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IMPROVING OUTCOMES FOR CHILDREN AFFECTED BY METH ACT OF 2006

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Mr. GRASSLEY, from the Committee on Finance,
submitted the following

R E P O R T

[To accompany S. 3525]

[Including cost estimate of the Congressional Budget Office]

The Committee on Finance, having had under consideration an original bill (S. 3525), to amend subpart 2 of part B of title IV of the Social Security Act to improve outcomes for children in families affected by methamphetamine abuse and addiction, to reauthorize the Promoting Safe and Stable Families program, and for other purposes, having considered the same, reports favorably thereon and recommends that the bill do pass.

I. BACKGROUND AND COMMITTEE ACTION

Promoting Safe and Stable Families

The Promoting Safe and Stable Families (PSSF) program (title IV–B, subpart 2 of the Social Security Act) primarily provides formula grants to States, territories and tribes for provision of four categories of services to children and families: family support, family preservation, time-limited reunification, and adoption promotion and support. In addition, a part of the total funding provided for the Safe and Stable Families program is reserved for certain grants under the Court Improvement Program (CIP). The CIP grants are distributed by formula to each eligible highest State court, and are for those courts to assess and make improvements to their handling of child welfare cases. Funds are also set aside from PSSF for evaluation, research, and technical assistance related to the program.

Initially created as a program of “Family Preservation and Support Services” in the Omnibus Budget Reconciliation Act of 1993 (P.L. 103–66), the program was reauthorized, expanded, and given its current name by the Adoption and Safe Families Act of 1997 (P.L. 105–89).

Subsequently, Congress passed the Promoting Safe and Stable Families Amendments of 2001 (P.L. 107–133), which reauthorized the program through FY2006. That legislation also created the Mentoring Children of Prisoners program (section 439 of the Social Security Act) and authorized the U.S. Department of Health and Human Services (HHS) to make competitive grants to public or private entities for the purposes of establishing, expanding, or operating programs that provide mentoring services to children of prisoners.

Most recently, the Deficit Reduction Act of 2005 (P.L. 109–171) increased the authorization for mandatory PSSF appropriations by \$40 million for FY2006 and, separately, appropriated funding (\$20 million for each of FY2006–FY2010) for two new kinds of grants under the Court Improvement Program. These grants are to support training legal and judicial personnel concerning child welfare proceedings and to improve the timely and complete decision making of courts on behalf of abused and neglected children.

Committee action

The Senate Committee on Finance held two hearings on child welfare policy issues.

On April 25, 2006 the Committee held a hearing on “The Social and Economic Effects of the Methamphetamine Epidemic on America’s Child Welfare System,” that examined the effects that the methamphetamine epidemic is having on America’s child welfare system.

The Committee heard testimony from the following witnesses:

Parents and Families Recovering from Meth Addiction: Alison Bruno, Aaronette Noble, Darren Noble and Joey Binckley;

Kevin T. Frank, Regional Administrator for the Department of Public Health and Services Child and Family Services Division in South Central Montana, Billings, Montana;

Nancy K. Young, Ph.D., Director, Children and Family Futures, Inc. National Center on Substance Abuse and Child Welfare, Irvine, California; and

The Reverend Dr. Frederick Aigner, President/CEO, Lutheran Social Services of Illinois, Des Plaines, Illinois.

On May 10, 2006, the Committee held a hearing on “Fostering Permanence: Progress Achieved and Challenges Ahead for America’s Child Welfare System.”

The purpose of the hearing was for members to hear testimony on child welfare issues generally, and the Promoting Safe and Stable Families program and the Mentoring of Children of Prisoners programs specifically. The authorization for both these programs is scheduled to end at the end of FY2006.

The Committee heard testimony from the following witnesses:

Joan Ohl, Commissioner of the Administration for Children, Youth, and Families, Washington, DC;

Jackie Hammers-Crowell, former foster child and foster care advocate, Iowa City, Iowa;

Gary Stangler, Executive Director, Jim Casey Youth Opportunities Initiative, St. Louis, MS;

Joe Kroll, Executive Director, North American Council on Adoptable Children, St. Paul, Minnesota; and

Arlene Templer, MSW, ACSW, CRC, Confederated Salish and Kootenai Tribes, Department of Human Resources Development, Social Services Division Manager, Pablo, MT.

A bipartisan coalition of members, notably Senator Jay Rockefeller, IV (D-WV), Senator Olympia J. Snowe (R-ME), Senator Gordon Smith (R-OR) and Senator Kent Conrad (D-ND) worked with the Chairman and Ranking Member to develop several key features of the Committee bill. These members represent a range of rural States that are affected by meth problems. The group recognized the compelling problems facing the Native American and tribal populations on child welfare issues, particularly abuse of meth.

The Committee finds that numerous reports indicate that methamphetamine abuse is on the increase, particularly among women of child-bearing age. The Committee finds that this has resulted in an increased strain on an already over-burdened child welfare system. The Committee also finds that long-term comprehensive family treatment has resulted in successful outcomes for families struggling with addiction. The Committee finds that targeting funds from the Promoting Safe and Stable Families for services such as family-based comprehensive long-term drug treatment would further the goals of this program and improve outcomes for children in families affected by methamphetamine abuse and addiction. In addition, the Committee finds that, generally, the programs authorized by the Promoting Safe and Stable Families are performing well. The Committee finds that there is little reason to substantially alter the purpose or nature of these programs. Therefore, the Committee recommends only minor improvements, such as enhanced reporting requirements, to the Promoting Safe and Stable Families program and the Mentoring Children of Prisoners program.

II. SECTION-BY-SECTION ANALYSIS

SECTION I—SHORT TITLE; TABLE OF CONTENTS

The short title of this bill is the Improving Outcomes for Children Affected by Meth Act of 2006.

SECTION 2—GRANTS FOR REGIONAL PARTNERSHIPS TO INCREASE THE WELL-BEING OF, AND IMPROVE THE PERMANENCY OUTCOMES FOR, CHILDREN AFFECTED BY METHAMPHETAMINE ABUSE AND ADDICTION

Reservation of funds

CURRENT LAW

No provision.

COMMITTEE BILL

The bill provides that in any year from FY2007–FY2011 that appropriations under this subpart are at least \$345 million, HHS

must reserve \$40 million for grants to improve outcomes for children affected by methamphetamine abuse and addiction. (The bill separately sets the mandatory funding authorization for the Promoting Safe and Stable Families (PSSF) program at \$345 million for FY2007–FY2011 and continues the discretionary funding authorization of \$200 million for each of those same years.)

Purpose

CURRENT LAW

No provision.

COMMITTEE BILL

The bill creates a new section in title IV–B subpart 2 of the Social Security Act that authorizes HHS to make competitive grants to regional partnerships that provide services and activities designed to increase the well-being of, and improve the permanency outcomes for, children who are in an out-of-home placement or who are at risk of such a placement as a result of parental or a caretaker’s abuse of methamphetamines. These services and activities are to be provided via interagency collaboration and integration of programs and services.

REASON FOR CHANGE

Methamphetamine, also known as “meth,” is the fastest growing drug threat in America. Reports estimate that over 12 million Americans have tried meth. Meth-making operations have been uncovered in all 50 states, but the most wide-spread abuse has been concentrated in the western, southwestern and Midwestern United States.

Methamphetamine abuse is on the increase, particularly among women of child-bearing age. This is having an impact on child welfare systems in many States. According to a survey administered by the National Association of Counties (“The Impact of Meth on Children”) meth is a major cause of child abuse and neglect. Forty percent of all the child welfare officials in the survey reported an increase in out-of-home placements because of meth in the last year.

Many child welfare agencies are struggling to cope with the unique challenges associated with parental addiction to meth. Children living with a meth-addicted parent are often exposed to toxic chemicals emitted during the production of the drug. Children are also often left to fend for themselves and can be exposed to pornography and sexual abuse.

The Committee finds that the meth epidemic puts a unique strain on child welfare agencies and therefore finds that targeting resources to address this issue is appropriate. The Committee also finds that outcomes for children affected by meth are enhanced when services provided by law enforcement, child welfare and substance abuse agencies are integrated. The Committee encourages eligible applicants for grants to collaborate with the State agency responsible for the administration of foster care.

Eligible applicants

The bill defines an eligible applicant for the grants as a regional partnership (established on an intra- or interstate basis) and that includes any one or more of the following entities or individuals: child welfare service providers (non-profit and for-profit), community providers of health or mental health services, local law enforcement agencies, judges and court personnel, juvenile justice officials, school personnel, the State child welfare agency, the State agency responsible for administering the substance abuse prevention and treatment block grant (authorized under title XIX-B, subpart II of the Public Health Services Act), tribal child welfare agencies (or a consortium of tribal agencies) and any other providers, agencies, personnel, officials or entities related to provision of child and family services funded under title IV-B, subpart 2 of the Social Security Act.

Authorization of grants and minimum period of approval

From the amount reserved from PSSF funding (\$40 million), HHS must award grants in each of FY2007–FY2011 to eligible regional partnerships that meet the requirements established in this new section of the Social Security Act. An eligible regional partnership must be approved to receive a grant for no less than 2 years and may receive approval for as many as 5 years. The amount of the grant must not be less than \$500,000 and not more than \$1 million for each fiscal year.

Application requirements

To be eligible for a grant out of this funding, an eligible regional partnership must submit a written application to HHS containing recent evidence that methamphetamine abuse has increased out-of-home placements for children or the number of children at risk of out-of-home placements in the partnership region. The application must also describe: (1) the goals and outcomes the regional partnership intends to achieve and which will enhance the well-being of children receiving services or taking part in activities funded by the grants and will lead to safety and permanence for them; (2) the joint activities to be funded (entirely or in part) with funds provided by the grant and the sequence in which the proposed activities will be conducted while the grant funding is made available; (3) the strategies for integrating programs and services found to be appropriate for the child (and, if appropriate, the child's family); and (4) its strategies for collaborating with the State child welfare agency (unless the lead agency for the regional partnership is that agency), for consulting, as appropriate, with the State agency responsible for administering substance abuse treatment and prevention services, and for consulting with State law enforcement and judicial agencies. Finally, the application must include any other information HHS may require.

HHS may, to the extent it deems appropriate, exempt any regional partnership that includes a tribal child welfare agency or a consortium of such agencies from the requirement that the application describe what its strategies will be for collaborating with the State child welfare agency.

Use of funds and matching requirement

The bill states that funds received by a regional partnership must only be used for services and activities intended to improve the well-being and permanence of children affected by methamphetamine abuse and addiction and, where appropriate, the child's family. Specific uses may include providing family-based, comprehensive long-term drug treatment services, early intervention and preventative services, counseling for children and families, mental health services, and parenting skills training.

The bill provides that a regional partnership must provide non-Federal resources to support the activities and services of the grant equal to 15 percent of the total cost in years 1 and 2 of the grant; 20 percent of such costs in the third and fourth years; and 25 percent for the fifth year of the grant. The non-Federal resources may be in cash or in-kind (and HHS is permitted to attribute the fair market value of such in-kind goods, services and facilities).

Consideration in making awards and determining their amounts

The bill provides that in considering whether to award a grant and the amount of that grant, HHS must consider the demonstrated need of the eligible regional partnership applying for assistance. Further, it must ensure diversity among the lead agencies applying on behalf of an eligible regional partnership to which it awards these grants. Finally, in awarding these grants and determining their amounts, HHS must give priority to eligible regional partnerships in rural areas that have been significantly affected by methamphetamine abuse and addiction by parents or caretakers of children; have limited resources to address the needs of children affected by this abuse and addiction; and lack capacity for access to comprehensive family treatment services.

Performance indicators

The bill requires HHS to establish indicators that will be used to periodically assess the performance of the regional partnerships awarded grants under this section and, specifically, their success in achieving increased well-being and improved permanence outcomes for children affected by parental or a caretaker's methamphetamine abuse and addiction. The indicators must be established no later than 18 months after this legislation is enacted and only after HHS consults with both its Administration for Children and Families (ACF) and its Substance Abuse and Mental Health Services Administration (SAMHSA). In addition—with respect to the States, territories, or tribes in which awards to regional partnerships have been made—HHS must consult with the following individuals: State and territorial governors, State legislators, State and local public officials responsible for administering child welfare and alcohol and drug abuse prevention and treatment programs, court staff, consumers of services or activities funded by the grants, advocates for children and parents who come to the attention of the child welfare system, and tribal officials.

Grantee reports and reports to Congress

The bill requires each regional partnership that receives a grant under this section to report annually to HHS. The report must describe the activities carried out during the fiscal year with funds

received under this grant, and any information HHS determines necessary to provide an accurate description of the activities conducted with the funds and of any planned changes in the use of the funds for the succeeding fiscal year. A regional partnership must submit its first annual report no later than September 30 of the first fiscal year that it receives this grant funding and by that same date for each year in which it continues to receive the grant funds. In addition, no later than 12 months after HHS establishes the performance indicators (described above), information regarding these indicators must be incorporated into each regional partnership's annual report.

On the basis of these reports from the regional partnership grantees, the bill requires HHS to annually prepare a report on the services provided and activities conducted by the grants to increase the well-being of and improve permanence outcomes for children affected by parental or a caretaker's methamphetamine abuse and addiction. The report must also discuss the performance indicators established and the progress made to address the needs of families with methamphetamine abuse problems (who come to the attention of the child welfare system) and in achieving the goals of child safety, permanence and family stability. HHS must annually submit this report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate.

SECTION 3—REAUTHORIZATION OF THE PROMOTING SAFE AND STABLE FAMILIES PROGRAM

Extension of funding authorized for the Promoting Safe and Stable Families program

CURRENT LAW

For FY2006, authorizes mandatory funding of \$345 million for the Promoting Safe and Stable Families program (title IV-B, subpart 2 of the Social Security Act) and discretionary funding of \$200 million for each of FY2002–FY2006.

COMMITTEE BILL

The bill extends the mandatory PSSF funding authorization of \$345 million for 5 years (FY2007–FY2011) and extends the discretionary funding authorization of \$200 million for each of those same 5 years.

REASON FOR CHANGE

PSSF funds are important in providing child welfare services.

Extension of court entitlement to allotment of set-aside funds and required match

CURRENT LAW

For each of FY2002–FY2006, each eligible State highest court is entitled to an allotment of funds to assess and make improvements in its handling of child welfare proceedings. This allotment is provided out of funds set-aside from the total funding provided for the Promoting Safe and Stable Families program. (The minimum which must be provided via this set-aside is \$10 million per year

and the maximum amount which may be available is \$16.6 million per year.) In order to receive their full allotment of funds in each of these years, the State highest court must provide a 25 percent match of the Federal funds it is allotted.

COMMITTEE BILL

The bill extends the entitlement of each eligible State's highest courts to this same allotment amount from funds set-aside out of the Promoting Safe and Stable Families program appropriations for each of FY2007–FY2011, and it continues to condition a State highest court's full receipt of its allotment in each of those same 5 years on provision of a 25 percent funding match by the court.

REASON FOR CHANGE

Improving the handling of child welfare proceedings by courts remains important.

Technical correction of funding of Promoting Safe and Stable Families for FY2006

CURRENT LAW

In December 2005 the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2006 (P.L. 109–149) appropriated \$305 million in mandatory funds for the Promoting Safe and Stable Families program for FY2006. (At the time this was the full mandatory funding level authorized for the program.) The Deficit Reduction Act of 2005, which was enacted in February 2006, raised the mandatory funding authorization for the program to \$345 million for FY2006.

COMMITTEE BILL

The bill amends P.L. 109–149 to increase the FY2006 mandatory appropriation provided for the Promoting Safe and Stable Families program to \$345 million effective as of February 8, 2006.

REASON FOR CHANGE

Technical Correction of funding of PSSF for FY2006.

SECTION 4—REAUTHORIZATION AND EXPANSION OF THE MENTORING CHILDREN OF PRISONERS PROGRAM

Purposes amended

CURRENT LAW

Provides that the purpose of the Mentoring Children of Prisoners program (section 439 of the Social Security Act) is to authorize HHS to make competitive grants to support the establishment or expansion and operation of programs that provide mentoring services to children of prisoners (via a network of public and private community entities) and which are in areas with substantial numbers of children who have incarcerated parents.

COMMITTEE BILL

The bill adds a new purpose of this program. That purpose is to authorize HHS to enter into a cooperative agreement with a na-

tional mentoring support organization to provide greater flexibility nationwide to increase the number of children of prisoners receiving mentoring services.

REASON FOR CHANGE

The Committee finds that while 20,000 children of prisoners have been matched with mentors, there are many more who have not. Approximately 2 million children have at least one parent in a Federal or State correctional facility, suggesting that the need for this sort of mentoring is substantial.

The Committee also finds that while the Administration of Children and Families (ACF) has funded 218 site-based organizations; there are over 4000 mentoring programs across the country. Three States (Utah, Vermont and West Virginia) receive no MCP funding.

The Committee finds that improving family's access to vouchers for mentoring services may increase access of these services for vulnerable children of prisoners.

Extension of the Mentoring Children of Prisoners program

CURRENT LAW

Out of the funding provided for this program, HHS is required to make grants in each of FY2002–FY2006 for provision of mentoring services to children of prisoners. The grants may be made to eligible State or local governments, tribal governments or consortia, faith-based organizations, and community-based organizations.

COMMITTEE BILL

The bill extends the requirement that HHS make grants (to State or local governments, tribal governments or consortia, faith-based organizations, and community-based organizations) for the provision of mentoring services to prisoners for each of FY2007–FY2011.

REASON FOR CHANGE

The need for this program continues.

Increased access to mentoring services

CURRENT LAW

No provision.

COMMITTEE BILL

The bill establishes requirements for a cooperative agreement between HHS and a national mentoring support organization. HHS must award the cooperative agreement on a competitive basis to a national mentoring support organization that has substantial experience in mentoring and mentoring services for children, and in developing quality program standards for planning and assessing mentoring programs for children. The purpose of the cooperative agreement is for this national mentoring organization to: (1) identify and approve mentoring programs in all 50 states and the District of Columbia that meet certain quality program standards; (2) organize outreach activities to increase awareness among families

of children of prisoners of the availability of vouchers for mentoring services (including making publicly available a list of approved programs to public and private entities); and (3) distribute vouchers directly to approved programs that have been selected by families of children of prisoners to provide mentoring services for their children.

REASON FOR CHANGE

To provide for increased access for mentoring services for children of prisoners.

Application requirements

The bill requires an organization seeking to enter this cooperative agreement with HHS to submit an application to HHS that demonstrates its experience with mentoring and mentoring services for children and with the development of quality program standards for planning and assessing mentoring programs for children. The application must also include a plan that details the proposed voucher distribution program and must include the quality program standards for mentoring developed by the entity and describe how the entity will organize and implement these quality program standards. The entity must further describe in its application how it will organize and implement the distribution of vouchers, including how it will ensure that children in urban and rural communities and children with other geographic, linguistic, or cultural barriers to receipt of mentoring services will have access to such services; and that, if the entity usually provides gender-specific programs or services, both girls and boys will be appropriately served by the program. Finally, in its application the entity must also identify those organizations it knows that comply with quality program standards for mentoring; describe the strategic plan of the entity to work with families of prisoners to develop the list of mentoring programs that accept vouchers distributed under this program; and describe the methods that it will use to evaluate the voucher program, the extent to which the program is achieving the purposes of the cooperative agreement and supports the establishment or expansion and operation of programs that provide mentoring services to children of prisoners in areas where there are substantial numbers of children with incarcerated parents.

In addition, the bill specifies that as a part of the application the entity must agree to: (1) include criminal background checks of mentors in any quality program standards for approved mentoring programs; (2) maintain records, make reports, and cooperate with reviews and audits that HHS finds necessary as part of overseeing the cooperative agreement and expenditures; (3) cooperate fully with the ongoing and final evaluation of the voucher program, including allowing HHS access to the voucher distribution program, program-related records and documents, and staff, as well as, to the mentoring programs to which vouchers were distributed; and (4) to provide any other information HHS finds necessary to show the entity's capacity to carry out the cooperative agreement.

The bill states that the value of a voucher under this subsection can be disregarded for purposes of determining the eligibility for—or the amount of—any other Federal, or federally supported assistance for the recipient family.

Evaluations and reports

CURRENT LAW

Requires HHS to conduct an evaluation of the mentoring programs conducted under the Mentoring Children of Prisoners provisions and to submit to Congress a report on the findings no later than April 15, 2005.

COMMITTEE BILL

The bill requires HHS to conduct evaluations of the programs authorized under the Mentoring Children of Prisoners provisions, including the program for increased access to mentoring services (via vouchers) that is created in this legislation.

The bill provides that no later than 12 months after the enactment of this legislation, HHS must submit a report to Congress that includes: (1) the characteristics of the mentoring programs funded under this section; (2) the plans for implementation of the cooperative agreement to increase access to mentoring services (including through distribution of vouchers); (3) a description of the outcome-based evaluation of the programs authorized under this section (which HHS is conducting as of the date of the bill's enactment), including how the evaluation has been expanded to evaluate the program to increase access to mentoring services through distribution of vouchers; and (4) the date by which HHS will submit to Congress a final report on this evaluation.

REASON FOR CHANGE

To provide for the evaluation of and reporting to Congress on the new use of Mentoring Children of Prisoners funding.

Authorization of discretionary appropriations for Mentoring Children of Prisoners

CURRENT LAW

For each of FY2002 and FY2003, authorizes discretionary appropriations of \$67 million for the Mentoring Children of Prisoners program; authorizes appropriations for this program in every succeeding year (indefinite or no-year limit) at "such sums as may be necessary".

COMMITTEE BILL

The bill authorizes appropriations up to \$67 million for each of FY2007–FY2011.

REASON FOR CHANGE

There continues to be a need for this program.

Reservation of program funds for mentoring voucher program

CURRENT LAW

Annually provides that 2.5 percent of the funds appropriated for Mentoring Children of Prisoners must be reserved for HHS to spend on research, technical assistance and evaluation related to the programs funded.

COMMITTEE BILL

The bill retains the current set-aside for research, technical assistance and evaluation. It further requires HHS to reserve not more than 50 percent of the total amount appropriated for each fiscal year to carry out the new program for increasing access to mentoring services (via vouchers). However, HHS must use at least \$25 million of the appropriated funds to continue providing competitive grants to programs that provide mentoring services to children of prisoners. And if the total appropriation for the Mentoring Children of Prisoners program is less than \$25 million, no funds would be available for the purpose of increasing access to mentoring services (via vouchers).

REASON FOR CHANGE

To reserve funds for competitive site-based grants for programs that provide mentoring services for children of prisoners.

GAO evaluation and report

CURRENT LAW

No provision.

COMMITTEE BILL

No more than 3 years after the enactment of this legislation, the Government Accountability Office (GAO) must submit to Congress a report evaluating the implementation and effectiveness of the program first authorized by this legislation for increasing access to mentoring services (via vouchers).

REASON FOR CHANGE

To evaluate the implementation and effectiveness of the new voucher programs to increase access to mentoring services for children of prisoners.

SECTION 5—ALLOTMENT AND GRANTS TO INDIAN TRIBES

Increase set-aside for tribal Promoting Safe and Stable Families programs

CURRENT LAW

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

COMMITTEE BILL

The bill requires that 3 percent of all mandatory Promoting Safe and Stable Families funds, and 3 percent of any discretionary appropriations for the program, be set aside for tribal programs. (The minimum tribal funding provided would be \$10.35 million and the maximum annual tribal funding possible would be \$16.35 million.)

REASON FOR CHANGE

The Committee finds that the current set-aside for Indian tribal program is not sufficient to address the child welfare need in Indian country.

Access to allotment for tribal consortia

CURRENT LAW

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

COMMITTEE BILL

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

REASON FOR CHANGE

The Committee finds that permanency outcomes for Indian children can be improved if tribal consortia are able to have access to an allotment of Promoting Safe and Stable Families funding on the same basis as is currently available to Indian Tribes.

SECTION 6—STATE PLAN AMENDMENTS

Monitoring and evaluation of families adopting or supporting significant numbers of children

CURRENT LAW

In order to receive Promoting Safe and Stable Families funds States must provide certain assurances to HHS.

COMMITTEE BILL

The bill adds a new condition of funding under the program, which would require States to establish procedures to provide additional evaluation of any family that seeks to provide foster care to,

or to adopt, a large number of children or more than one sibling group. This additional evaluation, which must be done before the placement is made, is to fully assess whether the family has the ability to care for this number of children. The statute provides that States must establish this additional evaluation procedure for a family seeking to care for, or adopt, more than 4 children or more than one group of siblings, or—provided the State can demonstrate good cause for this and receives approval from HHS—any other certain number of children or sibling groups the State chooses.

In the case of a foster family, the procedures must also provide for ongoing monitoring to assess the family’s continued ability to provide for this number of children or sibling groups. In the case of a family seeking to adopt, the procedures must include monitoring before the adoption is permitted, to enable the agency to assess whether the family has the ability to care for this number of children or siblings.

Within 18 months of the legislation’s enactment, and as a condition for continued approval of its PSSF plan, the State must submit to HHS a plan for implementing these procedures. Within 60 days of its receipt of such a plan from a State, HHS must notify the State of its approval of the plan or of any necessary additions or modifications that must be made before it can be approved.

REASON FOR CHANGE

The Committee finds that, in recent years, there have been several high profile cases (New Jersey, Tennessee, and Ohio) of child abuse in families that were providing foster care or had adopted a large number of children from the foster care system. The Committee finds that many foster children have already endured child abuse or neglect, so there is a strong obligation to protect the children. Having a large number of children in the family can be much more challenging, and States need to ensure that the issue of existing family size has been addressed and considered prior to an additional foster care placement or an additional adoption for foster care. However, the Committee also finds that once an addition into a larger family has been approved, such families should be treated the same as every finalized adoption.

State submission of annual expenditure reports to HHS and provision of report to Congress

CURRENT LAW

States must spend “significant portions” of the funds they receive under the Promoting Safe and Stable Families program on four categories of services: family support, family preservation, time-limited family reunification, and adoption promotion and support; and they may spend no more than 10 percent of the funds to administer the program. Every 5 years States must develop a plan, including goals, for the use of the program funds, and the plan must be made available to HHS and to the public. Further, States must annually review their progress in meeting those goals and they must separately submit to HHS (and make available to the public) descriptions of the service programs they intend to provide in the upcoming fiscal year (within each of the four service categories), the geographic areas where these services will be available, and the popu-

lations that will be served. Finally, States are required to furnish such reports to HHS, in whatever format and containing whatever information it may require.

As implemented by HHS, States are required to spend at least 20 percent of their Promoting Safe and Stable Families funds on each of the four service categories (unless they can provide an “especially strong rationale” for not doing this). Every 5 years States must prepare a 5-year Child and Family Services Plan (CFSP) that establishes goals and describes the State’s plan for provision of child and family services under the Promoting Safe and Stable Families program, as well as across a range of Federal child welfare programs (including Child Welfare Services under title IV–B, subpart 1 of the Social Security Act; State Grants, under the Child Abuse Prevention and Treatment Act; and the Chafee Foster Care Independence Program and related Education and Training Vouchers, both under section 477 of the Social Security Act). In addition, States must each year submit an Annual Progress and Services Report, the CFS–101 Part I—Annual Budget Request, and the CFS–101 Part II—Annual Summary of Child and Family Services. The reports must be submitted to the regional offices of the HHS Administration for Children and Families (ACF).

On form CFS–101 Part I States report how they intend to allocate their Promoting Safe and Stable Families funds (between the four service categories) for the upcoming fiscal year and also request their funding allotments for Child Welfare Services, CAPTA State grants, the Chafee Foster Care Independence Program and Education and Training Vouchers. On form CFS–101, Part II States report how they expect to spend all child welfare dollars (Federal and State) in 13 separate categories (and by specific Federal funding stream). States must also report on the number of families or individuals expected to be served and the geographic areas that will be served. This information is due to the HHS regional office 3 months before the start of the fiscal year for which funds are being requested (e.g., by June 30, 2005 for request of FY2006 funds).

COMMITTEE BILL

No later than June 30 of each year, the bill requires States to submit to HHS one copy of the forms CFS–101, Part I and CFS–101 Part II (or any successor forms) with information concerning planned expenditures for child and family services in the immediately succeeding fiscal year as well as a second set of the same forms showing the actual expenditures for child and family services in the immediately preceding fiscal year. However, with regard to the form (CFS–101 Part II) used to show actual expenditures by 13 separate categories and multiple funding streams, States would only be required to submit information regarding their actual expenditures for the preceding fiscal year under two Federal funding streams: the Child Welfare Services and Promoting Safe and Stable Families programs (title IV–B, subpart 1 and 2 of the Social Security Act.)

The bill further provides that HHS must compile these reports (showing planned and actual expenditures for the specified fiscal years) and no later than September 30 of each year must submit this compilation to the Committee on Ways and Means of the

House of Representatives and the Committee on Finance of the Senate.

The bill provides that the first State submission of such forms to HHS under this requirement must be made by June 30, 2007 and that HHS must submit the first compilation of such forms to Congress by September 30, 2007.

REASON FOR CHANGE

For many years, States have provided information on prospective spending plans for title VI–B, parts one and two. The Promoting Safe and Stable Families Program requires that States allocate “significant sums,” which is defined by regulation as 20 percent of the total, to each of the four categories. The Committee finds that current report requirements only reflect prospective spending plans and it would be very useful to HHS and Congressional oversight committees to have annual reports on the actual spending among the four categories to evaluate and track improvements and changes in program spending, particularly on adoption and post-adoption services as the number of adopted children and adoptive families increases over time.

SECTION 7—EFFECTIVE DATE

CURRENT LAW

Mandatory and discretionary funding for the Promoting Safe and Stable Families program is authorized through FY2006, including set-asides for allotments to tribes, grants to State highest courts, and expenditures by HHS (for evaluation, training, technical assistance, and research related to the program). HHS is authorized to make grants under the Mentoring Children of Prisoners program through FY2006 and funding for this program is authorized indefinitely.

COMMITTEE BILL

The bill provides that effective with October 1, 2006, the annual funding authority (mandatory and discretionary) for the Promoting Safe and State Families program is extended through FY2011 (with current set-aside amounts continued for HHS and increased for tribes). HHS is authorized to make grants under the Mentoring Children of Prisoners program for each of FY2007–FY2011 (with funds authorized for that purpose for those same years).

Unless otherwise specified in the legislation, other changes made by the bill are also effective on October 1, 2006. However, if HHS determines that State legislation is required in order for a State to meet any new requirement under this legislation, the State must have until the completion of the first State legislative session after enactment of this act to comply with such new requirements.

REASON FOR CHANGE

To extend funding authority for the Promoting Safe and Stable Families program and to extend the authorization for the Mentoring Children of Prisoners Program.

III. VOTE OF THE COMMITTEE

In compliance with paragraph 7(b) of rule XXVI of the Standing Rules of the Senate, the following statements are made concerning the vote in the Committee's consideration of the bill.

Motion to report the bill

The bill was ordered favorably reported by a unanimous voice vote on June 8, 2006. A quorum was present. No amendments were voted upon.

IV. REGULATORY IMPACT STATEMENT AND RELATED MATTERS

A. REGULATORY IMPACT

In accordance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following statement concerning the regulatory impact of the "Improving Outcomes for Children Affected by Meth Act of 2006."

IMPACT ON INDIVIDUALS AND BUSINESSES

The bill extends the mandatory Promoting Safe and Stable Families funding authorization for 5 years. This provision allows States to continue to spend Promoting Safe and Stable Families funding and therefore does not impose any additional paperwork or regulatory burdens on individuals or businesses.

The bill also creates a new section in title IV-B, subpart 2 of the Social Security Act that authorizes the Department of Health and Human Services to make competitive grants to regional partnerships that provide services and activities designed to increase the well-being of and improve the permanency outcomes for children affected by methamphetamine abuse and addiction. Because application for these grants is voluntary, this provision does not impose any additional paperwork or regulatory burdens on individuals or businesses.

The bill also authorizes appropriations for the Mentoring Children of Prisoners program and provides for increased access for mentoring services for children. Application for funding is voluntary, therefore this provision does not impose any additional paperwork or regulatory burden on individuals or businesses.

IMPACT ON PERSONAL PRIVACY

The bill provides grants for services to children and families. In the context of seeking assistance, families may be asked about personal circumstances. The bill should not increase the amount of personal information and paperwork required.

V. COST ESTIMATE

U.S. CONGRESS,
 CONGRESSIONAL BUDGET OFFICE,
 Washington, DC, June 21, 2006.

Hon. CHARLES E. GRASSLEY,
 Chairman, Committee on Finance,
 U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed revised cost estimate for S. 3525, the Improving Outcomes for Children Affected by Meth Act of 2006. This estimate supersedes our original estimate, which was transmitted on June 20, 2006.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Christina Hawley Anthony.

Sincerely,

DONALD B. MARRON,
 Acting Director.

Enclosure.

S. 3525—Improving Outcomes for Children Affected by Meth Act of 2006

Summary: S. 3525 would amend subpart 2 of part B of title IV of the Social Security Act to reauthorize various child welfare programs and to direct funding to assist families affected by methamphetamine abuse and addiction. The bill would increase discretionary authorizations by an estimated \$1.1 billion over the 2007–2011 period, and, assuming the appropriation of the authorized amounts, would result in additional outlays of \$0.8 billion over the same period.

Certain child welfare programs categorized as direct spending also would be reauthorized by the bill. As required by the Deficit Control Act, the costs of extending those mandatory programs—\$1.4 billion over the 2007–2011 period—are already included in CBO’s baseline. Therefore, enacting S. 3525 would not result in an estimated change in direct spending relative to those baseline projections.

The bill contains no intergovernmental or private-sector mandates as defined by the Unfunded Mandates Reform Act (UMRA); any costs to state, local, or tribal governments would result from complying with conditions of federal assistance.

Estimated cost to the Federal Government: The estimated budgetary impact of S. 3525 is shown in the following table. The costs of this legislation fall within budget function 500 (education, training, employment, and social services).

	By fiscal year, in millions of dollars—					
	2006	2007	2008	2009	2010	2011
SPENDING SUBJECT TO APPROPRIATION						
Spending Under Current Law:						
Estimated Authorization Level ¹	138	50	51	52	53	54
Estimated Outlays	136	116	67	55	52	53
Proposed Changes:						
Promoting Safe and Stable Families:						
Authorization Level	0	200	200	200	200	200

	By fiscal year, in millions of dollars—					
	2006	2007	2008	2009	2010	2011
Estimated Outlays	0	40	150	190	200	200
Mentoring Children of Prisoners:						
Estimated Authorization Level	0	17	16	15	14	13
Estimated Outlays	0	1	12	14	15	14
Total Changes:						
Estimated Authorization Level	0	217	216	215	214	213
Estimated Outlays	0	41	162	204	215	214
Spending Under S. 3525:						
Authorization Level ¹	138	267	267	267	267	267
Estimated Outlays	136	157	229	259	267	267
Memorandum: Direct Spending from Program Extensions Assumed in CBO's Baseline						
Promoting Safe and Stable Families:						
Estimated Budget Authority	0	345	345	345	345	345
Estimated Outlays	0	93	283	328	345	345

¹The 2006 level is the amount appropriated for that year.

Basis of estimate: For this estimate, CBO assumes that the legislation will be enacted near the end of fiscal year 2006, and that the authorized amounts will be appropriated for fiscal year 2007 and subsequent years. The estimated outlays reflect historical spending patterns for these programs.

The bill would amend and reauthorize various child welfare programs, including the Promoting Safe and Stable Families (PSSF) program and the Mentoring Children of Prisoners program. PSSF is currently authorized through fiscal year 2006, and receives both mandatory and discretionary funding. Funding for the mandatory part of PSSF is \$345 million for fiscal year 2006; the discretionary portion received an appropriation for this year of \$89 million. Reauthorization of PSSF would have no effect on direct spending relative to CBO's baseline because those mandatory costs are already assumed in the baseline. The Mentoring Children of Prisoners program is permanently authorized and received funding of \$49 million for 2006. That program, along with discretionary grants under the PSSF program, would be reauthorized at stated amounts for fiscal years 2007 through 2011, for an estimated increase in discretionary authorizations of \$1.1 billion over that period.

Spending subject to appropriation

The bill would reauthorize discretionary grants under the PSSF program as well as the program for mentoring children of prisoners. PSSF currently is authorized through fiscal year 2006. The program for mentoring children of prisoners is permanently authorized at "such sums as may be necessary."

Promoting Safe and Stable Families. Discretionary appropriations for PSSF totaled \$89 million for 2006. S. 3525 would authorize appropriations for the discretionary PSSF grants at \$200 million annually from 2007 through 2011, for a total of \$1 billion over that 5-year period. Based on historical spending rates for the program, CBO estimates that resulting outlays would total \$780 million over the 2007–2011 period.

Mentoring Children of Prisoners. S. 3525 would authorize appropriations of \$67 million for the Mentoring Children of Prisoners program annually from 2007 through 2011. The program, which currently is permanently authorized, received an appropriation of \$49 million for fiscal year 2006. For the purpose of this estimate,

CBO estimates the “such sums” authorizations under current law by adjusting the 2006 appropriation for inflation. The authorizations specified in the bill would exceed those amounts by \$75 million from 2007 through 2011. The bill would call for establishing a cooperative agreement with an entity charged with identifying appropriate mentoring organizations, providing outreach to eligible families about mentoring services, and distributing vouchers on behalf of these families for such services.

Direct spending

S. 3525 would reauthorize mandatory grants under the PSSF program at \$345 million each year for fiscal years 2007 through 2011. Those grants currently are authorized at \$345 million for fiscal year 2006. Under the procedures specified in section 257 of the Deficit Control Act, the costs of extending PSSF are assumed in CBO’s baseline. The bill would reserve \$40 million of those funds for grants to regional partnerships for the provision of services such as drug treatment, counseling, and parental skills training.

Section 6 could result in added costs for the federal program that provides federal matching funds to states for foster care and adoption assistance because it would require states to include assurances of additional monitoring of certain adoptive and foster homes in their plans. CBO estimates that the federal cost of this additional monitoring is likely to be less than \$500,000 each year.

Intergovernmental and private-sector impact: S. 3525 contains no intergovernmental or private-sector mandates as defined by UMRA. State, local, and tribal governments would benefit from grant funds authorized in the bill including funds reserved for implementing services for children affected by drug abuse. Any costs they might incur would result from complying with conditions of federal assistance.

Previous CBO estimate: This estimate supersedes the cost estimate for S. 3525 that CBO transmitted on June 20, 2006. That estimate incorrectly assumed that the Mentoring Children of Prisoners program was not authorized beyond 2006, and showed costs for reauthorizing that program that did not account for the existing authorization.

Estimate prepared by: Federal Costs: Christina Hawley Anthony and Jonathan Morancy. Impact on State, Local, and Tribal Governments: Lisa Ramirez-Branum. Impact on the Private Sector: Molly Dahl.

Estimate approved by: Robert A. Sunshine, Assistant Director for Budget Analysis.

VI. CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

Pursuant to the requirements of paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

SOCIAL SECURITY ACT

* * * * *

TITLE IV—GRANTS TO STATES FOR AID AND SERVICES TO NEEDY FAMILIES WITH CHILDREN AND FOR CHILD-WELFARE SERVICES

* * * * *

PART B—CHILD AND FAMILY SERVICES

* * * * *

Subpart 2—Promoting Safe and Stable Families

* * * * *

STATE PLANS

SEC. 432. (a) PLAN REQUIREMENTS.—A State plan meets the requirements of this subsection if the plan—

(1) provides that the State agency shall administer, or supervise the administration of, the State program under this subpart;

* * * * *

(5) contains assurances that the State will—

(A) annually prepare, furnish to the Secretary, and make available to the public a description (including separate descriptions with respect to family preservation services, community-based family support services, time-limited family reunification services, and adoption promotion and support services) of—

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

(ii) the populations which the programs will serve; and

(iii) the geographic areas in the State in which the services will be available; **[and]**

(B) perform the activities described in subparagraph (A)—

(i) in the case of the 1st fiscal year under the plan, at the time the State submits its initial plan; and

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

(C) *establish procedures to provide for the additional evaluation of any family that proposes to provide foster care for more than 4 children or more than 1 group of siblings (or more than such number of children and groups of siblings as the State, upon demonstration of good cause and approval by the Secretary, may establish), prior to permitting the family to provide foster care to such children or siblings, and to provide for ongoing monitoring of the family (prior to and during the provision of such foster care),*

to fully assess whether the family has the ability to care for such children or siblings; and

(D) establish procedures to provide for the additional evaluation of any family that proposes to adopt more than 4 children or more than 1 group of siblings (or more than such number of children and groups of siblings as the State, upon demonstration of good cause and approval by the Secretary, may establish), prior to permitting the family to adopt such children or siblings, and to provide pre-adoption monitoring of the family, to fully assess whether the family has the ability to care for such children or siblings before permitting such adoption;

(6) provides for such methods of administration as the Secretary finds to be necessary for the proper and efficient operation of the plan;

(7)(A) contains assurances that Federal funds provided to the State under this subpart will not be used to supplant Federal or non-Federal funds for existing services and activities which promote the purposes of this subpart; and

(B) provides that the State will furnish reports to the Secretary, at such times, in such format, and containing such information as the Secretary may require, that demonstrate the State's compliance with the prohibition contained in subparagraph (A);

(8)(A) provides that the State agency will furnish such reports, containing such information, and participate in such evaluations, as the Secretary may require; **[and]**

(B) provides that, not later than June 30 of each year, the State agency will submit to the Secretary—

(i) copies of forms CFS 101–Part I and CFS 101–Part II (or any successor forms) that report on planned child and family services expenditures by the agency for the immediately succeeding fiscal year; and

(ii) copies of forms CFS 101–Part I and CFS–101, Part II (or any successor forms) that provides, only with respect to the programs authorized under this subpart and subpart 1, actual expenditures by the State agency for the immediately preceding fiscal year; and

(9) contains assurances that in administering and conducting service programs under the plan, the safety of the children to be served shall be of paramount concern.

(b) APPROVAL OF PLANS.—

(1) IN GENERAL.—The Secretary shall approve a plan that meets the requirements of subsection (a) only if the plan was developed jointly by the Secretary and the State, after consultation by the State agency with appropriate public and non-profit private agencies and community-based organizations with experience in administering programs of services for children and families (including family preservation, family support, time-limited family reunification, and adoption promotion and support).

(2) PLANS OF INDIAN TRIBES OR TRIBAL CONSORTIA.—

(A) EXEMPTION FROM INAPPROPRIATE REQUIREMENTS.—

The Secretary may exempt a plan submitted by an Indian tribe or tribal consortium from any requirement of this

section that the Secretary determines would be inappropriate to apply to the Indian tribe *or tribal consortium*, taking into account the resources, needs and other circumstances of the Indian tribe *or tribal consortium*.

(B) SPECIAL RULE.—Notwithstanding subparagraph (A) of this paragraph, the Secretary may not approve a plan of an Indian tribe *or tribal consortium* under this subpart to which (but for this subparagraph) an allotment of less than \$10,000 would be made under section 433(a) if allotments were made under section 433(a) to all Indian tribes with plans approved under this subpart with the same or larger numbers of children.

(c) ANNUAL SUBMISSION OF STATE REPORTS TO CONGRESS.—*The Secretary shall compile the reports required under subsection (a)(8)(B) and, not later than September 30 of each year, submit such compilation to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate.*

SEC. 433. [42 U.S.C. 629c] ALLOTMENTS TO STATES.

(a) INDIAN TRIBES OR TRIBAL CONSORTIA.—From the amount reserved pursuant to section 436(b)(3) for any fiscal year, the Secretary shall allot to each Indian tribe with a plan approved under this subpart an amount that bears the same ratio to such reserved amount as the number of children in the Indian tribe bears to the total number of children in all Indian tribes *or tribal consortia* with State plans so approved, as determined by the Secretary on the basis of the most current and reliable information available to the Secretary. *If a consortium of Indian tribes submits a plan approved under this subpart, the Secretary shall allot to the consortium an amount equal to the sum of the allotments determined for each Indian tribe that is part of the consortium.*

PAYMENTS TO STATES

SEC. 434. (a) ENTITLEMENT.—Each State that has a plan approved under section 432 shall be entitled to payment of the lesser of—

(c) DIRECT PAYMENTS TO TRIBAL ORGANIZATIONS OF INDIAN TRIBES OR TRIBAL CONSORTIA.—The Secretary shall pay any amount to which an Indian tribe *or tribal consortium* is entitled under this section directly to the tribal organization of the Indian tribe *or tribal consortium* (or in the case of a payment to a tribal consortium, such tribal organizations of the Indian tribes that are part of the consortium as the consortium shall designate).

EVALUATIONS: RESEARCH; TECHNICAL ASSISTANCE

SEC. 435. (a) EVALUATIONS.—

(1) IN GENERAL.—The Secretary shall evaluate and report to the Congress biennially on effectiveness of the programs carried out pursuant to this subpart in accomplishing the purposes of this subpart, and may evaluate any other Federal, State, or local program, regardless of whether federally as-

sisted, that is designed to achieve the same purposes as the program under this subpart, in accordance with criteria established in accordance with paragraph (2).

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

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

(a) AUTHORIZATION.—In addition to any amount otherwise made available to carry out this subpart, there are authorized to be appropriated to carry out this subpart \$345,000,000 [for fiscal year 2006. Notwithstanding the preceding sentence, the total amount authorized to be so appropriated for fiscal year 2006 under this subsection and under this subsection (as in effect before the date of the enactment of the Deficit Reduction Act of 2005) is \$345,000,000.] *for each of fiscal years 2007 through 2011.*

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

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

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

(B) for evaluation of State programs based on the plans approved under section 432 and funded under this subpart, and any other Federal, State, or local program, regardless of whether federally assisted, that is designed to achieve the same purposes as the State programs.

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

(3) INDIAN TRIBES *OR TRIBAL CONSORTIA*.—The Secretary shall reserve [1] 3 percent for allotment to Indian tribes *or tribal consortia* in accordance with section 433(a).

(4) *IMPROVED OUTCOMES FOR CHILDREN AFFECTED BY METHAMPHETAMINE ABUSE AND ADDICTION*.—*With respect to each of fiscal years 2007 through 2011, if the amount appropriated to carry out this subpart for any such fiscal year is at least \$345,000,000, the Secretary shall reserve \$40,000,000 of the amount appropriated for that fiscal year for grants under section 440.*

DISCRETIONARY GRANTS

SEC. 437. (a) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—In addition to any amount appropriated pursuant to section 436, there are authorized to be appropriated to carry out this section \$200,000,000 for each of fiscal years [2002 through 2006] *2007 through 2011.*

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

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

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

(3) INDIAN TRIBES OR TRIBAL CONSORTIA.—The Secretary shall reserve [2] 3 percent for allotment to Indian tribes or tribal consortia in accordance with subsection (c)(1).

(c) ALLOTMENTS.—

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

* * * * *

SEC. 438. ENTITLEMENT FUNDING FOR STATE COURTS TO ASSESS AND IMPROVE HANDLING OR PROCEEDINGS RELATING TO FOSTER CARE AND ADOPTION.

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

* * * * *

(c) ALLOTMENTS.—

(1) GRANTS TO ASSESS AND IMPROVE HANDLING OF COURT PROCEEDINGS RELATING TO FOSTER CARE AND ADOPTION.—

(A) IN GENERAL.—Each highest State court which has an application approved under subsection (b) of this section for a grant described in subsection (b)(2)(A) of this section, and is conducting assessment and improvement activities in accordance with this section, shall be entitled to payment, for each of fiscal years [2002 through 2006] *2007 through 2011* from the amount reserved pursuant to section 436(b)(2) (and the amount, if any, reserved pursuant to section 437(b)(2)), of an amount equal to the sum of \$85,000 plus the amount described in subparagraph (B) of this paragraph for the fiscal year.

* * * * *

(d) FEDERAL SHARE.—Each highest State court which receives funds paid under this section may use such funds to pay not more than 75 percent of the cost of activities under this section in each of fiscal years [2002 through 2006] *2007 through 2011*.

* * * * *

【GRANTS】 FUNDING FOR PROGRAMS FOR MENTORING CHILDREN OF PRISONERS

SEC. 439. (a) FINDINGS AND 【PURPOSE】 PURPOSES.—

(1) FINDINGS.—

* * * * *

(2) 【PURPOSE】 PURPOSES.—【The purpose of this section is to authorize the Secretary to make competitive】 *The purposes of this section are to authorize the Secretary—*

(A) to make competitive grants to applicants in areas with substantial numbers of children of incarcerated parents, to support the establishment or expansion and operation of programs using a network of public and private community entities to provide mentoring services for children of prisoners【.】; and

(B) to enter into a cooperative agreement with a national mentoring support organization to provide greater flexibility nationwide to increase the number of children of prisoners receiving mentoring services.

* * * * *

(c) PROGRAM AUTHORIZED.—From the amounts appropriated under subsection **【(h)】 (i)** for a fiscal year that remain after applying subsection **【(h)(2)】 (i)(2)**, the Secretary shall make grants under this section for each of fiscal years **【2002 through 2006】 2007 through 2011** to State or local governments, tribal governments or tribal consortia, faith-based organizations, and community-based organizations in areas that have significant numbers of children of prisoners and that submit applications meeting the requirements of this section, in amounts that do not exceed \$5,000,000 per grant.

* * * * *

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

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

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

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

(g) INCREASED ACCESS TO MENTORING SERVICES.—

(1) IN GENERAL.—*The Secretary shall award, on a competitive basis, a cooperative agreement with an eligible entity (as specified in paragraph (2)) for the purposes of—*

(A) identifying and approving mentoring programs in all 50 States and the District of Columbia that meet certain quality program standards;

(B) organizing outreach activities, including making publicly available a list of such approved programs, to appro-

priate public and private entities described in subsection (d)(2) to increase awareness of the availability of vouchers for mentoring services among families of children of prisoners; and

(C) distributing vouchers directly to such approved programs that have been selected by families of children of prisoners to provide mentoring services for their children.

(2) **ELIGIBLE ENTITY.**—For purposes of paragraph (1), an entity eligible for a cooperative agreement under this subsection shall be a national mentoring support organization that has substantial experience—

(A) in mentoring and mentoring services for children; and

(B) in developing quality program standards for the planning and assessment of mentoring programs for children.

(3) **APPLICATION REQUIREMENTS.**—To be eligible for a cooperative agreement under this subsection, an entity shall submit to the Secretary an application that includes the following:

(A) **QUALIFICATIONS.**—A demonstration that the entity meets the experience requirements of paragraph (2).

(B) **PLAN DESCRIPTION.**—A detailed description of the proposed voucher distribution program, which shall—

(i) include the quality program standards for mentoring developed by the entity;

(ii) describe how the entity will organize and implement such quality program standards and distribution program, including how the entity plans to ensure that—

(I) children in urban and rural communities and children with other geographic, linguistic, or cultural barriers to receipt of mentoring services will have access to such services; and

(II) if the entity usually provides gender-specific programs or services, both girls and boys will be appropriately served by the program;

(iii) identify those organizations known by the entity to comply with such quality program standards;

(iv) describe the strategic plan of the entity to work with families of prisoners to develop the list of mentoring programs that accept vouchers distributed under the program for mentoring services; and

(v) describe the methods to be used by the entity to evaluate the program and the extent to which the program is achieving the purposes described in paragraph (1) and subsection (a)(2)(A).

(C) **CRIMINAL BACKGROUND CHECKS.**—An agreement to include in any quality program standards for approved mentoring programs the requirement for criminal background checks for mentors.

(D) **RECORDS, REPORTS, AND AUDITS.**—An agreement to maintain such records, make such reports, and cooperate with such reviews and audits as the Secretary may find necessary for purposes of oversight of the cooperative agreement and expenditures.

(E) *EVALUATION.*—A commitment to cooperate fully with the Secretary's ongoing and final evaluation of the voucher distribution program, including providing the Secretary with access to the program and program-related records and documents, staff, and the mentoring programs to which vouchers were distributed.

(F) *OTHER.*—Such other information as the Secretary may find necessary to demonstrate the entity's capacity to carry out the cooperative agreement under this subsection.

(4) *FEDERAL ASSISTANCE ELIGIBILITY.*—The amount of a voucher under this subsection may be disregarded for purposes of determining the eligibility for, or the amount of, any other Federal or Federally supported assistance for the recipient family.

(h) *EVALUATION; REPORTS.*—

(1) *EVALUATION.*—The Secretary shall conduct an evaluation of the programs authorized under this section, including the program for increasing access to mentoring services authorized under subsection (g).

(2) *REPORTS.*—Not later than 12 months after the date of enactment of the Improving Outcomes for Children Affected by Meth Act of 2006, the Secretary shall submit a report to Congress that includes the following:

(A) The characteristics of the mentoring programs funded under this section.

(B) The plans for implementation of the cooperative agreement for the program authorized under subsection (g).

(C) A description of the outcome-based evaluation of the programs authorized under this section that the Secretary is conducting as of such date of enactment and how such evaluation has been expanded to include an evaluation of the program authorized under subsection (g).

(D) The date on which the Secretary shall submit a final report on such evaluation to Congress.

(i) *AUTHORIZATION OF APPROPRIATIONS; RESERVATION OF CERTAIN AMOUNTS.*—

(1) *AUTHORIZATION.*—There are authorized to be appropriated to carry out this section \$67,000,000 for each of fiscal years 2007 through 2011.

(2) *RESERVATIONS.*—

(A) *RESEARCH, TECHNICAL ASSISTANCE, AND EVALUATION.*—The Secretary shall reserve 2.5 percent of the amount appropriated for each fiscal year under paragraph (1) for expenditure by the Secretary for research, technical assistance, and evaluation related to programs under this section.

(B) *INCREASED ACCESS TO MENTORING SERVICES.*—

(i) *IN GENERAL.*—Subject to clauses (ii) and (iii), the Secretary shall reserve not more than 50 percent of the amount appropriated for each fiscal year under paragraph (1) for purposes of carrying out the program for increasing access to mentoring services authorized under subsection (g).

(ii) *ASSURANCE OF FUNDING FOR GENERAL PROGRAM GRANTS.*—With respect to each fiscal year for which

amounts are appropriated to carry out this section, not less than \$25,000,000 of such amounts (or, if the amount appropriated for a fiscal year is less than that amount, the amount appropriated for that fiscal year that remains after applying subparagraph (A)) shall be used by the Secretary for purposes of making grants under subsection (c).

(iii) *CONTINGENT PERCENTAGE REDUCTION.*—If the amount appropriated for a fiscal year is not sufficient for the Secretary to satisfy the requirements of clauses (i) and (ii), the Secretary shall reduce the percentage described in clause (i) by such number of percentage points as is necessary for the Secretary to satisfy the requirement of clause (ii).

SEC. 440. GRANTS FOR REGIONAL PARTNERSHIPS TO INCREASE THE WELL-BEING OF, AND IMPROVE THE PERMANENCY OUTCOMES FOR, CHILDREN AFFECTED BY METHAMPHETAMINE ABUSE AND ADDICTION.

(a) *PURPOSE.*—The purpose of this section is to authorize the Secretary to make competitive grants to eligible applicants to provide, through interagency collaboration and integration of programs and services, services and activities that are designed to increase the well-being of, and improve permanency outcomes for, children who are in an out-of-home placement or are at risk of being placed in an out-of-home placement as a result of a parent's or caretaker's abuse of methamphetamines.

(b) *ELIGIBLE APPLICANTS DEFINED.*—In this section, the term “eligible applicant” means a regional partnership (which may be established on an interstate or intrastate basis) and that shall include any one or more of the following:

- (1) Nonprofit child welfare service providers.
- (2) For-profit child welfare service providers.
- (3) Community health service providers.
- (4) Community mental health providers.
- (5) Local law enforcement agencies.
- (6) Judges and court personnel.
- (7) Juvenile justice officials.
- (8) School personnel.
- (9) The State child welfare agency that is responsible for the administration of the State plan under this part and part E.
- (10) The State agency responsible for administering the substance abuse prevention and treatment block grant provided under subpart II of part B of title XIX of the Public Health Service Act.
- (11) Tribal child welfare agencies (or a consortium of such agencies).
- (12) Any other providers, agencies, personnel, officials, or entities that are related to the provision of child and family services under this subpart.

(c) *PROGRAM AUTHORIZED.*—

- (1) *IN GENERAL.*—From the amounts (if any) reserved for each of fiscal years 2007 through 2011 under section 436(b)(4), the Secretary shall award grants under this section for each such fiscal year to eligible applicants that satisfy the requirements of

this section, in amounts that are not less than \$500,000 and not more than \$1,000,000 per grant per fiscal year.

(2) *REQUIRED MINIMUM PERIOD OF APPROVAL.—An eligible applicant shall be approved to receive a grant under this section for a period of not less than 2, and not more than 5, fiscal years.*

(d) *APPLICATION REQUIREMENTS.—To be eligible for a grant under this section, an eligible applicant shall submit to the Secretary a written application containing the following:*

(1) *Recent evidence that methamphetamine abuse has increased the number of out-of-home placements for children, or the number of children who are at risk of being placed in an out-of-home placement, in the partnership region.*

(2) *A description of the goals and outcomes to be achieved during the funding period for the grant that will enhance the well-being of children receiving services or taking part in activities conducted with funds provided under the grant and lead to safety and permanence for such children.*

(3) *A description of the joint activities to be funded in whole or in part with the funds provided under the grant, including the sequencing of the activities proposed to be conducted under the funding period for the grant.*

(4) *A description of the strategies for integrating programs and services determined to be appropriate for the child and where appropriate, the child's family.*

(5) *A description of the strategies for—*

(A) *collaborating with the State agency responsible for the administration of this part and part E (unless the lead agency for the regional partnership of the eligible applicant is such agency); and*

(B) *consulting, as appropriate, with the State agency responsible for administering substance abuse treatment and prevention services, and the State law enforcement and judicial agencies.*

To the extent the Secretary determines that a requirement of this paragraph would be inappropriate to apply to an eligible applicant that includes a tribal child welfare agency or a consortium of such agencies, the Secretary may exempt the eligible applicant from satisfying such requirement.

(6) *Such other information as the Secretary may require.*

(e) *USE OF FUNDS.—Funds made available under a grant made under this section shall only be used for services or activities that are consistent with the purpose of this section and may include the following:*

(1) *Family-based comprehensive long-term drug treatment services.*

(2) *Early intervention and preventative services.*

(3) *Children and family counseling.*

(4) *Mental health services.*

(5) *Parenting skills training.*

(f) *MATCHING REQUIREMENT.—*

(1) *FEDERAL SHARE.—A grant awarded under this section shall be available to pay a percentage share of the costs of services provided or activities conducted under such grant, not to exceed—*

- (A) 85 percent for the first and second fiscal years for which the grant is awarded to an eligible applicant;
 - (B) 80 percent for the third and fourth such fiscal years; and
 - (C) 75 percent for the fifth such fiscal year.
- (2) *NON-FEDERAL SHARE.*—The non-Federal share of the cost of services provided or activities conducted under a grant awarded under this section may be in cash or in kind. In determining the amount of the non-Federal share, the Secretary may attribute fair market value to goods, services, and facilities contributed from non-Federal sources.
- (g) *CONSIDERATIONS IN AWARDING AND AMOUNT OF GRANTS.*—In awarding grants under this section and determining the amount of such grants, the Secretary shall—
- (1) consider the demonstrated need of an eligible applicant for assistance;
 - (2) ensure that grants are awarded to a diverse number of the eligible applicants described in subsection (b); and
 - (3) give priority to awarding grants to eligible applicants located in rural areas that—
 - (A) have been significantly affected by methamphetamine abuse and addiction by parents or caretakers;
 - (B) have limited resources for addressing the needs of children affected by such abuse and addiction; and
 - (C) have a lack of capacity for access to comprehensive family treatment services.
- (h) *PERFORMANCE INDICATORS.*—Not later than 18 months after the date of enactment of this section, the Secretary shall establish indicators that will be used to assess periodically the performance of the eligible applicants awarded grants under this section in using funds made available under such grants to achieve the purpose of this section. In establishing such indicators, the Secretary shall consult with the Assistant Secretary for the Administration for Children and Families, the Administrator of the Substance Abuse and Mental Health Services Administration, the chief executive officers of the States or territories in which eligible applicants awarded a grant under this section are located, legislators of such States and territories, State and local public officials responsible for administering child welfare and alcohol and drug abuse prevention and treatment programs in such States and territories, court staff in such States and territories, consumers of the services or activities in such States and territories, advocates for children, parents, and caretakers who come to the attention of the child welfare system, and tribal officials of tribal child welfare agencies (or a consortium of such agencies) awarded a grant under this section.
- (i) *REPORTS.*—
- (1) *GRANTEE REPORTS.*—
- (A) *ANNUAL REPORT.*—Not later than September 30 of the first fiscal year in which an eligible applicant receives funds under a grant awarded under this section, and annually thereafter until September 30 of the last fiscal year in which an eligible applicant receives funds under a grant awarded under this section, the eligible applicant shall submit to the Secretary a report on the activities carried out during that fiscal year with such funds. The report shall

contain such information as the Secretary determines is necessary to provide an accurate description of the activities conducted with such funds and of any changes in the use of such funds that are planned for the succeeding fiscal year.

(B) INCORPORATION OF INFORMATION RELATED TO PERFORMANCE INDICATORS.—Not later than 12 months after the establishment of performance indicators under subsection (h), each eligible applicant awarded a grant under this section shall incorporate into the annual report required under subparagraph (A) information required in relation to such indicators.

(2) REPORTS TO CONGRESS.—On the basis of the reports submitted under paragraph (1), the Secretary annually shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report on—

(A) the services provided and activities conducted with funds provided under grants awarded under this section;

(B) the performance indicators established under subsection (h); and

(C) the progress that has been made in addressing the needs of families with methamphetamine abuse problems who come to the attention of the child welfare system and in achieving the goals of child safety, permanence, and family stability.

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DEPARTMENT OF HEALTH AND HUMAN SERVICES APPROPRIATIONS ACT, 2006

TITLE II—DEPARTMENT OF HEALTH AND HUMAN SERVICES

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ADMINISTRATION FOR CHILDREN AND FAMILIES

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PROMOTING SAFE AND STABLE FAMILIES

For carrying out section 436 of the Social Security Act, ~~[\$305,000,000]~~ \$345,000,000 and for section 437, \$90,000,000.

