiring each State and territory to achieve by October 1, 2011 monthly caseworker visits for at least 90 percent of foster children in State custody, with the majority of those visits occurring in the child's residence. Each State and territory would be held accountable for its efforts and the legislation prescribes a planning process to achieve this goal. To receive FY 2008 CWS funds, States must submit to HHS data for FY 2007 on the percentage of foster children visited on a monthly basis by their caseworker and the percentage of those visits that occurred in the child's residence. Based on this data, HHS will work with each State to set target levels for the State to meet to achieve a 90 percent monthly visitation standard by FY 2012 and will establish these target levels by June 30, 2008. Then, beginning in FY 2009, States must achieve their annual goal for the percentage of caseworker visits and the percentage of visits that occur in the child's residence, or face an enhanced matching requirement in order to draw down their full allotment of Federal CWS funds. The share of non-Federal spending that is required in a State that does not meet its visitation target level in a year increases by a minimum of 1 percentage point, up to a maximum of 5 percentage points, depending on the degree to which the State has missed its target level; absent the commitment of additional State funds, Federal funds would be reduced to yield the modified State share of overall CWS funding, consistent with the degree of the State's failure to achieve its visitation target for that year.

No later than March 31, 2010, HHS must submit to the House Committee on Ways and Means and the Senate Committee on Finance a report that outlines the progress States have made in meeting their caseworker visitation standards and that offers recommendations, developed in consultation with State administrators of child welfare programs and members of State legislatures, to assist States in meeting this standard.

Reason for Change

Holding States accountable for achieving monthly caseworker visits for at least 90 percent of foster children responds to research highlighting how monthly visits lead to better outcomes for children. HHS shall work with the States to establish a plan to achieve this goal by FY 2012 and States are encouraged to invest the new PSSF resources provided in FY 2006 and later fiscal years in activities that have been shown to be effective in achieving increased caseworker visitation of foster children. The above accountability measure will ensure that, even in the case of a State that fails to fulfill its specified level of caseworker visits, the full Federal CWS allotment to a State will remain available so long as that State increases its State CWS spending modestly, according to the provisions of the legislation.

Section 8—Reauthorization of Program for Mentoring Children of Prisoners

Current Law

The Mentoring Children of Prisoners program is administered by HHS and makes competitive grants to support the establishment or expansion and operation of programs that provide mentoring services to children of prisoners.

S. 3525

The legislation reauthorizes the existing Mentoring Children of Prisoners program through FY 2011 at such sums as may be necessary and increases the HHS set-aside for research, technical assistance, and evaluation from 2.5 percent to 4 percent. It authorizes a new 3-year pilot program to provide vouchers to qualified mentoring groups to offer services to individual children of prisoners, but specifies both annual caps on funding for this purpose and that at least $25 million must be available each year for site-based grants provided under the program. The voucher pilot program will be administered by a national group that will work closely with HHS to manage the program with the goal to distribute least 3,000 vouchers in the first year, 8,000 vouchers in the second year and 13,000 vouchers in the third year. The legislation specifies that the national group must identify in its voucher distribution plan how the group will prioritize providing vouchers to children in areas which have not been served under the current site-based mentoring program. During the third year of this pilot HHS shall provide a report based on an independent evaluation to the House Committee on Ways and Means and the Senate Committee on Finance on the number of children who received vouchers for mentoring services and any conclusions regarding the voucher pilot program's effectiveness.

Reason for Change

The continuation of the Mentoring Children of Prisoners program will enable public and private organizations to establish or expand projects that provide one-on-one mentoring for children of incarcerated parents and those recently released from prison. At the same time, children have not been able to access mentoring services in some States and rural areas because of the absence of a site-based grant to provide this service. The voucher pilot program will evaluate the effectiveness of using vouchers to expand the delivery of mentoring services to children of prisoners, including to children in rural and underserved areas.

Section 9—Reauthorization of the Court Improvement Program

Current Law

For each of FYs 2002 through 2006, an eligible highest State court (with an approved application) is entitled to a share of funds to assess and make improvements to its handling of child welfare procedures. A set-aside of $10 million from the mandatory funds authorized and 3.3 percent of any discretionary appropriation is provided from the PSSF program to support the Court Improvement Program. To receive its full allotment of these funds the court, in each of FYs 2002 through 2006, is required to provide at least 25 percent of the expenditures for this purpose.

S. 3525

The legislation reauthorizes the funding for the Court Improvement Program for 5 years, through FY 2011.

Reason for Change

The Court Improvement Program has played an important role in assisting State courts in their efforts to expedite judicial proceedings for at-risk children. The legislation will ensure these funds continue to remain available, and is in addition to the $100 million provided over FYs 2006 through 2010 under the Deficit Reduction Act of 2005 (Pub. L. 109–171) to support training and data collection efforts of State courts.

Section 10—Requirement for Foster Care Proceedings to Include, in an Age-Appropriate Manner, Consultation with the Child that Is the Subject of the Proceeding

Current Law

Current law does not include a standard for consulting with children in court proceedings.

S. 3525

The legislation requires States to assure that in any permanency hearing held with respect to the child, including any hearing regarding the transition of the child from foster care to independent living, the court or administrative body conducting the hearing consults in an age-appropriate manner with the child regarding the plan being proposed for the child.

Reason for Change

Each child deserves the opportunity to participate and be consulted in any court proceeding affecting his or her future, in an age-appropriate manner.

Section 11—Technical Amendments

Section 12—Effective Dates

The legislation will become effective on October 1, 2006, except for provisions with other specified effective dates or if HHS determines that a State legislature must act before the State can comply with the changes.