

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

FOSTERING CONNECTIONS TO SUCCESS ACT

Mr. McDERMOTT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6307) to amend parts B and E of title IV of the Social Security Act to assist children in foster care in developing or maintaining connections to family, community, support, health care, and school, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6307

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 "Fostering Connections to Success Act".

SEC. 2. KINSHIP GUARDIANSHIP ASSISTANCE PAYMENTS FOR CHILDREN.

(a) STATE PLAN OPTION.—Section 471(a) of the Social Security Act (42 U.S.C. 671(a)) is amended—

(1) by striking "and" at the end of paragraph (26);

(2) by striking the period at the end of paragraph (27) and inserting "; and"; and

(3) by adding at the end the following:

"(28) at the option of the State, provides for the State to enter into kinship guardianship assistance agreements to provide kinship guardianship assistance payments on behalf of children to grandparents and other relatives who have assumed legal guardianship of the children for whom they have cared as foster parents and for whom they have committed to care on a permanent basis, as provided in section 473(d)."

(b) IN GENERAL.—Section 473 of such Act (42 U.S.C. 673) is amended by adding at the end the following:

"(d) KINSHIP GUARDIANSHIP ASSISTANCE PAYMENTS FOR CHILDREN.—

"(1) KINSHIP GUARDIANSHIP ASSISTANCE AGREEMENT.—

"(A) IN GENERAL.—In order to receive payments under section 474(a)(6), a State shall—

"(i) negotiate and enter into a written, binding kinship guardianship assistance agreement with the prospective relative guardian of a child who meets the requirements of this paragraph;

"(ii) provide the prospective relative guardian with a copy of the agreement; and

"(iii) certify that any child on whose behalf kinship guardianship assistance payments are made under the agreement shall be provided medical assistance under title XIX in accordance with section 1902(a)(10)(A)(i)(I).

"(B) MINIMUM REQUIREMENTS.—The agreement shall specify, at a minimum—

"(i) the amount of, and manner in which, each kinship guardianship assistance payment will be provided under the agreement;

"(ii) the additional services and assistance that the child and relative guardian will be eligible for under the agreement;

"(iii) the procedure by which the relative guardian may apply for additional services as needed; and

"(iv) subject to subparagraph (D), that the State will pay the total cost of nonrecurring expenses associated with obtaining legal guardianship of the child, to the extent the total cost does not exceed \$2,000.

"(C) INTERSTATE APPLICABILITY.—The agreement shall provide that the agreement shall remain in effect without regard to the State residency of the kinship guardian.

"(D) NO EFFECT ON FEDERAL REIMBURSEMENT.—Nothing in subparagraph (B)(iv) shall be construed as affecting the ability of the State to obtain reimbursement from the Federal Government for costs described in that subparagraph.

"(2) KINSHIP GUARDIANSHIP ASSISTANCE PAYMENT.—

"(A) IN GENERAL.—The kinship guardianship assistance payment shall be equal to the amount of the foster care maintenance payment for which the child would have been eligible if the child had remained in a foster family home, or, at State option, the amount of the adoption assistance payment for which the child would have been eligible if the child had been adopted, and may be readjusted periodically based on changes in the circumstances of the relative guardians involved and the needs of the child. Notwithstanding the preceding sentence, the amount of the kinship guardianship assistance payment may not exceed the foster care maintenance payment which would have been paid during the period involved if the child had been in a foster family home.

"(B) LIMITATION.—A State may not make a kinship guardianship assistance payment to a relative guardian for any child who has attained 18 years of age, or such greater age as the State may elect under section 475(8)(B)(iii).

"(3) CHILD'S ELIGIBILITY FOR A KINSHIP GUARDIANSHIP ASSISTANCE PAYMENT.—

"(A) IN GENERAL.—A child is eligible for a kinship guardianship assistance payment under this subsection if the State agency determines the following:

"(i) The child has been—

"(I) removed from his or her home pursuant to a voluntary placement agreement or as a result of a judicial determination to the effect that continuation in the home would be contrary to the welfare of the child;

"(II) under the care of the State agency for the 12-month period ending on the date of the agency determination;

"(III) eligible for foster care maintenance payments under section 472 while in the home of the prospective relative guardian; and

"(IV) residing for at least 6 months with the prospective relative guardian.

"(ii) Being returned home or adopted are not appropriate permanency options for the child.

"(iii) The child demonstrates a strong attachment to the prospective relative guardian and the relative guardian has a strong commitment to caring permanently for the child.

"(iv) With respect to a child who has attained 14 years of age, the child has been consulted regarding the kinship guardianship arrangement.

"(B) TREATMENT OF SIBLINGS.—With respect to a child described in subparagraph (A) whose sibling or siblings are not so described—

"(i) the child and any sibling of the child may be placed in the same kinship guardianship arrangement if the State agency and the relative agree on the appropriateness of the arrangement for the siblings; and

"(ii) kinship guardianship assistance payments may be paid for the child and each sibling so placed."

(c) CONFORMING AMENDMENTS.—

(1) ELIGIBILITY FOR ADOPTION ASSISTANCE PAYMENTS.—Section 473(a)(2) of such Act (42 U.S.C. 673(a)(2)) is amended by adding at the end the following:

"(D) In determining the eligibility for adoption assistance payments of a child in a legal guardianship arrangement described in section 471(a)(28), the placement of the child with the relative guardian involved shall be considered never to have been made."

(2) STATE PLAN REQUIREMENT.—

(A) IN GENERAL.—Section 471(a)(20) of such Act (42 U.S.C. 671(a)(20)) is amended—

(i) by adding "and" at the end of subparagraph (C); and

(ii) by adding at the end the following:

"(D) provides procedures for criminal records checks, including fingerprint-based checks of national crime information databases (as defined in section 534(e)(3)(A) of title 28, United States Code), on any relative guardian, and for checks described in subparagraph (C) of this paragraph on any relative guardian and any other adult living in the home of any relative guardian, before the relative guardian may be finally approved for placement of a child regardless of whether kinship guardianship assistance payments are to be made on behalf of the child under the State plan under this part;"

(B) REDESIGNATION OF NEW PROVISION AFTER AMENDMENT MADE BY PRIOR LAW TAKES EFFECT.—

(i) IN GENERAL.—Section 471(a)(20) of the Social Security Act (42 U.S.C. 671(a)(20)) is amended—

(I) in subparagraph (D), by striking "(C)" and inserting "(B)"; and

(II) by redesignating subparagraph (D) as subparagraph (C).

(ii) EFFECTIVE DATE.—The amendments made by clause (i) shall take effect immediately after the amendments made by section 152 of Public Law 109-248 take effect.

(3) PAYMENTS TO STATES.—Section 474(a) of such Act (42 U.S.C. 674(a)) is amended—

(A) by striking the period at the end and inserting "; plus"; and

(B) by adding at the end the following:

"(6) an amount equal to the percentage by which the expenditures referred to in paragraph (2) of this subsection are reimbursed of the total amount expended during such quarter as kinship guardianship assistance payments under section 473(d) pursuant to kinship guardianship assistance agreements."

(4) DEFINITIONS.—Section 475(1) of such Act (42 U.S.C. 675(1)) is amended by adding at the end the following:

"(F) In the case of a child with respect to whom the permanency plan is placement with a relative and receipt of kinship guardianship assistance payments under section 473(d), a description of—

"(i) the steps that the agency has taken to determine that it is not appropriate for the child to be returned home or adopted;

"(ii) the reasons for any separation of siblings during placement;

"(iii) the reasons why a permanent placement with a fit and willing relative through a kinship guardianship assistance arrangement is in the child's best interests;

"(iv) the ways in which the child meets the eligibility requirements for a kinship guardianship assistance payment;

"(v) the efforts the agency has made to discuss adoption by the child's relative foster parent as a more permanent alternative to legal guardianship and, in the case of a relative foster parent who has chosen not to

pursue adoption, documentation of the reasons therefor; and

“(vi) the efforts made by the State agency to discuss with the child’s parent or parents the kinship guardianship assistance arrangement, or the reasons why the efforts were not made.”

(d) CONTINUED SERVICES UNDER WAIVER.—Section 474 of such Act (42 U.S.C. 674) is amended by adding at the end the following:

“(g) For purposes of this part, after the termination of a demonstration project relating to guardianship conducted by a State under section 1130, the expenditures of the State for the provision, to children who, as of September 30, 2008, were receiving assistance or services under the project, of the same assistance and services under the same terms and conditions that applied during the conduct of the project, are deemed to be expenditures under the State plan approved under this part.”

SEC. 3. FAMILY CONNECTION GRANTS.

Part B of title IV of the Social Security Act (42 U.S.C. 620–629i) is amended by adding at the end the following:

“Subpart 3—Family Connection Grants

“SEC. 441. FAMILY CONNECTION GRANTS.

“(a) IN GENERAL.—The Secretary of Health and Human Services may make matching grants to State, local, or tribal child welfare agencies, and private nonprofit organizations that have experience in working with foster children or children in kinship care arrangements, for the purpose of helping children who are in, or at risk of entering, foster care reconnect with family members through the implementation of—

“(1) kinship navigator programs designed to assist kinship caregivers in navigating their way through programs and services, and to help the caregivers learn about and obtain assistance to meet the needs of the children they are raising and their own needs;

“(2) intensive family-finding efforts that utilize search technology to find biological family members for children in the child welfare system, and once identified, work to reestablish relationships and explore ways to find a permanent family placement for the children; or

“(3) family group decision-making meetings for children in the child welfare system that engage and empower families to make decisions and develop plans that nurture children and protect them from enduring further abuse and neglect.

“(b) APPLICATIONS.—An entity desiring to receive a matching grant under this section shall submit to the Secretary an application, at such time, in such manner, and containing such information as the Secretary may require, including—

“(1) a description of how the grant will be used to implement 1 or more of the activities described in subsection (a);

“(2) a description of the types of children and families to be served, including how the children and families will be identified and recruited, and an initial projection of the number of children and families to be served;

“(3) if the entity is a private organization—

“(A) documentation of support from the relevant local or State child welfare agency; or

“(B) a description of how the organization plans to coordinate its services and activities with those offered by the relevant local or State child welfare agency; and

“(4) an assurance that the entity will cooperate fully with any evaluation provided for by the Secretary under this section.

“(c) LIMITATIONS.—

“(1) GRANT DURATION.—The Secretary may award a grant under this section for a period of not less than 1 year and not more than 3 years.

“(2) NUMBER OF NEW GRANTEEES PER YEAR.—The Secretary may not award a grant under this section to more than 20 new grantees each fiscal year.

“(d) FEDERAL CONTRIBUTION.—The amount of a grant payment to be made to a grantee under this section during each year in the grant period shall be the following percentage of the total expenditures proposed to be made by the grantee in the application approved by the Secretary under this section:

“(1) 75 percent, if the payment is for the 1st or 2nd year of the grant period.

“(2) 50 percent, if the payment is for the 3rd year of the grant period.

“(e) FORM OF GRANTEE CONTRIBUTION.—A grantee under this section may provide not more than 50 percent of the amount which the grantee is required to expend to carry out the activities for which a grant is awarded under this section in kind, fairly evaluated, including plant, equipment, or services.

“(f) USE OF GRANT.—A grantee under this section shall use the grant in accordance with the approved application for the grant.

“(g) RESERVATIONS OF FUNDS.—

“(1) EVALUATION.—The Secretary shall reserve 3 percent of the funds made available under subsection (h) for each fiscal year for the conduct of a rigorous evaluation of the activities funded with grants under this section.

“(2) TECHNICAL ASSISTANCE.—The Secretary may reserve 2 percent of the funds made available under subsection (h) for each fiscal year to provide technical assistance to recipients of grants under this section.

“(h) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated to the Secretary not more than \$50,000,000 for each of fiscal years 2009 through 2013.”

SEC. 4. NOTIFICATION TO RELATIVES OF FOSTER CARE PLACEMENTS.

Section 471(a) of the Social Security Act (42 U.S.C. 671(a)), as amended by section 2(a) of this Act, is amended—

(1) by striking “and” at the end of paragraph (27);

(2) by striking the period at the end of paragraph (28) and inserting “; and”;

(3) by adding at the end the following:

“(29) provides that, not later than 30 days after the date the State places a child in foster care, the State agency shall attempt to locate and notify any noncustodial parents, siblings, grandparents, aunts, or uncles of the child who are adults, of the removal of the child from the custody of the child’s parent or parents and explain the options the relative has to participate in the care and placement of the child, subject to exceptions due to family or domestic violence which shall be provided for under State law.”

SEC. 5. STATE OPTION FOR CHILDREN IN FOSTER CARE, AND CERTAIN CHILDREN IN AN ADOPTIVE OR GUARDIANSHIP PLACEMENT, AFTER ATTAINING AGE 18.

(a) DEFINITION OF CHILD.—Section 475 of the Social Security Act (42 U.S.C. 675) is amended by adding at the end the following:

“(8)(A) Subject to subparagraph (B), the term “child” means an individual who has not attained 18 years of age.

“(B) At the option of a State, the term shall include an individual—

“(i)(I) who is in foster care under the responsibility of the State;

“(II) with respect to whom an adoption assistance agreement is in effect under section

473 if the child had attained 16 years of age before the agreement became effective; or

“(III) with respect to whom a kinship guardianship assistance agreement is in effect under section 473(d) if the child had attained 16 years of age before the agreement became effective;

“(ii) who has attained 18 years of age;

“(iii) who has not attained 19, 20, or 21 years of age, as the State may elect; and

“(iv) who is—

“(I) completing secondary education or a program leading to an equivalent credential;

“(II) enrolled in an institution which provides post-secondary or vocational education;

“(III) participating in a program or activity designed to promote, or remove barriers to, employment; or

“(IV) employed for at least 80 hours per month.”

(b) CONFORMING AMENDMENT TO DEFINITION OF CHILD-CARE INSTITUTION.—Section 472(c)(2) of such Act (42 U.S.C. 672(c)(2)) is amended by inserting “, except, in the case of a child who has attained 18 years of age, the term shall include a supervised setting in which the individual is living independently, in accordance with such conditions as the Secretary shall establish in regulations” before the period.

(c) CONFORMING AMENDMENTS TO AGE LIMITS APPLICABLE TO CHILDREN ELIGIBLE FOR ADOPTION ASSISTANCE OR KINSHIP GUARDIANSHIP ASSISTANCE.—Section 473(a)(4) of such Act (42 U.S.C. 673(a)(4)) is amended to read as follows:

“(4)(A) Notwithstanding any other provision of this section, a payment may not be made pursuant to this section to parents or relative guardians with respect to a child—

“(i) who has attained—

“(I) 18 years of age, or such greater age as the State may elect under section 475(8)(B)(iii); or

“(II) 21 years of age, if the State determines that the child has a mental or physical handicap which warrants the continuation of assistance;

“(ii) who has not attained 18 years of age, if the State determines that the parents or relative guardians, as the case may be, are no longer legally responsible for the support of the child; or

“(iii) if the State determines that the child is no longer receiving any support from the parents or relative guardians, as the case may be.

“(B) Parents or relative guardians who have been receiving adoption assistance payments or kinship guardianship assistance payments under this section shall keep the State or local agency administering the program under this section informed of circumstances which would, pursuant to this subsection, make them ineligible for the payments, or eligible for the payments in a different amount.”

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2010.

SEC. 6. SHORT-TERM TRAINING FOR CHILD WELFARE AGENCIES, PROSPECTIVE RELATIVE GUARDIANS, AND COURT PERSONNEL.

(a) IN GENERAL.—Section 474(a)(3)(B) of the Social Security Act (42 U.S.C. 674(a)(3)(B)) is amended—

(1) by inserting “or relative guardians” after “adoptive parents”;

(2) by striking “and the members” and inserting “, the members”;

(3) by inserting “, or State-licensed or State-approved child welfare agencies providing services,” after “providing care”;

(4) by inserting “, and members of the staff of abuse and neglect courts, agency attorneys, attorneys representing children or parents, guardians ad litem, or other court-appointed special advocates representing children in proceedings of such courts” after “part.”;

(5) by inserting “guardians,” before “staff members.”; and

(6) by striking “and institutions” and inserting “institutions, attorneys, and advocates”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2008.

(c) PHASE-IN.—With respect to an expenditure described in section 474(a)(3)(B) of the Social Security Act by reason of an amendment made by subsection (a) of this section, in lieu of the percentage set forth in such section 474(a)(3)(B), the percentage that shall apply is—

(1) 55 percent, if the expenditure is made in fiscal year 2009;

(2) 60 percent, if the expenditure is made in fiscal year 2010;

(3) 65 percent, if the expenditure is made in fiscal year 2011; or

(4) 70 percent, if the expenditure is made in fiscal year 2012.

SEC. 7. EQUITABLE ACCESS FOR FOSTER CARE AND ADOPTION SERVICES FOR INDIAN CHILDREN IN TRIBAL AREAS.

(a) AUTHORITY FOR INDIAN TRIBES TO RECEIVE DIRECT FEDERAL TITLE IV-E FUNDS.—Section 472(a)(2)(B) of the Social Security Act (42 U.S.C. 672(a)(2)(B)) is amended—

(1) in clause (i), by striking “or” at the end;

(2) in clause (ii), by striking “and” at the end and inserting “or”;

(3) by adding at the end the following:

“(iii) an Indian tribe or a tribal organization (as defined in section 479B(a)) or a tribal consortium, if the Indian tribe, tribal organization, or tribal consortium—

“(I) operates a program under section 479B;

“(II) has a cooperative agreement with a State under section 479B(d); or

“(III) submits to the Secretary a description of the arrangements (jointly developed in consultation with the State) made by the Indian tribe or tribal consortium for the payment of funds and the provision of the child welfare services and protections required by this title; and”.

(b) PROGRAMS OPERATED BY INDIAN TRIBAL ORGANIZATIONS.—Part E of title IV of such Act (42 U.S.C. 670 et seq.) is amended by adding at the end the following:

“SEC. 479B. PROGRAMS OPERATED BY INDIAN TRIBAL ORGANIZATIONS.

“(a) DEFINITIONS OF INDIAN TRIBE; TRIBAL ORGANIZATIONS.—In this section:

“(1) IN GENERAL.—Except as provided in paragraph (2), the terms ‘Indian tribe’ and ‘tribal organization’ have the meanings given those terms in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

“(2) SPECIAL RULE FOR ALASKAN TRIBES.—The term ‘Indian tribe’ means, with respect to the State of Alaska, only the Metlakatla Indian Community of the Annette Islands Reserve and the following Alaska Native regional nonprofit corporations:

“(A) Artice Slope Native Association.

“(B) Kawerak, Inc.

“(C) Maniilaq Association.

“(D) Association of Village Council Presidents.

“(E) Tanana Chiefs Conference.

“(F) Cook Inlet Tribal Council.

“(G) Bristol Bay Native Association.

“(H) Aleutian and Pribilof Island Association.

“(I) Chugachmuit.

“(J) Tlingit Haida Central Council.

“(K) Kodiak Area Native Association.

“(L) Copper River Native Association.

“(b) APPLICATION.—Except as provided in subsections (c) and (e), this part shall apply to an Indian tribe, tribal organization, or a tribal consortium that elects to operate a program under this part in the same manner as this part applies to a State.

“(c) MODIFICATION OF PLAN AND OTHER REQUIREMENTS.—

“(1) IN GENERAL.—In the case of an Indian tribe, a tribal organization, or a tribal consortium submitting a plan for approval under section 471, the plan—

“(A) shall—

“(i) in lieu of the requirements of section 471(a)(3), identify the service area or areas and population to be served by the Indian tribe, tribal organization, or tribal consortium; and

“(ii) in lieu of the requirements of section 471(a)(10), provide for the establishment and application of standards for foster family homes and child care institutions pursuant to tribal standards and in a manner that ensures the safety of, and accountability for, children placed in foster care; and

“(B) may, at the option of the Indian tribe, tribal organization, or tribal consortium, in lieu of the requirements of section 471(a)(20), provide procedures for conducting background checks in accordance with the requirements of section 408 of the Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3207) and regulations issued thereunder, and for conducting checks of child abuse and neglect registries maintained by the Federal Government, by a State, and by an Indian tribe, tribal organization, or tribal consortium in a manner that ensures the safety of, and accountability for, children placed in foster care or who are being placed for adoption.

“(2) DETERMINATION OF FEDERAL SHARE; SOURCES OF NON-FEDERAL SHARE.—

“(A) PER CAPITA INCOME.—

“(i) IN GENERAL.—For purposes of determining the Federal medical assistance percentage applicable to an Indian tribe, a tribal organization, or a tribal consortium under paragraphs (1) and (2) of section 474(a) (and for purposes of payments made under an arrangement described in section 472(a)(2)(B)(iii)(III)), the calculation of the per capita income of the Indian tribe, tribal organization, or tribal consortium shall be based upon the service population of the Indian tribe, tribal organization, or tribal consortium as defined in the plan of the Indian tribe, tribal organization, or tribal consortium, in accordance with paragraph (1)(A), except that in no case shall an Indian tribe, a tribal organization, or a tribal consortium receive less than the Federal medical assistance percentage for any State in which the tribe is located.

“(ii) CONSIDERATION OF OTHER INFORMATION.—Before making a calculation under clause (i), the Secretary shall consider any information submitted by an Indian tribe, a tribal organization, or a tribal consortium that the Indian tribe, tribal organization, or tribal consortium considers relevant to making the calculation of the per capita income of the Indian tribe, tribal organization, or tribal consortium.

“(B) ADMINISTRATIVE, TRAINING, AND DATA COLLECTION EXPENDITURES.—The Secretary shall, by regulation, determine the proportions to be paid to Indian tribes, tribal orga-

nizations, and tribal consortiums pursuant to section 474(a)(3) for purposes of this section (and for purposes of payments made under an arrangement described in section 472(a)(2)(B)(iii)(III)), except that in no case shall an Indian tribe, a tribal organization, or a tribal consortium receive a lesser proportion than the corresponding amount specified for a State in that section.

“(C) SOURCES OF NON-FEDERAL SHARE.—An Indian tribe, tribal organization, or tribal consortium may use Federal, State, tribal, or private funds, which may be in kind, fairly evaluated, including plant, equipment, administration, and services, to match payments for which the tribe, organization, or consortium is eligible under section 474.

“(3) MODIFICATION OF OTHER REQUIREMENTS.—On the request of an Indian tribe, tribal organization, or a tribal consortium, the Secretary may modify any requirement under this part if, after consulting with the Indian tribe, tribal organization, or tribal consortium, the Secretary determines that modification of the requirement would advance the best interests and the safety of children served by the Indian tribe, tribal organization, or tribal consortium.

“(4) CONSORTIUM.—The participating Indian tribes or tribal organizations of a tribal consortium may develop and submit a single plan under section 471 that meets the requirements of this section.

“(d) COOPERATIVE AGREEMENTS.—

“(1) IN GENERAL.—An Indian tribe, a tribal organization, or a tribal consortium and a State may enter into a cooperative agreement for the administration or payment of funds under this part.

“(2) APPLICATION AND ENFORCEMENT OF INCORPORATED PROVISIONS OF THIS SECTION.—If an Indian tribe, a tribal organization, or a tribal consortium and a State enter into a cooperative agreement that incorporates any of the provisions of this section, those provisions shall be valid and enforceable.

“(3) PRIOR AGREEMENTS IN EFFECT.—Any cooperative agreement described in paragraph (1) that is in effect as of the date of enactment of this section, shall remain in full force and effect subject to the right of either party to the agreement to revoke or modify the agreement pursuant to the terms of the agreement.

“(e) JOHN H. CHAFEE FOSTER CARE INDEPENDENCE PROGRAM.—Except as provided in section 477(j), subsection (b) of this section shall not apply with respect to the John H. Chafee Foster Care Independence Program established under section 477 (or with respect to payments made under section 474(a)(4) or grants made under section 474(e)).”

(c) APPLICATION OF FEDERAL MATCHING RATE THAT WOULD APPLY TO INDIAN TRIBES, TRIBAL ORGANIZATIONS, OR TRIBAL CONSORTIA TO EXPENDITURES UNDER STATE AGREEMENTS OR AN AGREEMENT WITH THE SECRETARY.—

(1) FOSTER CARE MAINTENANCE AND ADOPTION ASSISTANCE PAYMENTS.—Paragraphs (1) and (2) of section 474(a) of such Act (42 U.S.C. 674(a)) are each amended by inserting “(or, with respect to such payments made during such quarter under an agreement entered into by the State and an Indian tribe, tribal organization, or tribal consortium, or under an arrangement described in section 472(a)(2)(B)(iii)(III), an amount equal to the Federal medical assistance percentage that would apply under subsection (c)(2)(A) of section 479B (in this paragraph referred to as the ‘tribal FMAP’) if such Indian tribe, tribal organization, or tribal consortium made such payments under a program operated under that section, unless the tribal FMAP

is less than the Federal medical assistance percentage that applies to the State)" before the semicolon.

(2) ADMINISTRATIVE EXPENDITURES.—Section 474(a)(3) of such Act (42 U.S.C. 674(a)(3)) is amended—

(A) in the matter preceding subparagraph (A), by striking "section 472(i)" and inserting "subparagraph (E) and section 472(i)";

(B) in subparagraph (D), by striking "and" at the end;

(C) by redesignating subparagraph (E) as subparagraph (F); and

(D) by inserting after subparagraph (D) the following:

"(E) in the case of a State that has entered into an agreement with an Indian tribe, tribal organization, or tribal consortium (or an Indian tribe, tribal organization, or tribal consortium with an arrangement described in section 472(a)(2)(B)(iii)(III)), an amount equal to the proportions that would be paid to such tribe, organization, or consortium pursuant to regulations issued under section 479B(c)(2)(B) if the tribe, organization, or consortium operated a program under that section; and".

(d) HOLD HARMLESS FOR INDIAN FAMILIES RECEIVING FOSTER CARE MAINTENANCE PAYMENTS OR ADOPTION ASSISTANCE.—Nothing in the amendments made by this Act shall be construed as authorization to terminate funding to any Indian or Indian family currently receiving foster care maintenance payments or adoption assistance on behalf of a child and for which the State receives Federal matching payments under paragraph (1) or (2) of section 474(a) of the Social Security Act, regardless of whether a cooperative agreement between the State and an Indian tribe, tribal organization, or tribal consortium is in effect pursuant to subsection (d) of section 479B(d) of such Act, or an Indian tribe, tribal organization, or tribal consortium elects to operate a foster care and adoption assistance program directly under such section 479B.

(e) NONAPPLICATION OF CERTAIN ELIGIBILITY REQUIREMENTS FOR INDIAN CHILDREN.—Section 472(a) of such Act (42 U.S.C. 672(a)) is amended by adding at the end the following:

"(5) NONAPPLICATION OF CERTAIN REQUIREMENTS FOR INDIAN CHILDREN.—In the case of an Indian tribe, tribal organization, or tribal consortium that assumes responsibility for administering the program under this part through a cooperative agreement with the State under section 479B(d), or that elects to operate a foster care and adoption assistance program directly under section 479B, the following rules shall apply:

"(A) USE OF AFFIDAVITS, ETC.—The requirement in paragraph (1) shall not be interpreted so as to prohibit the use of affidavits or nunc pro tunc orders as verification documents in support of the reasonable efforts and contrary to the welfare of the child judicial determinations required under such paragraph.

"(B) RESIDENCY REQUIREMENT IMPOSED UNDER AFDC STATE PLAN.—Notwithstanding paragraph (3)(A), any residency requirement imposed under the State plan referred to in such paragraph shall not apply with respect to a child for whom an Indian tribe, tribal organization, or tribal consortium assumes responsibility."

(f) AUTHORITY TO RECEIVE PORTION OF STATE ALLOTMENT AS PART OF AN AGREEMENT TO OPERATE THE JOHN H. CHAFEE FOSTER CARE INDEPENDENCE PROGRAM.—

(1) IN GENERAL.—Section 477 of such Act (42 U.S.C. 677) is amended by adding at the end the following:

"(j) AUTHORITY FOR AN INDIAN TRIBE, TRIBAL ORGANIZATION, OR TRIBAL CONSORTIUM TO RECEIVE AN ALLOTMENT.—

"(1) IN GENERAL.—An Indian tribe, tribal organization, or tribal consortium with a plan approved under section 479B, which is receiving funding to provide foster care under this part pursuant to a cooperative agreement with a State, or that provides child welfare services and protections in accordance with an arrangement submitted to the Secretary under section 472(a)(2)(B)(iii)(III), may apply for an allotment out of any funds authorized by paragraph (1) or (2) (or both) of subsection (h) of this section.

"(2) APPLICATION.—An Indian tribe, tribal organization, or tribal consortium desiring an allotment under paragraph (1) shall submit an application to the Secretary to directly receive such allotment that includes a plan that satisfies such requirements of paragraphs (2) and (3) of subsection (b) as the Secretary determines are appropriate.

"(3) PAYMENTS.—The Secretary shall pay an Indian tribe, tribal organization, or tribal consortium with an application and plan approved under this subsection from the allotment determined for the tribe, organization, or consortium under paragraph (4) of this subsection in the same manner as is provided in section 474(a)(4) (and, where requested and if funds are appropriated, section 474(e)) with respect to a State, or in such other manner as is determined appropriate by the Secretary, except that in no case shall an Indian tribe, a tribal organization, or a tribal consortium receive a lesser proportion of such funds than a State is authorized to receive under those sections.

"(4) ALLOTMENT.—From the amounts allotted to a State under subsection (c) of this section for a fiscal year, the Secretary shall allot to each Indian tribe, tribal organization, or tribal consortium with an application and plan approved under this subsection for that fiscal year an amount equal to the tribal foster care ratio determined under paragraph (5) of this subsection for the tribe, organization, or consortium multiplied by the allotment amount of the State within which the tribe, organization, or consortium is located. The allotment determined under this paragraph is deemed to be a part of the allotment determined under section 477(c) for the State in which the Indian tribal organization or tribal consortium is located.

"(5) TRIBAL FOSTER CARE RATIO.—For purposes of paragraph (4), the tribal foster care ratio means, with respect to an Indian tribe, tribal organization, or tribal consortium, the ratio of—

"(A) the number of children in foster care under the responsibility of the Indian tribe, tribal organization, or tribal consortium (either directly or under supervision of the State), in the most recent fiscal year for which the information is available; to

"(B) the sum of—

"(i) the total number of children in foster care under the responsibility of the State within which the Indian tribe, tribal organization, or tribal consortium is located; and

"(ii) the total number of children in foster care under the responsibility of all Indian tribes, tribal organizations, or tribal consortia (either directly or under supervision of the State)."

(2) AUTHORITY TO RECEIVE PORTION OF STATE ALLOTMENT AS PART OF A COOPERATIVE AGREEMENT ENTERED INTO WITH RESPECT TO THE CHAFEE PROGRAM.—Section 477(b)(3)(G) of such Act (42 U.S.C. 677(b)(3)(G)) is amended—

(A) by striking "and that" and inserting "that"; and

(B) by striking the period and inserting "; and that each Indian tribe, tribal organization, or tribal consortium in the State that does not receive an allotment under subsection (j)(4) for a fiscal year may enter into a cooperative agreement or contract with the State to administer, supervise, or oversee the programs to be carried out under the plan with respect to the Indian children who are eligible for such programs and who are under the authority of the Indian tribe and to receive from the State an appropriate portion of the State allotment under subsection (c) for the cost of such administration, supervision, or oversight."

(g) RULE OF CONSTRUCTION.—Nothing in the amendments made by this Act shall be construed as affecting the responsibility of a State—

(1) as part of the plan approved under section 471 of the Social Security Act (42 U.S.C. 671), to provide foster care maintenance payments and adoption assistance for Indian children who are eligible for such payments or assistance and who are not otherwise being served by an Indian tribe, tribal organization, or tribal consortium pursuant to a foster care and adoption assistance program operated under section 479B of such Act; or

(2) as part of the plan approved under section 477 of such Act (42 U.S.C. 677) to administer, supervise, or oversee programs carried out under that plan on behalf of Indian children who are eligible for such programs if such children are not otherwise being served by an Indian tribe, tribal organization, or tribal consortium pursuant to an approved plan under section 477(j) or a cooperative agreement or contract entered into under section 477(b)(3)(G) of such Act.

(h) REGULATIONS.—Not later than 1 year after the date of enactment of this section, the Secretary, in consultation with Indian tribes, tribal organizations, tribal consortia, and affected States, shall promulgate regulations to carry out the amendments made by this section.

(i) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2010.

SEC. 8. HEALTH OVERSIGHT AND COORDINATION PLAN.

Section 422(b)(15) of the Social Security Act (42 U.S.C. 622(b)(15)) is amended to read as follows:

"(15)(A) provides that the State will develop, in coordination and collaboration with the State agency referred to in paragraph (1) and the State agency responsible for administering the State plan approved under title XIX, and in consultation with pediatricians, other experts in health care, and experts in and recipients of child welfare services, a plan for the ongoing oversight and coordination of health care services for any child in a foster care placement, which shall ensure a coordinated strategy to identify and respond to the health care needs of children in foster care placements, including mental health and dental health needs, and shall include an outline of—

"(i) a schedule for initial and follow-up health screenings that meet reasonable standards of medical practice;

"(ii) how health needs identified through screenings will be monitored and treated;

"(iii) how medical information for children in care will be updated and appropriately shared, which may include the development and implementation of an electronic health record;

"(iv) steps to ensure continuity of health care services, which may include the establishment of a medical home for every child in care;

“(v) the oversight of prescription medicines; and

“(vi) how the State actively consults with and involves physicians or other appropriate medical professionals in assessing the health and well-being of children in foster care and in determining appropriate medical treatment for the children; and

“(B) subparagraph (A) shall not be construed to reduce or limit the responsibility of the State agency responsible for administering the State plan approved under title XIX to administer and provide care and services for children with respect to whom services are provided under the State plan developed pursuant to this subpart;”.

SEC. 9. EDUCATIONAL STABILITY.

(a) IN GENERAL.—Section 475 of the Social Security Act (42 U.S.C. 675), as amended by section 2(c)(4) of this Act, is amended—

(1) in paragraph (1)—

(A) in subparagraph (C), by striking clause (iv) and redesignating clauses (v) through (viii) as clauses (iv) through (vii), respectively; and

(B) by adding at the end the following:

“(G) A plan for ensuring the educational stability of the child while in foster care, including—

“(i) assurances that the placement of the child in foster care takes into account the appropriateness of the current educational setting and the proximity to the school in which the child is enrolled at the time of placement; and

“(ii) (I) an assurance that the State agency has coordinated with appropriate local educational agencies (as defined under section 9101 of the Elementary and Secondary Education Act of 1965) to ensure that the child remains in the school in which the child is enrolled at the time of placement; or

“(II) if remaining in such school is not in the best interests of the child, assurances by the State agency and the local educational agencies to provide immediate and appropriate enrollment in a new school, with all of the educational records of the child provided to the school.”; and

(2) in the 1st sentence of paragraph (4)(A)—

(A) by striking “and reasonable” and inserting “reasonable”; and

(B) by inserting “, and reasonable travel for the child to remain in the school in which the child is enrolled at the time of placement” before the period.

(b) EDUCATIONAL ATTENDANCE REQUIREMENT.—Section 471(a) of the Social Security Act (42 U.S.C. 671(a)), as amended by sections 2(a) and 4 of this Act, is amended—

(1) by striking “and” at the end of paragraph (28);

(2) by striking the period at the end of paragraph (29) and inserting “; and”; and

(3) by adding at the end the following:

“(30) provides assurances that each child who has attained the minimum age for compulsory school attendance under State law and with respect to whom there is eligibility for a payment under the State plan is a full-time elementary or secondary school student or has completed secondary school, and for purposes of this paragraph, the term ‘elementary or secondary school student’ means, with respect to a child, that the child is—

“(A) enrolled (or in the process of enrolling) in an institution which provides elementary or secondary education, as determined under the law of the State or other jurisdiction in which the institution is located;

“(B) instructed in elementary or secondary education at home in accordance with a home school law of the State or other jurisdiction in which the home is located;

“(C) in an independent study elementary or secondary education program in accordance with the law of the State or other jurisdiction in which the program is located, which is administered by the local school or school district; or

“(D) incapable of attending school on a full-time basis due to the medical condition of the child, which incapability is supported by regularly updated information included in the case plan of the child.”.

SEC. 10. SIBLING PLACEMENT.

Section 471(a) of the Social Security Act (42 U.S.C. 671(a)), as amended by sections 2(a), 4, and 9(b) of this Act, is amended—

(1) by striking “and” at the end of paragraph (29);

(2) by striking the period at the end of paragraph (30) and inserting “; and”; and

(3) by adding at the end the following:

“(31) provides that reasonable efforts shall be made to place siblings removed from their home in the same foster care, kinship guardianship, or adoptive placement unless the State documents that such a joint placement would be contrary to the safety or well-being of any of the siblings.”.

SEC. 11. ADOPTION INCENTIVES PROGRAM.

(a) 5-YEAR EXTENSION.—Section 473A of the Social Security Act (42 U.S.C. 673b) is amended—

(1) in subsection (b)(4), by striking “in the case of fiscal years 2001 through 2007.”;

(2) in subsection (b)(5), by striking “1998 through 2007” and inserting “2008 through 2012”;

(3) in subsection (c)(2), by striking “each of fiscal years 2002 through 2007” and inserting “a fiscal year”; and

(4) in each of subsections (h)(1)(D), and (h)(2), by striking “2008” and inserting “2013”.

(b) UPDATING OF FISCAL YEAR USED IN DETERMINING BASE NUMBERS OF ADOPTIONS.—Section 473A(g) of such Act (42 U.S.C. 673b(g)) is amended—

(1) in paragraph (3), by striking “means” and all that follows and inserting “means, with respect to any fiscal year, the number of foster child adoptions in the State in fiscal year 2007.”;

(2) in paragraph (4)—

(A) by inserting “that are not older child adoptions” before “for a State”; and

(B) by striking “means” and all that follows and inserting “means, with respect to any fiscal year, the number of special needs adoptions that are not older child adoptions in the State in fiscal year 2007.”; and

(3) in paragraph (5), by striking “means” and all that follows and inserting “means, with respect to any fiscal year, the number of older child adoptions in the State in fiscal year 2007.”.

(c) INCREASE IN INCENTIVE PAYMENTS FOR SPECIAL NEEDS ADOPTIONS AND OLDER CHILD ADOPTIONS.—Section 473A(d)(1) of such Act (42 U.S.C. 673b(d)(1)) is amended—

(1) in subparagraph (B), by striking “\$2,000” and inserting “\$4,000”; and

(2) in subparagraph (C), by striking “\$4,000” and inserting “\$8,000”.

(d) 24-MONTH AVAILABILITY OF PAYMENTS TO STATES.—Section 473A(e) of such Act (42 U.S.C. 673b(e)) is amended—

(1) in the heading, by striking “2-year” and inserting “24-month”; and

(2) by striking “through the end of the succeeding fiscal year” and inserting “for the 24-month period beginning with the month in which the payments are made”.

SEC. 12. INFORMATION ON ADOPTION TAX CREDIT.

Section 471(a) of the Social Security Act (42 U.S.C. 671(a)), as amended by sections 2(a), 4, 9(b), and 10 of this Act, is amended—

(1) by striking “and” at the end of paragraph (30);

(2) by striking the period at the end of paragraph (31) and inserting “; and”; and

(3) by adding at the end the following:

“(32) provides that the State will inform any individual who is adopting, or whom the State is made aware is considering adopting, a child who is in foster care under the responsibility of the State of the potential eligibility of the individual for a Federal tax credit under section 23 of the Internal Revenue Code.”.

SEC. 13. MODIFICATION OF FOSTER CARE MATCHING RATE FOR THE DISTRICT OF COLUMBIA TO CONFORM WITH MEDICAID MATCHING RATE.

Section 474(a) of the Social Security Act (42 U.S.C. 674(a)) is amended in each of paragraphs (1) and (2) by striking “(as defined in section 1905(b) of this Act)” and inserting “(which shall be as defined in section 1905(b), in the case of a State other than the District of Columbia, or 70 percent, in the case of the District of Columbia)”.

SEC. 14. COLLECTION OF UNEMPLOYMENT COMPENSATION DEBTS RESULTING FROM FRAUD.

(a) IN GENERAL.—Section 6402 of the Internal Revenue Code (relating to authority to make credits or refunds) is amended by redesignating subsections (f) through (k) as subsections (g) through (l), respectively, and by inserting after subsection (e) the following new subsection:

“(f) COLLECTION OF UNEMPLOYMENT COMPENSATION DEBTS RESULTING FROM FRAUD.—

“(1) IN GENERAL.—Upon receiving notice from any State that a named person owes a covered unemployment compensation debt to such State, the Secretary shall, under such conditions as may be prescribed by the Secretary—

“(A) reduce the amount of any overpayment payable to such person by the amount of such covered unemployment compensation debt;

“(B) pay the amount by which such overpayment is reduced under subparagraph (A) to such State and notify such State of such person’s name, taxpayer identification number, address, and the amount collected; and

“(C) notify the person making such overpayment that the overpayment has been reduced by an amount necessary to satisfy a covered unemployment compensation debt.

If an offset is made pursuant to a joint return, the notice under subparagraph (B) shall include the names, taxpayer identification numbers, and addresses of each person filing such return and the notice under subparagraph (C) shall include information related to the rights of a spouse of a person subject to such an offset.

“(2) PRIORITIES FOR OFFSET.—Any overpayment by a person shall be reduced pursuant to this subsection—

“(A) after such overpayment is reduced pursuant to—

“(i) subsection (a) with respect to any liability for any internal revenue tax on the part of the person who made the overpayment;

“(ii) subsection (c) with respect to past-due support; and

“(iii) subsection (d) with respect to any past-due, legally enforceable debt owed to a Federal agency; and

“(B) before such overpayment is credited to the future liability for any Federal internal revenue tax of such person pursuant to subsection (b).

If the Secretary receives notice from a State or States of more than one debt subject to paragraph (1) or subsection (e) that is owed by a person to such State or States, any overpayment by such person shall be applied against such debts in the order in which such debts accrued.

“(3) NOTICE; CONSIDERATION OF EVIDENCE.—No State may take action under this subsection until such State—

“(A) notifies the person owing the covered unemployment compensation debt that the State proposes to take action pursuant to this section;

“(B) provides such person at least 60 days to present evidence that all or part of such liability is not legally enforceable or due to fraud;

“(C) considers any evidence presented by such person and determines that an amount of such debt is legally enforceable and due to fraud; and

“(D) satisfies such other conditions as the Secretary may prescribe to ensure that the determination made under subparagraph (C) is valid and that the State has made reasonable efforts to obtain payment of such covered unemployment compensation debt.

“(4) COVERED UNEMPLOYMENT COMPENSATION DEBT.—For purposes of this subsection, the term ‘covered unemployment compensation debt’ means—

“(A) a past-due debt for erroneous payment of unemployment compensation due to fraud which has become final under the law of a State certified by the Secretary of Labor pursuant to section 3304 and which remains uncollected;

“(B) contributions due to the unemployment fund of a State for which the State has determined the person to be liable due to fraud; and

“(C) any penalties and interest assessed on such debt.

“(5) REGULATIONS.—

“(A) IN GENERAL.—The Secretary may issue regulations prescribing the time and manner in which States must submit notices of covered unemployment compensation debt and the necessary information that must be contained in or accompany such notices. The regulations may specify the minimum amount of debt to which the reduction procedure established by paragraph (1) may be applied.

“(B) FEE PAYABLE TO SECRETARY.—The regulations may require States to pay a fee to the Secretary, which may be deducted from amounts collected, to reimburse the Secretary for the cost of applying such procedure. Any fee paid to the Secretary pursuant to the preceding sentence shall be used to reimburse appropriations which bore all or part of the cost of applying such procedure.

“(C) SUBMISSION OF NOTICES THROUGH SECRETARY OF LABOR.—The regulations may include a requirement that States submit notices of covered unemployment compensation debt to the Secretary via the Secretary of Labor in accordance with procedures established by the Secretary of Labor. Such procedures may require States to pay a fee to the Secretary of Labor to reimburse the Secretary of Labor for the costs of applying this subsection. Any such fee shall be established in consultation with the Secretary of the Treasury. Any fee paid to the Secretary of Labor may be deducted from amounts collected and shall be used to reimburse the ap-

propriation account which bore all or part of the cost of applying this subsection.

“(6) ERRONEOUS PAYMENT TO STATE.—Any State receiving notice from the Secretary that an erroneous payment has been made to such State under paragraph (1) shall pay promptly to the Secretary, in accordance with such regulations as the Secretary may prescribe, an amount equal to the amount of such erroneous payment (without regard to whether any other amounts payable to such State under such paragraph have been paid to such State).”

(b) DISCLOSURE OF CERTAIN INFORMATION TO STATES REQUESTING REFUND OFFSETS FOR LEGALLY ENFORCEABLE STATE UNEMPLOYMENT COMPENSATION DEBT RESULTING FROM FRAUD.—

(1) GENERAL RULE.—Paragraph (3) of section 6103(a) of such Code is amended by inserting “(10),” after “(6),”.

(2) DISCLOSURE TO DEPARTMENT OF LABOR AND ITS AGENT.—Paragraph (10) of section 6103(1) of such Code is amended—

(A) by striking “(c), (d), or (e)” each place it appears in the heading and text and inserting “(c), (d), (e), or (f)”;

(B) in subparagraph (A) by inserting “, to officers and employees of the Department of Labor and its agent for purposes of facilitating the exchange of data in connection with a request made under subsection (f)(5) of section 6402,” after “section 6402,” and

(C) in subparagraph (B) by inserting “, and any agents of the Department of Labor,” after “agency” the first place it appears.

(3) SAFEGUARDS.—Paragraph (4) of section 6103(p) of such Code is amended—

(A) in the matter preceding subparagraph (A), by striking “(1)(16),” and inserting “(1)(10), (16),”;

(B) in subparagraph (F)(i), by striking “(1)(16),” and inserting “(1)(10), (16),”;

(C) in the matter following subparagraph (F)(iii)—

(i) in each of the first two places it appears, by striking “(1)(16),” and inserting “(1)(10), (16),”;

(ii) by inserting “(10),” after “paragraph (6)(A),”;

(iii) in each of the last two places it appears, by striking “(1)(16)” and inserting “(1)(10) or (16)”.

(c) EXPENDITURES FROM STATE FUND.—Section 3304(a)(4) of such Code is amended—

(1) in subparagraph (E), by striking “and” after the semicolon;

(2) in subparagraph (F), by inserting “and” after the semicolon; and

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

“(G) with respect to amounts of covered unemployment compensation debt (as defined in section 6402(f)(4)) collected under section 6402(f)—

“(i) amounts may be deducted to pay any fees authorized under such section; and

“(ii) the penalties and interest described in section 6402(f)(4)(B) may be transferred to the appropriate State fund into which the State would have deposited such amounts had the person owing the debt paid such amounts directly to the State;”.

(d) CONFORMING AMENDMENTS.—

(1) Subsection (a) of section 6402 of such Code is amended by striking “(c), (d), and (e),” and inserting “(c), (d), (e), and (f)”.

(2) Paragraph (2) of section 6402(d) of such Code is amended by striking “and before such overpayment is reduced pursuant to subsection (e)” and inserting “and before such overpayment is reduced pursuant to subsections (e) and (f)”.

(3) Paragraph (3) of section 6402(e) of such Code is amended in the last sentence by in-

serting “or subsection (f)” after “paragraph (1)”.

(4) Subsection (g) of section 6402 of such Code, as redesignated by subsection (a), is amended by striking “(c), (d), or (e)” and inserting “(c), (d), (e), or (f)”.

(5) Subsection (i) of section 6402 of such Code, as redesignated by subsection (a), is amended by striking “subsection (c) or (e)” and inserting “subsection (c), (e), or (f)”.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to refunds payable under section 6402 of the Internal Revenue Code of 1986 on or after the date of enactment of this Act.

SEC. 15. INVESTMENT OF OPERATING CASH.

Section 323 of title 31, United States Code, is amended to read as follows:

“§ 323. Investment of operating cash

“(a) To manage United States cash, the Secretary of the Treasury may invest any part of the operating cash of the Treasury for not more than 90 days. The Secretary may invest the operating cash of the Treasury in—

“(1) obligations of depositories maintaining Treasury tax and loan accounts secured by pledged collateral acceptable to the Secretary;

“(2) obligations of the United States Government; and

“(3) repurchase agreements with parties acceptable to the Secretary.

“(b) Subsection (a) of this section does not require the Secretary to invest a cash balance held in a particular account.

“(c) The Secretary shall consider the prevailing market in prescribing rates of interest for investments under subsection (a)(1) of this section.

“(d)(1) The Secretary of the Treasury shall submit each fiscal year to the appropriate committees a report detailing the investment of operating cash under subsection (a) for the preceding fiscal year. The report shall describe the Secretary’s consideration of risks associated with investments and the actions taken to manage such risks.

“(2) For purposes of paragraph (1), the term ‘appropriate committees’ means the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate.”

SEC. 16. EFFECTIVE DATE.

(a) IN GENERAL.—Except as otherwise provided in this Act, each amendment made by this Act to part B or E of title IV of the Social Security Act shall take effect on the date of the enactment of this Act, and shall apply to payments under the part amended for quarters beginning on or after the effective date of the amendment.

(b) DELAY PERMITTED IF STATE LEGISLATION REQUIRED.—In the case of a State plan approved under part B or E of title IV of the Social Security Act which 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 this Act, 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 such additional requirements before the 1st day of the 1st calendar quarter beginning after the close of the 1st regular session of the State legislature that ends after the 1-year period beginning with 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 is deemed to be a separate regular session of the State legislature.

SEC. 17. NO FEDERAL FUNDING TO UNLAWFULLY PRESENT INDIVIDUALS.

Nothing in this Act shall be construed to alter prohibitions on Federal payments to individuals who are unlawfully present in the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. MCDERMOTT) and the gentleman from Illinois (Mr. WELLER) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

Mr. MCDERMOTT. Mr. Speaker, we are here today on behalf of young people like Anthony Reeves, a former foster child in Georgia who wrote something that defines our call to action. "Life is tough enough when transitioning out of care, but it's even tougher if you don't have the support that you need from people who care about you or if you don't have resources and skills packed along with the rest of our belongings as you are shown out the door."

Anthony's words should remind us that government, and ultimately society, acts as the legal guardian of foster children. These are our children, and the fact is we are failing too many of them.

There is no shortage of problems to confronting foster care—insufficient services for at-risk families, too few qualified case workers, and an outdated Federal eligibility standard, to name a few. We'll have to confront these issues in order to provide the comprehensive reform that is so urgently needed.

Today we are focused on the shortcomings in the existing system that can disconnect foster children from the things they need most—family, support and school.

Sometimes children have to be removed from their homes to protect them from abuse and neglect. That is a sad, but undeniable fact. But the foster system unnecessarily disrupts other connections to home, family and school for these vulnerable children at a time when they're most in need. One glaring example of this is when foster children are literally pushed out into the streets when they turn 18 years of age. No parent I know of severs all ties and abandons their kids at age 18, yet that is Federal policy for foster care. We displace them from their homes, support them, and then tell them to go it alone. Rather than provide a glide path to success, we subject foster children to a crash landing.

Another example is the inconsistent effort to help foster children stay connected to family. Today, we deny grandparents assistance if they become the legal guardians to a foster child. This is contrary to the growing base of research illustrating that children do better living with relative guardians than they do living in traditional foster homes. Additionally, siblings are too often separated during foster care placement just when a foster child most needs a brother or a sister.

Ensuring school stability is yet another area where we too often come up short. Not enough is done to ensure children that they can stay in their current schools when they are placed in foster care, thus depriving them of the one place where they may feel secure.

We also hear too many stories about foster children not receiving adequate health care services, especially for mental health. Furthermore, we have a special duty to ensure that prescription medications foster children are receiving are effective and appropriate instead of quick and easy.

And finally, we don't provide adequate assistance for Native American children who are removed from their homes and then cared for by tribal communities.

For Anthony Reeves and every foster child, we can and must do better. And that is why we are here today. The Fostering Connections Success Act addresses many of these issues. The legislation would allow States to extend foster care assistance up to age 21, giving young men and women more time to get an education and become truly self-sufficient.

Recognizing that many grandparents and other relatives want to provide loving, permanent homes for children in foster care, the bill would provide Federal payments to relatives who become legal guardians of children for whom they have cared for as foster parents.

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It also requires improved efforts to keep siblings together when they are removed from their homes. The measure would require increased oversight of the health care needs of foster kids. And there is a renewed attention paid to ensuring educational stability for foster children in foster care, including avoiding frequent school changes.

Additionally, the bill gives tribes equal and fair access to Federal resources dedicated to keeping vulnerable children safe. For the first time, tribal child welfare programs could directly receive Federal foster care financing. The legislation also provides new resources to ensure all child welfare workers have access to training, which ultimately results in better care for kids. And, finally, this bill extends and improves incentives for States that increase the number of children adopted out of the foster care system.

The legislation includes two provisions outside of the foster care system which save money and thereby ensure that the bill is budget neutral. The first provision reduces Federal tax refunds for individuals who have fraudulently collected unemployment insurance. The same policy has already passed the House once. The second provision will allow the Treasury Department to improve the management of

the government's short-term operating cash to achieve a better rate of return. While this bill doesn't do all that's needed, it does meet many of the critical challenges in our foster care system.

We received a letter today from the American Academy of Pediatrics, representing 60,000 professionals, urging passage. The academy said: "Our Nation has a moral and legal obligation to provide the best possible care to these most vulnerable children." I couldn't agree more.

The legislation is bipartisan, budget neutral, and good for children, and deserves every Member's support.

Before I yield to my ranking member on the subcommittee and the co-author of this bill, let me first thank him for his dedication to foster children and his willingness to find common ground. JERRY WELLER has been a true partner in doing what is right for our most vulnerable children. He's retiring from Congress this year, and I can think of no better parting gift than passing a bipartisan bill he worked on to improve the lives of foster children.

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

Mr. WELLER of Illinois. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 6307, the Fostering Connections to Success Act. I also want to thank my chairman for his leadership and his dedicated example of working together in a bipartisan way to help vulnerable kids. This legislation, H.R. 6307, is an example of what we can accomplish when we work together. And, again, I want to thank Chairman MCDERMOTT for this opportunity to work together.

This is bipartisan legislation, and it's a result of a series of hearings in which we heard about how youth are short-changed in the current foster care system. For example, most foster youth experience three to four placements while in care and some many more than that. Different homes often mean different schools, poor performance, repeated grades, and far too many ultimately dropping out before graduation. About one in four foster youth do not complete high school. In fact, many attend three to four different schools during their foster care experience, and even more don't complete school on the same timetable as their peers.

To address such serious problems, this legislation steps up efforts to engage adult relatives in caring for children abused or neglected by their parents. My home State of Illinois has been at the forefront of efforts to support more care by adult relatives, like grandparents, adults, or cousins, rather than strangers in foster care. These efforts resulted in better outcomes for children, including more stability and safety, stronger attachments to school and community, and better long-run

prospects for young people. H.R. 6307 encourages more care by relatives nationwide.

A former intern in my Washington office, Jamaal Nutall of Joliet, who testified before our subcommittee, was a product of the foster care system and whose life was turned around by being placed in the care of relatives. Jamaal lived what we all intuitively know to be sound policy. In most cases placement with a child's own family makes for the best environment for the child to grow and prosper.

This legislation also will hold foster youth and the adults who care for them accountable for the type of responsible behavior any parent would expect and which will help them succeed in the long run. So for the first time, staying in high school through graduation will be a condition of receiving Federal foster care, relative guardian, or adoption payments. A similar new "education, training, or work" requirement will apply to young people over the age of 18 who receive continued Federal support.

As a letter endorsing this policy from the Foster Care Alumni Association of America put it, "Holding young people and families in the foster care system to this high standard is a statement from Congress that lowered expectations are not acceptable for those of us from foster care."

Mr. Speaker, I will insert a copy of the Foster Care Alumni Association's letter endorsing this legislation in the RECORD at this point, and I thank this fine organization and so many others for their help in assembling this bill.

FOSTER CARE
ALUMNI OF AMERICA,
Alexandria, VA, June 18, 2008.

Hon. JAMES McDERMOTT, Chair,
Hon. JERRY WELLER, Ranking Member,
Subcommittee on Income Security and Family Support, Ways and Means Committee, House of Representatives, Washington, DC.

DEAR CHAIRMAN McDERMOTT AND REPRESENTATIVE WELLER: We are writing on behalf of the 12 million alumni of the foster care system in the United States and the 1,400 members of Foster Care Alumni of America (FCAA) to offer support for "The Fostering Connections to Success Act of 2008." We are pleased with the thoughtful approach you have taken in this legislation to assist children in foster care develop and strengthen bonds to their families and communities. Throughout your careers, you have been tireless advocates for youth in high risk situations. This bill is a reflection of your ongoing commitment to ensuring that all young people have the opportunity to build successful futures through access to affordable health care, a decent education, and the chance to develop healthy, lifelong relationships with family.

As alumni of the foster care system we know that reforms of all kinds are necessary to truly improve the child welfare system. However, increasing opportunities among foster youth to improve bonds with siblings, kin and their communities are essential first steps. The "Fostering Connections to Success Act of 2008" bill achieves these goals in a number of ways.

First, through the new Family Connections Grant program and additional requirements upon states, the bill provides assurances that states will go to great lengths to keep siblings together and pursue all possible kinship placements before a child is placed into foster care. We especially appreciate the provision which mandates that youth over the age of 14 have a role in selecting placement options. As alumni, we recognize the importance of providing youth with some control over their fate in the system.

Second, this bill requires states to develop a plan for the oversight and coordination of health care services and educational stability. This will vastly improve the access of foster youth to both systems. Equally important, this bill requires that the foster care system keep better, more organized records of youth involvement with these systems. Sadly, the inferior record-keeping of foster care systems, and the lack of coordination among foster care, health care and education provides as much of a barrier to young people in care as the shoddy medical and educational services they too often receive. This bill also encourages adults involved in the lives of foster youth to help youth stay in school by withholding foster care and adoption payments for children under 18 who have not completed high school unless the child is in school or home school full time, or is incapable of attending school full time due to a medical condition. Holding young people and families in the foster care system to this high standard is a statement from Congress that lowered expectations are not acceptable for those of us from foster care.

This bill extends Title IV-E eligibility for tribal youth. We know that American Indian children have faced disproportionately large consequences for their need to be part of the child welfare system and we appreciate the attention and commitment to bringing equal support to this group.

We are pleased with the provision in the bill to expand options to train America's private sector child welfare workforce. Our members who had positive experiences in foster care often attribute this to the availability of a diligent, competent social worker. These workers exist in both the public and private agencies yet, federal reimbursement rates for training them is not equitable. Conversely, our members who suffered through very difficult experiences, all too often recount having dealt with an overburdened social worker who was ill-equipped to respond to even the most basic request. Your bill acknowledges that social workers in both private and public agencies with the right tools, training, and time can make a positive impact in the lives of children and families.

Finally, the bill addresses the needs of older youth in care in two important ways. The bill encourages states not to give up on finding permanent, loving homes for older youth by doubling the states' adoption incentive payment for older youth. This legislation also offers states the option to extend foster care to age 21. Here, you take seriously the challenges of young people who are unable to achieve permanency or to be prepared for total financial and emotional emancipation by age 18. Over 24,000 of our brothers and sisters in care age out of foster care at 18, entering adulthood ill-prepared for independence in numerous ways. States should be encouraged to extend foster care to 21 and use this additional time wisely to provide concrete services and training for older foster youth to support their successful transition to independence.

"The Fostering Connections to Success Act of 2008" places the first step of child welfare reform where it rightly belongs—with the very children and youth the system intends to serve. As such, we are pleased to offer our support to this thoughtful legislation. Thank you for all that you do to improve the lives of America's children, youth and families. Please feel free to contact us at Foster Care Alumni of America to further discuss the urgent concerns of our brothers and sisters in care.

Respectfully,

NATHAN MONELL,
Chief Executive Officer.

MISTY STENSLIE,
Deputy Director.

Other provisions in this bill track legislation I have spent literally years working to pass. One builds on my legislation to harmonize Federal reimbursement rates for training child welfare workers. This is critically important in States like Illinois that depend heavily on private child welfare workers, organizations such as Catholic Charities, Baby Fold, Lutheran Social Services, for example, who currently qualify for lower Federal training payments. We equalize that in this legislation.

H.R. 6307 also would address concerns about child welfare services for Native American children. Our first Americans should be treated as full Americans, including in child welfare programs, as this legislation will accomplish. We hope this provision will translate into better care and better outcomes for young people in tribal areas, which I understand number almost 3,000 children in foster care on tribal lands. Clearly, the current system is not working for our first Americans. We want to right that wrong.

Finally, this legislation reauthorizes and improves the current Adoption Incentives program, which has been a bipartisan success and expires this year. All sides agree on the need to extend and improve this important program.

I am delighted to have worked with Chairman McDERMOTT on this important legislation. This is a good bill. It's fully paid for by the inclusion of several anti-fraud provisions drawn from the President's budget, one of which the House has already passed unanimously.

Misty Stenslie of the Foster Care Alumni Association noted in her testimony before our subcommittee that Members of this body stand in the place where the parents of children in foster care belong. That is a serious responsibility, and this legislation accepts that responsibility and makes solid, bipartisan improvements to help children who today have too many challenges and not enough opportunities.

I urge all Members to support this important legislation.

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

GENERAL LEAVE

Mr. McDERMOTT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 6307.

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

There was no objection.

Mr. McDERMOTT. Mr. Speaker, I now yield 2 minutes to the gentleman from Tennessee (Mr. COOPER), not a member of the committee but a staunch advocate for foster kids.

Mr. COOPER. I thank my friend Mr. McDERMOTT for yielding.

Mr. Speaker, I urge all of my colleagues to support this bill. It does great work to help our foster children nationwide. It's long overdue, many of these reforms, and, thankfully, it's paid for. As a Blue Dog, my colleagues know that I am focused on fiscal responsibility issues. So this bill does good not only for the foster kids, but also it does not injure our budget.

I hope that people realize that while this bill is a very positive step, it is an incremental step. There is so much more that we need to do to improve our foster care and adoption system. My friend from Washington (Mr. McDERMOTT) has a very comprehensive bill in this regard. We need to look at that. First we are going to have to figure out a way to pay for it. But investing in kids is an investment in our own future.

In my opinion, the area of foster care is perhaps the most broken area of Federal law. So let's not use this small step we are taking today as a reason for inaction in the future. Let's use it as a stepping stone to bigger, better, bolder reforms that would help the half million children who are in government supervision today. There are 10,000 in Tennessee alone, and we're not doing justice by these children.

Today's bill will help with kinship care and helping them get care when they have aged out of the system at 19, 20, 21, but there is so much more that we need to do.

So I thank my friend the gentleman from Washington (Mr. McDERMOTT) for his amazing leadership in this year. It's an accomplishment what we are doing today. I urge all Members to support it. But this is just the beginning.

Mr. WELLER of Illinois. Mr. Speaker, it's a pleasure for me to yield to a distinguished member of the Ways and Means Committee, someone who has had a long-time interest in child welfare issues and a gentleman who has made a substantial contribution to this bipartisan legislation. I yield 6 minutes to the gentleman from Nevada (Mr. PORTER).

Mr. PORTER. Mr. Speaker, I would like to applaud Chairman McDERMOTT and Ranking Member WELLER for their leadership in bringing forward this

major piece of legislation that will change so many lives across our country.

We have a lot of challenges in our different communities, and one of the largest challenges is how we can help our foster children.

Can you imagine a child sitting in a living room, maybe 5 or 6 years old or maybe 10 or 12 years old, sitting in a living room watching television or maybe playing a game. Two strangers come to the door, knock on the door, and say, "You're now leaving. It's time for you to leave this family, and we're going to take you to a new family." Can you imagine the pain of that child? And in some cases it happens time and time again. Imagine two strangers showing up out of the blue to tell you that you have to move to another family.

Also imagine if you are a child that goes from family to family that you may not have the right prescription for your glasses and your family may not know that you need glasses, or you may get numerous tetanus shots as you go from family to family.

Mr. Speaker, these are some of the challenges that our foster kids are facing today in a system that is broken and needs our help and our assistance now more than ever, and we need to find creative ways to help these children and to help these families.

I have two children. Each are in their twenties. And I can assure you that after the age of 18, they keep coming home. And they are more than welcome in my home, but as Chairman McDERMOTT mentioned, there's a lot of children that don't have a home to go to after the age of 18. So in the Nevada State Senate, I passed legislation that I think has changed a few lives in Nevada. I found a creative way to help fund a program between the ages of 18 and 21 for those children that don't have a home. It provides for education. It provides for a place for them to live, for health care, and for training. And it's generating about \$1½ million a year today to help these foster kids.

I am proud to be a cosponsor of this legislation. And, again, I applaud our chairman and ranking member. There are some key areas of the bill that I know have been addressed, but certainly the fact that we now can help families work within families, helping grandparents and brothers and sisters and the extended family to get involved in a far faster, more efficient but also more caring way, plus the fact that there are requirements for the children to be in school and to finish school.

So, again, we need to help these kids that need our help the most. And, unfortunately, these children or that child sitting in the living room watching television today does not have high paid lobbyists that are out there pushing the needs of these children. They

have Members of Congress and very caring Members of this U.S. Congress but also elected officials across the country. So I stand here today encouraging my colleagues to pass this legislation, to step up and provide these new tools for our local governments and for our communities.

Mr. Speaker, I appreciate this opportunity.

Mr. McDERMOTT. Mr. Speaker, I yield 2 minutes to the gentleman from Philadelphia (Mr. FATTAH), who has been the chairman of the Forum on Children, which the Speaker created.

□ 1330

Mr. FATTAH. I rise today to commend both the chairman and the ranking member. I am in an all-day markup on the Homeland appropriations bill, but I left that markup because I think this is very important to our homeland security. The notion that as a Nation we would finally address some of the shortcomings in our foster care system, I think is so appropriate. I want to thank Chairman McDERMOTT for his leadership on this.

This bill, particularly when we focus on kinship care, when we look at the whole question of aging out and the challenges, we held a forum the other day right here in the Capitol and heard from experts, but more importantly, heard from a former foster child herself about how she was told to leave immediately upon her 18th birthday and all of her belongings put in four trash bags. Now she's getting ready to graduate from one of our finest universities, and she's on the right track, but to think how abruptly she was treated by this foster family.

We need to look at, through all of these challenges, how we can better reform these systems. Hundreds of thousands of young people and their life chances are impacted. I join the ranking member and the chairman as a cosponsor of this bill. But this is just the beginning. There are other issues raised in the Invest in Kids Act; there are issues, and we have raised them in the bill that I have offered, to create a White House conference on children so that we can focus anew on what we can do to improve our entire foster child system.

I thank you for this time.

Mr. WELLER of Illinois. Mr. Speaker, can you tell us how much time remains on each side, please.

The SPEAKER pro tempore. The gentleman from Illinois has 1½ minutes. The gentleman from Washington has 9 minutes.

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

Mr. McDERMOTT. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. CARDOZA).

Mr. CARDOZA. I want to start off by thanking Chairman McDERMOTT for doing a fabulous job on this bill on behalf of foster kids generally.

Mr. Speaker, I rise in support of H.R. 6307, the Fostering Connections to Success Act. Many of my colleagues already know that I care deeply about foster care, in part because 8 years ago, my wife and I adopted two of our children from foster care.

We didn't know much about foster care back then, but we certainly are intimately familiar with it at this point, and familiar with the plight of foster kids in America. These children who come into foster care through no fault of their own face a number of inequalities compared to children who have not endured the type of abuse that typically places a foster child in care.

While foster parents receive Federal assistance to care for kids in their home, family members, many of whom would willingly care for their nieces and nephews, only if they had a little help to do so, are denied foster care payments. This legislation will end that misguided policy and provide that assistance to family members.

While biological children count on health insurance policies of their parents until the age of 25, foster children's health care coverage is often terminated on the night of their 18th birthday. Mr. Speaker, I want to believe that all children are self-sufficient on the day they turn 18, but as a father, both of us know better than that.

Earlier this year, I introduced legislation that would require health care coverage for children in foster care until the age of 21. Chairman MCDERMOTT lent his support to my bill, and I understand there is a similar provision in his bill to provide States with the option of extending health care coverage.

I hope that all States will exercise this option because parents don't walk out on their kids at 18, and neither should we.

The SPEAKER pro tempore. The time of the gentleman from California has expired.

Mr. MCDERMOTT. I yield the gentleman 1 additional minute.

Mr. CARDOZA. Thank you, Mr. MCDERMOTT.

Finally, Mr. Speaker, this bill will improve the oversight of health care needs for our children in foster care. My wife is a family doctor, and she has been taken aback by the lack of oversight in the medical treatment of foster kids. The committee heard testimony from foster children who have been over-prescribed or mis-prescribed numerous medications. I know personally that my children received several rounds of immunizations, when they only needed one set.

It's about time we raise the standards for continuity of health care, medical records, and prescription drugs, and this legislation will in fact accomplish that. I will continue to work with my colleagues and fight on the behalf

of abused and neglected children in America. I thank the gentleman who has authored this bill for doing the same, and I thank him for bringing this legislation to the floor.

Mr. WELLER of Illinois. Mr. Speaker, I yield myself the balance of my time.

I am proud to say that this is bipartisan legislation designed to help children. Children need help. I am also proud to say that this legislation has a proud array of organizations that have endorsed it. I'd like to go through that list.

Organizations which have endorsed H.R. 6307, the Fostering Connections to Success Act: The Alliance for Children and Families; American Academy of Pediatrics; the Center for Law and Social Policy; Child Welfare League of America; County Welfare Directors Association of California; Foster Care Alumni of America; National Association of Counties; National Congress of American Indians; National Council for Adoption; National Indian Child Welfare Association; North American Council on Adoptable Children; Pew Commission on Children in Foster Care; Public Children Services Association of Ohio; Voices for America's Children; and also, Mr. Speaker, I have letters of support here from the Lutheran Services in America in support of this legislation, Catholic Charities USA, in support of this legislation, and also an organization which I am proud to say is headquartered in the 11th Congressional District of Illinois, which I represent, an organization that is respected, called the The Baby Fold, which is a long-time child welfare advocacy organization, as well as providing outstanding services children need.

In closing, I want to say this is good legislation, and I want to commend my chairman, Mr. MCDERMOTT, for working in a bipartisan way, reaching out to a broad array of organizations, reaching out to a broad, wide variety of Members of the House on both the Democrat and Republican side who care about kids in foster care, and ensuring children who have needs, that we work to help them.

This is good legislation. It's bipartisan. It enjoys the support of a wide array of groups. And it helps kids. That is our goal. That is the bottom line. We want to help children who need help.

Mr. Chairman, I, of course, again want to thank you for the opportunity of working with you. I look forward to working with you as we reach out to our colleagues in the other body as we work towards our goal of this legislation becoming law this year. I want to thank you for the spirit of cooperation and bipartisanship which you have extended to me, as well as other members on our subcommittee and the full committee and other Members of this body. For that, I want to congratulate you as well as thank you.

Mr. Speaker, again, I urge my colleagues to support this legislation with a strong bipartisan vote.

ORGANIZATIONS ENDORSING H.R. 6307, THE "FOSTERING CONNECTIONS TO SUCCESS ACT"

1. Alliance for Children and Families.
2. American Academy of Pediatrics.
3. Center for Law and Social Policy.
4. Child Welfare League of America.
5. County Welfare Directors Association of California.
6. Foster Care Alumni of America.
7. National Association of Counties.
8. National Congress of American Indians.
9. National Council for Adoption.
10. National Indian Child Welfare Association.
11. North American Council on Adoptable Children.
12. Pew Commission on Children in Foster Care.
13. Public Children Services Association of Ohio.
14. Voices for America's Children.

LUTHERAN SERVICES IN AMERICA,
Washington, DC, June 24, 2008.

Hon. JERRY WELLER,
House of Representatives
Washington, D.C. 20515

DEAR CONGRESSMEN WELLER: Lutheran Services in America (LSA) expresses its strong support for the Fostering Connections to Success Act (H.R. 6307). LSA member organizations are particularly supportive of the expansion of child welfare worker training funds to private, non-profit organizations. Many of LSA's member organizations, including Lutheran Social Services of Illinois, have been working in close partnership with states for many years to provide excellent services for children and families involved in the foster care system without access to federal training funds. This bill would enable our organizations to better train, develop and retain qualified, dedicated child welfare workers who have already shown such passion and dedication for their work and the people they serve.

LSA is an alliance of national Lutheran church denominations and their health and human service providers. LSA member organizations deliver more than \$9.5 billion in services to more than six million people every year—that translates to one in 50 people in the United States. LSA members provide services in all 50 states and the Caribbean. The network of close to 300 organizations serves the elderly, children and families, people with mental and physical disabilities, refugees, victims of natural disasters and others in need. Through these efforts LSA is on the front lines of building self-sufficiency and creating hope in millions of lives.

Thank you for your dedication to improving the connections children in foster care have to relatives, schools and communities so they have a better chance to succeed. If LSA can be of further assistance, please contact Lisa Hassenstab.

Sincerely,

LISA M. CARR,
Senior Director of
Public Policy.

LISA HASENSTAB,
Associate Director of
Public Policy.

CATHOLIC CHARITIES USA,
Alexandria, VA, June 24, 2008.

Hon. JIM McDERMOTT,
Chairman, Subcommittee on Income Security
and Family Support, Committee on Ways
and Means, House of Representatives,
Longworth House Office Building, Wash-
ington, DC.

Hon. JERRY WELLER,
Ranking Member, Subcommittee on Income Se-
curity and Family Support, Committee on
Ways and Means, House of Representatives,
Cannon House Office Building, Wash-
ington, DC.

DEAR REPRESENTATIVES McDERMOTT AND WELLER: I am writing to express our support for your recently introduced legislative proposal, "Fostering Connections to Success Act," H.R. 6307. This legislation advances a number of important improvements to the nation's child welfare system. Catholic Charities USA thanks you for your leadership in promoting stable homes for children in the foster care system through family, educational, and health care supports.

We are particularly pleased that your proposal includes the following improvements:

A state option to extend federal foster care payments to age 21 for children living in a supervised setting; a state option to continue federal assistance to relative guardians of foster children; an expansion of federal funds for training of child welfare workers in private agencies; family connections grants, including kinship navigator programs; notification to adult relatives within 30 days of a child's placement in foster care and reasonable efforts to place siblings together; coordination and oversight of health care services for children in care; and reauthorization and expansion of the Adoption Incentive Program.

Catholic Charities USA is one of the nation's largest private networks of over 1,700 social service agencies and institutions providing services to nearly 8 million people annually. As one of the nation's largest social service providers, we recognize the importance of a strong child welfare system in keeping families out of generational poverty. Catholic Charities USA strongly supports ongoing improvements to the child welfare system to protect and strengthen vulnerable children.

We look forward to working with you and your colleagues on these important reforms. Please do not hesitate to call on Catholic Charities USA if we can provide any assistance.

Sincerely,

CANDY HILL,
Sr. Vice President for
Social Policy and Government Affairs.

THE BABY FOLD,
Normal, IL, June 23, 2008.

Hon. JERRY WELLER,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE WELLER: On behalf of The Baby Fold, I would like to offer our full support of the bipartisan Fostering Connections To Success Act of 2008 (H.R. 6307). Thank you for your leadership in supporting and improving critical services for our nation's children and families.

Provisions of the Act will improve the lives of youth by addressing their basic needs for safety, stability, education, health and vocational preparation.

Kinship Guardianship Assistance Payments will support relative caregivers in being able to provide permanent loving family homes for their related children without

unnecessary and costly long term government oversight. Having a sense of belonging to family is a key to children's long term success in life.

Family Connection Grants will provide critical funding for services to help at risk families overcome the obstacles that could result in their children being removed from the home and placed in substitute care settings. Investing in these types of prevention services will not only save families, but will save costs of longer term government services for these children and families.

Federal Matching for Training Private Sector Child Welfare Workers will enable private agency child welfare workers to receive the same training and federal reimbursement for training as public child welfare workers. In Illinois, the shift in caseload responsibilities for foster care has shifted substantially to the private sector child welfare sector, and yet Title IV E monies have not been available to offset the cost of private sector staff training. Private sector agencies have been absorbing the average cost of \$5,000 per staff for required child welfare training. With State funding in Illinois being stagnant over the past 8 years, these unfunded but critical training requirements have threatened the viability of some agencies continuing to provide much needed foster care services.

The reauthorization and enhancement of the Adoption Incentives Program helps to offset the additional cost of recruitment of and training of adoptive parents for special needs children.

Thank you for your leadership in introducing this legislation and your continued support of our nation's children and families.

Sincerely,

KAREN ROUSEY,
Vice President of Programs.

I yield back the balance of my time. Mr. McDERMOTT. Mr. Speaker, I will only take a moment here at the end. The old rule we learned a long time ago is if you have the vote, shut up. So I am not going to make a long speech.

It has been a great pleasure to work with Mr. WELLER. The only thing I really am sad about is that you won't be here to work with me on the Invest in Kids Act in the next legislative session of this Congress.

This bill obviously does not do everything. One would always like to do more. But what we did today was what was possible and what we could pay for and what we could agree upon. I think that that is the important thing for people to realize, that the Congress does work together, and it works best when the sides work together on issues like this. They can be resolved, even though some of these have some sticking points here and there, they can be resolved, and in this case, the children are the beneficiaries. I think for that, the Congress should all be proud today as we vote unanimously, I hope, for this bill.

I think that there are children out there right now who are going to benefit from this, whose stories, many of which we heard in the committee, and if we stood here and told the stories that we heard in the committee, everyone would be in support of this bill.

Mr. STARK. Mr. Speaker, I rise to support important progress toward reforming our troubled child welfare system. Today, we can come one step closer to fulfilling our promise to abused and neglected children that we will protect them, heal their wounds, and provide them with stable and loving homes.

Anyone who has paid attention to the plight of our half a million foster children and the millions of former foster children should be angry at how miserably we have failed them. Once a child enters the system, we, the government, become their parents. Just like parents, we have a moral obligation to act in their best interests. Unfortunately, many foster children are cycled from placement to placement and school to school, over-medicated with psychotropic drugs, and kept apart from their siblings and other relatives who could provide them with support. Not surprisingly, former foster youth are not doing well. They are more likely to become homeless, incarcerated, disconnected from education and the workforce, or using drugs than nearly any other group of individuals. Perhaps most shockingly, these youth suffer from post traumatic stress disorder at rates comparable to Iraq war veterans.

The "Fostering Connections to Success Act" allows us to turn our anger into action. This legislation will create permanency for thousands of children by providing Federal assistance to grandparents and relatives who care for a foster child. In my home State of California, a State-funded Program exists to help ease the financial burden for relative caregivers. Much needed Federal support will ensure that this program will not be zeroed out during the current fiscal crisis and will be able to expand to help additional children. This bill also recognizes a truth that is obvious to any parent: turning 18 does not mean that a young person is ready to live on their own. I have heard from too many former foster youth that when they turned 18 they found their belongings placed in garbage bags with no idea where they would live or how they would support themselves. By extending assistance to foster youth until age 21, we can help ease their transition into adulthood.

Finally, this legislation takes important steps to promote educational stability for foster children and better oversee their medical care. During committee hearings we heard accounts from advocates and former foster youth about children on multiple psychotropic drugs prescribed by different doctors that never spoke to each other. Many foster children have serious and complex physical and mental illnesses. Their care must be coordinated and appropriate. This bill requires oversight and accountability to ensure that foster children are not overly medicated, but receiving effective, high-quality health care.

I am heartened that this legislation has strong support from both sides of the aisle. It should. These are our children and we should provide them with the same level of support we provide for children living under our own roofs.

Ms. BERKLEY. Mr. Speaker, I rise today in support of the Fostering Connections to Success Act. The provisions contained in this bipartisan legislation will benefit thousands of children and will help to promote stability and permanency in their lives.

The ultimate goal of our Nation's child welfare system is to promote safe, stable and permanent homes for America's most vulnerable children. The provisions of this bill will help to accomplish this by allowing States to continue foster care assistance for kids up to the age of 21, authorizing Federal assistance to relatives assuming legal guardianship of children for whom they have cared as foster parents, and extending and improving the Adoption Incentives Program.

While much more remains to be done to ensure the safety and well being of our Nation's foster children, I support this legislation as a commonsense and much needed first step in the right direction.

I urge my colleagues to support this legislation.

Ms. BACHMANN. Mr. Speaker, I rise today to support H.R. 6307, the Fostering Connections to Success Act. This vital piece of bipartisan legislation was designed to make much needed improvements to the child welfare system, focused on some of the most vulnerable among us—foster children.

There are more than 500,000 children in foster care nationwide today, many of whom come from troubled homes and have been moved from family to family several times. My husband and I have cared for 23 foster children, and I understand full well the struggles these children face on a daily basis. This bill goes a long way in alleviating some of the roadblocks standing in their way.

The main focus of this bill is to improve the accessibility foster youth have to essential services, their family, health care, and education. However, this legislation makes considerations for those not only actually in foster care, but for those who "age out" of the system—a group of young men and women who are often overlooked.

A key component of this bill is the extension of federal foster care payments up to the age of 21. We are considered adults at the age of 18 in this society, but reaching 18 does not automatically mean that an individual is financially independent. As these young men and women pursue a degree of higher learning, or whether they choose to start working, this bill will give them the financial help they desperately need. Too often their troubled past and unstable family background have not provided them the foundation of support to do it on their own.

Along with providing—for the first time—federal financial support for relatives who assume legal guardianship of foster children, this bill also expands coverage of federal funds for the training of child welfare workers to include private agency and non-profit workers who provide foster care and adoption services on behalf of the state. When combined, all of the components of this bill offer the overhaul our foster care system so sorely needs.

Today, I stand proud knowing that Congress is on the cusp of passing such a crucial piece of bipartisan legislation for America's youth. As a foster mother myself, I thank Congress for giving this matter the serious time and consideration it deserves.

Mr. POMEROY. Mr. Speaker, I rise today in support of H.R. 6307 a bill that makes a number of critical changes to the child welfare system to better connect children in foster care

with the services, healthcare and education programs they need.

This bill includes legislation I introduced earlier this year which would provide tribes with the same direct access to federal funding for foster care and adoption services that states currently receive. Under current law, funds under Title IV-E of the Social Security Act cannot go directly to tribes, leaving Indian and Alaska Native children living on tribal lands without direct access to services which are an entitlement to all other children in similar circumstances. While most tribes provide some level of basic foster care or permanency services, they are not able to provide the comprehensive level of services that children under state custody receive via Title IV-E.

My legislation, which has been included in this bill, would remedy this situation by providing equity to Native American children who are in need of foster care and adoptive services. It would do this by allowing tribes to apply to the Department of Health and Human Services to directly administer Title IV-E foster care and adoption programs.

This legislation is supported by many child welfare organizations including Child Welfare League of America, the North American Council on Adoptable Children, the American Academy of Pediatrics, and the American Public Human Services Association as well as numerous tribes and tribal organizations.

I urge you to support H.R. 6307 to make sure that all children in foster care have a better chance at success in school and the workforce.

Mr. LEWIS of Georgia. Mr. Speaker, I rise in strong support of H.R. 6307, the Fostering Connections to Success Act of 2008.

First, let me thank the gentleman from Washington (Mr. McDERMOTT) and the gentleman from Illinois (Mr. WELLER) for their leadership and bipartisanship in crafting this effort to assist children and families in our Nation's child welfare system.

Mr. Speaker, young people in the child welfare system have done nothing wrong. They are victims of abuse and neglect. H.R. 6307 will provide Federal support for kinship care, increase adoption incentives, and provide assistance for foster youth up to age 21. This bill opens the door by addressing many issues facing children in foster care and those who care for them.

I am particularly proud that our Subcommittee Chairman, the gentleman from Washington (Mr. McDERMOTT) shared the words of my constituent, Mr. Anthony Reeves, a former foster care youth about the importance of making these changes. I am honored to have another outstanding young woman and former foster care youth from Georgia, Ms. Brittany Scott, interning in my congressional office this summer. When you see their passion and determination to commit, work, and act to change the lives of their friends, siblings, and the Nation's way of serving those most in need, you know we must take action.

This legislation is good; it is right. But we can do better, and we must do better. Across the country, case workers lack proper training and are overworked and underpaid. Foster children are expelled from the system at 18 with little to no support. Kinship care providers and adoptive parents lack support when caring

for foster children. And when programs are in place they are often fragile because of lack of funding. We need to help those on the front lines.

One of the major components of Mr. McDERMOTT's broader child welfare reform bill that I support is revising the so-called "look back" provision. Using an outdated 1996 Federal standard to determine poverty levels is a major reason that children are denied Title IV-E assistance in Georgia. Currently, only half of the abused and neglected children in foster care across the country are eligible for Title IV-E funding.

States continue to lack the funding needed to adequately improve services to youth in the child welfare system. States also face drastic cuts to the social services they provide as a result of the Deficit Reduction Act. These are just some of the many challenges that face our Nation's child welfare systems. We cannot afford to ignore them any longer.

We need to look across the board at new and diverse ways to make the process work better. We must come together and do what is right for America's foster care youth. Again, I applaud my Ways and Means colleagues for this strong bipartisan effort. I look forward to continuing to work with them on improving services, support, and assistance for those most in need.

I urge all of my colleagues to vote yes on H.R. 6307.

Mr. McDERMOTT. I yield back the balance of my time, and urge my colleagues to vote for this bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. McDERMOTT) that the House suspend the rules and pass the bill, H.R. 6307, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

SUPPORTING THE GOALS AND IDEALS OF NATIONAL SAVE FOR RETIREMENT WEEK

Ms. SCHWARTZ. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1294) supporting the goals and ideals of National Save for Retirement Week.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1294

Whereas Americans are living longer and the cost of retirement continues to rise, in part because the number of employers providing retiree health coverage continues to decline, and retiree health care costs continue to increase at a rapid pace;

Whereas Social Security remains the bedrock of retirement income for the great majority of the people of the United States, but was never intended by Congress to be the sole source of retirement income for families;

Whereas recent data from the Employee Benefit Research Institute indicates that, in