

108TH CONGRESS  
2D SESSION

# H. R. 4856

To provide States with improved incentives, more flexibility, and increased funds to develop child welfare services that meet the unique needs of children and families and enhance children's prospects for safe and permanent living arrangements.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 19, 2004

Mr. HERGER (for himself, Mrs. JOHNSON of Connecticut, Mr. DELAY, Mr. LEWIS of Kentucky, Mr. CAMP, and Mr. CANTOR) introduced the following bill; which was referred to the Committee on Ways and Means

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## A BILL

To provide States with improved incentives, more flexibility, and increased funds to develop child welfare services that meet the unique needs of children and families and enhance children's prospects for safe and permanent living arrangements.

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

3 **SECTION 1. SHORT TITLE.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Child Safety, Adoption, and Family Enhancement (Child  
6 SAFE) Act of 2004”.

1 (b) TABLE OF CONTENTS.—The table of contents of  
 2 this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Findings.
- Sec. 3. References.

TITLE I—EXPANDED ELIGIBILITY FOR ADOPTION ASSISTANCE  
AND FOSTER CARE

- Sec. 101. Adoption assistance.
- Sec. 102. Foster care maintenance payments.
- Sec. 103. Eligibility of Indian tribes to receive Federal funds for foster care and adoption assistance.

TITLE II—FLEXIBLE FUNDS TO IMPROVE PROTECTION FOR  
CHILDREN AND STRENGTHEN FAMILIES

- Sec. 201. Safe Children, Strong Families programs.
- Sec. 202. Challenge grants.

TITLE III—ENHANCEMENTS TO CHILD WELFARE WAIVER  
AUTHORITY

- Sec. 301. Extension of authority to approve demonstration projects.
- Sec. 302. Elimination of limitation on number of waivers.
- Sec. 303. Elimination of limitation on number of States that may be granted waivers to conduct demonstration projects on same topic.
- Sec. 304. Elimination of limitation on number of waivers that may be granted to a single State for demonstration projects.
- Sec. 305. Streamlined process for consideration of amendments to and extensions of demonstration projects requiring waivers.
- Sec. 306. Availability of reports.

TITLE IV—TANF AND SSI PROVISIONS

- Sec. 401. TANF high performance bonus.
- Sec. 402. Review of State agency blindness and disability determinations.

TITLE V—EFFECTIVE DATE AND TRANSITION PROVISIONS

- Sec. 501. Effective date; transition rule.

3 **SEC. 2. FINDINGS.**

4 The Congress finds as follows:

- 5 (1) Foster care should be a temporary, short-
- 6 term placement for children until they can be reuni-
- 7 fied with their parents or placed with a safe, adop-
- 8 tive family. However, the 532,454 children in foster

1 care on September 30, 2002, have been in foster  
2 care for an average of almost 3 years (32 months).

3 (2) At the end of fiscal year 2002, the case  
4 plan goal for over 34,000 foster care children was to  
5 remain in foster care until they turned 18. These  
6 children will leave the foster care system without the  
7 stability and permanency of a family.

8 (3) Since 1995, the number of children adopted  
9 with child welfare agency involvement has more than  
10 doubled from 25,693 to 52,546 in 2002. Despite this  
11 achievement, there were 129,262 children waiting to  
12 be adopted on September 30, 2002. On average,  
13 these children have been waiting in foster care for  
14 almost 4 years (44 months).

15 (4) On March 26, 2004, the Department of  
16 Health and Human Services completed an initial re-  
17 view in every State of their child welfare programs.  
18 No State passed this review which assessed whether  
19 States were in compliance with Federal requirements  
20 to ensure the safety, permanency, and well-being of  
21 vulnerable children.

22 (5) On May 18, 2004, the nonpartisan Pew  
23 Commission on Children in Foster Care composed of  
24 former Members of Congress of both parties and  
25 other child welfare experts recommended overhauling

1 the Nation’s foster care system to provide States a  
2 flexible, reliable source of Federal funding, as well  
3 as new options and incentives to seek safety and per-  
4 manence for children in foster care.

5 **SEC. 3. REFERENCES.**

6 Except as otherwise expressly provided, wherever in  
7 this Act an amendment or repeal is expressed in terms  
8 of an amendment to, or repeal of, a section or other provi-  
9 sion, the amendment or repeal shall be considered to be  
10 made to a section or other provision of the Social Security  
11 Act.

12 **TITLE I—EXPANDED ELIGI-**  
13 **BILITY FOR ADOPTION AS-**  
14 **SISTANCE AND FOSTER CARE**

15 **SEC. 101. ADOPTION ASSISTANCE.**

16 (a) ELIMINATION OF INCOME ELIGIBILITY REQUIRE-  
17 MENT.—Section 473(a) (42 U.S.C. 673(a)) is amended—

18 (1) by striking paragraph (2) and inserting the  
19 following:

20 “(2)(A) For purposes of paragraph (1)(B)(ii), a  
21 child meets the requirements of this paragraph if the  
22 child—

23 “(i)(I) at the time adoption proceedings  
24 were initiated, had been removed from his or  
25 her home—

1           “(aa) pursuant to a voluntary place-  
2           ment agreement with respect to which  
3           Federal payments are provided under sec-  
4           tion 474; or

5           “(bb) as a result of a judicial deter-  
6           mination to the effect that continuation  
7           therein would be contrary to the welfare of  
8           the child, including such a determination  
9           made on account of a voluntary relinquis-  
10          ment;

11          “(II) is eligible for supplemental security  
12          income benefits under title XVI; or

13          “(III) was residing in a foster family home  
14          or child care institution with the child’s minor  
15          parent as described in section 475(4)(B); and

16          “(ii) has been determined by the State,  
17          pursuant to subsection (c), to be a child with  
18          special needs.

19          “(B) A child who meets the requirements  
20          of subparagraph (A)(ii) of this paragraph, who  
21          was determined eligible for adoption assistance  
22          payments under this part with respect to a  
23          prior adoption, and who is available for adop-  
24          tion because the prior adoption has been dis-  
25          solved and the parental rights of the adoptive

1 parents have been terminated or because the  
2 child's adoptive parents have died, shall be  
3 treated as meeting the requirements of this  
4 paragraph for purposes of paragraph  
5 (1)(B)(ii)."; and

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

7 "(7)(A) Notwithstanding any other provision of  
8 this subsection (except as provided in subparagraph  
9 (B)), payments may not be made under this part to  
10 parents with respect to—

11 "(i) a child who is adopted outside of the  
12 United States; or

13 "(ii) a child who is adopted in the United  
14 States after having been brought into the  
15 United States for the purpose of being adopted.

16 "(B) Subparagraph (A) shall not be interpreted  
17 to prohibit payments for a child who is otherwise eli-  
18 gible for adoption assistance payments under section  
19 473 and who, as a result of the disruption or dis-  
20 solution (as determined by the State) of an adoption,  
21 or because of the death of the adoptive parents of  
22 the child, is subsequently available for adoption.".

23 (b) REDUCTION IN FEDERAL MATCHING RATE TO  
24 EXPAND ELIGIBILITY.—Section 474(a)(2) (42 U.S.C.

1 674(a)(1)) is amended by inserting “85 percent of” before  
2 “the Federal”.

3 **SEC. 102. FOSTER CARE MAINTENANCE PAYMENTS.**

4 (a) ELIMINATION OF INCOME ELIGIBILITY REQUIRE-  
5 MENT.—

6 (1) IN GENERAL.—Section 472(a) (42 U.S.C.  
7 672(a)) is amended—

8 (A) in the matter preceding paragraph (1),  
9 by striking “child” and all that follows through  
10 “if” and inserting “child, if”;

11 (B) in paragraph (1)—

12 (i) by striking “from the home” and  
13 inserting “of the child from his or her  
14 home”; and

15 (ii) by striking “(effective October 1,  
16 1983)”;

17 (C) by adding “and” at the end of para-  
18 graph (2);

19 (D) in paragraph (3), by striking “; and”  
20 and inserting a period; and

21 (E) by striking all that follows paragraph  
22 (3).

23 (2) CONFORMING AMENDMENT.—Section 470  
24 (42 U.S.C. 670) is amended by striking “who other-  
25 wise would have been eligible for assistance under

1 the State’s plan approved under part A (as such  
2 plan was in effect on June 1, 1995)’’.

3 (b) REDUCTION IN FEDERAL MATCHING RATE TO  
4 EXPAND ELIGIBILITY.—Section 474(a)(1) (42 U.S.C.  
5 674(a)(1)) is amended by inserting “65 percent of” before  
6 “the Federal”.

7 (c) GUARANTEED FOSTER CARE MAINTENANCE PAY-  
8 MENT LEVELS.—

9 (1) IN GENERAL.—Section 474 of such Act (42  
10 U.S.C. 674) is amended—

11 (A) in subsection (a)(1), by inserting “,  
12 subject to subsection (g)” before the semicolon;  
13 and

14 (B) by adding at the end the following:

15 “(g) GUARANTEED FOSTER CARE MAINTENANCE  
16 PAYMENT LEVELS.—

17 “(1) FOSTER CARE MAINTENANCE PAYMENT  
18 LEVELS.—The amount described in this paragraph  
19 is—

20 “(A) \$1,836,000,000 in the case of fiscal  
21 year 2005;

22 “(B) \$1,882,000,000 in the case of fiscal  
23 year 2006, increased by the total of the  
24 amounts (if any) by which the levels set by

1 paragraph (3)(A) for the fiscal year are in-  
2 creased by reason of paragraph (3)(A)(ii);

3 “(C) \$1,927,000,000 in the case of fiscal  
4 year 2007, increased by the total of the  
5 amounts (if any) by which the levels set by  
6 paragraph (3)(A) for the fiscal year are in-  
7 creased by reason of paragraph (3)(A)(ii);

8 “(D) \$1,971,000,000 in the case of fiscal  
9 year 2008, increased by the total of the  
10 amounts (if any) by which the levels set by  
11 paragraph (3)(A) for the fiscal year are in-  
12 creased by reason of paragraph (3)(A)(ii);

13 “(E) \$2,014,000,000 in the case of fiscal  
14 year 2009, increased by the total of the  
15 amounts (if any) by which the levels set by  
16 paragraph (3)(A) for the fiscal year are in-  
17 creased by reason of paragraph (3)(A)(ii);

18 “(F) \$2,056,000,000 in the case of fiscal  
19 year 2010, increased by the total of the  
20 amounts (if any) by which the levels set by  
21 paragraph (3)(A) for the fiscal year are in-  
22 creased by reason of paragraph (3)(A)(ii);

23 “(G) \$2,097,000,000 in the case of fiscal  
24 year 2011, increased by the total of the  
25 amounts (if any) by which the levels set by

1 paragraph (3)(A) for the fiscal year are in-  
2 creased by reason of paragraph (3)(A)(ii);

3 “(H) \$2,136,000,000 in the case of fiscal  
4 year 2012, increased by the total of the  
5 amounts (if any) by which the levels set by  
6 paragraph (3)(A) for the fiscal year are in-  
7 creased by reason of paragraph (3)(A)(ii);

8 “(I) \$2,173,000,000 in the case of fiscal  
9 year 2013, increased by the total of the  
10 amounts (if any) by which the levels set by  
11 paragraph (3)(A) for the fiscal year are in-  
12 creased by reason of paragraph (3)(A)(ii); and

13 “(J) \$2,210,000,000 in the case of fiscal  
14 year 2014, increased by the total of the  
15 amounts (if any) by which the levels set by  
16 paragraph (3)(A) for the fiscal year are in-  
17 creased by reason of paragraph (3)(A)(ii).

18 “(2) RESERVATION OF FUNDS FOR THE TERRI-  
19 TORIES AND INDIAN TRIBES.—For each fiscal year,  
20 from the dollar amount specified in paragraph (1) of  
21 this subsection for the fiscal year, the Secretary  
22 shall reserve for payments under this part—

23 “(A) for Puerto Rico, Guam, the Northern  
24 Mariana Islands, American Samoa, and the  
25 United States Virgin Islands, a total sum equal

1 to 0.9 percent of the dollar amount so specified;  
2 and

3 “(B) for Indian tribes, a total sum equal  
4 to 0.9 percent of the dollar amount so specified,  
5 increased by the amount (if any) by which the  
6 total sum reserved under this subparagraph for  
7 the preceding fiscal year exceeds the total of the  
8 amounts payable to Indian tribes under sub-  
9 section (a)(1) for the preceding fiscal year.

10 “(3) FUNDS FOR THE STATES.—

11 “(A) IN GENERAL.—The aggregate of the  
12 amounts payable to a State under subsection  
13 (a)(1) for a fiscal year shall not exceed the sum  
14 of—

15 “(i)(I) in the case of a State not spec-  
16 ified in paragraph (2)(A) of this sub-  
17 section, the State share of the dollar  
18 amount specified in paragraph (1) of this  
19 subsection for the fiscal year that remains  
20 after applying paragraph (2) of this sub-  
21 section; or

22 “(II) in the case of a State specified  
23 in paragraph (2)(A) of this subsection, the  
24 State share of the total sum described in

1 such paragraph (2)(A) for the fiscal year;  
2 and

3 “(ii) if the State does not make the  
4 election provided for in subparagraph (C)  
5 of this paragraph for the fiscal year, the  
6 amount (if any) by which the level set by  
7 this subparagraph with respect to the  
8 State for the preceding fiscal year exceeds  
9 the total amount payable to the State  
10 under subsection (a)(1) for such preceding  
11 fiscal year.

12 “(B) STATE SHARE DEFINED.—In sub-  
13 paragraph (A) of this paragraph, the term  
14 ‘State share’ means, with respect to a State,  
15 the percentage that equals—

16 “(i) in the case of a State not speci-  
17 fied in paragraph (2)(A) of this sub-  
18 section—

19 “(I) the aggregate of the  
20 amounts payable to the State under  
21 subsection (a)(1) for all calendar  
22 quarters in fiscal year 2003; divided  
23 by

1                   “(II) the aggregate of the  
2                   amounts so payable to all States not  
3                   so specified; or

4                   “(ii) in the case of a State specified in  
5                   paragraph (2)(A) of this subsection—

6                   “(I) the total number of children  
7                   in the State who have not attained 21  
8                   years of age; divided by

9                   “(II) the total number of such  
10                  children in all States so specified.

11                  “(C) ELECTION TO SPEND EXCESS FOSTER  
12                  CARE FUNDS ON CHILD WELFARE SERVICES.—  
13                  A State may elect to require the Secretary to  
14                  add the amount of the excess (if any) described  
15                  in subparagraph (A)(ii) with respect to the  
16                  State for a fiscal year to the State allotment  
17                  under section 423 for the next fiscal year and  
18                  to the amount otherwise available for payment  
19                  to the State under section 424 for the next fis-  
20                  cal year.

21                  “(4) FUNDS FOR INDIAN TRIBES.—The aggre-  
22                  gate of the amounts payable to Indian tribes under  
23                  subsection (a)(1) for a fiscal year shall not exceed  
24                  the amount reserved under paragraph (2)(B) of this  
25                  subsection for the fiscal year.”.

1 (2) CONFORMING AMENDMENTS.—

2 (A) Section 1101(a)(1) (42 U.S.C.  
3 1301(a)(1)) is amended by adding at the end  
4 the following: “Such term when used in part E  
5 of title IV also includes the Northern Mariana  
6 Islands.”.

7 (B) Section 1108 (42 U.S.C. 1308) is  
8 amended in each of subsections (a) and (b)(1),  
9 by striking “parts A and E” and inserting  
10 “part A”.

11 (d) AVAILABILITY OF ADDITIONAL FUNDING FOR  
12 STATES EXPERIENCING A SEVERE FOSTER CARE CRI-  
13 SIS.—Section 474 (42 U.S.C. 674), as amended by sub-  
14 section (c)(1)(B) of this section, is amended by adding at  
15 the end the following:

16 “(h) AVAILABILITY OF ADDITIONAL FUNDING FOR  
17 STATES EXPERIENCING A SEVERE FOSTER CARE CRI-  
18 SIS.—

19 “(1) IN GENERAL.—On request of a State with  
20 a plan approved under part E for a fiscal year, the  
21 Secretary shall, subject to paragraph (4) of this sub-  
22 section, pay to the State from the Contingency Fund  
23 established under section 403(b) an amount equal to  
24 the Federal share of a sum certain if—

1           “(A) the State is experiencing a severe fos-  
2           ter care crisis, as determined by the Secretary  
3           from the documentation and certifications re-  
4           ferred to in subparagraph (B) of this para-  
5           graph;

6           “(B) the Governor of the State (or an au-  
7           thorized designee of the Governor) provides the  
8           documentation and certifications described in  
9           paragraph (3) of this subsection with respect to  
10          the circumstances constituting the severe foster  
11          care crisis in the State;

12          “(C) the State makes a binding commit-  
13          ment to the Secretary to expend from State or  
14          local sources during the fiscal year an amount  
15          equal to the State share of the sum certain in  
16          a manner consistent with the child welfare pur-  
17          poses of part B and this part;

18          “(D) the amount so payable to the State  
19          does not exceed 20 percent of the total amount  
20          payable to the State under section 474(a)(1) for  
21          the fiscal year; and

22          “(E) the State has expended, for foster  
23          care maintenance payments under section 472  
24          for children in foster family homes or child-care

1 institutions, all amounts paid to the State  
2 under section 474(a)(1).

3 “(2) DEFINITIONS.—In paragraph (1):

4 “(A) SEVERE FOSTER CARE CRISIS.—The  
5 term ‘severe foster care crisis’ means, with re-  
6 spect to a State, that—

7 “(i)(I) the average number of children  
8 in foster care under the responsibility of  
9 the State on the last day of the most re-  
10 cent 6-month period for which such infor-  
11 mation is available has increased by a total  
12 of at least 15 percent over the greatest av-  
13 erage for the corresponding period in cal-  
14 endar year 2004 or thereafter; and

15 “(II) the average total number of chil-  
16 dren in the United States who are in foster  
17 care under the responsibility of any State  
18 on the last day of the most recent 6-month  
19 period for which such information is avail-  
20 able has increased by a total of at least 10  
21 percent over the greatest average for the  
22 corresponding period in calendar year 2004  
23 or thereafter; or

24 “(ii) the average number described in  
25 clause (i)(I) has increased by a total of at

1           least 20 percent over the greatest average  
2           for the corresponding period in calendar  
3           year 2004 or thereafter.

4           “(B) FEDERAL SHARE.—The term ‘Fed-  
5           eral share’ means 65 percent of the Federal  
6           medical assistance percentage (as defined in  
7           section 1905(b)).

8           “(C) STATE SHARE.—The term ‘State  
9           share’ means 100 percent minus the Federal  
10          share.

11          “(3) DOCUMENTATION AND CERTIFICATIONS.—  
12          The documentation and certifications described in  
13          this clause are the following:

14                 “(A) Documentation which demonstrates  
15                 that the State is experiencing a severe foster  
16                 care crisis.

17                 “(B) Documentation of the nature and  
18                 cause of the circumstances constituting the se-  
19                 vere foster care crisis.

20                 “(C) Documentation of the measures that  
21                 were taken by the State, before seeking funds  
22                 from the Contingency Fund for State Welfare  
23                 Programs, to avoid or address the cir-  
24                 cumstances constituting the severe foster care  
25                 crisis.

1           “(D) Documentation of the manner in  
2           which any funds provided to the State under  
3           this section from the Contingency Fund for  
4           State Welfare Programs and State matching  
5           funds described in paragraph (1)(C) will be  
6           used to address the circumstances constituting  
7           the severe foster care crisis in the State.

8           “(E) A certification that any funds pro-  
9           vided to the State under this subsection from  
10          the Contingency Fund for State Welfare Pro-  
11          grams will be used in a manner consistent with  
12          this part.

13          “(4) MAXIMUM CONTINGENCY FUND PAY-  
14          MENTS.—The total of the amounts payable to all  
15          States under this subsection shall not exceed the  
16          total amount appropriated under section 403(b)(2)  
17          minus the total amount (if any) paid to States under  
18          section 403(b)(3)(A).”.

19          (e) FLEXIBILITY TO ESTABLISH SEPARATE STAND-  
20          ARDS FOR RELATIVE FOSTER FAMILY HOMES.—Section  
21          471(a)(10) (42 U.S.C. 671(a)(10)) is amended by insert-  
22          ing before the semicolon the following: “, and that the au-  
23          thority or authorities may—

24                 “(A) establish and maintain separate standards  
25                 for foster family homes in which a foster parent is

1 a relative of the foster child, that, at a minimum,  
2 protect the safety of the child and provide for crimi-  
3 nal records checks as described in paragraph (20);  
4 and

5 “(B) apply the standards referred to in sub-  
6 paragraph (A) of this paragraph to any such relative  
7 foster care provider to whom funds are paid pursu-  
8 ant to section 472 or part B in lieu of the standards  
9 that would otherwise apply to a foster family  
10 home.”.

11 (f) CHILD WELL-BEING ASSESSMENTS FOR FOSTER  
12 CHILDREN.—

13 (1) IN GENERAL.—Section 475(5) (42 U.S.C.  
14 675(5)) is amended—

15 (A) in subparagraph (C)—

16 (i) by striking “(F)” and inserting  
17 “(G)”; and

18 (ii) by striking “(A)(ii)” and inserting  
19 “(B)(ii)”;

20 (B) in subparagraph (D), by striking  
21 “(1)(A)” and inserting “(1)(C)”;

22 (C) by redesignating subparagraphs (A)  
23 through (G) as subparagraphs (B) through (H),  
24 respectively; and

1 (D) by inserting before such subpara-  
2 graphs the following:

3 “(A) within 30 days after being removed  
4 from his or her home, each child will have had  
5 an assessment of his or her physical and mental  
6 health needs, to identify, at a minimum, phys-  
7 ical or emotional trauma, substance abuse, or  
8 other issues that are to be addressed as part of  
9 the child’s case plan to ensure the child’s posi-  
10 tive development and well-being;”.

11 (2) CONFORMING AMENDMENTS.—Section  
12 471(a) (42 U.S.C. 671(a)) is amended—

13 (A) in paragraph (15)(E)(i), by striking  
14 “475(5)(C)” and inserting “475(5)(D)”; and

15 (B) in paragraph (16), by striking  
16 “475(5)(B)” and inserting “475(5)(C)”.

17 (g) MEDICAID ELIGIBILITY FOR FOSTER CHIL-  
18 DREN.—The first sentence of section 472(h)(1) (42  
19 U.S.C. 672(h)(1)) is amended—

20 (1) by striking “are made under this section”  
21 and inserting “have been made under this section  
22 since before October 1, 2004, and without interrup-  
23 tion thereafter”; and

24 (2) by inserting “, and any other child with re-  
25 spect to whom such payments are made whose re-

1 sources (determined pursuant to section  
2 402(a)(7)(B), as so in effect) have a combined value  
3 of not more than \$10,000 shall be considered to be  
4 a child whose resources have a combined value of  
5 not more than \$1,000 (or such lower amount as the  
6 State may determine for purposes of such section  
7 402(a)(7)(B))” before the period.

8 **SEC. 103. ELIGIBILITY OF INDIAN TRIBES TO RECEIVE FED-**  
9 **ERAL FUNDS FOR FOSTER CARE AND ADOP-**  
10 **TION ASSISTANCE.**

11 (a) CHILDREN PLACED IN TRIBAL CUSTODY ELIGI-  
12 BLE FOR FOSTER CARE FUNDING.—Section 472(a)(2)  
13 (42 U.S.C. 672(a)(2)) is amended—

14 (1) by striking “or (B)” and inserting “(B)”;  
15 and

16 (2) by inserting before the semicolon the fol-  
17 lowing: “, or (C) an Indian tribe (as defined in sec-  
18 tion 479B(d)) or an intertribal consortium if the In-  
19 dian tribe or consortium is not operating a program  
20 pursuant to section 479B and (i) has a cooperative  
21 agreement with a State pursuant to section  
22 479B(c)(5) or (ii) submits to the Secretary a de-  
23 scription of the arrangements (jointly developed or  
24 developed in consultation with the State) made by  
25 the Indian tribe or consortium for the payment of

1 funds and the provision of the child welfare services  
2 and protections required by this title”.

3 (b) PROGRAMS OPERATED BY INDIAN TRIBAL ORGA-  
4 NIZATIONS.—Part E of title IV (42 U.S.C. 670 et seq.)  
5 is amended by adding at the end the following:

6 **“SEC. 479B. PROGRAMS OPERATED BY INDIAN TRIBAL OR-**  
7 **GANIZATIONS.**

8 “(a) IN GENERAL.—Except as otherwise expressly  
9 provided in this part, this part shall apply to an Indian  
10 tribe that elects to operate a program under this part in  
11 the same manner as this part applies to a State.

12 “(b) EXCEPTIONS.—An Indian tribe shall not be eli-  
13 gible for payments under paragraph (3) or (4) of section  
14 474(a), and section 477 shall not apply to an Indian tribe.

15 “(c) SPECIAL RULES.—

16 “(1) APPLICATIONS.—In order for an Indian  
17 tribe to be eligible for funds under this part for a  
18 fiscal year, the tribe (alone or as part of a consor-  
19 tium of Indian tribes) shall—

20 “(A) submit to the Secretary an applica-  
21 tion which, in addition to the matter required  
22 by section 471(a), contains—

23 “(i) a plan which, in lieu of the re-  
24 quirement of section 471(a)(3), identifies

1 the service area or areas and population to  
2 be served by the Indian tribe; and

3 “(ii) assurances that the tribe will—

4 “(I) operate a pre-placement pre-  
5 ventive services program designed to  
6 help children at risk of foster care  
7 placement remain safely in their  
8 homes, and a foster care program for  
9 children who cannot remain at home  
10 safely;

11 “(II) provide, or make arrange-  
12 ments with a State or the Bureau of  
13 Indian Affairs to provide, a system for  
14 child abuse and neglect reporting and  
15 prevention, adoption assistance or  
16 other permanency supports, and inde-  
17 pendent living services;

18 “(III) use any funds provided to  
19 the tribe under this part to supple-  
20 ment and not supplant non-Federal  
21 funds that would otherwise be avail-  
22 able for the activities and purposes of  
23 the plan; and

24 “(IV) submit to the Secretary  
25 case-level data on the children in fos-

1                   ter care or adopted with the involve-  
2                   ment of the agency carrying out the  
3                   plan, consistent with the requirements  
4                   under the data collection system im-  
5                   plemented under section 479;

6                   “(B) have in effect legal codes that govern  
7                   tribal responsibility for the protection of chil-  
8                   dren, provide for tribal placement and care re-  
9                   sponsibility for children that cannot remain  
10                  safely at home, and define tribal authority for  
11                  judicial proceedings and judicial determinations  
12                  that continuation in the home would be con-  
13                  trary to the welfare of a child, judicial deter-  
14                  minations regarding reasonable efforts de-  
15                  scribed in section 471(a)(15), and permanency  
16                  decisions; and

17                  “(C) have not less than 3 years of financial  
18                  stability and management as evidenced by hav-  
19                  ing no uncorrected significant and material  
20                  audit exceptions under Federal grants or con-  
21                  tracts.

22                  “(2) APPROVAL.—The Secretary may approve  
23                  an application and plan submitted pursuant to para-  
24                  graph (1) if the Secretary determines that the appli-

1 cation meets the requirements of paragraph (1), con-  
2 sistent with the purposes of this part.

3 “(3) AUTHORITY TO WAIVE OR MODIFY CER-  
4 TAIN REQUIREMENTS.—

5 “(A) WAIVER AUTHORITY.—On the re-  
6 quest of an Indian tribe, the Secretary may  
7 modify any requirement imposed by or under  
8 section 471 if, after consulting with the tribe,  
9 the Secretary determines that the modification  
10 would advance the best interests and the safety  
11 of children served by the tribe.

12 “(B) AUTHORITY TO MODIFY DATA RE-  
13 PORTING REQUIREMENT.—In lieu of the re-  
14 quirement for case-level data referred to in  
15 paragraph (1)(A)(ii)(IV) with respect to chil-  
16 dren served by an Indian tribe pursuant to this  
17 part, the Secretary may require aggregate data  
18 with respect to children who are in foster care  
19 or adopted with the involvement of the agency  
20 administering the plan.

21 “(4) CALCULATION OF PER CAPITA INCOME IN  
22 DETERMINING FEDERAL SHARE.—

23 “(A) IN GENERAL.—For purposes of deter-  
24 mining the Federal medical assistance percent-  
25 age applicable to an Indian tribe under para-

1 graphs (1) and (2) of section 474(a), the cal-  
2 culation of the per capita income of the tribe  
3 shall be based upon the service population of  
4 the tribe as defined in its plan.

5 “(B) CONSIDERATION OF OTHER INFOR-  
6 MATION.—An Indian tribe may submit to the  
7 Secretary such information as the Indian tribe  
8 considers relevant to the calculation of the per  
9 capita income of the tribe, and the Secretary  
10 shall consider such information before making  
11 the calculation.

12 “(5) COOPERATIVE AGREEMENTS.—An Indian  
13 tribe or intertribal consortium and a State may  
14 enter into a cooperative agreement for the adminis-  
15 tration or payment of funds pursuant to this part.  
16 In any case where an Indian tribe or intertribal con-  
17 sortium and a State enter into a cooperative agree-  
18 ment that incorporates any of the provisions of this  
19 section, those provisions shall be valid and enforce-  
20 able. Any such cooperative agreement that is in ef-  
21 fect as of the date of enactment of this section, shall  
22 remain in full force and effect subject to the right  
23 of either party to the agreement to revoke or modify  
24 the agreement pursuant to the terms of the agree-  
25 ment.

1       “(d) DEFINITIONS OF INDIAN TRIBE; TRIBAL ORGA-  
 2 NIZATIONS.—In this section, the terms ‘Indian tribe’ and  
 3 ‘tribal organization’ have the meanings given in para-  
 4 graphs (5) and (10), respectively, of section 430(a).”.

5 **TITLE II—FLEXIBLE FUNDS TO**  
 6 **IMPROVE PROTECTION FOR**  
 7 **CHILDREN AND STRENGTHEN**  
 8 **FAMILIES**

9 **SEC. 201. SAFE CHILDREN, STRONG FAMILIES PROGRAMS.**

10       (a) IN GENERAL.—Part B of title IV (42 U.S.C.  
 11 620–629i) is amended to read as follows:

12 **“PART B—SAFE CHILDREN, STRONG FAMILIES**  
 13 **PROGRAMS**

14 **“SEC. 421. PURPOSE.**

15       “The purpose of this part is to provide States and  
 16 Indian tribes with the resources and flexibility to—

17               “(1) develop and provide child welfare services  
 18 that ensure safety, permanence, and well-being for  
 19 children;

20               “(2) provide support and other services to fami-  
 21 lies to prevent the unnecessary removal of children  
 22 from their homes;

23               “(3) provide support and enhance the capacity  
 24 of relatives to meet the needs of children in their  
 25 care;

1           “(4) develop, establish, and operate coordinated  
2 programs of community-based family support serv-  
3 ices, family preservation services, time-limited reuni-  
4 fication services, and adoption promotion and sup-  
5 port services;

6           “(5) improve the quality of child welfare serv-  
7 ices by providing for the training of individuals re-  
8 sponsible for decisions related to the well-being of  
9 children including foster and adoptive parents, child  
10 welfare workers, and court personnel;

11           “(6) operate a system for receiving reports of  
12 child abuse or neglect;

13           “(7) improve the intake, assessment, screening,  
14 and investigation of reports of child abuse and ne-  
15 glect;

16           “(8) provide child placement services and make  
17 timely decisions about permanent living arrange-  
18 ments for children who must be removed from or  
19 who cannot live with their families; and

20           “(9) provide for the proper and efficient admin-  
21 istration of the State or tribal plan under this part  
22 and part E.

23 **“SEC. 422. PLANS OF STATES AND INDIAN TRIBES.**

24           “(a) STATES.—In order to be eligible for a grant  
25 under this part for a fiscal year, a State shall have in

1 effect a plan to achieve the purposes of this part, which  
2 has been developed jointly by the Secretary and the State,  
3 after consultation by the State agency designated pursu-  
4 ant to paragraph (1)(A) of this subsection with appro-  
5 priate public and non-profit private agencies and commu-  
6 nity-based organizations with experience in administering  
7 programs of services for children and families, and  
8 which—

9 “(1) provides that—

10 “(A) the agency that administers or super-  
11 vises the administration of the State’s services  
12 program under title XX of this Act will admin-  
13 ister or supervise the administration of the plan  
14 (except as otherwise provided in section 103(d)  
15 of the Adoption Assistance and Child Welfare  
16 Act of 1980); and

17 “(B) to the extent that child welfare serv-  
18 ices are furnished by the staff of the State  
19 agency or local agency administering the plan,  
20 a single organizational unit in such State or  
21 local agency, as the case may be, will be respon-  
22 sible for furnishing such child welfare services;

23 “(2) provides for coordination between the serv-  
24 ices provided for children under the plan and the  
25 services and assistance provided under title XX of

1 this Act, under the State program funded under  
2 part A of this title, under the State plan approved  
3 under part E of this title, and under other State  
4 programs having a relationship to the program  
5 under this part, with a view to provision of welfare  
6 and related services which will best promote the wel-  
7 fare of such children and their families;

8 “(3) provides that the standards and require-  
9 ments imposed with respect to child day care under  
10 title XX of this Act shall apply with respect to day  
11 care services under this part, except insofar as eligi-  
12 bility for such services is involved;

13 “(4) provides for the training and effective use  
14 of paid paraprofessional staff, with particular em-  
15 phasis on the full-time or part-time employment of  
16 persons of low income, as community service aides,  
17 in the administration of the plan, and for the use of  
18 nonpaid or partially paid volunteers in providing  
19 services and in assisting any advisory committees es-  
20 tablished by the State agency;

21 “(5) contains a description of the steps which  
22 the State will take to provide child welfare services  
23 and to make progress in—

24 “(A) covering additional political subdivi-  
25 sions,

1           “(B) reaching additional children in need  
2           of services, and

3           “(C) expanding and strengthening the  
4           range of existing services and developing new  
5           types of services,

6           along with a description of the State’s child welfare  
7           services staff development and training plans;

8           “(6) provides, in the development of services for  
9           children, for utilization of the facilities and experi-  
10          ence of voluntary agencies in accordance with State  
11          and local programs and arrangements, as authorized  
12          by the State;

13          “(7) provides that the agency administering or  
14          supervising the administration of the plan will fur-  
15          nish such reports, containing such information, and  
16          participate in such evaluations, as the Secretary may  
17          require;

18          “(8) provides for the diligent recruitment of po-  
19          tential foster and adoptive families that reflect the  
20          ethnic and racial diversity of children in the State  
21          for whom foster and adoptive homes are needed;

22          “(9) provides assurances that the State—

23                  “(A) has completed an inventory of all  
24                  children who, before the inventory, had been in

1 foster care under the responsibility of the State  
2 for 6 months or more, which determined—

3 “(i) the appropriateness of, and neces-  
4 sity for, the foster care placement;

5 “(ii) whether the child could or should  
6 be returned to the parents of the child or  
7 should be freed for adoption or other per-  
8 manent placement; and

9 “(iii) the services necessary to facili-  
10 tate the return of the child or the place-  
11 ment of the child for adoption or legal  
12 guardianship;

13 “(B) is operating, to the satisfaction of the  
14 Secretary—

15 “(i) a statewide information system  
16 from which can be readily determined the  
17 status, demographic characteristics, loca-  
18 tion, and goals for the placement of every  
19 child who is (or, within the immediately  
20 preceding 12 months, has been) in foster  
21 care;

22 “(ii) a case review system for each  
23 child receiving foster care under the super-  
24 vision of the State;

1                   “(iii) a service program designed to  
2                   help children—

3                                 “(I) where safe and appropriate,  
4                                 return to families from which they  
5                                 have been removed; or

6                                 “(II) be placed for adoption, with  
7                                 a legal guardian, or if adoption or  
8                                 legal guardianship is determined not  
9                                 to be appropriate for a child, in some  
10                                other planned, permanent living ar-  
11                                rangement; and

12                               “(iv) a preplacement preventive serv-  
13                               ices program designed to help children at  
14                               risk of foster care placement remain safely  
15                               with their families; and

16                               “(C)(i) has reviewed State policies and ad-  
17                               ministrative and judicial procedures in effect for  
18                               children abandoned at or shortly after birth (in-  
19                               cluding policies and procedures providing for  
20                               legal representation of such children); and

21                               “(ii) is implementing such policies and pro-  
22                               cedures as the State determines, on the basis of  
23                               the review described in clause (i) of this sub-  
24                               paragraph, to be necessary to enable permanent

1 decisions to be made expeditiously with respect  
2 to the placement of such children;

3 “(10) contains a description, developed after  
4 consultation with tribal organizations (as defined in  
5 section 4 of the Indian Self-Determination and Edu-  
6 cation Assistance Act) in the State, of the specific  
7 measures taken by the State to comply with the In-  
8 dian Child Welfare Act;

9 “(11) contains assurances that the State shall  
10 develop plans for the effective use of cross-jurisdic-  
11 tional resources to facilitate timely adoptive or per-  
12 manent placements for waiting children;

13 “(12) contains a description of the activities  
14 that the State has undertaken for children adopted  
15 from other countries, including the provision of  
16 adoption and post-adoption services;

17 “(13) provides that the State shall collect and  
18 report information on children who are adopted from  
19 other countries and who enter into State custody as  
20 a result of the disruption of a placement for adop-  
21 tion or the dissolution of an adoption, including the  
22 number of children, the agencies who handled the  
23 placement or adoption, the plans for the child, and  
24 the reasons for the disruption or dissolution;

1           “(14)(A)(i) sets forth the goals intended to be  
2           accomplished under the plan by the end of the 5th  
3           fiscal year in which the plan is in operation in the  
4           State; and

5           “(ii) is updated periodically to set forth the  
6           goals intended to be accomplished under the plan by  
7           the end of each 5th fiscal year thereafter;

8           “(B) describes the methods to be used in meas-  
9           uring progress toward accomplishment of the goals;  
10          and

11          “(C) contains assurances that the State—

12                 “(i) after the end of each of the 1st 4 fis-  
13                 cal years covered by a set of goals, will perform  
14                 an interim review of progress toward accom-  
15                 plishment of the goals, and on the basis of the  
16                 interim review will revise the statement of goals  
17                 in the plan, if necessary, to reflect changed cir-  
18                 cumstances; and

19                 “(ii) after the end of the last fiscal year  
20                 covered by a set of goals, will perform a final  
21                 review of progress toward accomplishment of  
22                 the goals, and on the basis of the final review—

23                         “(I) will prepare, transmit to the Sec-  
24                         retary, and make available to the public a

1 final report on progress toward accom-  
2 plishment of the goals; and

3 “(II) will develop (in consultation with  
4 appropriate public and non-profit private  
5 agencies and community-based organiza-  
6 tions with experience in administering pro-  
7 grams of services for children and families)  
8 and add to the plan a statement of the  
9 goals intended to be accomplished by the  
10 end of the 5th succeeding fiscal year;

11 “(15) contains assurances that portions of the  
12 funds provided under this part will be expended by  
13 the State for programs of family preservation serv-  
14 ices, community-based family support services, time-  
15 limited family reunification services, and adoption  
16 promotion and support services;

17 “(16) contains assurances that the State will—

18 “(A) annually prepare, furnish to the Sec-  
19 retary, and make available to the public a de-  
20 scription (including separate descriptions with  
21 respect to family preservation services, commu-  
22 nity-based family support services, time-limited  
23 family reunification services, and adoption pro-  
24 motion and support services) of—

1           “(i) the service programs to be made  
2           available under the plan in the immediately  
3           succeeding fiscal year;

4           “(ii) the populations which the pro-  
5           grams will serve; and

6           “(iii) the geographic areas in the  
7           State in which the services will be avail-  
8           able; and

9           “(B) perform the activities described in  
10          subparagraph (A) of this paragraph—

11           “(i) in the case of the 1st fiscal year  
12           under the plan, at the time the State sub-  
13           mits its initial plan; and

14           “(ii) in the case of each succeeding  
15           fiscal year, by the end of the 3rd quarter  
16           of the immediately preceding fiscal year;

17           “(17) provides for such methods of administra-  
18           tion as the Secretary finds to be necessary for the  
19           proper and efficient operation of the plan;

20           “(18)(A) contains assurances that Federal  
21           funds provided to the State under this part will not  
22           be used to supplant Federal or non-Federal funds  
23           for existing services and activities which promote the  
24           purposes of this part; and

1           “(B) provides that the State will furnish re-  
2           ports to the Secretary, at such times, in such for-  
3           mat, and containing such information as the Sec-  
4           retary may require, that demonstrate the State’s  
5           compliance with the prohibition contained in sub-  
6           paragraph (A) of this paragraph; and

7           “(19) contains assurances that in administering  
8           and conducting service programs under the plan, the  
9           safety of the children to be served shall be of para-  
10          mount concern.

11          “(b) INDIAN TRIBES.—

12           “(1) IN GENERAL.—Except as otherwise pro-  
13          vided in this subsection, subsection (a) shall apply to  
14          an Indian tribe in the same manner as this part ap-  
15          plies to a State.

16           “(2) WAIVER AUTHORITY.—The Secretary may  
17          exempt a plan submitted by an Indian tribe from  
18          any requirement of subsection (a) that the Secretary  
19          determines would be inappropriate to apply to the  
20          tribe, taking into account the resources, needs, and  
21          other circumstances of the tribe.

22          **“SEC. 423. ALLOTMENTS.**

23           “(a) 50 STATES AND THE DISTRICT OF COLUMBIA.—  
24          The allotment under this section for a fiscal year of any

1 State not specified in section 428(d)(1) with a plan ap-  
2 proved under this part for the fiscal year is the sum of—

3           “(1) the amount that bears the same ratio to  
4 the sum of the amount specified in section 428(a)  
5 for the fiscal year that remains after applying sec-  
6 tion 428(d) for the fiscal year and the amount (if  
7 any) appropriated under section 428(b) for the fiscal  
8 year, as the total amount payable to the State under  
9 part B (as in effect before the effective date of this  
10 part) and subparagraphs (A), (B), and (E) of sec-  
11 tion 474(a)(3) (as so in effect) for fiscal years 2001  
12 through 2003 bears to the total amount so payable  
13 to all States not so specified;

14           “(2) the amount (if any) by which the allotment  
15 under this section for the preceding fiscal year ex-  
16 ceeds the total amount payable to the State under  
17 section 424 for the preceding fiscal year; and

18           “(3) the amount (if any) that the Secretary is  
19 required under section 474(g)(3)(A)(ii) to add to the  
20 allotment of the State for the fiscal year.

21           “(b) TERRITORIES.—The allotment under this sec-  
22 tion for a fiscal year of each State specified in section  
23 428(d)(1) with an application approved under this part  
24 for the fiscal year is the sum of—

1           “(1)(A) the sum described in such section; mul-  
2           tplied by

3           “(B) the percentage that equals—

4                   “(i) the total number of children in the  
5           State who have not attained 21 years of age; di-  
6           vided by

7                   “(ii) the total number of such children in  
8           all States so specified; and

9           “(2) the amount (if any) that the Secretary is  
10          required under section 474(g)(3)(A)(ii) to add to the  
11          allotment of the State for the fiscal year.

12          “(c) INDIAN TRIBES.—

13                   “(1) IN GENERAL.—The allotment under this  
14          section for a fiscal year of each Indian tribe with an  
15          application approved under this part for the fiscal  
16          year is an amount equal to—

17                           “(A) \$10,000; plus

18                           “(B) the amount that bears the same ratio  
19          to the amount by which the sum described in  
20          section 428(d)(2) exceeds the total of the  
21          amounts allotted for the fiscal year under sub-  
22          paragraph (A), as the number of children in the  
23          tribe who have not attained 21 years of age  
24          bears to the total number of such children in all  
25          Indian tribes.

1           “(2) DETERMINATION OF THE NUMBER OF  
2 CHILDREN IN A TRIBE.—In determining the number  
3 of children in an Indian tribe who have not attained  
4 21 years of age, the Secretary shall use—

5           “(A) the number of such children as deter-  
6 mined by the Bureau of the Census in the most  
7 recent decennial census available; or

8           “(B) if the tribe certifies to the Secretary  
9 a number which the Secretary deems to be a  
10 more accurate measure of the number of such  
11 children than the number referred to in sub-  
12 paragraph (A), the number so certified.

13 **“SEC. 424. SAFE CHILDREN, STRONG FAMILIES GRANTS.**

14           “(a) STATES.—For each fiscal year, from the amount  
15 specified in section 428(a) for the fiscal year that remains  
16 after applying section 428(d) for the fiscal year (or, in  
17 the case of a State specified in section 428(d)(1), from  
18 the sum reserved under section 428(d)(1) and the sum (if  
19 any) reserved under section 428(e)(1)), the amount (if  
20 any) appropriated under section 428(b) for the fiscal year,  
21 and from any amounts subject to an election by the State  
22 under section 474(g)(3)(A)(ii) with respect to the fiscal  
23 year, each State that has a plan approved under this part  
24 for the fiscal year shall be entitled to receive from the Sec-

1 retary, subject to section 425, a grant in an amount equal  
2 to the lesser of—

3 “(1) the allotment of the State under section  
4 423 for the fiscal year; or

5 “(2) 68 percent of the total amount of qualified  
6 expenditures of the State during the fiscal year.

7 “(b) INDIAN TRIBES.—For each fiscal year, from the  
8 sum reserved under section 428(d)(2) and the sum (if any)  
9 reserved under section 428(e)(2), each Indian tribe that  
10 has an application approved under this part for the fiscal  
11 year shall be entitled to receive from the Secretary, subject  
12 to section 425, a grant in an amount equal to the lesser  
13 of—

14 “(1) the allotment of the tribe under section  
15 423(c) for the fiscal year; or

16 “(2) 68 percent of the total amount of qualified  
17 expenditures of the tribe during the fiscal year.

18 “(c) METHOD OF COMPUTING AND MAKING PAY-  
19 MENTS.—The method of computing and making payments  
20 under this section shall be as follows:

21 “(1) The Secretary shall, prior to the beginning  
22 of each period for which a payment is to be made,  
23 estimate the amount to be paid to the State or In-  
24 dian tribe, as the case may be, for the period under  
25 this section.

1           “(2) From the allotment available therefor, the  
2           Secretary shall pay the amount so estimated, re-  
3           duced or increased, as the case may be, by any sum  
4           (not previously adjusted under this section) by which  
5           the Secretary finds that the estimate of the amount  
6           to be paid the State or Indian tribe, as the case may  
7           be, for any prior period under this section was great-  
8           er or less than the amount which should have been  
9           so paid to the State or tribe, as the case may be.

10          “(d) DIRECT PAYMENTS TO TRIBAL ORGANIZATIONS  
11          OF INDIAN TRIBES.—The Secretary shall pay any amount  
12          to which an Indian tribe is entitled under this part directly  
13          to the tribal organization of the Indian tribe.

14          “(e) USE OF FUNDS.—

15                 “(1) IN GENERAL.—A State or Indian tribe to  
16                 which a grant is made under this section shall use  
17                 the grant to carry out the plan developed in accord-  
18                 ance with section 422 by the State or tribe, as the  
19                 case may be.

20                 “(2) REQUIREMENT THAT FUNDS BE SPENT  
21                 FOR CHILD WELFARE SERVICES.—A State or Indian  
22                 tribe to which a grant is made under this section  
23                 may not use the grant to provide foster care mainte-  
24                 nance payments.

1 **“SEC. 425. MAINTENANCE OF EFFORT.**

2 “The Secretary shall reduce the amount otherwise  
3 payable to a State or Indian tribe under this part for a  
4 particular fiscal year by the amount (if any) by which the  
5 total amount of qualified expenditures of the State or  
6 tribe, as the case may be, from State and local sources  
7 or from tribal sources, as the case may be, in fiscal year  
8 2003 exceeds the total amount of qualified expenditures  
9 of the State or tribe, as the case may be, in the particular  
10 fiscal year.

11 **“SEC. 426. FUNDING FOR STATE COURTS TO ASSESS AND**  
12 **IMPROVE HANDLING OF PROCEEDINGS RE-**  
13 **LATING TO FOSTER CARE AND ADOPTION.**

14 “(a) IN GENERAL.—The Secretary shall make  
15 grants, in accordance with this section, to the highest  
16 State courts in States participating in the program under  
17 part E, for the purpose of enabling such courts—

18 “(1) to conduct assessments, in accordance with  
19 such requirements as the Secretary shall publish, of  
20 the role, responsibilities, and effectiveness of State  
21 courts in carrying out State laws requiring pro-  
22 ceedings (conducted by or under the supervision of  
23 the courts)—

24 “(A) that implement this part and part E;

25 “(B) that determine the advisability or ap-  
26 propriateness of foster care placement;

1           “(C) that determine whether to terminate  
2           parental rights; and

3           “(D) that determine whether to approve  
4           the adoption or other permanent placement of  
5           a child; and

6           “(2) to implement improvements the highest  
7           State courts deem necessary as a result of the as-  
8           sessments, including—

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

13           “(B) to establish performance measures  
14           that track court performance with regards to  
15           ensuring safety, permanency, and well-being for  
16           children;

17           “(C) to implement a corrective action plan,  
18           as necessary, resulting from reviews of child  
19           and family service programs under section  
20           1123A of this Act.

21           “(b) APPLICATIONS.—In order to be eligible for a  
22           grant under this section, a highest State court shall sub-  
23           mit to the Secretary an application at such time, in such  
24           form, and including such information and assurances as  
25           the Secretary shall require.

1 “(c) ALLOTMENTS.—

2 “(1) IN GENERAL.—Each highest State court  
3 which has an application approved under subsection  
4 (b), and is conducting assessment and improvement  
5 activities in accordance with this section, shall be en-  
6 titled to payment, for each of fiscal years 2005  
7 through 2014, from the amount reserved pursuant  
8 to section 428(d)(3), of an amount equal to the sum  
9 of \$85,000 plus the amount described in paragraph  
10 (2) of this subsection for the fiscal year.

11 “(2) FORMULA.—The amount described in this  
12 paragraph for any fiscal year is the amount that  
13 bears the same ratio to the amount reserved pursu-  
14 ant to section 428(d)(3) for the fiscal year (reduced  
15 by the dollar amount specified in paragraph (1) of  
16 this subsection for the fiscal year) as the number of  
17 individuals in the State who have not attained 21  
18 years of age bears to the total number of such indi-  
19 viduals in all States the highest State courts of  
20 which have approved applications under subsection  
21 (b) of this section.

22 “(d) FEDERAL SHARE.—Each highest State court  
23 which receives funds paid under this section may use such  
24 funds to pay not more than 75 percent of the cost of ac-

1 tivities under this section in each of fiscal years 2005  
2 through 2014.

3 **“SEC. 427. EVALUATIONS; RESEARCH; TECHNICAL ASSIST-**  
4 **ANCE; CHILD WELFARE TRAINEESHIPS.**

5 “(a) EVALUATIONS.—

6 “(1) IN GENERAL.—The Secretary shall evalu-  
7 ate and report to the Congress biennially on the ef-  
8 fectiveness of the programs carried out pursuant to  
9 this part in accomplishing the purposes of this part,  
10 and may evaluate any other Federal, State, or local  
11 program, regardless of whether federally assisted,  
12 that is designed to achieve the same purposes as the  
13 program under this part, in accordance with criteria  
14 established in accordance with paragraph (2).

15 “(2) CRITERIA TO BE USED.—In developing the  
16 criteria to be used in evaluations under paragraph  
17 (1), the Secretary shall consult with appropriate par-  
18 ties, such as—

19 “(A) State agencies administering pro-  
20 grams under this part and part E;

21 “(B) persons administering child and fam-  
22 ily services programs for private, nonprofit or-  
23 ganizations with an interest in child welfare;  
24 and

1           “(C) other persons with recognized exper-  
2           tise in the evaluation of child and family serv-  
3           ices programs or other related programs.

4           “(3) TIMING OF REPORT.—Not later than April  
5           1, 2006, and biennially thereafter, the Secretary  
6           shall submit the report required by paragraph (1),  
7           and shall include in each such report the funding  
8           level, the status of ongoing evaluations, findings to  
9           date, and the nature of any technical assistance pro-  
10          vided to States under subsection (d).

11          “(b) COORDINATION OF EVALUATIONS.—The Sec-  
12          retary shall develop procedures to coordinate evaluations  
13          under this section, to the extent feasible, with evaluations  
14          by the States of the effectiveness of programs funded  
15          under this part.

16          “(c) RESEARCH AND EVALUATION PRIORITIES.—The  
17          Secretary shall give priority consideration to the following  
18          topics for research and evaluation under this subsection,  
19          using rigorous evaluation methodologies where feasible:

20                 “(1) Promising program models in the service  
21                 categories specified in paragraphs (1), (3), (4), and  
22                 (9) of section 430(a), particularly time-limited reuni-  
23                 fication services and postadoption services.

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

4           “(3) The efficacy of approaches directed at  
5           families with specific problems and with children of  
6           specific age ranges.

7           “(4) The outcomes of adoptions finalized after  
8           enactment of the Adoption and Safe Families Act of  
9           1997.

10          “(d) TECHNICAL ASSISTANCE.—To the extent funds  
11          are available therefor, the Secretary shall provide technical  
12          assistance that helps States and Indian tribes to achieve  
13          the purposes of this part and part E.

14          “(e) FEDERAL OVERSIGHT OF TRIBAL ACTIVI-  
15          TIES.—

16                 “(1) FEDERAL ROLE.—The Secretary shall pro-  
17                 vide oversight (which may include on-site reviews)  
18                 with respect to the implementation of tribal plans  
19                 approved under this part and part E.

20                 “(2) TRIBAL ROLE.—An Indian tribe carrying  
21                 out a plan approved under this part or part E  
22                 shall—

23                         “(A) cooperate with an on-site review by  
24                         the Secretary appropriate to any areas of con-

1           cern that the Secretary may identify with re-  
2           spect to the plan; and

3           “(B) if required by the Secretary, develop  
4           an improvement strategy to correct any defi-  
5           ciencies in the conduct of the plan that are de-  
6           termined by the Secretary.

7           “(f) GRANTS FOR TRAINING.—The Secretary may  
8           make grants to public or other nonprofit institutions of  
9           higher learning for special projects for training personnel  
10          for work in the field of child welfare, including  
11          traineeships described in subsection (g) with such stipends  
12          and allowances as may be permitted by the Secretary.

13          “(g) CHILD WELFARE TRAINEESHIPS.—The Sec-  
14          retary may approve an application for a grant to a public  
15          or nonprofit institution for higher learning to provide  
16          traineeships with stipends under subsection (f) only if the  
17          application—

18                 “(1) provides assurances that each individual  
19                 who receives a stipend with such traineeship (in this  
20                 subsection referred to as a ‘recipient’) agrees—

21                         “(A) to participate in training at a public  
22                         or private nonprofit child welfare agency on a  
23                         regular basis (as determined by the Secretary)  
24                         for the period of the traineeship;

1           “(B) to be employed for a period of years  
2           equivalent to the period of the traineeship, in a  
3           public or private nonprofit child welfare agency  
4           in any State, within a period of time (deter-  
5           mined by the Secretary in accordance with reg-  
6           ulations) after completing the postsecondary  
7           education for which the traineeship was award-  
8           ed;

9           “(C) to furnish to the institution and the  
10          Secretary evidence of compliance with subpara-  
11          graphs (A) and (B); and

12          “(D) if the recipient fails to comply with  
13          subparagraph (A) or (B) and does not qualify  
14          for any exception to this subparagraph which  
15          the Secretary may prescribe in regulations, to  
16          repay to the Secretary all (or an appropriately  
17          prorated part) of the amount of the stipend,  
18          plus interest, and, if applicable, reasonable col-  
19          lection fees (in accordance with regulations pro-  
20          mulgated by the Secretary); and

21          “(2) provides assurances that the institution  
22          will—

23                 “(A) enter into agreements with child wel-  
24                 fare agencies for onsite training of recipients;

1           “(B) permit an individual who is employed  
2           in the field of child welfare services to apply for  
3           a traineeship with a stipend if the traineeship  
4           furthers the progress of the individual toward  
5           the completion of degree requirements; and

6           “(C) develop and implement a system that,  
7           for the 3-year period that begins on the date  
8           any recipient completes a child welfare services  
9           program of study, tracks the employment  
10          record of the recipient, for the purpose of deter-  
11          mining the percentage of recipients who secure  
12          employment in the field of child welfare services  
13          and remain employed in the field.

14 **“SEC. 428. FUNDING.**

15          “(a) SAFE CHILDREN, STRONG FAMILIES GRANT  
16 FUNDING LEVELS.—The amount specified in this sub-  
17 section is—

18           “(1) \$3,878,000,000 for fiscal year 2005;

19           “(2) \$4,005,000,000 for fiscal year 2006;

20           “(3) \$4,131,000,000 for fiscal year 2007;

21           “(4) \$4,259,000,000 for fiscal year 2008;

22           “(5) \$4,389,000,000 for fiscal year 2009;

23           “(6) \$4,515,000,000 for fiscal year 2010;

24           “(7) \$4,641,000,000 for fiscal year 2011;

25           “(8) \$4,765,000,000 for fiscal year 2012;

1           “(9) \$4,888,000,000 for fiscal year 2013; and

2           “(10) \$5,010,000,000 for fiscal year 2014.

3           “(b) ADDITIONAL FUNDING.—In addition to any  
4 amount appropriated pursuant to subsection (a), there are  
5 authorized to be appropriated for grants under section  
6 424 \$525,000,000 for each of fiscal years 2005 through  
7 2014.

8           “(c) AVAILABILITY OF APPROPRIATIONS.—Funds ap-  
9 propriated pursuant to this part shall remain available  
10 until expended.

11          “(d) FUNDS FOR TERRITORIES, INDIAN TRIBES,  
12 COURTS, AND OTHER PURPOSES.—For each fiscal year,  
13 from the amount specified in subsection (a) of this section,  
14 the Secretary shall reserve—

15           “(1) for grants under section 424(a) for the  
16 Commonwealth of Puerto Rico, Guam, the Northern  
17 Mariana Islands, American Samoa, and the United  
18 States Virgin Islands, a sum equal to 0.45 percent  
19 of the amount;

20           “(2) for grants to Indian tribes under section  
21 424(b), a sum equal to 0.45 percent of the amount;

22           “(3) for grants under section 426 (relating to  
23 entitlement funding for State courts to assess and  
24 improve handling of proceedings relating to foster

1 care and adoption), a sum equal to 0.45 percent of  
2 the amount; and

3 “(4) for activities under sections 427 (relating  
4 to evaluations, research, technical assistance, and  
5 child welfare traineeships), a sum equal to 1.25 per-  
6 cent of the amount.

7 “(e) **ADDITIONAL FUNDS FOR TERRITORIES AND IN-**  
8 **DIAN TRIBES.**—For each fiscal year, from the amount (if  
9 any) appropriated under subsection (b) of this section, the  
10 Secretary shall reserve—

11 “(1) for grants under section 424(a) to States  
12 specified in subsection (d)(1) of this section, a sum  
13 equal to 0.5 percent of the amount; and

14 “(2) for grants to Indian tribes under section  
15 424(b), a sum equal to 0.5 percent of the amount.

16 **“SEC. 429. GRANTS FOR PROGRAMS FOR MENTORING CHIL-**  
17 **DREN OF PRISONERS.**

18 “(a) **FINDINGS AND PURPOSE.**—

19 “(1) **FINDINGS.**—

20 “(A) In the period between 1991 and  
21 1999, the number of children with a parent in-  
22 carcerated in a Federal or State correctional fa-  
23 cility increased by more than 100 percent, from  
24 approximately 900,000 to approximately  
25 2,000,000. In 1999, 2.1 percent of all children

1 in the United States had a parent in Federal or  
2 State prison.

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

6 “(C) Nearly 90 percent of the children of  
7 incarcerated fathers live with their mothers,  
8 and 79 percent of the children of incarcerated  
9 mothers live with a grandparent or other rel-  
10 ative.

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

23 “(E) Empirical research demonstrates that  
24 mentoring is a potent force for improving chil-  
25 dren’s behavior across all risk behaviors affect-

1           ing health. Quality, one-on-one relationships  
2           that provide young people with caring role mod-  
3           els for future success have profound, life-chang-  
4           ing potential. Done right, mentoring markedly  
5           advances youths' life prospects. A widely cited  
6           1995 study by Public/Private Ventures meas-  
7           ured the impact of one Big Brothers Big Sis-  
8           ters program and found significant effects in  
9           the lives of youth—cutting first-time drug use  
10          by almost half and first-time alcohol use by  
11          about a third, reducing school absenteeism by  
12          half, cutting assaultive behavior by a third, im-  
13          proving parental and peer relationships, giving  
14          youth greater confidence in their school work,  
15          and improving academic performance.

16           “(2) PURPOSE.—The purpose of this section is  
17          to authorize the Secretary to make competitive  
18          grants to applicants in areas with substantial num-  
19          bers of children of incarcerated parents, to support  
20          the establishment or expansion and operation of pro-  
21          grams using a network of public and private commu-  
22          nity entities to provide mentoring services for chil-  
23          dren of prisoners.

24           “(b) DEFINITIONS.—In this section:

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

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

17          “(3) MENTORING SERVICES.—The term ‘men-  
18          toring services’ means those services and activities  
19          that support a structured, managed program of  
20          mentoring, including the management by trained  
21          personnel of outreach to, and screening of, eligible  
22          children; outreach to, education and training of, and  
23          liaison with sponsoring local organizations; screening  
24          and training of adult volunteers; matching of chil-  
25          dren with suitable adult volunteer mentors; support

1 and oversight of the mentoring relationship; and es-  
2 tablishment of goals and evaluation of outcomes for  
3 mentored children.

4 “(c) PROGRAM AUTHORIZED.—From the amounts  
5 appropriated under subsection (h) for a fiscal year that  
6 remain after applying subsection (h)(2), the Secretary  
7 shall make grants under this section for each of fiscal  
8 years 2005 through 2014 to State or local governments,  
9 tribal governments or tribal consortia, faith-based organi-  
10 zations, and community-based organizations in areas that  
11 have significant numbers of children of prisoners and that  
12 submit applications meeting the requirements of this sec-  
13 tion, in amounts that do not exceed \$5,000,000 per grant.

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

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

20 “(A) a list of local public and private orga-  
21 nizations and entities that will participate in  
22 the mentoring network;

23 “(B) the name, description, and qualifica-  
24 tions of the entity that will coordinate and over-  
25 see the activities of the mentoring network;

1           “(C) the number of mentor-child matches  
2 proposed to be established and maintained an-  
3 nually under the program;

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

14           “(E) such other information as the Sec-  
15 retary may require.

16           “(2) COMMUNITY CONSULTATION; COORDINA-  
17 TION WITH OTHER PROGRAMS.—A demonstration  
18 that, in developing and implementing the program,  
19 the applicant will, to the extent feasible and appro-  
20 priate—

21           “(A) consult with public and private com-  
22 munity entities, including religious organiza-  
23 tions, and including, as appropriate, Indian  
24 tribal organizations and urban Indian organiza-

1           tions, and with family members of potential cli-  
2           ents;

3           “(B) coordinate the programs and activi-  
4           ties under the program with other Federal,  
5           State, and local programs serving children and  
6           youth; and

7           “(C) consult with appropriate Federal,  
8           State, and local corrections, workforce develop-  
9           ment, and substance abuse and mental health  
10          agencies.

11          “(3) EQUAL ACCESS FOR LOCAL SERVICE PRO-  
12          VIDERS.—An assurance that public and private enti-  
13          ties and community organizations, including reli-  
14          gious organizations and Indian organizations, will be  
15          eligible to participate on an equal basis.

16          “(4) RECORDS, REPORTS, AND AUDITS.—An  
17          agreement that the applicant will maintain such  
18          records, make such reports, and cooperate with such  
19          reviews or audits as the Secretary may find nec-  
20          essary for purposes of oversight of project activities  
21          and expenditures.

22          “(5) EVALUATION.—An agreement that the ap-  
23          plicant will cooperate fully with the Secretary’s on-  
24          going and final evaluation of the program under the  
25          plan, by means including providing the Secretary ac-

1       cess to the program and program-related records  
2       and documents, staff, and grantees receiving funding  
3       under the plan.

4       “(e) FEDERAL SHARE.—

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

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

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

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

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

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

24            “(2) the comparative severity of need for men-  
25       toring services in local areas, taking into consider-

1        ation data on the numbers of children (and in par-  
2        ticular of low-income children) with an incarcerated  
3        parents (or parents) in the areas;

4            “(3) evidence of consultation with existing  
5        youth and family service programs, as appropriate;  
6        and

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

11        “(g) EVALUATIONS.—The Secretary shall conduct  
12       evaluations of the programs conducted pursuant to this  
13       section, and submit to the Congress not later than April  
14       15, 2005, and biennially thereafter, a report on the find-  
15       ings of the evaluation for the period involved.

16        “(h) LIMITATIONS ON AUTHORIZATION OF APPRO-  
17       PRIATIONS; RESERVATION OF CERTAIN AMOUNTS.—

18            “(1) LIMITATIONS ON AUTHORIZATION OF AP-  
19       PROPRIATIONS.—There are authorized to be appro-  
20       priated to carry out this section \$67,000,000 for  
21       each of fiscal years 2005 through 2009, and such  
22       sums as may be necessary for each succeeding fiscal  
23       year.

24            “(2) RESERVATION.—The Secretary shall re-  
25       serve 2.5 percent of the amount appropriated for

1 each fiscal year under paragraph (1) for expenditure  
2 by the Secretary for research, technical assistance,  
3 and evaluation related to programs under this sec-  
4 tion.

5 **“SEC. 430. DEFINITIONS.**

6 “(a) IN GENERAL.—In this part:

7 “(1) ADOPTION PROMOTION AND SUPPORT  
8 SERVICES.—The term ‘adoption promotion and sup-  
9 port services’ means services and activities designed  
10 to encourage more adoptions out of the foster care  
11 system, when adoptions promote the best interests of  
12 children, including such activities as pre- and post-  
13 adoptive services and activities designed to expedite  
14 the adoption process and support adoptive families.

15 “(2) CHILD WELFARE SERVICES.—

16 “(A) IN GENERAL.—The term ‘child wel-  
17 fare services’ means social services which are  
18 directed toward the accomplishment of the fol-  
19 lowing purposes:

20 “(i) Protecting and promoting the  
21 welfare of all children, including handi-  
22 capped, homeless, dependent, or neglected  
23 children.

24 “(ii) Conducting timely assessments  
25 and investigation of reported child abuse

1 and neglect to ensure the safety of chil-  
2 dren.

3 “(iii) Preventing or remedying, or as-  
4 sisting in the solution of problems which  
5 may result in, the neglect, abuse, exploi-  
6 tation, or delinquency of children.

7 “(iv) Preventing the unnecessary sep-  
8 aration of children from their families by  
9 identifying family problems, assisting fami-  
10 lies in resolving their problems, and pre-  
11 venting breakup of the family where the  
12 prevention of child removal is desirable and  
13 possible.

14 “(v) Restoring to their families chil-  
15 dren who have been removed, by the provi-  
16 sion of services to the child and the fami-  
17 lies.

18 “(vi) Placing children in suitable  
19 adoptive homes, in cases where restoration  
20 to the biological family is not possible or  
21 appropriate.

22 “(vii) Assuring adequate care of chil-  
23 dren away from their homes, in cases  
24 where the child cannot be returned home  
25 or has not been placed for adoption.

1           “(B) SPECIAL RULE.—Funds expended by  
2           a State for any calendar quarter to comply with  
3           section 422(a)(9) or 476(b), and funds ex-  
4           pended with respect to nonrecurring costs of  
5           adoption proceedings in the case of children  
6           placed for adoption with respect to whom as-  
7           sistance is provided under a State plan for  
8           adoption assistance approved under part E, are  
9           deemed to have been expended for child welfare  
10          services.

11          “(3) FAMILY PRESERVATION SERVICES.—The  
12          term ‘family preservation services’ means services  
13          for children and families designed to help families  
14          (including adoptive and extended families) at risk or  
15          in crisis, including—

16                 “(A) service programs designed to help  
17                 children—

18                         “(i) where safe and appropriate, re-  
19                         turn to families from which they have been  
20                         removed; or

21                         “(ii) be placed for adoption, with a  
22                         legal guardian, or, if adoption or legal  
23                         guardianship is determined not to be safe  
24                         and appropriate for a child, in some other  
25                         planned, permanent living arrangement;

1           “(B) preplacement preventive services pro-  
2           grams, such as intensive family preservation  
3           programs, designed to help children at risk of  
4           foster care placement remain safely with their  
5           families;

6           “(C) service programs designed to provide  
7           followup care to families to whom a child has  
8           been returned after a foster care placement;

9           “(D) respite care of children to provide  
10          temporary relief for parents and other care-  
11          givers (including foster parents);

12          “(E) services designed to improve par-  
13          enting skills (by helping parents to identify  
14          where improvement is needed and to obtain as-  
15          sistance in improving those skills) with respect  
16          to matters such as child development, family  
17          budgeting, coping with stress, health, and nutri-  
18          tion; and

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

23          “(4) FAMILY SUPPORT SERVICES.—The term  
24          ‘family support services’ means community-based  
25          services to promote the safety and well-being of chil-

1       dren and families designed to increase the strength  
2       and stability of families (including adoptive, foster,  
3       and extended families), to increase competence in  
4       parenting, to afford children a safe, stable, and sup-  
5       portive family environment, to strengthen parental  
6       relationships and promote healthy marriages, and  
7       otherwise to enhance child development.

8               “(5) INDIAN TRIBE.—

9                       “(A) IN GENERAL.—The term ‘Indian  
10                      tribe’ means—

11                               “(i) any tribe, band, nation, or other  
12                              organized group or community of Indians  
13                             that—

14                                       “(I) is recognized as eligible for  
15                                  the special programs and services pro-  
16                                 vided by the United States to Indians  
17                                 because of their status as Indians;  
18                                 and

19                                       “(II) for which a reservation ex-  
20                                  ists; and

21                                       “(ii) any organized group of Alaska  
22                                  Natives eligible to operate a Federal pro-  
23                                 gram under Public Law 93–638 or the  
24                                 designee of such a group.

1           “(B) RESERVATION.—In subparagraph  
2           (A), the term ‘reservation’ includes Indian res-  
3           ervations, public domain Indian allotments, and  
4           former Indian reservations in Oklahoma.

5           “(6) NON-FEDERAL FUNDS.—The term ‘non-  
6           Federal funds’ means State funds, or at the option  
7           of a State, State and local funds.

8           “(7) QUALIFIED EXPENDITURES.—

9           “(A) IN GENERAL.—Except as provided in  
10          subparagraph (B), the term ‘qualified expendi-  
11          tures’ means, with respect to a State or Indian  
12          tribe, any expenditure by the State or tribe, as  
13          the case may be, that is aimed at achieving the  
14          purposes of this part.

15          “(B) EXCEPTION.—Such term shall not in-  
16          clude any expenditure under a State or tribal  
17          program funded under part A.

18          “(8) STATE AGENCY.—The term ‘State agency’  
19          means the State agency responsible for admin-  
20          istering, or supervising the administration of, the  
21          State program under this part.

22          “(9) TIME-LIMITED FAMILY REUNIFICATION  
23          SERVICES.—

24          “(A) IN GENERAL.—The term ‘time-lim-  
25          ited family reunification services’ means the

1 services and activities described in subpara-  
2 graph (B) that are provided to a child that is  
3 removed from the child’s home and placed in a  
4 foster family home (as defined in section  
5 472(c)(1)) or a child-care institution (as defined  
6 in section 472(c)(2)) and to the parents or pri-  
7 mary caregiver of such a child, in order to fa-  
8 cilitate the reunification of the child safely and  
9 appropriately within a timely fashion, but only  
10 during the 15-month period that begins on the  
11 date that the child, pursuant to section  
12 475(5)(G), is considered to have entered foster  
13 care.

14 “(B) SERVICES AND ACTIVITIES DE-  
15 SCRIBED.—The services and activities described  
16 in this subparagraph are the following:

17 “(i) Individual, group, and family  
18 counseling.

19 “(ii) Inpatient, residential, or out-  
20 patient substance abuse treatment services.

21 “(iii) Mental health services.

22 “(iv) Assistance to address domestic  
23 violence.

1                   “(v) Services designed to provide tem-  
2                   porary child care and therapeutic services  
3                   for families, including crisis nurseries.

4                   “(vi) Transportation to or from any of  
5                   the services and activities described in this  
6                   subparagraph.

7                   “(10) TRIBAL ORGANIZATION.—The term ‘trib-  
8                   al organization’ means the recognized governing  
9                   body of any Indian tribe.

10                  “(b) OTHER TERMS.—For definitions of other terms  
11 used in this part, see sections 475 and 1101(a).”.

12                  (b) CONFORMING AMENDMENTS.—

13                  (1) Section 409(a)(7)(B)(i) (42 U.S.C.  
14                  609(a)(7)(B)(i)) is amended by adding at the end  
15                  the following:

16                                  “(V) EXCLUSION OF EXPENDI-  
17                                  TURES UNDER PART B.—Such term  
18                                  does not include any expenditure  
19                                  under the State plan developed under  
20                                  part B.”.

21                  (2) Section 454(33) (42 U.S.C. 654(33)) is  
22                  amended by striking “receives funding pursuant to  
23                  section 428 and that”.

1           (3) Section 470 (42 U.S.C. 670) is amended by  
2 striking “(commencing with the fiscal year which be-  
3 gins October 1, 1980)”.

4           (4) Section 471(a)(2) (42 U.S.C. 671(a)(2)) is  
5 amended by striking “program authorized by sub-  
6 part 1 of part B of this title” and inserting “State  
7 program under the State plan developed under part  
8 B”.

9           (5) Section 471(a)(14) (42 U.S.C. 671(a)(14))  
10 is amended—

11                 (A) by striking “on or before October 1,  
12 1982”; and

13                 (B) by striking “(commencing with the fis-  
14 cal year which begins on October 1, 1983)”.

15           (6) Section 471(a)(18) (42 U.S.C. 671(a)(18))  
16 is amended by striking “not later than January 1,  
17 1997,”.

18           (7) Section 471(a)(22) (42 U.S.C. 671(a)(22))  
19 is amended by striking “, not later than January 1,  
20 1999,”.

21           (8) Section 472(d) (42 U.S.C. 672(d)) is  
22 amended by striking “422(b)(10)” and inserting  
23 “422(a)(9)”.

24           (9) Section 473(a)(6) (42 U.S.C. 673(a)(6)) is  
25 amended—

1 (A) by striking “(6)(A)” and inserting  
2 “(6)”; and

3 (B) by striking subparagraph (B).

4 (10) Section 473(b) (42 U.S.C. 673(b)) is  
5 amended—

6 (A) in paragraph (1), by striking “(3)”  
7 and inserting “(2)”; and

8 (B) by striking paragraph (2) and redesignig-  
9 nating paragraph (3) as paragraph (2).

10 (11) Section 473A(f) (42 U.S.C. 673b(f)) is  
11 amended by striking “423, 434,” and inserting  
12 “424”.

13 (12) Section 474(a) (42 U.S.C. 674(a)) is  
14 amended—

15 (A) in the matter preceding paragraph (1),  
16 by striking “beginning after September 30,  
17 1980”; and

18 (B) in paragraph (3)—

19 (i) in the matter preceding subpara-  
20 graph (A), by striking “as found” and all  
21 that follows through “State plan”;

22 (ii) in subparagraph (C)(iii), by strik-  
23 ing “(for the purposes of facilitating  
24 verification of eligibility of foster chil-  
25 dren)”;

1 (iii) in subparagraph (D), by striking  
2 “(C); and” and inserting “(A); plus”; and  
3 (iv) by striking subparagraphs (A),  
4 (B), and (E) and redesignating subpara-  
5 graphs (C) and (D) as subparagraphs (A)  
6 and (B), respectively.

7 (13) Section 475 (42 U.S.C. 675) is amended  
8 by adding at the end the following:

9 “(8) The term ‘child’ means—

10 “(A) an individual who has not attained 18  
11 years of age or the age of majority established  
12 by the State; and

13 “(B) at the option of the State, an indi-  
14 vidual who has not attained 19 years of age and  
15 is a full-time student in a secondary school (or  
16 in the equivalent level of vocational or technical  
17 training), if, before the individual attains 19  
18 years of age, the individual may reasonably be  
19 expected to complete the program of such sec-  
20 ondary school (or such training).”.

21 (14) Section 1101(a)(1) (42 U.S.C.  
22 1301(a)(1)), as amended by section 102(e)(2)(A) of  
23 this Act, is amended in the last sentence by striking  
24 “part E” and inserting “parts B and E”.

1           (15) Section 1130(b)(1) (42 U.S.C. 1320a–  
2           9(b)(1)) is amended by striking “427” and all that  
3           follows through “or section” and inserting  
4           “422(a)(9) or”.

5           (16) Section 1130(c) (42 U.S.C. 1320a–9(c)) is  
6           amended by striking “subpart 1 or 2 of”.

7           (17) Section 1130A (42 U.S.C. 1320a–10) is  
8           repealed.

9           (18) Section 104(b)(3) of the Intercountry  
10          Adoption Act (42 U.S.C. 14914(b)(3)) is amended  
11          by striking “422(b)(14)” and inserting  
12          “422(a)(13)”.

13 **SEC. 202. CHALLENGE GRANTS.**

14          (a) IN GENERAL.—Part B of title IV, as added by  
15          section 201(a) of this Act, is amended by redesignating  
16          section 430 as section 431 and inserting after section 429  
17          the following:

18          **“SEC. 430. CHALLENGE GRANTS TO REWARD EFFORTS TO**  
19                           **MOVE CHILDREN SAFELY FROM FOSTER**  
20                           **CARE AND PREVENT THE REMOVAL OF CHIL-**  
21                           **DREN FROM THEIR HOMES.**

22          “(a) IN GENERAL.—A State shall be entitled to re-  
23          ceive from the Secretary a grant for each fiscal year re-  
24          ferred to in subsection (e) for which the State is an eligible  
25          State.

1 “(b) ELIGIBLE STATES.—

2 “(1) IN GENERAL.—For purposes of this sec-  
3 tion, a State is an eligible State for a fiscal year if—

4 “(A) in the case of fiscal year 2005, the  
5 State has significantly exceeded the national  
6 standard then in effect under paragraph (2) for  
7 at least 4 of the outcome measures described in  
8 paragraph (3), and has met the national stand-  
9 ard then in effect for the other outcome meas-  
10 ures so described;

11 “(B) in the case of fiscal year 2006, the  
12 State has significantly exceeded the national  
13 standard then in effect under paragraph (2) for  
14 at least 5 of the outcome measures so de-  
15 scribed, and has met the national standard then  
16 in effect for the other outcome measure so de-  
17 scribed; and

18 “(C) in the case of fiscal years 2007 and  
19 2008, the State has significantly exceeded the  
20 national standard then in effect under para-  
21 graph (2) for all of the outcome measures so  
22 described.

23 “(2) NATIONAL STANDARDS.—The Secretary  
24 shall prescribe, and from time to time update, a na-

1 tional standard for each outcome measure described  
2 in paragraph (3).

3 “(3) OUTCOME MEASURES.—The outcome  
4 measures described in this paragraph are the fol-  
5 lowing:

6 “(A) The percentage of children in foster  
7 care in a State during a year, who were the  
8 subject of substantiated or indicated maltreat-  
9 ment by a foster parent or facility staff mem-  
10 ber.

11 “(B) The percentage of children reunified  
12 with their parents or caretakers at the time of  
13 discharge from foster care in a State during a  
14 year, who were so reunified less than 12 months  
15 after their latest removal from the home.

16 “(C) The percentage of children entering  
17 foster care in a State during a year, who re-en-  
18 tered foster care within 12 months after a prior  
19 discharge from foster care.

20 “(D) The percentage of children exiting  
21 foster care in a State to a finalized adoption  
22 during a year, who so exited less than 24  
23 months after their latest removal from the  
24 home.

1           “(E) The percentage of children reported  
2           to be victims of substantiated or indicated child  
3           abuse or neglect in the State during the first 6  
4           months of a period being reviewed, who were  
5           the subject of another such report within 6  
6           months after the first report.

7           “(F) The percentage of children in foster  
8           care for less than 12 months from the time of  
9           their latest removal from the home, who have  
10          been placed in not more than 2 settings.

11          “(4) DETERMINATION OF STATE PERFORMANCE  
12          WITH RESPECT TO A NATIONAL STANDARD.—For  
13          purposes of paragraph (1):

14                 “(A) MEETING A STANDARD.—A State  
15                 shall be considered to have met the national  
16                 standard for an outcome measure described in  
17                 paragraph (3) if the percentage (referred to in  
18                 the outcome measure) achieved by the State  
19                 is—

20                         “(i) in the case of an outcome meas-  
21                         ure described in subparagraph (A), (C), or  
22                         (E) of paragraph (3), not more than the  
23                         national standard; or

24                         “(ii) in the case of an outcome meas-  
25                         ure described in subparagraph (B), (D), or

1 (F) of paragraph (3), not less than the na-  
2 tional standard.

3 “(B) SIGNIFICANTLY EXCEEDING A  
4 STANDARD.—A State shall be considered to  
5 have significantly exceeded the national stand-  
6 ard for an outcome measure described in para-  
7 graph (3) if the percentage (referred to in the  
8 outcome measure) achieved by the State is—

9 “(i) in the case of an outcome meas-  
10 ure described in subparagraph (A), (C), or  
11 (E) of paragraph (3), not more than 90  
12 percent of the national standard; or

13 “(ii) in the case of an outcome meas-  
14 ure described in subparagraph (B), (D), or  
15 (F) of paragraph (3), not less than 110  
16 percent of the national standard.

17 “(C) INFORMATION TO BE CONSIDERED.—  
18 In determining the performance of a State with  
19 respect to an outcome measure described in  
20 paragraph (3), the Secretary shall use informa-  
21 tion for the most recent year for which the rel-  
22 evant information is available.

23 “(c) GRANT AMOUNT.—

24 “(1) IN GENERAL.—The amount of the grant  
25 payable to an eligible State under this section for a

1 fiscal year is an amount equal to the State share of  
2 the dollar amount specified in subsection (e).

3 “(2) STATE SHARE DEFINED.—In paragraph  
4 (1), the term ‘State share’ means, with respect to a  
5 State and a fiscal year, the percentage equal to—

6 “(A) the number of children residing in the  
7 State who have not attained 21 years of age,  
8 determined on the basis of the information  
9 available as of the beginning of the fiscal year;  
10 divided by

11 “(B) the number of such children residing  
12 in all States, as so determined.

13 “(d) USE OF GRANT.—A State to which a grant is  
14 made under this section shall use the grant for any pur-  
15 pose under the State plan developed under this part or  
16 the State plan approved under part E.

17 “(e) APPROPRIATION.—Out of any money in the  
18 Treasury of the United States not otherwise appropriated,  
19 there are appropriated \$100,000,000 for each of fiscal  
20 years 2005 through 2008 for grants under this section.

21 “(f) BUDGET SCORING.—Notwithstanding section  
22 257(b)(2) of the Balanced Budget and Emergency Deficit  
23 Control Act of 1985, the baseline shall assume that no  
24 grant shall be made under this section after fiscal year  
25 2008.”.

1 (b) CONFORMING AMENDMENTS.—Each of the fol-  
2 lowing provisions is amended by striking “430(a)” and in-  
3 serting “431(a)”:

4 (1) Section 427(c)(1), as added by section  
5 201(a) of this Act.

6 (2) Section 479B(d), as added by section  
7 103(b) of this Act.

8 **TITLE III—ENHANCEMENTS TO**  
9 **CHILD WELFARE WAIVER AU-**  
10 **THORITY**

11 **SEC. 301. EXTENSION OF AUTHORITY TO APPROVE DEM-**  
12 **ONSTRATION PROJECTS.**

13 Section 1130(a)(2) (42 U.S.C. 1320a–9(a)(2)) is  
14 amended by striking “2002” and inserting “2008”.

15 **SEC. 302. ELIMINATION OF LIMITATION ON NUMBER OF**  
16 **WAIVERS.**

17 Section 1130(a)(2) (42 U.S.C. 1320a–9(a)(2)) is  
18 amended by striking “not more than 10”.

19 **SEC. 303. ELIMINATION OF LIMITATION ON NUMBER OF**  
20 **STATES THAT MAY BE GRANTED WAIVERS TO**  
21 **CONDUCT DEMONSTRATION PROJECTS ON**  
22 **SAME TOPIC.**

23 Section 1130 (42 U.S.C. 1320a–9) is amended by  
24 adding at the end the following:

1 “(h) NO LIMIT ON NUMBER OF STATES THAT MAY  
2 BE GRANTED WAIVERS TO CONDUCT SAME OR SIMILAR  
3 DEMONSTRATION PROJECTS.—The Secretary shall not  
4 refuse to grant a waiver to a State under this section on  
5 the grounds that a purpose of the waiver or of the dem-  
6 onstration project for which the waiver is necessary would  
7 be the same as or similar to a purpose of another waiver  
8 or project that is or may be conducted under this sec-  
9 tion.”.

10 **SEC. 304. ELIMINATION OF LIMITATION ON NUMBER OF**  
11 **WAIVERS THAT MAY BE GRANTED TO A SIN-**  
12 **GLE STATE FOR DEMONSTRATION PROJECTS.**

13 Section 1130 (42 U.S.C. 1320a–9) is further amend-  
14 ed by adding at the end the following:

15 “(i) NO LIMIT ON NUMBER OF WAIVERS GRANTED  
16 TO, OR DEMONSTRATION PROJECTS THAT MAY BE CON-  
17 DUCTED BY, A SINGLE STATE.—The Secretary shall not  
18 impose any limit on the number of waivers that may be  
19 granted to a State, or the number of demonstration  
20 projects that a State may be authorized to conduct, under  
21 this section.”.

1 **SEC. 305. STREAMLINED PROCESS FOR CONSIDERATION OF**  
2 **AMENDMENTS TO AND EXTENSIONS OF DEM-**  
3 **ONSTRATION PROJECTS REQUIRING WAIV-**  
4 **ERS.**

5 Section 1130 (42 U.S.C. 1320a–9) is further amend-  
6 ed by adding at the end the following:

7 “(j) STREAMLINED PROCESS FOR CONSIDERATION  
8 OF AMENDMENTS AND EXTENSIONS.—The Secretary  
9 shall develop a streamlined process for consideration of  
10 amendments and extensions proposed by States to dem-  
11 onstration projects conducted under this section.”.

12 **SEC. 306. AVAILABILITY OF REPORTS.**

13 Section 1130 (42 U.S.C. 1320a–9) is further amend-  
14 ed by adding at the end the following:

15 “(k) AVAILABILITY OF REPORTS.—The Secretary  
16 shall make available to any State or other interested party  
17 any report provided to the Secretary under subsection  
18 (f)(2), and any evaluation or report made by the Secretary  
19 with respect to a demonstration project conducted under  
20 this section, with a focus on information that may promote  
21 best practices and program improvements.”.

22 **TITLE IV—TANF AND SSI**  
23 **PROVISIONS**

24 **SEC. 401. TANF HIGH PERFORMANCE BONUS.**

25 Section 403(a)(4) (42 U.S.C. 603(a)(4)) is amend-  
26 ed—

1 (1) in subparagraph (D)(ii)—

2 (A) in subclause (I), by striking “each  
3 bonus year equals \$200,000,000” and inserting  
4 “bonus years 1999 through 2004 equals  
5 \$200,000,000, and for bonus years 2005  
6 through 2014 equals \$100,000,000”; and

7 (B) in subclause (II), by striking  
8 “\$1,000,000,000” and inserting  
9 “\$2,200,000,000”;

10 (2) in subparagraph (E)(i), by striking “,  
11 2000” and all that follows through “2003” and in-  
12 serting “through 2014”; and

13 (3) in subparagraph (F), by inserting “, and for  
14 fiscal years 2004 through 2014 \$1,200,000,000,”  
15 after “\$1,000,000,000”.

16 **SEC. 402. REVIEW OF STATE AGENCY BLINDNESS AND DIS-**  
17 **ABILITY DETERMINATIONS.**

18 Section 1633 (42 U.S.C. 1383b) is amended by add-  
19 ing at the end the following:

20 “(e)(1) The Commissioner of Social Security shall re-  
21 view determinations, made by State agencies pursuant to  
22 subsection (a) in connection with applications for benefits  
23 under this title on the basis of blindness or disability, that  
24 individuals who have attained 18 years of age are blind  
25 or disabled as of a specified onset date. The Commissioner

1 of Social Security shall review such a determination before  
2 any action is taken to implement the determination.

3 “(2)(A) In carrying out paragraph (1), the Commis-  
4 sioner of Social Security shall review—

5 “(i) at least 20 percent of all determinations re-  
6 ferred to in paragraph (1) that are made in fiscal  
7 year 2004;

8 “(ii) at least 40 percent of all such determina-  
9 tions that are made in fiscal year 2005; and

10 “(iii) at least 50 percent of all such determina-  
11 tions that are made in fiscal year 2006 or thereafter.

12 “(B) In carrying out subparagraph (A), the Commis-  
13 sioner of Social Security shall, to the extent feasible, select  
14 for review the determinations which the Commissioner of  
15 Social Security identifies as being the most likely to be  
16 incorrect.”.

## 17 **TITLE V—EFFECTIVE DATE AND** 18 **TRANSITION PROVISIONS**

### 19 **SEC. 501. EFFECTIVE DATE; TRANSITION RULE.**

20 (a) **EFFECTIVE DATE.**—

21 (1) **IN GENERAL.**—Except as provided in para-  
22 graph (2), the amendments made by this Act shall  
23 take effect on October 1, 2004, and shall apply to  
24 payments under parts B and E of the Social Secu-  
25 rity Act for calendar quarters beginning on or after

1 such date, without regard to whether regulations to  
2 implement the amendments are promulgated by such  
3 date.

4 (2) DELAY PERMITTED IF STATE LEGISLATION  
5 REQUIRED.—If the Secretary of Health and Human  
6 Services determines that State legislation (other  
7 than legislation appropriating funds) is required in  
8 order for a State plan under part B or E of title IV  
9 of the Social Security Act to meet the additional re-  
10 quirements imposed by the amendments made by  
11 this Act, the plan shall not be regarded as failing to  
12 meet any of the additional requirements before the  
13 1st day of the 1st calendar quarter beginning after  
14 the 1st regular session of the State legislature that  
15 begins after the effective date specified in paragraph  
16 (1). If the State has a 2-year legislative session,  
17 then each year of the session is deemed to be a sepa-  
18 rate regular session of the State legislature.

19 (b) TRANSITION RULE.—The amendments made by  
20 this Act shall not apply with respect to—

21 (1) powers, duties, functions, rights, claims,  
22 penalties, or obligations applicable to aid, assistance,  
23 services, or funds provided before the effective date  
24 of this Act under the provisions amended; or

1           (2) administrative actions and proceedings com-  
2           menced, or authorized before such date to be com-  
3           menced, under such provisions.

○