

DOCUMENT RESUME

ED 355 290

UD 029 004

TITLE [Children's Initiative,] H.R. 5600. 102D Congress, 2D Session in the House of Representatives.

INSTITUTION Congress of the U.S., Washington, D.C. House.

PUB DATE 9 Jul 92

NOTE 170p.

PUB TYPE Legal/Legislative/Regulatory Materials (090)

EDRS PRICE MF01/PC07 Plus Postage.

DESCRIPTORS Adoption; Alcohol Abuse; Children; \*Child Welfare; Disadvantaged Youth; Drug Abuse; \*Family Problems; \*Federal Legislation; Federal Programs; Foster Family; Government Role; Hunger; Policy Formation; \*Poverty Programs; Welfare Recipients; \*Welfare Services

IDENTIFIERS Congress 102nd; Proposed Legislation

ABSTRACT

This publication is the text of the House of Representatives bill, H.R. 5600 introduced to the U.S. Congress and titled "Children's Initiative." This legislation is designed to promote family preservation and the prevention of foster care with emphasis on families where abuse of alcohol or drugs is present, to improve the quality and delivery of child welfare, foster care, and adoption services; and to alleviate childhood hunger. The bill contains seven titles, the first of which details child welfare services (entitlement funding, protection for foster children, enhanced court procedures, and state requirements). Title II concerns foster care and adoption assistance and covers abandoned children, removal from home requirements, dissolved adoptions, respite care, service evaluation, court procedures, placement, legal issues, staff training regulations, data publication, and review procedures. Title III authorizes a social services block grant. Title IV addresses funding for research, demonstration, and evaluation. Title V contains miscellaneous human resources amendments. Title VI concerns childhood hunger relief and contains five subtitles: (1) ensuring adequate food assistance; (2) promoting self-sufficiency; (3) simplifying the provision of food assistance; (4) commodity distribution to needy families; and (5) implementation and effective date. Title VII details funding through a surtax on individuals with incomes over \$1,000,000. (JB)

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102D CONGRESS  
2D SESSION

# H. R. 5600

To promote family preservation and the prevention of foster care with emphasis on families where abuse of alcohol or drugs is present, to improve the quality and delivery of child welfare, foster care, and adoption services, and to alleviate childhood hunger.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 9, 1992

Mr. DOWNEY (for himself, Mr. PANETTA, Mr. DE LA GARZA, Mr. TALLON, Mrs. KENNELLY, Mr. McDERMOTT, Mr. ANDREWS of Texas, Mr. HALL of Ohio, and Mr. ESPY) introduced the following bill; which was referred jointly to the Committees on Ways and Means and Agriculture

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## A BILL

To promote family preservation and the prevention of foster care with emphasis on families where abuse of alcohol or drugs is present, to improve the quality and delivery of child welfare, foster care, and adoption services, and to alleviate childhood hunger.

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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Children’s Initiative”.

6 (b) TABLE OF CONTENTS.—

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- Sec. 1. Short title; table of contents.
- Sec. 2. Short title of titles I through V; amendment of Social Security Act.

#### TITLE I—CHILD WELFARE SERVICES

- Sec. 101. Entitlement funding for child welfare services to strengthen and preserve families.
- Sec. 102. Required protections for foster children.
- Sec. 103. Reports on child welfare services and expenditures.
- Sec. 104. Enhancing court procedures.
- Sec. 105. State directory of services.
- Sec. 106. States required to report on measures taken to comply with the Indian Child Welfare Act.

#### TITLE II—FOSTER CARE AND ADOPTION ASSISTANCE

- Sec. 201. Comprehensive service projects.
- Sec. 202. Abandoned children.
- Sec. 203. Clarification of removal from home requirement.
- Sec. 204. Dissolved adoptions.
- Sec. 205. Respite care
- Sec. 206. Extension of definition of children with special needs.
- Sec. 207. Study of reasonable efforts requirement by advisory committee.
- Sec. 208. Automated systems.
- Sec. 209. Periodic reevaluation of foster care maintenance payments.
- Sec. 210. Accelerated dispositional hearing.
- Sec. 211. Periodic review of children free for adoption.
- Sec. 212. Time frame for judicial determinations on voluntary placements.
- Sec. 213. Placement accountability.
- Sec. 214. Treatment of assets of youth participating in independent living program.
- Sec. 215. Elimination of foster care ceilings and of authority to transfer unused foster care funds to child welfare services programs.
- Sec. 216. Regulations for training of agency staff and of foster and adoptive parents.
- Sec. 217. Publication of program data.
- Sec. 218. Review of child welfare activities.

#### TITLE III—SOCIAL SERVICES BLOCK GRANT

- Sec. 301. Title XX social services block grant.

#### TITLE IV—RESEARCH, DEMONSTRATION, AND EVALUATION

- Sec. 401. Advisory Commission on Children and Families.
- Sec. 402. Research and evaluations to be conducted by the Advisory Commission on Children and Families.
- Sec. 403. Other research and evaluations.
- Sec. 404. Child welfare demonstration projects.
- Sec. 405. Technical assistance.

#### TITLE V—MISCELLANEOUS HUMAN RESOURCES AMENDMENTS

- Sec. 501. State option to use retrospective budgeting without monthly reporting under AFDC program.
- Sec. 502. Increase in stepparent income disregard under AFDC program.

- Sec. 503. Extension of period for demonstration projects for evaluating model procedures for reviewing child support awards.
- Sec. 504. Technical corrections related to the income security and human resources provisions of the Omnibus Budget Reconciliation Act of 1990.
- Sec. 505. Technical corrections related to the human resource and income security provisions of Omnibus Budget Reconciliation Act of 1989.

#### TITLE VI—CHILDHOOD HUNGER RELIEF

- Sec. 601. Short title.
- Sec. 602. References to Act.

##### SUBTITLE A—ENSURING ADEQUATE FOOD ASSISTANCE

- Sec. 611. Families with high shelter expenses.
- Sec. 612. Continuing benefits to eligible households.
- Sec. 613. Homeless families in transitional housing.
- Sec. 614. Improving the nutritional status of children in Puerto Rico.
- Sec. 615. Households benefiting from general assistance vendor payments.
- Sec. 616. Helping low-income high school students.

##### SUBTITLE B—PROMOTING SELF-SUFFICIENCY

- Sec. 621. Child support disregard.
- Sec. 622. Child support payments to non-household members.
- Sec. 623. Vehicles needed to seek and continue employment and for household transportation.

##### SUBTITLE C—SIMPLIFYING THE PROVISION OF FOOD ASSISTANCE

- Sec. 631. Simplifying the household definition for households with children and others.
- Sec. 632. Assuring adequate funding for the food stamp program.

##### SUBTITLE D—COMMODITY DISTRIBUTION TO NEEDY FAMILIES

- Sec. 641. Commodity purchases.

##### SUBTITLE E—IMPLEMENTATION AND EFFECTIVE DATES

- Sec. 651. Effective dates.
- Sec. 652. Prohibition on reducing agriculture price support programs.

#### TITLE VII—FUNDING

- Sec. 701. Surtax on individuals with incomes over \$1,000,000.

### 1 SEC. 2. SHORT TITLE OF TITLES I THROUGH V; AMEND- 2 MENT OF SOCIAL SECURITY ACT.

- 3 (a) SHORT TITLE OF TITLES I THROUGH V.—Titles  
4 I through V may be cited as the “Family Preservation  
5 Act of 1992”.

1 (b) AMENDMENT OF SOCIAL SECURITY ACT.—Ex-  
2 cept as otherwise expressly provided, wherever in titles I  
3 through V of this Act an amendment or repeal is expressed  
4 in terms of an amendment to, or repeal of, a section or  
5 other provision, the reference shall be considered to be  
6 made to a section or other provision of the Social Security  
7 Act.

8 **TITLE I—CHILD WELFARE**  
9 **SERVICES**

10 **SEC. 101. ENTITLEMENT FUNDING FOR CHILD WELFARE**  
11 **SERVICES DESIGNED TO STRENGTHEN AND**  
12 **PRESERVE FAMILIES.**

13 (a) IN GENERAL.—Part B of title IV (42 U.S.C.  
14 620–628) is amended—

15 (1) by striking the heading and inserting the  
16 following:

17 **“PART B—CHILD WELFARE AND FAMILY**  
18 **PRESERVATION SERVICES**

19 **“Subpart 1—Child Welfare Services”;**

20 (2) in section 423(a), by striking “this part”  
21 and inserting “this subpart”;

22 (3) in section 428(b), by inserting “or 432, as  
23 appropriate” after “421”; and

24 (4) by adding at the end the following:

1           **“Subpart 2—Family Preservation Services**

2   **“SEC. 430. ENTITLEMENT.**

3           “(a) IN GENERAL.—For payments to which States  
4 are entitled under this subpart, there shall be available  
5 to the Secretary an amount equal to the sum of—

6                   “(1) the basic entitlement amount for the fiscal  
7 year; and

8                   “(2) the additional entitlement amount for the  
9 fiscal year.

10          “(b) DEFINITIONS.—As used in subsection (a):

11                   “(1) BASIC ENTITLEMENT AMOUNT.—The term  
12 ‘basic entitlement amount’ means—

13                           “(A) for fiscal year 1993, \$200,000,000;

14                           “(B) for fiscal year 1994, \$350,000,000;

15                           “(C) for fiscal year 1995, \$450,000,000;

16                           “(D) for fiscal year 1996, \$550,000,000;

17                           “(E) for fiscal year 1997, \$600,000,000;

18                   and

19                           “(F) for fiscal year 1998 and each suc-  
20 ceeding fiscal year, \$600,000,000, increased by  
21 the percentage (if any) by which—

22                                   “(i) the average of the Consumer  
23 Price Index (as defined in section 1(f)(5)  
24 of the Internal Revenue Code of 1986) for  
25 the 12-month period ending on July 31 of

1 the immediately preceding fiscal year; ex-  
2 ceeds

3 “(ii) the average of the Consumer  
4 Price Index (as so defined) for the 12-  
5 month period ending on July 31, 1995.

6 “(2) ADDITIONAL ENTITLEMENT AMOUNT.—  
7 The term ‘additional entitlement amount’ means,  
8 with respect to a fiscal year, 60 percent of the  
9 amount (if any) by which the adjusted baseline  
10 amount for the fiscal year exceeds the sum of—

11 “(A) the aggregate amount of Federal out-  
12 lays under part E for the fiscal year; and

13 “(B) the aggregate of the amounts cal-  
14 culated pursuant to section 441(d)(1)(B) with  
15 respect to any State for the fiscal year.

16 “(3) ADJUSTED BASELINE AMOUNT.—The term  
17 ‘adjusted baseline amount’ means, with respect to a  
18 fiscal year, the sum of—

19 “(A) the baseline amount for the fiscal  
20 year; and

21 “(B) the adjustment amount for the fiscal  
22 year.

23 “(4) BASELINE AMOUNT.—The term ‘baseline  
24 amount’ means—

25 “(A) for fiscal year 1993, \$2,775,000,000;

1           “(B) for fiscal year 1994, \$3,122,000,000;

2           “(C) for fiscal year 1995, \$3,519,000,000;

3           “(D) for fiscal year 1996, \$3,952,000,000;

4           “(E) for fiscal year 1997, \$4,416,000,000;

5           and

6           “(F) for each of fiscal years 1998 and  
7           1999, \$4,416,000,000, increased by the per-

8           centage (if any) by which the GDP deflator for

9           the 12-month period ending on March 31 of the

10          calendar year in which the fiscal year begins ex-

11          ceeds the GDP deflator for the 12-month period

12          ending on March 31, 1997.

13          “(5) ADJUSTMENT AMOUNT.—The term ‘ad-  
14          justment amount’ means—

15                 “(A) for fiscal year 1993, \$227,000,000;

16                 “(B) for fiscal year 1994, \$222,000,000;

17                 “(C) for fiscal year 1995, \$181,000,000;

18                 “(D) for fiscal year 1996, \$261,000,000;

19                 “(E) for fiscal year 1997, \$336,000,000;

20                 and

21                 “(F) for each of fiscal years 1998 and  
22                 1999, \$336,000,000, increased by the percent-

23                 age (if any) by which the GDP deflator for the

24                 12-month period ending on March 31 of the

25                 calendar year in which the fiscal year begins ex-

1 ceeds the GDP deflator for the 12-month period  
2 ending on March 31, 1997.

3 “(6) GDP DEFLATOR.—The term ‘GDP  
4 deflator’ means the GDP deflator published by the  
5 Department of Commerce.

6 **“SEC. 431. ANNUAL SUBMISSION OF STATE PLAN AMEND-**  
7 **MENTS.**

8 “To be eligible to receive its share of the funds avail-  
9 able for expenditure under this subpart for a fiscal year  
10 after fiscal year 1993, a State shall annually submit to  
11 the Secretary, as an amendment to the State plan under  
12 this part, and in such form as the Secretary may require  
13 by regulation, a comprehensive family services plan that  
14 contains—

15 “(1) an assessment, as of the beginning of the  
16 fiscal year, of—

17 “(A) the service needs of families in the  
18 State any child of which has been or is at risk  
19 of being placed outside the home; and

20 “(B) the need for substance abuse treat-  
21 ment services for such families;

22 “(2) a description of the service programs avail-  
23 able in the State, as of the beginning of the fiscal  
24 year, that address the service needs of such families;

1           “(3) the State’s goals for the 5-year period be-  
2           ginning with the fiscal year for increasing the num-  
3           ber and capacity of such service programs;

4           “(4) a strategy for the fiscal year to improve  
5           the coordination of services to such families with  
6           other State programs and services;

7           “(5) a certification from the Governor of the  
8           State that the State has provided for appropriate co-  
9           ordination of State substance abuse treatment pro-  
10          grams and such service programs;

11          “(6) an assurance that the State will not use  
12          any funds provided under this subpart to supplant  
13          Federal, State, or local funds used for similar pur-  
14          poses,

15          “(7) an explanation of how the Federal assist-  
16          ance provided under this section will, during the fis-  
17          cal year, expand services available to such families,  
18          including—

19                 “(A) a description of the service programs  
20                 to be provided with funds provided under this  
21                 section;

22                 “(B) the goals of such programs; and

23                 “(C) a description of the populations to  
24                 which the programs will be targeted, with an

1 assurance that such populations will consist  
2 of—

3 “(i) families any child of which is, has  
4 been, or is at risk of being placed, in foster  
5 care; and

6 “(ii) at the option of the State, fami-  
7 lies any child of which is, has been, or is  
8 at risk of being placed, in the care of a  
9 mental health or juvenile justice agency;  
10 and

11 “(8) such other information as the Secretary  
12 may require by regulation.

13 **“SEC. 432. ALLOTMENTS TO STATES.**

14 “The Secretary shall allot the sum made available  
15 pursuant to section 430 for any fiscal year, for use by  
16 cooperating State public welfare agencies which have plans  
17 developed jointly by the State agency and the Secretary  
18 and which are located in States that are in compliance  
19 with section 431, as follows:

20 “(1) ALLOTMENTS TO TERRITORIES.—The al-  
21 lotment for any fiscal year to each of the jurisdic-  
22 tions of Puerto Rico, Guam, the Virgin Islands, the  
23 Northern Mariana Islands, and American Samoa  
24 shall be determined in the same manner in which

1 the allotment to the jurisdiction was determined  
2 under section 421.

3 “(2) OTHER ALLOTMENTS.—

4 “(A) IN GENERAL.—The allotment for any  
5 fiscal year to each other State shall be the  
6 amount equal to—

7 “(i) the sum made available pursuant  
8 to section 430 for the fiscal year that re-  
9 mains unallotted after the application of  
10 paragraph (1) of this section; multiplied by

11 “(ii) the food stamp percentage of the  
12 State for the fiscal year.

13 “(B) FOOD STAMP PERCENTAGE DE-  
14 FINED.—As used in subparagraph (A)(ii), the  
15 term ‘food stamp percentage’ means, with re-  
16 spect to a State and a fiscal year, the average  
17 number of children receiving food stamp bene-  
18 fits in the State for the 4th, 3rd, and 2nd pre-  
19 ceding fiscal years, as determined from sample  
20 surveys made under section 16(e) of the Food  
21 Stamp Act of 1977, expressed as a percentage  
22 of the average number of children receiving  
23 food stamp benefits in all of the States (to  
24 which this paragraph applies) for such preced-  
25 ing fiscal years, as so determined.

1 **“SEC. 433. REALLOTMENTS.**

2       “(a) IN GENERAL.—The amount of any allotment to  
3 a State under section 432 for any fiscal year which the  
4 State certifies will not be required for carrying out the  
5 State plan under this part shall be available for realloc-  
6 ment, from time to time, on such dates as the Secretary  
7 may fix, to other States which the Secretary determines—

8               “(1) are in compliance with section 431 for the  
9 fiscal year;

10               “(2) need sums exceeding the sums allotted to  
11 such States under sections 421 and 432, in carrying  
12 out their State plans under this part; and

13               “(3) will be able to use such excess sums during  
14 the fiscal year.

15       “(b) DISTRIBUTION FORMULA.—Any amount avail-  
16 able for reallocation shall be reallocated among the other  
17 States referred to in subsection (a) on the same basis as  
18 allotments are made under section 432.

19       “(c) TREATMENT OF REALLOTMENTS.—Any amount  
20 reallocated to a State under this section is deemed to be  
21 part of the allotment of the State under section 432.

22 **“SEC. 434. PAYMENTS TO STATES.**

23       “(a) BASIC ENTITLEMENT AMOUNT.—

24               “(1) IN GENERAL.—From the sums appro-  
25 priated therefor not exceeding the basic entitlement  
26 amount (as defined in section 430(b)(1)) and the al-

1 allotment under this subpart of the basic entitlement  
2 amount, each State which has a plan developed in  
3 accordance with section 422 and is in compliance  
4 with section 431 for a fiscal year shall be entitled to  
5 receive from the Secretary, and the Secretary shall  
6 from time to time pay to each such State, an  
7 amount equal to 75 percent of the total amount ex-  
8 pended by the State during the fiscal year under the  
9 plan (including administrative costs) in accordance  
10 with section 435.

11 “(2) ADMINISTRATIVE PROVISIONS.—

12 “(A) ESTIMATES.—Before each calendar  
13 quarter, the Secretary shall estimate the  
14 amount to be paid to each State under this sub-  
15 section for the quarter.

16 “(B) PAYMENTS.—From that portion of  
17 the allotment of each State that is attributable  
18 to the basic entitlement amount, the Secretary  
19 shall pay the amount estimated under subpara-  
20 graph (A), reduced or increased, as the case  
21 may be, by any sum (not previously adjusted  
22 under this subsection) by which the Secretary  
23 finds that any such estimate for a prior quarter  
24 was greater or less than the amount which

1           should have been paid to the State under this  
2           subsection for such prior quarter.

3           “(b) **ADDITIONAL ENTITLEMENT AMOUNT.**—From  
4 the sums appropriated therefor equal to the additional en-  
5 titlement amount (as defined in section 430(b)(2)) and the  
6 allotment under this subpart of the additional entitlement  
7 amount, each State which has a plan developed in accord-  
8 ance with section 422 and is in compliance with section  
9 431 for a fiscal year shall be entitled to receive from the  
10 Secretary, and the Secretary shall, within 3 months after  
11 the end of the fiscal year, pay to each such State, the  
12 amount allotted to the State from the additional entitle-  
13 ment amount.

14 **“SEC. 435. USE OF FUNDS.**

15           “(a) **BASIC ENTITLEMENT AMOUNT.**—Each State  
16 which receives funds paid to the State under section  
17 434(a) shall—

18                   “(1) use part (but not all) of such funds to de-  
19 velop or expand specialized child welfare service pro-  
20 grams, to families in crisis due to substance abuse,  
21 that—

22                           “(A) emphasize comprehensive services;

23                           “(B) are geared toward the whole family;

24                   and

1           “(C) encourage or expand the availability  
2 of programs for pregnant women and programs  
3 which allow mothers to reside with their chil-  
4 dren (and other caretaker relatives to reside  
5 with the children in their care) while receiving  
6 services or treatment; and

7           “(2) use the remaining part of such funds to  
8 develop or expand—

9           “(A) service programs designed to help  
10 children—

11           “(i) where appropriate, return to fam-  
12 ilies (including adoptive families) from  
13 which they have been removed; or

14           “(ii) be placed for adoption, with a  
15 legal guardian, or, if adoption or legal  
16 guardianship is determined not to be ap-  
17 propriate for a child, in some other  
18 planned, permanent living arrangement;

19           “(B) preplacement preventive services pro-  
20 grams, such as intensive family preservation  
21 programs (as defined in section  
22 1144(c)(1)(B)(i)), that are designed to help  
23 children at risk of foster care placement remain  
24 wit' their families (including adoptive families);  
25 or

1           “(C) service programs designed to provide  
2           follow-up care to families (including adoptive  
3           families) to whom a child has been returned  
4           after a foster care placement.

5           “(b) ADDITIONAL ENTITLEMENT AMOUNT.—Each  
6           State which receives funds paid to the State under section  
7           434(b) may use such funds for any purpose for which  
8           funds may be used under this part.

9           “(c) MAINTENANCE OF EFFORT.—Notwithstanding  
10          section 434, the amount that would otherwise be paid to  
11          a State under this subpart shall be reduced by the sum  
12          of—

13               “(1) any amount paid to the State under this  
14               subpart which is used to supplant any Federal,  
15               State, or local funds used for similar purposes;

16               “(2) the amount (if any) by which the total  
17               amount expended by the State and the political sub-  
18               divisions thereof from State and local sources for the  
19               provision of child welfare services (excluding foster  
20               care maintenance payments and adoption assistance  
21               payments) during any fiscal year is less than the  
22               total amount so expended during fiscal year 1992;  
23               and

24               “(3) the amount (if any) by which the total  
25               amount expended by the State and the political sub-

1 divisions thereof from State and local sources for the  
 2 provision of child welfare services during any fiscal  
 3 year is less than the total amount so expended dur-  
 4 ing fiscal year 1992.”.

5 (b) EFFECTIVE DATE.—The amendments made by  
 6 subsection (a) shall take effect on October 1, 1992, and  
 7 shall apply to payments under part B of title IV of the  
 8 Social Security Act for fiscal year 1993 and to such pay-  
 9 ments for any succeeding fiscal year.

10 **SEC. 102. REQUIRED PROTECTIONS FOR FOSTER CHIL-**  
 11 **DREN.**

12 (a) ELIMINATION OF INCENTIVE FUNDING MECHA-  
 13 NISMS.—

14 (1) IN GENERAL.—

15 (A) REPEAL.—Section 427 (42 U.S.C.  
 16 627) is hereby repealed.

17 (B) CONFORMING AMENDMENT.—Section  
 18 423(a) (42 U.S.C. 623(a)) is amended by strik-  
 19 ing “and in section 427”.

20 (2) STATE PLAN REQUIRED TO PROVIDE FOR  
 21 FOSTER CARE PROTECTIONS OF REPEALED SECTION  
 22 427.—Section 422(b) (42 U.S.C. 622(b)) is  
 23 amended—

24 (A) by striking “and” at the end of para-  
 25 graph (7);

1 (B) by striking the period at the end of  
2 paragraph (8) and inserting “; and”; and

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

4 “(9) provide that the State must—

5 “(A) conduct or have conducted an inven-  
6 tory of all children who have been in foster care  
7 under the responsibility of the State for a pe-  
8 riod of 6 months preceding the inventory, and  
9 determine or have determined—

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

12 “(ii) whether the child can or should  
13 be returned to the parents of the child or  
14 should be freed for adoption; and

15 “(iii) the services necessary to facili-  
16 tate either the return of the child or the  
17 placement of the child for adoption or legal  
18 guardianship; and

19 “(B) implement and operate, to the satis-  
20 faction of the Secretary—

21 “(i) a statewide information system  
22 from which the status, demographic char-  
23 acteristics, location, and goals for the  
24 placement of every child who is in foster  
25 care, or who has been in such care within

1 the preceding 12 months, can be readily  
2 determined;

3 “(ii) a case review system (as defined  
4 in section 475(5)) for each child receiving  
5 foster care under the supervision of the  
6 State; and

7 “(iii) a service program designed to  
8 help children—

9 “(I) where appropriate, return to  
10 families from which they have been  
11 removed; or

12 “(II) be placed for adoption, with  
13 a legal guardian, or in some other  
14 planned, permanent living arrange-  
15 ment.”.

16 (3) CONFORMING AMENDMENTS.—

17 (A) Section 472(d) (42 U.S.C. 672(d)) is  
18 amended by striking “427(b)” and inserting  
19 “422(b)(9)”.

20 (B) Section 425(a)(2) (42 U.S.C.  
21 625(a)(2)) is amended by inserting “to comply  
22 with section 422(b)(9) or” before “to comply”.

23 (4) EFFECTIVE DATE.—The amendments and  
24 repeal made by this subsection shall take effect on  
25 October 1, 1992, and shall apply to payments under

1 part B of title IV of the Social Security Act for fis-  
2 cal year 1993 and to such payments for any suc-  
3 ceeding fiscal year.

4 (5) CONSTRUCTION OF SUBSECTION.—The  
5 amendments and repeal made by this subsection  
6 shall not be construed to permit any State to inter-  
7 rupt the provision of the foster care protections de-  
8 scribed in section 427 of the Social Security Act, as  
9 in effect before fiscal year 1993.

10 (b) ADDITIONAL PROTECTIONS.—

11 (1) IN GENERAL.—Section 422(b)(9) (42  
12 U.S.C. 622(b)(9)), as added by subsection (a)(2) of  
13 this section, and as amended by sections  
14 103(c)(1)(B) and 105(a)(1) of this Act, is  
15 amended—

16 (A) by striking “and” at the end of sub-  
17 paragraph (A)(iii); and

18 (B) by striking “and” at the end of sub-  
19 paragraph (B)(ii);

20 (C) by inserting “and” at the end of sub-  
21 paragraph (B)(iii); and

22 (D) by adding at the end the following:

23 “(iv) a preplacement preventive serv-  
24 ices program designed to help children at

1 risk of foster care placement remain with  
2 their families; and

3 “(C)(i) review or have reviewed State laws,  
4 State administrative and judicial procedures,  
5 and agency legal representation in effect for  
6 children abandoned at or shortly after birth;  
7 and

8 “(ii) develop and implement such laws and  
9 procedures as the State determines are nec-  
10 essary to enable lasting permanent decisions to  
11 be made expeditiously with respect to the place-  
12 ment of such children;”.

13 (2) EFFECTIVE DATE.—The amendments made  
14 by this subsection shall take effect on October 1,  
15 1994, and shall apply to payments under parts B  
16 and E of title IV of the Social Security Act for fiscal  
17 year 1995 and to such payments for any succeeding  
18 fiscal year.

19 (3) CONSTRUCTION OF SUBSECTION.—The  
20 amendments made by this subsection shall not be  
21 construed to permit any State to interrupt the provi-  
22 sion of the foster care protections described in sec-  
23 tion 427 of the Social Security Act (as in effect be-  
24 fore fiscal year 1993).

1 SEC. 103. REPORTS ON CHILD WELFARE SERVICES AND EX-  
2 PENDITURES.

3 (a) PRE-EXPENDITURE REPORTS.—

4 (1) IN GENERAL.—Section 422(b)(5) (42  
5 U.S.C. 622(b)(5)) is amended to read as follows:

6 “(5) include a report—

7 “(A) on the intended use of payments  
8 made to the State under this part, including in-  
9 formation on the types of services to be pro-  
10 vided and the geographic areas where such  
11 services will be available; and

12 “(B) which shall be made public within the  
13 State in such manner as to facilitate comment  
14 by any person (including any Federal or other  
15 public agency) during each stage of the develop-  
16 ment of the report.”.

17 (2) EFFECTIVE DATE.—The amendment made  
18 by paragraph (1) shall apply to State plans under  
19 part B of title IV of the Social Security Act for fis-  
20 cal year 1994 and such plans for any succeeding fis-  
21 cal year.

22 (b) POST-EXPENDITURE REPORTS.—

23 (1) IN GENERAL.—Part B of title IV (42  
24 U.S.C. 620–628) is amended by inserting after sec-  
25 tion 426 the following:

1 **“SEC. 427. REPORT ON EXPENDITURES.**

2       “(a) **PREPARATION.**—Each State shall prepare an-  
3 nual reports on the services provided with funds made  
4 available under this part during the most recently com-  
5 pleted fiscal year, which shall be in such form and contain  
6 such information as the State finds necessary to—

7           “(1) provide an accurate description of such  
8 services;

9           “(2) secure a complete record of the purposes  
10 for which the funds were spent; and

11           “(3) enable a determination of the extent to  
12 which the funds were spent in a manner consistent  
13 with the reports required by section 422(b)(5).

14       “(b) **DISSEMINATION.**—Not later than the date pre-  
15 scribed by the Secretary as the due date for each report  
16 required by subsection (a), each State shall—

17           “(1) transmit to the Secretary a copy of each  
18 such report;

19           “(2) make copies of each such report available  
20 for public inspection in the State; and

21           “(3) provide copies of each such report, upon  
22 request, to any interested public agency, which may  
23 provide to the Congress the views of such agency on  
24 any such report.

25       “(c) **ESTABLISHMENT OF UNIFORM DEFINITIONS.**—

26 The Secretary shall establish uniform definitions of serv-

1 ices for use by the States in preparing the reports required  
 2 by subsection (a) of this section, taking into consideration  
 3 the uniform definitions established for the reports required  
 4 by section 2006, and shall take such other steps as may  
 5 be necessary or appropriate to ensure that compliance  
 6 with this section will not be unduly burdensome on the  
 7 States.”.

8           (2) EFFECTIVE DATE.—The amendment made  
 9 by paragraph (1) shall take effect on October 1,  
 10 1993, and shall apply to expenditures under State  
 11 plans under part B of title IV of the Social Security  
 12 Act in or after fiscal year 1994.

13           (c) COMPARATIVE FINANCIAL CONTRIBUTION RE-  
 14 PORTS.—

15           (1) IN GENERAL.—Section 422(b) (42 U.S.C.  
 16 622(b)), as amended by section 102(a)(2) of this  
 17 Act, is amended—

18           (A) in paragraph (8), by striking “and” at  
 19 the end;

20           (B) in paragraph (9), by striking the pe-  
 21 riod and inserting “; and”; and

22           (C) by adding at the end the following:

23           “(10) include information for the fiscal year  
 24 second preceding the fiscal year covered by the plan,

1 in such form as the Secretary may prescribe by reg-  
2 ulation, on—

3 “(A) the aggregate amount expended by  
4 the State and the political subdivisions thereof  
5 for the provision of child welfare services (other  
6 than foster care maintenance payments and  
7 adoption assistance payments), broken down in  
8 a manner that shows the extent to which such  
9 amount was expended from funds provided by  
10 each of Federal, State, or local sources; and

11 “(B) the aggregate amount expended by  
12 the State and the political subdivisions thereof  
13 for foster care maintenance payments and  
14 adoption assistance payments, broken down in a  
15 manner that shows the extent to which such  
16 amount was expended from funds provided by  
17 each of Federal, State, or local sources.”.

18 (2) EFFECTIVE DATE.—The amendment made  
19 by paragraph (1) shall apply to State plans under  
20 part B of title IV of the Social Security Act for fis-  
21 cal year 1993 and to such plans for any succeeding  
22 fiscal year.

23 (3) REPORTS TO THE CONGRESS.—Section 422  
24 (42 U.S.C. 622) is amended by adding at the end  
25 the following:

1       “(c) The Secretary shall annually transmit to the  
2 Committee on Ways and Means of the House of Rep-  
3 resentatives and the Committee on Finance of the Senate  
4 a summary of the information received from States pursu-  
5 ant to subsection (b)(10), and shall make available to the  
6 public copies of the summary at a charge equal to the cost  
7 of printing.”.

8 **SEC. 104. GRANT PROGRAM FOR STATE COURT SYSTEMS TO**  
9                                   **ASSESS AND IMPROVE PROCEDURES IN**  
10                                   **CHILD WELFARE CASES.**

11       (a) **IN GENERAL.**—The Secretary of Health and  
12 Human Services (in this section referred to as the “Sec-  
13 retary”) shall make grants in accordance with this section  
14 to the highest State courts to conduct assessments of the  
15 procedures and functions of the State courts in carrying  
16 out parts B and E of title IV of the Social Security Act,  
17 and to implement recommendations for improvements in  
18 such procedures and functions based on the assessments.

19       (b) **ASSESSMENTS.**—The assessment described in this  
20 subsection is designed to assess how the State courts are  
21 performing the activities required of them by or under  
22 State laws enacted pursuant to parts B and E of title IV  
23 of the Social Security Act, and to make recommendations  
24 on how to improve the implementation of such parts,  
25 which shall include the following:

1           (1) A list of the requirements imposed on the  
2 State courts by or under State laws enacted pursu-  
3 ant to such parts, and a list of the State laws, regu-  
4 lations, and policies that govern the implementation  
5 of such requirements.

6           (2) A description of the extent to which State  
7 law requires procedural safeguards for children and  
8 their parents with respect to each type of proceeding  
9 held by State courts pursuant to the State laws re-  
10 ferred to in paragraph (1).

11           (3) A quantitative and qualitative evaluation of  
12 how each requirement of such parts is being carried  
13 out in the State, including the following:

14           (A) The circumstances under which, and  
15 the frequency with which, the procedural safe-  
16 guards described pursuant to paragraph (2) are  
17 provided.

18           (B) Whether, during court proceedings,  
19 evidence is presented and arguments are made  
20 that address the findings and determinations  
21 required by the State laws referred to in para-  
22 graph (1), and, if so, the amount and suffi-  
23 ciency of time devoted to the presentation of  
24 such evidence and the making of such argu-  
25 ments.

1           (C) The extent to which the procedures  
2           and practices of the State courts are reasonably  
3           in accord with recommended standards of na-  
4           tional organizations concerned with permanent  
5           placement for foster children.

6           (4) The effect of judicial caseloads and case as-  
7           signments on the quality of court proceedings.

8           (5) Recommendations on how to better meet  
9           the requirements of such parts, and to improve the  
10          implementation by the State courts of the State laws  
11          enacted pursuant to such parts, including any  
12          changes in law, regulation, procedure, judicial man-  
13          power, judicial case assignments, judicial caseloads,  
14          judicial data collection, judicial education, and re-  
15          quirements for court-appointed legal representatives  
16          for parents and children.

17          (c) APPLICATIONS.—

18               (1) FISCAL YEAR 1994.—In order for a highest  
19               State court to become eligible for a grant under this  
20               section for fiscal year 1994, the court shall submit  
21               to the Secretary an application which, at a mini-  
22               mum, contains the following:

23                       (A) A timetable for conducting and com-  
24                       pleting the assessment described in subsection

25                       (b) during fiscal year 1994.

1 (B) A budget for the assessment described  
2 in subsection (b), the method which is to be  
3 used to conduct the assessment, and a state-  
4 ment of how courts are to be selected for inclu-  
5 sion in the assessment.

6 (C) A certification that the head of the  
7 State agency responsible for children in State-  
8 supervised foster care, and, if applicable, the  
9 State foster care citizen review board or the  
10 State organization of citizen review boards, has  
11 had an opportunity to review and comment on  
12 a draft of the application before its submission.  
13 Such certification must include a copy of such  
14 comments.

15 (D) A description of how the court is to  
16 consult and cooperate with the head of the  
17 State agency responsible for children in State-  
18 supervised foster care, and, if applicable, the  
19 State foster care citizen review board or the  
20 State organization of citizen review boards, in  
21 developing and conducting the assessment de-  
22 scribed in subsection (b).

23 (E) Such other information as the Sec-  
24 retary may require by regulation.

1           (2) FISCAL YEAR 1995.—In order for a highest  
2 State court to become eligible for a grant under this  
3 section for fiscal year 1995, the court shall submit  
4 to the Secretary an application which contains the  
5 following:

6           (A) A copy of the assessment described in  
7 subsection (b) that was conducted and com-  
8 pleted with funds provided under this section.

9           (B) A description of the steps that were  
10 taken during the conduct of the assessment de-  
11 scribed in subsection (b), and that will be taken  
12 in the fiscal year for which the application is  
13 submitted, to consult and cooperate with the  
14 State agency responsible for children in State-  
15 supervised foster care and, if applicable, the  
16 State foster care citizen review board or the  
17 State organization of citizen review boards.

18           (C) A specification of the steps that will be  
19 taken to implement the recommendations de-  
20 scribed in subsection (b)(5) made in the assess-  
21 ment described in subsection (b), and to make  
22 other improvements in the judicial handling of  
23 child welfare and foster care cases.

24           (D) Assurances that the applicant will—

1 (i) coordinate with the head of the  
2 State agency responsible for children in  
3 State-supervised foster care, and provide  
4 the agency with a report on the actions to  
5 be taken by the applicant to implement the  
6 recommendations of the assessment;

7 (ii) after completion of the assessment  
8 described in subsection (b), use funds re-  
9 ceived under this section to—

10 (I) implement the rec-  
11 ommendations of the assessment; and

12 (II) establish new activities or  
13 programs, or strengthen existing ac-  
14 tivities or programs, to carry out such  
15 recommendations; and

16 (iii) not use funds received under this  
17 section to supplant State or local funds  
18 used for similar purposes.

19 (E) Such other information as the Sec-  
20 retary may require by regulation.

21 (3) FISCAL YEARS 1996, 1997, AND 1998.—In  
22 order for a highest State court to become eligible for  
23 a grant under this section for fiscal year 1996 or  
24 thereafter, the court shall submit to the Secretary  
25 an application which contains the following:

1 (A) A description and evaluation of the ac-  
2 tivities of the State courts under the grant  
3 made with respect to an application submitted  
4 under paragraph (2) in improving their imple-  
5 mentation of parts B and E of title IV of the  
6 Social Security Act.

7 (B) A description of the steps that were  
8 taken during the previous fiscal year, and that  
9 will be taken in the year for which the applica-  
10 tion is submitted, to consult and cooperate with  
11 the head of the State agency responsible for  
12 children in State-supervised foster care and, if  
13 applicable, the State foster care citizen review  
14 board or the State organization of citizen review  
15 boards, in implementing the recommendations  
16 made in the assessment described in subsection  
17 (b).

18 (C) A specification of the remaining steps  
19 that will be taken to implement the rec-  
20 ommendations described in subsection (b)(5)  
21 made in the assessment described in subsection  
22 (b), and to make other related improvements in  
23 the judicial handling of child welfare and foster  
24 care cases.

1 (D) A reaffirmation of the assurances  
2 made pursuant to paragraph (2)(D).

3 (E) Such other information as the Sec-  
4 retary may require by regulation.

5 (d) GRANT AMOUNTS.—

6 (1) FISCAL YEAR 1994.—Of the amounts made  
7 available to carry out this section for fiscal year  
8 1994, each highest State court that submits an ap-  
9 plication which meets the requirements of subsection  
10 (c)(1) shall be entitled to, and the Secretary shall  
11 pay such court, a grant in an amount equal to—

12 (A) \$150,000; plus

13 (B) the amount which bears the same ratio  
14 to the remainder of such available amounts as  
15 the number of individuals in the State who have  
16 not attained the age of 21 years bears to the  
17 number of individuals who have not attained  
18 such age in the States the highest State courts  
19 of which have so submitted such applications.

20 (2) FISCAL YEARS 1995, 1996, 1997, AND 1998.—  
21 Of the amounts made available to carry out this sec-  
22 tion for each of fiscal years 1995, 1996, 1997, and  
23 1998, each highest State court that submits an ap-  
24 plication which meets the requirements of paragraph  
25 (2) or (3) of subsection (c) shall be entitled to, and

1 the Secretary shall pay such court, a grant in an  
2 amount equal to—

3 (A) \$190,000; plus

4 (B) the amount which bears the same ratio  
5 to the remainder of the amounts available for  
6 the fiscal year as the number of individuals in  
7 the State who have not attained the age of 21  
8 years bears to the number of individuals who  
9 have not attained such age in the States the  
10 highest State courts of which have so submitted  
11 such applications.

12 (3) NO STATE MATCH REQUIRED FOR FISCAL  
13 YEARS 1994 AND 1995; REDISTRIBUTION OF UNUSED  
14 FUNDS.—Grant amounts under this section shall be  
15 paid to, and redistributed among, highest State  
16 courts in the same manner in which funds made  
17 available pursuant to section 420(b) of the Social  
18 Security Act are paid to, and reallocated among, the  
19 States pursuant to sections 423 and 424 of such  
20 Act, except that—

21 (A) for each of fiscal years 1994 and 1995,  
22 section 423(a) of such Act shall be applied by  
23 substituting “100 percentum” for “75  
24 percentum”; and

1 (B) amounts shall be redistributed on the  
2 same basis as amounts are distributed under  
3 paragraph (1)(B) or (2)(B), and amounts so re-  
4 distributed shall be treated as part of the  
5 amounts distributed under paragraph (1)(B) or  
6 (2)(B), whichever is applicable.

7 (e) USE OF GRANTS.—

8 (1) FISCAL YEAR 1994.—

9 (A) CONDUCT ASSESSMENT.—Except as  
10 provided in subparagraph (B), each highest  
11 State court which receives a grant applied for  
12 under subsection (c)(1) shall use such grant to  
13 conduct the assessment described in subsection  
14 (b).

15 (B) AUTHORITY TO USE EXCESS GRANT  
16 FUNDS TO IMPLEMENT RECOMMENDATIONS.—  
17 Any highest State court which has grant funds  
18 remaining after completing the assessment may  
19 use the remainder of the grant to implement  
20 the recommendations made as part of the as-  
21 sessment, in fiscal year 1994 or fiscal year  
22 1995.

23 (2) FISCAL YEARS 1995, 1996, 1997, AND 1998.—

24 Each highest State court which receives a grant ap-

1       plied for under paragraph (2) or (3) of subsection  
2       (c) for a fiscal year shall—

3               (A) use the grant to implement the rec-  
4               ommendations made as part of the assessment  
5               described in subsection (b); and

6               (B) expend such grant in the fiscal year or  
7               in the immediately succeeding fiscal year.

8       (f) ADMINISTRATIVE PROVISIONS.—

9               (1) GUIDELINES FOR GRANT APPLICATIONS.—  
10       Within 90 days after the effective date of this sec-  
11       tion, the Secretary shall issue guidelines for grant  
12       applications under subsection (c)(1) and transmit  
13       such guidelines to each highest State court.

14              (2) PROMPT ACTION ON APPLICATIONS.—The  
15       Secretary shall take prompt action on each applica-  
16       tion for a grant under this section.

17       (g) DEFINITIONS.—As used in this section:

18              (1) HIGHEST STATE COURT.—The term “high-  
19       est State court” means, with respect to a State, the  
20       State court with final appellate jurisdiction over civil  
21       matters in which State courts perform a function as-  
22       signed by or under State laws enacted pursuant to  
23       part B or E of the Social Security Act.

1           (2) STATE.—The term “State” shall have the  
2 same meaning such term has for purposes of parts  
3 B and E of title IV of the Social Security Act.

4           (h) REPORTS TO THE CONGRESS.—The Secretary  
5 shall submit to the Congress an interim report not later  
6 than September 30, 1996, and a final report not later  
7 than September 30, 1999, on—

8           (1) the information obtained from the assess-  
9 ments conducted with grants made under this sec-  
10 tion; and

11           (2) the impact of the grant program under this  
12 section on the procedures and functions of the State  
13 courts in carrying out parts B and E of title IV of  
14 the Social Security Act.

15           (i) GRANTS FUNDED THROUGH SET ASIDE OF POR-  
16 TION OF CHILD WELFARE ENTITLEMENT FUNDS FOR  
17 CERTAIN FISCAL YEARS.—

18           (1) FISCAL YEAR 1994.—\$15,000,000 of the  
19 sums made available pursuant to section 430 of the  
20 Social Security Act for fiscal year 1994 shall be used  
21 solely to make grants to highest State courts under  
22 this section, before applying section 432 of such Act.

23           (2) FISCAL YEARS 1995, 1996, 1997, AND 1998.—  
24 \$25,000,000 of the sums made available pursuant to  
25 section 430 of the Social Security Act for each of

1 fiscal years 1995, 1996, 1997, and 1998 shall be  
2 used solely to make grants to highest State courts  
3 under this section, before applying section 432 of  
4 such Act.

5 (j) EFFECTIVE DATE.—This section shall take effect  
6 on October 1, 1993.

7 **SEC. 105. STATE DIRECTORY OF SERVICES.**

8 (a) STATE PLAN REQUIREMENT.—Section 422(b)  
9 (42 U.S.C. 622(b)), as amended by sections 102(a)(2) and  
10 103(c)(1) of this Act, is amended—

11 (1) by striking “and” at the end of paragraph  
12 (9);

13 (2) by striking the period at the end of para-  
14 graph (10) and inserting “; and”; and

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

16 “(11) require the agency administering or su-  
17 pervising the administration of the plan, not less fre-  
18 quently than every 2 years, to—

19 “(A) compile a detailed directory of those  
20 service programs made available by the agency  
21 or by local child welfare agencies to families  
22 served by such agencies that are—

23 “(i) preplacement preventive services  
24 programs that are designed to help chil-

1           dren at risk of foster care placement re-  
2           main with their families;

3                   “(ii) service programs designed to  
4           help children—

5                           “(I) where appropriate, return to  
6           families from which they have been  
7           removed; or

8                           “(II) be placed for adoption, with  
9           a legal guardian, or in some other  
10          planned, permanent living arrange-  
11          ment; or

12                   “(iii) service programs designed to  
13          provide follow-up care to families to whom  
14          a child has been returned after a foster  
15          care placement;

16                   “(B) identify in such directory which of  
17          the programs referred to in subparagraph (A)  
18          provides specialized child welfare services to  
19          families in crisis due to substance abuse;

20                   “(C) include in such directory such infor-  
21          mation as the Secretary may require by rule;

22                   “(D) include in such directory, for each of  
23          such programs—

1           “(i) the name and address of the pro-  
2           gram and the agency or organization that  
3           administers the program;

4           “(ii) a description of the services of-  
5           fered by the program;

6           “(iii) the number of individuals the  
7           program is capable of serving at one time;  
8           and

9           “(iv) a description of the criteria for  
10          eligibility for services under the program,  
11          including any priorities with respect to who  
12          will receive such services;

13          “(E) arrange the information in the direc-  
14          tory geographically; and

15          “(F) provide a copy of such directory to  
16          the Secretary and to all judges and other judi-  
17          cial administrators, and all State agencies, that  
18          are involved in child protection, foster care, and  
19          adoption cases.”.

20          (b) EFFECTIVE DATE.—The amendments made by  
21          subsection (a) shall take effect on October 1, 1993, and  
22          shall apply to payments under part B of title IV of the  
23          Social Security Act for fiscal year 1994 and to such pay-  
24          ments for any succeeding fiscal year.

1 SEC. 106. STATES REQUIRED TO REPORT ON MEASURES  
2 TAKEN TO COMPLY WITH THE INDIAN CHILD  
3 WELFARE ACT.

4 (a) STATE PLAN REQUIREMENT.—Section 422(b)  
5 (42 U.S.C. 622(b)), as amended by sections 102(a)(2),  
6 103(c)(1), and 105(a) of this Act, is amended—

7 (1) by striking “and” at the end of paragraph  
8 (10);

9 (2) by striking the period at the end of para-  
10 graph (11) and inserting “; and”; and

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

12 “(12) contain a description, developed after  
13 consultation with tribal organizations (as defined in  
14 section 4 of the Indian Self-Determination and Edu-  
15 cation Assistance Act) in the State, of the specific  
16 measures taken by the State to comply with the In-  
17 dian Child Welfare Act.”.

18 (b) EFFECTIVE DATE.—The amendments made by  
19 subsection (a) shall take effect on October 1, 1993, and  
20 shall apply to payments under part B of title IV of the  
21 Social Security Act for fiscal year 1994 and to such pay-  
22 ments for any succeeding fiscal year.

1       **TITLE II—FOSTER CARE AND**  
2               **ADOPTION ASSISTANCE**

3   **SEC. 201. COMPREHENSIVE SERVICE PROJECTS.**

4       (a) IN GENERAL.—Title IV (42 U.S.C. 601 et seq.)  
5 is amended by inserting after part B the following:

6   **“PART C—COMPREHENSIVE SERVICE PROJECTS**

7   **“SEC. 441. COMPREHENSIVE SERVICE PROJECTS.**

8       “(a) IN GENERAL.—

9               “(1) PURPOSE.—The purpose of this section is  
10 to grant States the flexibility and resources nec-  
11 essary to develop comprehensive and coordinated  
12 services designed—

13               “(A) to preserve and strengthen families  
14 with children at risk of placement outside their  
15 home;

16               “(B) to reunite children with their families  
17 expeditiously if an out-of-home placement is  
18 found to be necessary; and

19               “(C) to place children in adoptive homes or  
20 other permanent arrangements in a timely fash-  
21 ion if reunification with their families is not ap-  
22 propriate.

23               “(2) METHOD.—The method of this section is  
24 to permit any State to apply to the Secretary for  
25 permission—

1           “(A) to conduct a comprehensive service  
2 project in accordance with this section in such  
3 area or areas of the State as the State may se-  
4 lect; and

5           “(B) to suspend certain requirements of  
6 parts B and E with respect to the activities of  
7 the State in such area or areas during the  
8 project.

9           “(3) ENTITLEMENT.—For payments to which  
10 States authorized to conduct projects under this sec-  
11 tion are entitled under this part, there shall be avail-  
12 able to the Secretary for each fiscal year an amount  
13 equa. to 10 percent of the aggregate of the amounts  
14 that would have been paid to such States under sec-  
15 tion 423 for the fiscal year, and the amounts that  
16 would have been paid to such States under section  
17 434 for the fiscal year if the total sum available for  
18 such payments were equal to the basic entitlement  
19 amount (as defined in section 430(b)(1)), if the Sec-  
20 retary had approved the State plans of such States  
21 under part B for the fiscal year and had not author-  
22 ized such States to conduct projects under this sec-  
23 tion for the fiscal year.

24           “(b) APPLICATIONS.—Not later than 3 months before  
25 the fiscal year in which a State intends to commence a

1 comprehensive services project under this section, the  
2 State may submit to the Secretary an application to con-  
3 duct the project which shall contain the following:

4           “(1) A plan and a timetable for assessing by  
5           the end of the fiscal year—

6                   “(A) whether procedures and policies of  
7                   the child welfare agency of the State, or of the  
8                   area or areas of the State in which the project  
9                   is to be conducted, provide for the coordinated  
10                  delivery of services to children and their fami-  
11                  lies, and the specific barriers that must be over-  
12                  come to ensure such coordination;

13                  “(B) the service needs of families in the  
14                  area or areas of the State in which the project  
15                  is to be conducted whose child or children are  
16                  at imminent risk of placement outside their  
17                  home or are in an out-of-home placement in the  
18                  child welfare, juvenile justice, or mental health  
19                  system;

20                  “(C) specific service programs available in  
21                  the area or areas of the State in which the  
22                  project is to be conducted that address the serv-  
23                  ice needs of such families; and

24                  “(D) the extent to which common prac-  
25                  tices, policies, and procedures among the child

1 welfare, juvenile justice, and mental health sys-  
2 tems in the area or areas of the State in which  
3 the project is to be conducted govern the as-  
4 sessment of children and their families, the pro-  
5 vision of case plans, the delivery of services to  
6 children and their families, and the periodic re-  
7 views of the services provided, particularly with  
8 regard to families whose child or children are at  
9 imminent risk of placement outside their home  
10 or are in an out-of-home placement;

11 “(2) a plan and a timetable for implementing—

12 “(A) procedures and policies of the child  
13 welfare agency of the State, or of the area or  
14 areas of the State in which the project is to be  
15 conducted, that will result in the coordinated  
16 and efficient delivery of the range of child wel-  
17 fare services to families in the child welfare sys-  
18 tem;

19 “(B) a comprehensive services program de-  
20 signed to—

21 “(i) preserve and strengthen families  
22 with children at imminent risk of place-  
23 ment outside their home;

1           “(ii) reunite children with their fami-  
2           lies expeditiously if an out-of-home place-  
3           ment is found to be necessary;

4           “(iii) place children in adoptive homes  
5           or other permanent arrangements in a  
6           timely fashion if reunification with their  
7           families is not appropriate;

8           “(iv) meet the primary service needs  
9           of targeted families in the area or areas of  
10          the State in which the project is to be con-  
11          ducted who are in the child welfare, juve-  
12          nile justice, or mental health system and  
13          whose child or children are at imminent  
14          risk of placement outside their home or are  
15          in an out-of-home placement; and

16          “(v) include, at a minimum, access to  
17          substance abuse treatment, parenting edu-  
18          cation, health, mental health, crisis  
19          management, and counseling services;

20          “(C) a common assessment tool for  
21          targeting which children and families who come  
22          to the attention of the child welfare, juvenile  
23          justice, and mental health systems will partici-  
24          pate in the program described in subparagraph  
25          (B);

1           “(D) joint training of staff from the child  
2 welfare, mental health, and juvenile justice sys-  
3 tems who will be involved in the program de-  
4 scribed in subparagraph (B);

5           “(E) a system for delivering services under  
6 the program described in subparagraph (B) to  
7 families targeted for the program which ensures  
8 a single point of entry and uses a unified case  
9 management approach, and thereby minimizes  
10 unnecessary and duplicative assessments and  
11 services;

12           “(F) an information system to track chil-  
13 dren and families across systems who partici-  
14 pate in the program described in subparagraph  
15 (B), which provides data, not less frequently  
16 than annually, on the number of children and  
17 families served from each system and the na-  
18 ture of the services provided; and

19           “(G) a mechanism by which to ensure that  
20 relevant information on the service and treat-  
21 ment needs and outcomes of children and their  
22 families which is developed through their par-  
23 ticipation in the program described in subpara-  
24 graph (B) is made available, as appropriate, to  
25 case managers and service providers in the rel-

1 evant agencies who are charged with making  
2 service, placement, and other decisions with re-  
3 spect to the children and their families;

4 “(3) a statement of the specific outcomes the  
5 State expects by conducting the project, which shall  
6 include outcomes in at least the following areas—

7 “(A) an increase in the well-being of chil-  
8 dren;

9 “(B) a reduction in placements and ex-  
10 penditures for out-of-home care relative to what  
11 would have occurred otherwise;

12 “(C) an increase in the level and mix of  
13 preventive services available to families in the  
14 child welfare, juvenile justice, and mental health  
15 systems; and

16 “(D) an increase in coordination and co-  
17 operation among the child welfare, juvenile jus-  
18 tice, and mental health agencies;

19 “(4) an assurance that, in developing the appli-  
20 cation, the State consulted with and received tech-  
21 nical assistance from the Advisory Commission on  
22 Children and Families established under section  
23 1144;

24 “(5) a statement from the Advisory Commission  
25 on Children and Families containing its rec-

1 ommendation to the Secretary regarding the applica-  
2 tion;

3 “(6) a specification of the area or areas of the  
4 State in which the project is to be conducted, in  
5 which must reside not fewer than 300,000 individ-  
6 uals in the aggregate at the time the application is  
7 submitted;

8 “(7) a certification that all cost savings result-  
9 ing from the project will be used to provide child  
10 welfare services to families;

11 “(8) a certification that the State will provide  
12 the Secretary with such information about the  
13 project and the State programs carried out pursuant  
14 to parts B and E as the Secretary may request, and  
15 will cooperate with the Advisory Commission on  
16 Children and Families if the Commission evaluates  
17 the project;

18 “(9) a certification that—

19 “(A) the State will not use any funds pro-  
20 vided under this section to supplant any Fed-  
21 eral, State, or local funds used for similar pur-  
22 poses;

23 “(B) the aggregate amount expended from  
24 State and local sources by the State and the po-  
25 litical subdivisions thereof for the provision of

1 child welfare services (excluding foster care  
2 maintenance payments and adoption assistance  
3 payments) during any fiscal year will be not  
4 less than the aggregate amount so expended  
5 during fiscal year 1992; and

6 “(C) the aggregate amount expended from  
7 State and local sources by the State and the po-  
8 litical subdivisions thereof for the provision of  
9 child welfare services during any fiscal year will  
10 be not less than the aggregate amount so ex-  
11 pended during fiscal year 1992;

12 “(10) a certification that the individual or  
13 agency referred to in section 422(b)(1)(A) shall have  
14 lead responsibility for the operation and administra-  
15 tion of the project under this section;

16 “(11) a certification by the Governor of the  
17 State that project activities will be coordinated  
18 among the State child welfare, juvenile justice, and  
19 mental health agencies, and other appropriate State  
20 agencies; and

21 “(12) a list of those requirements of parts B  
22 and E which are to apply to the project, in addition  
23 to the requirements imposed by the provisions speci-  
24 fied in subsection (e)(6)(A) of this section.

25 “(e) ADMINISTRATIVE PROVISIONS.—

1           “(1) NOTIFICATION TO STATES OF APPLICA-  
2 TION REQUIREMENTS.—Not later than 6 months  
3 after the date of the enactment of this section, the  
4 Secretary shall prepare and transmit to each State  
5 a detailed explanation of the requirements for con-  
6 ducting a project under this section.

7           “(2) CONSIDERATION OF APPLICATIONS.—The  
8 Secretary shall consider all applications (and amend-  
9 ments thereto) received from States desiring to con-  
10 duct a project under this section.

11           “(3) AMENDMENT OF APPLICATIONS.—A State  
12 may, at any time and for any fiscal year, submit to  
13 the Secretary 1 or more amendments to any applica-  
14 tion submitted to the Secretary under this section.

15           “(4) NOTIFICATION TO ADVISORY COMMISSION  
16 IF ITS RECOMMENDATIONS ARE NOT FOLLOWED.—If  
17 the Secretary takes action on an application submit-  
18 ted under this section in a manner contrary to a rec-  
19 ommendation of the Advisory Commission on Chil-  
20 dren and Families established under section 1144,  
21 the Secretary shall provide the Commission with the  
22 reasons therefor.

23           “(5) APPROVAL OF APPLICATIONS.—

24           “(A) IN GENERAL.—The Secretary shall  
25 approve any application of a State to conduct a

1 project under this section, and any amendment  
2 thereto, that meets the requirements of this sec-  
3 tion to the satisfaction of the Secretary.

4 “(B) CERTAIN APPLICATIONS DEEMED AP-  
5 PROVED.—Except as provided in subsection  
6 (h)(2), any application to conduct a project  
7 under this section, and any amendment thereto,  
8 that is received by the Secretary from a State,  
9 is not withdrawn by the State, and is not dis-  
10 approved by the Secretary within 45 days after  
11 receipt shall be deemed to have been approved  
12 by the Secretary.

13 “(C) FREEDOM OF STATES TO SELECT  
14 AREAS IN WHICH TO CONDUCT THE PROJECT.—  
15 The Secretary may not, as a condition of ap-  
16 proval of a State application to conduct a  
17 project under this section or of any amendment  
18 thereto, require the State to select any particu-  
19 lar area or areas of the State in which to con-  
20 duct the project.

21 “(D) FREEDOM OF STATES TO SELECT  
22 PROVISIONS OF PARTS B AND E TO APPLY TO  
23 THE PROJECT.—The Secretary may not, as a  
24 condition of approval of a State application to  
25 conduct a project under this section or of any

1 amendment thereto, require the project to com-  
2 ply with any provision of part B or E not speci-  
3 fied in paragraph (6)(A) of this subsection.

4 “(6) AUTHORITY TO CONDUCT PROJECT; GRANT  
5 AUTHORITY.—If the Secretary approves the applica-  
6 tion of a State to conduct a project under this sec-  
7 tion, then—

8 “(A) the Secretary shall authorize the  
9 State to conduct the project in accordance with  
10 the approved application therefor and any ap-  
11 proved amendments thereto, and the require-  
12 ments of section 422(b)(9), the provision of sec-  
13 tion 471(a)(1) requiring the State plan to pro-  
14 vide for adoption assistance in accordance with  
15 section 473, paragraphs (8), (9), (10), (12),  
16 (13), (15), and (16) of section 471(a), and sec-  
17 tions 472(h), 473, and 479 shall apply to the  
18 project; and

19 “(B) in lieu of receiving the funds that  
20 would otherwise be provided to the State for  
21 any fiscal year pursuant to sections 423,  
22 434(a), and 474 (other than with respect to  
23 adoption assistance) with respect to the activi-  
24 ties of the State in the area or areas of the  
25 State in which the project is to be conducted,

1 the State shall be entitled to receive a grant, in  
2 accordance with subsection (d) of this section,  
3 for each fiscal year, from the amount allotted to  
4 the State for the fiscal year under section 421,  
5 the amount allotted to the State for the fiscal  
6 year under section 432 from the basic entitle-  
7 ment amount (as defined in section 430(b)(1)),  
8 the amount to which the State is entitled for  
9 the fiscal year under part E, and the amount  
10 made available pursuant to subsection (a)(3) of  
11 this section.

12 “(d) ANNUAL GRANTS.—

13 “(1) AMOUNT OF GRANT.—

14 “(A) IN GENERAL.—The amount of the  
15 grant to be paid under this subsection to a  
16 State for a fiscal year shall be the amount de-  
17 termined by the Secretary to be—

18 “(i) the sum of—

19 “(I) 110 percent of the aggregate  
20 of the amount that would have been  
21 paid to the State under section 423  
22 for the fiscal year, and the amount  
23 that would have been paid to such  
24 States under section 434 for the fiscal  
25 year if the total sum available for

1 such payments were equal to the basic  
2 entitlement amount (as defined in sec-  
3 tion 430(b)(1)), if the Secretary had  
4 approved the State plan under part B  
5 for the fiscal year and had not author-  
6 ized the State to conduct a project  
7 under this section for the fiscal year;  
8 and

9 “(II) the aggregate of the ex-  
10 penses for which the State would  
11 properly have submitted a claim for  
12 reimbursement under section 474  
13 (other than with respect to adoption  
14 assistance) for the fiscal year if the  
15 Secretary had approved the State plan  
16 under part E for the fiscal year and  
17 had not authorized the State to con-  
18 duct a project under this section for  
19 the fiscal year;

20 multiplied by

21 “(ii) the quotient equal to—

22 “(I) the number of children in  
23 the area or areas in which the project  
24 is to be conducted under this section  
25 with respect to whom the State would

1 have made foster care maintenance  
2 payments under section 472 for the  
3 fiscal year if the Secretary had ap-  
4 proved the State plan under part E  
5 for the fiscal year and had not author-  
6 ized the State to conduct the project;  
7 divided by

8 “(II) the total number of children  
9 in the State with respect to whom the  
10 State would have so made such pay-  
11 ments for the fiscal year.

12 “(B) CALCULATION OF GRANT AMOUNT.—

13 The Secretary shall calculate the expenses for  
14 which a State would properly have submitted a  
15 claim for reimbursement under section 474  
16 (other than with respect to adoption assistance)  
17 for a fiscal year by—

18 “(i) determining the amount paid to  
19 the State with respect to such expenses for  
20 the fiscal year immediately preceding the  
21 fiscal year in which the State commenced  
22 (or is to commence) the project under this  
23 section;

24 “(ii) adjusting such amount annually  
25 by a rate which reflects the average annual

1 rate at which expenditures by the State on  
2 behalf of foster care children under part E  
3 have increased for the 3-year period ending  
4 with the commencement of the project; and

5 “(iii) increasing such amount, to the  
6 extent the Secretary deems appropriate, by  
7 taking into account—

8 “(I) any estimate made by the  
9 State of the expenses for which the  
10 State would properly have submitted  
11 such a claim for reimbursement for  
12 the fiscal year;

13 “(II) the projected rate of infla-  
14 tion for the fiscal year;

15 “(III) the rate at which the num-  
16 ber of children on whose behalf the  
17 Federal Government has reimbursed  
18 foster care maintenance payments  
19 made by States not participating in  
20 the project has recently increased  
21 (emphasizing those nonparticipating  
22 States which have similar child wel-  
23 fare programs and similar foster care  
24 caseload characteristics), as deter-  
25 mined by the Secretary;

1 “(IV) changes in State laws or  
2 procedures that have the effect of  
3 changing the rate at which children  
4 are placed in foster care or changing  
5 the costs of maintaining children in  
6 foster care;

7 “(V) the amount (if any) by  
8 which—

9 “(aa) the national average  
10 number of children per State  
11 who, as of the end of the fiscal  
12 year immediately preceding the  
13 commencement of the project,  
14 have not attained the age of 18  
15 years and were eligible for bene-  
16 fits under the respective State  
17 plan under part E (expressed as  
18 a percentage of the total popu-  
19 lation of children in the respec-  
20 tive State who have not so at-  
21 tained such age); exceeds

22 “(bb) the number of such  
23 children in the State (expressed  
24 as a similar percentage); and

1                   “(VI) other factors deemed ap-  
2                   propriate by the Secretary.

3                   “(2) NOTIFICATION TO STATES OF AMOUNT OF  
4                   GRANTS.—The Secretary shall notify each State of  
5                   the amount of the grant to be made to the State for  
6                   a fiscal year under this subsection, not later than—

7                   “(A) in the case of the first grant with re-  
8                   spect to an approved application, the later of—

9                   “(i) 45 days after the Secretary re-  
10                  ceives the application therefor; or

11                  “(ii) August 1 of the fiscal year imme-  
12                  diately preceding the fiscal year for which  
13                  the grant is to be made; and

14                  “(B) in any other case, August 1 of such  
15                  immediately preceding fiscal year.

16                  “(3) GRANTS TO BE PAID IN EQUAL QUAR-  
17                  TERLY INSTALLMENTS.—The Secretary shall pay  
18                  each grant under this subsection in equal quarterly  
19                  installments.

20                  “(e) PRESERVATION OF CERTAIN BENEFITS.—Dur-  
21                  ing the period in which a State is conducting a project  
22                  under this section—

23                  “(1) the State may not carry out the project in  
24                  a manner which impairs the entitlement of any child  
25                  to—

1           “(A) the foster care benefits the child  
2 would have received under a State plan ap-  
3 proved under part E if the Secretary had ap-  
4 proved the State plan under part E for the fis-  
5 cal year and had not authorized the State to  
6 conduct a project under this section for the fis-  
7 cal year; or

8           “(B) any other benefit to which the child  
9 is entitled by law; and

10          “(2) the State shall, for purposes of section  
11 402(a)(20), be deemed to have in effect a State plan  
12 approved under part E.

13          “(f) REPORT ON EXPENDITURES.—

14           “(1) IN GENERAL.—Not later than April 1 of  
15 the fiscal year immediately following each fiscal year  
16 for which a State conducts a project under this sec-  
17 tion, the State shall prepare and submit to the Sec-  
18 retary and the Advisory Commission on Children  
19 and Families established under section 1144 a re-  
20 port on the funds expended under the project.

21          “(2) FORM AND CONTENT.—

22           “(A) IN GENERAL.—The report required  
23 by paragraph (1) shall be in such form and con-  
24 tain such information as the State finds nec-  
25 essary to—

1           “(i) accurately describe how the grant  
2           made under this section for the fiscal year  
3           was used;

4           “(ii) provide a complete record of how  
5           the grant funds were expended; and

6           “(iii) enable a determination of the  
7           extent to which the funds were spent in a  
8           manner consistent with the application  
9           therefor.

10           “(B) INCLUSION OF INFORMATION ON  
11           COMPARATIVE FINANCIAL CONTRIBUTIONS.—  
12           The report required by paragraph (1) for a fis-  
13           cal year shall include the information described  
14           in section 422(b)(10) for the 2nd preceding fis-  
15           cal year.

16           “(g) ADMINISTRATIVE REMEDIES FOR UNSUCCESS-  
17           FUL PROJECTS.—If the Secretary has determined that the  
18           State is not conducting the project in accordance with this  
19           section or is not making satisfactory progress toward the  
20           achievement of the plans of the State, the Secretary  
21           may—

22           “(1) provide technical assistance to the project;

23           “(2) require the State to take corrective action  
24           with respect to the project; or

1           “(3) after notice and opportunity for hearing,  
2 reduce the payments that would otherwise be due  
3 the State under this section by an amount which the  
4 Secretary determines is appropriate.

5           “(h) TERMINATION OF PROJECTS.—

6           “(1) IN GENERAL.—Any State authorized to  
7 conduct a project under this section shall dis-  
8 continue the project at the end of a fiscal year—

9           “(A) if the State has notified the Secretary  
10 that the State intends to discontinue the project  
11 at the end of the fiscal year; or

12           “(B) if the Secretary has determined that  
13 the State is not conducting the project in ac-  
14 cordance with this section or is not making sat-  
15 isfactory progress toward the achievement of  
16 the plans of the State, and the Secretary does  
17 not plan to take action under subsection (g)  
18 during the fiscal year with respect to the  
19 project.

20           “(2) EFFECT OF PROJECT TERMINATION.—

21           “(A) IN GENERAL.—On the discontinuance  
22 of a project of a State under this section, parts  
23 B and E shall apply with respect to the popu-  
24 lation of, and the activities of the State in, the

1 area or areas of the State in which the project  
2 was conducted.

3 “(B) PROJECT MAY NOT BE RESUMED FOR  
4 5 YEARS.—A State may not conduct a project  
5 under this section during the 5-year period be-  
6 ginning with the discontinuance of a project of  
7 the State under this section.”

8 (b) EFFECTIVE DATE.—The amendment made by  
9 subsection (a) shall take effect on October 1, 1992.

10 **SEC. 202. ABANDONED CHILDREN.**

11 (a) ELIGIBILITY FOR FOSTER CARE MAINTENANCE  
12 PAYMENTS.—Section 472 (42 U.S.C. 672), as amended  
13 by section 204(a) of this Act, is amended—

14 (1) in subsection (b), by striking “or (i)” and  
15 inserting “, (i), or (j)”; and

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

17 “(j) Any State with a plan approved under this part  
18 may make foster care maintenance payments with respect  
19 to any child in the State entering foster care on or after  
20 October 1, 1993—

21 “(1) who has been abandoned by his or her par-  
22 ents, as determined by a court of competent jurisdic-  
23 tion;

24 “(2) for whom the State child welfare agency  
25 cannot, despite diligent efforts, determine the finan-

1 cial circumstances and living arrangements of the  
2 parents of the child; and

3 “(3) who meets the requirements of subsection  
4 (a)(2).”.

5 (b) ELIGIBILITY FOR ADOPTION ASSISTANCE PAY-  
6 MENTS.—Section 473(a)(7) (42 U.S.C. 673(a)(7)), as  
7 added by the amendment made by section 204(b) of this  
8 Act, is amended by striking “section 472(i)” and inserting  
9 “subsection (i) or (j) of section 472”.

10 (c) EFFECTIVE DATE.—The amendments made by  
11 this section shall take effect on October 1, 1993; and shall  
12 apply to payments under part E of title IV of the Social  
13 Security Act in or after fiscal year 1994.

14 **SEC. 203. CLARIFICATION OF REMOVAL FROM HOME RE-**  
15 **QUIREMENT.**

16 (a) FOSTER CARE MAINTENANCE PAYMENTS PRO-  
17 GRAM.—Section 472 (42 U.S.C. 672) is amended—

18 (1) in the first sentence of subsection (a)—

19 (A) in the matter preceding paragraph (1),  
20 by inserting “or from the legal custody” after  
21 “removal from the home”;

22 (B) in paragraph (1)—

23 (i) by inserting “or from such legal  
24 custody, as the case may be” after “from  
25 the home”; and

1                   (ii) by striking “therein” and insert-  
2                   ing “in the home or of such legal custody,  
3                   as the case may be,”;

4                   (C) in paragraph (2), by inserting “and”  
5                   after the semicolon;

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

8                   (E) in paragraph (4), by inserting “or  
9                   from the legal custody” after “removal from the  
10                  home”;

11                  (2) in the second sentence of subsection (a), by  
12                  inserting “or from the legal custody of a relative  
13                  (specified in section 406(a))” after “from the  
14                  home”;

15                  (3) in subsection (d), by inserting “or from the  
16                  legal custody of their relatives” after “their homes”;

17                  (4) in subsection (e), by inserting “or from the  
18                  legal custody of his or her relative” after “his or her  
19                  home”; and

20                  (5) in subsection (g)—

21                         (A) in paragraph (2), by inserting “or into  
22                         their legal custody or into the legal custody of  
23                         a relative” before the comma; and

1 (B) in the matter following paragraph (2),  
2 by inserting “or into such legal custody, as the  
3 case may be,” after “such home”.

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

6 (1) in subsection (a)(2)—

7 (A) in subparagraph (A)(i)—

8 (i) by inserting “or from the legal cus-  
9 tody” after “removal from the home”; and

10 (ii) by striking “therein” and insert-  
11 ing “in the home or of such legal custody,  
12 as the case may be,”; and

13 (B) in subparagraph (B)(i), by inserting  
14 “or from such legal custody, as the case may  
15 be” after “removal from the home”; and

16 (2) in subsection (c)(1), by inserting “or legal  
17 custody” after “home”.

18 (c) EFFECTIVE DATE.—The amendments made by  
19 this section shall take effect on October 1, 1992, and shall  
20 apply to payments under part E of title IV of the Social  
21 Security Act for fiscal year 1993 and to such payments  
22 for any succeeding fiscal year.

23 (d) RETROACTIVE APPLICATION OF CLARIFIED RE-  
24 QUIREMENT.—

1           (1) IN GENERAL.—Any State may, in accord-  
2           ance with paragraph (2), submit to the Secretary of  
3           Health and Human Services a claim for reimburse-  
4           ment of amounts expended by the State during the  
5           10-year period that begins with October 1, 1982—

6                   (A) with respect to children placed in fos-  
7           ter care or for adoption; and

8                   (B) for which the State would have re-  
9           ceived reimbursement under section 474 of the  
10          Social Security Act had the amendments made  
11          by this section been in effect at the time of the  
12          expenditure.

13          (2) DEADLINE FOR SUBMISSION OF CLAIM.—

14                   (A) OLDER EXPENDITURES.—Any claim  
15          described in paragraph (1) with respect to an  
16          amount expended during the period beginning  
17          October 1, 1982, and ending 1 year before the  
18          date of the enactment of this Act shall be sub-  
19          mitted not later than 1 year after such date of  
20          enactment.

21                   (B) NEWER EXPENDITURES.—Any claim  
22          described in paragraph (1) with respect to an  
23          amount expended during the period beginning 1  
24          year before the date of the enactment of this  
25          Act and ending on September 30, 1992, shall

1           be submitted not later than 2 years after the  
2           date of the expenditure.

3 **SEC. 204. DISSOLVED ADOPTIONS.**

4           (a) **ELIGIBILITY FOR FOSTER CARE MAINTENANCE**  
5 **PAYMENTS.**—Section 472 (42 U.S.C. 672) is amended—

6           (1) in subsection (b), by inserting “or (i)” after  
7           “subsection (a)”; and

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

9           “(i) Any State with a plan approved under this part  
10 may make foster care maintenance payments under this  
11 part on behalf of a child—

12           “(1) with respect to whom such payments were  
13 previously made;

14           “(2) whose adoption has been set aside by a  
15 court;

16           “(3) who meets the requirements of paragraphs  
17 (1), (2), and (3) of subsection (a); and

18           “(4) who fails to meet the requirements of sub-  
19 section (a)(4) but would meet such requirements  
20 if—

21           “(A) the child were treated as if the child  
22 were in the same financial and other cir-  
23 cumstances the child was in the last time the  
24 child was determined eligible for such pay-  
25 ments; and

1           “(B) the adoption were treated as having  
2           never occurred.”.

3           (b) **ELIGIBILITY FOR ADOPTION ASSISTANCE PAY-**  
4 **MENTS.**—Section 473(a) (42 U.S.C. 673(a)) is amended  
5 by adding at the end the following:

6           “(7) Any State with a plan approved under this part  
7 may enter into an adoption assistance agreement with the  
8 adoptive parents of any child with respect to whom the  
9 State may make foster care maintenance payments under  
10 section 472(i).”.

11          (c) **EFFECTIVE DATE.**—The amendments made by  
12 this section shall take effect on October 1, 1992, and shall  
13 apply to payments under part E of title IV of the Social  
14 Security Act in or after fiscal year 1993.

15 **SEC. 205. RESPITE CARE.**

16          (a) **IN GENERAL.**—

17           (1) **STATE PLAN OPTION.**—Section 471(a) (42  
18 U.S.C. 671(a)) is amended—

19           (A) by striking “and” at the end of para-  
20 graph (16);

21           (B) by striking the period at the end of  
22 paragraph (17) and inserting “; and”; and

23           (C) by adding at the end the following:

24           “(18) at the option of the State, provides for  
25 respite care in accordance with section 480, and

1 specifies the factors and conditions used by the  
2 State to identify children with special needs.”.

3 (2) RESPITE CARE PROGRAM.—Part E of title  
4 IV (42 U.S.C. 670–679) is amended by adding at  
5 the end the following:

6 **“SEC. 480. RESPITE CARE.**

7 “(a) IN GENERAL.—Each State with a plan approved  
8 under this part that provides for respite care shall provide  
9 such care to any family which operates a foster family  
10 home for 1 or more foster children who the State deter-  
11 mines have special needs (whether or not foster care main-  
12 tenance payments are made under the State plan with re-  
13 spect to such child or children), in accordance with all ap-  
14 plicable State and local standards and guidelines and in  
15 the least restrictive setting consistent with the special  
16 needs of such child or children.

17 “(b) RESPITE CARE DEFINED.—As used in this sec-  
18 tion, the term ‘respite care’ means, with respect to the  
19 family of a foster child, care authorized by a State, or  
20 provided by a public or private agency designated by a  
21 State, to provide temporary relief for the foster parent  
22 caregiver or caregivers of the child.

23 “(c) LIMITATION ON EXPENSES ELIGIBLE FOR RE-  
24 IMBURSEMENT.—Expenditures for only the first 14 days  
25 of respite care provided during a fiscal year with respect

1 to a child are eligible for reimbursement under section  
2 474(a). As used in the preceding sentence, the term 'day'  
3 means any period of 24 consecutive hours.”.

4 (3) PAYMENTS TO STATES.—Section 474(a)(1)  
5 (42 U.S.C. 674(a)(1)) is amended by inserting “plus  
6 the amount expended during such quarter for the  
7 provision of respite care that is eligible for reim-  
8 bursement under section 480” before the semicolon.

9 (b) EFFECTIVE DATE.—The amendments made by  
10 subsection (a) shall take effect on October 1, 1993, and  
11 shall apply to payments under part E of title IV of the  
12 Social Security Act for expenditures made in or after fiscal  
13 year 1994.

14 **SEC. 206. EXTENSION OF DEFINITION OF CHILDREN WITH**  
15 **SPECIAL NEEDS.**

16 (a) IN GENERAL.—Section 473(c) (42 U.S.C.  
17 673(c)), as amended by section 203(b)(2) of this Act, is  
18 amended to read as follows:

19 “(c)(1) For purposes of this section, a child shall not  
20 be considered a child with special needs unless the State  
21 determines that the child meets the requirements of sub-  
22 paragraph (A) or (B):

23 “(A) A child meets the requirements of this  
24 subparagraph if all of the following clauses apply to  
25 the child:

1           “(i) The child cannot or should not be re-  
2           turned to the home or the legal custody of the  
3           parents of the child.

4           “(ii) There exists a specific factor or condi-  
5           tion (such as his ethnic background, age, or  
6           membership in a minority or sibling group, or  
7           the presence of factors such as medical condi-  
8           tions or physical, mental, or emotional handi-  
9           caps), or information available and known  
10          about the child’s genetic or social history indi-  
11          cating a high risk of medical conditions or  
12          physical, mental, or emotional handicaps, which  
13          makes it reasonable to conclude that the child  
14          cannot be placed for adoption without providing  
15          adoption assistance under this section or medi-  
16          cal assistance under title XIX.

17          “(iii) Except where it would be against the  
18          best interests of the child because of such fac-  
19          tors as the existence of significant emotional  
20          ties with prospective adoptive parents while in  
21          their care as a foster child or a relative, a rea-  
22          sonable but unsuccessful effort has been made  
23          to place the child with appropriate adoptive  
24          parents without providing adoption assistance  
25          or medical assistance under title XIX.

1           “(B) A child meets the requirements of this  
2 subparagraph if the child—

3                   “(i) has been adopted;

4                   “(ii) immediately before the adoption was  
5 under the care and responsibility of the State  
6 agency administering or supervising the admin-  
7 istration of the State programs under this part;  
8 and

9                   “(iii) has a mental, physical, or emotional  
10 handicap that—

11                   “(I) existed before the adoption but  
12 was not diagnosed until after the adoption;  
13 or

14                   “(II) first manifests itself after the  
15 adoption but is congenital or was caused  
16 before the adoption.

17           “(2) Each State shall submit to the Secretary the fac-  
18 tors and conditions used by the State to identify children  
19 with special needs for purposes of this section, and any  
20 modifications to such factors and conditions.”.

21           (b) EFFECTIVE DATE.—The amendment made by  
22 subsection (a) shall take effect on October 1, 1993, and  
23 shall apply with respect to children who are adopted after  
24 September 30, 1993, and who become eligible for adoption

1 assistance payments under section 473 of the Social Secu-  
2 rity Act in or after fiscal year 1994.

3 **SEC. 207. STUDY OF REASONABLE EFFORTS REQUIREMENT**  
4 **BY ADVISORY COMMITTEE.**

5 (a) IN GENERAL.—Not later than 90 days after the  
6 date of the enactment of this Act, the Secretary of Health  
7 and Human Services (in this section referred to as the  
8 “Secretary”) shall establish an Advisory Committee on  
9 Foster Care Placement (in this section referred to as the  
10 “Advisory Committee”) to study and make rec-  
11 ommendations concerning the implementation of the re-  
12 quirements imposed under section 471(a)(15) of the Social  
13 Security Act.

14 (b) MEMBERSHIP.—The Advisory Committee shall  
15 consist of not fewer than 9 members. In appointing per-  
16 sons to the Advisory Committee, the Secretary shall in-  
17 clude representatives of the following types of organiza-  
18 tions and agencies:

19 (1) Private, nonprofit organizations with an in-  
20 terest in child welfare (including such organizations  
21 that provide child protective services, foster care  
22 services, adoption services, or family support serv-  
23 ices).

1           (2) Agencies of States and political subdivisions  
2 thereof responsible for child protective services, fos-  
3 ter care services, or adoption services.

4           (3) Judicial bodies of States and political sub-  
5 divisions thereof responsible for adjudicating issues  
6 of family law (as defined and determined by the Sec-  
7 retary).

8           (4) Attorneys and others who represent children  
9 and their parents.

10       (c) COMPENSATION OF COMMITTEE MEMBERS.—

11           (1) MEMBERS WHO ARE NOT FULL-TIME FED-  
12 ERAL OFFICERS OR EMPLOYEES.—Each member of  
13 the Advisory Committee who is not a full-time offi-  
14 cer or employee of the United States shall, while en-  
15 gaging in the business of the Advisory Committee  
16 (including travel time) be entitled to receive com-  
17 pensation at a rate fixed by the Secretary, but not  
18 exceeding the daily rate specified at the time of such  
19 service under GS-18 of the General Schedule estab-  
20 lished under section 5332 of title 5, United States  
21 Code.

22           (2) PROHIBITION AGAINST COMPENSATION OF  
23 FULL-TIME FEDERAL OFFICERS OR EMPLOYEES.—  
24 Each member of the Advisory Committee who is a  
25 full-time officer or employee of the United States

1 may not receive additional pay, allowances, or bene-  
2 fits by reason of service on the Commission.

3 (3) TRAVEL EXPENSES.—While away from  
4 their homes or regular places of business and on the  
5 business of the Advisory Committee, the members of  
6 the Advisory Committee may be allowed travel ex-  
7 penses, including per diem in lieu of subsistence, as  
8 authorized by section 5703 of title 5, United States  
9 Code, for persons employed intermittently in Govern-  
10 ment service.

11 (d) HIRING AUTHORITY.—The Advisory Committee  
12 may employ and fix the level of compensation for 1 indi-  
13 vidual.

14 (e) REPORT.—Not later than April 1, 1994, the Advi-  
15 sory Committee shall submit a report to the Secretary and  
16 to the Congress that includes legislative or other rec-  
17 ommendations concerning the implementation of the re-  
18 quirements imposed under section 471(a)(15) of the Social  
19 Security Act.

20 **SEC. 208. AUTOMATED SYSTEMS.**

21 (a) ENHANCED MATCH.—

22 (1) PAYMENTS TO STATES.—

23 (A) IN GENERAL.—Section 474(a)(3) (42  
24 U.S.C. 674(a)(3)) is amended—

1 (i) by striking “and” at the end of  
2 subparagraph (B);

3 (ii) by redesignating subparagraph  
4 (C) as subparagraph (E); and

5 (iii) by inserting after subparagraph  
6 (B) the following:

7 “(C) 90 percent of so much of such expendi-  
8 tures as are for the planning, design, development,  
9 or installation of statewide mechanized data collec-  
10 tion and information retrieval systems (including 90  
11 percent of the full amount of expenditures for hard-  
12 ware components for such systems) but only to the  
13 extent that such systems—

14 “(i) meet the requirements imposed by reg-  
15 ulations promulgated pursuant to section  
16 479(b)(2);

17 “(ii) to the extent practicable, are capable  
18 of interfacing with the State data collection sys-  
19 tem that collects information relating to child  
20 abuse and neglect; and

21 “(iii) are determined by the Secretary to  
22 be likely to provide more efficient, economical,  
23 and effective administration of the programs  
24 carried out under the State plan approved

1 under part B or the State plan approved under  
2 this part; and

3 “(D) 50 percent of so much of such expendi-  
4 tures as are for the operation of the statewide  
5 mechanized data collection and information retrieval  
6 systems referred to in subparagraph (C); and”.

7 (B) TREATMENT OF STATE EXPENDITURES  
8 FOR DATA COLLECTION AND INFORMATION RE-  
9 TRIEVAL SYSTEMS.—Section 474 (42 U.S.C.  
10 674) is amended by adding at the end the fol-  
11 lowing:

12 “(e) The Secretary shall treat as necessary for the  
13 proper and efficient administration of the State plan ap-  
14 proved under this part all expenditures of a State that  
15 are necessary in order for the State to plan, design, de-  
16 velop, install, and operate data collection and information  
17 retrieval systems described in subsection (a)(3)(C), with-  
18 out regard to whether the systems may be used with re-  
19 spect to foster or adoptive children other than those on  
20 behalf of whom foster care maintenance payments or  
21 adoption assistance payments may be made under this  
22 part.”.

23 (C) CONFORMING AMENDMENT.—Section  
24 473(a)(6)(B) (42 U.S.C. 673(a)(6)(B)), as  
25 amended by section 505(b) of this Act, is

1 amended by striking “474(a)(3)(C)” and insert-  
2 ing “474(a)(3)(E)”.

3 (D) EFFECTIVE DATE.—The amendments  
4 made by this paragraph shall apply to payments  
5 under part E of title IV of the Social Security  
6 Act for expenditures made on or after the date  
7 of the enactment of this Act.

8 (2) TERMINATION OF ENHANCED MATCH.—

9 (A) IN GENERAL.—Section 474(a)(3)(C)  
10 (42 U.S.C. 674(a)(3)(C)), as amended by para-  
11 graph (1)(A)(iii) of this subsection, is amended  
12 by striking “90” each place such term appears  
13 and inserting “50”.

14 (B) EFFECTIVE DATE.—The amendment  
15 made by subparagraph (A) shall take effect at  
16 the end of the calendar quarter in which occurs  
17 the end of the 3-year period beginning on the  
18 date of the enactment of this Act.

19 (C) CONSTRUCTION.—The amendment  
20 made by subparagraph (A) of this paragraph  
21 shall not be construed to affect any right, enti-  
22 tlement, or duty granted or imposed by, or aris-  
23 ing by reason of, the amendments made by  
24 paragraph (1).

25 (b) IMPLEMENTATION OF AUTOMATED SYSTEMS.—

1           (1) DEFERRAL OF IMPLEMENTATION DEAD-  
2           LINE.—Section 479(b)(2) (42 U.S.C. 679(b)(2)) is  
3           amended by striking “October 1, 1991” and insert-  
4           ing “1 year after the date such regulations are pro-  
5           mulgated”.

6           (2) ESTABLISHMENT OF GROUP TO ADVISE  
7           SECRETARY ON PLANNING AND IMPLEMENTATION.—  
8           Section 479 (42 U.S.C. 679) is amended by adding  
9           at the end the following:

10          “(d) The Secretary shall establish a work group to  
11          advise the Secretary on the planning and implementation  
12          of the system to be used for the collection of data relating  
13          to adoption and foster care in the United States. Such  
14          group shall include representatives of—

15                 “(1) organizations described in subsection  
16                 (a)(4)(B)(ii); and

17                 “(2) other appropriate groups.”.

18          (3) EFFECTIVE DATE.—The amendments made  
19          by this subsection shall take effect on the date of the  
20          enactment of this Act.

21 **SEC. 209. PERIODIC REEVALUATION OF FOSTER CARE**  
22 **MAINTENANCE PAYMENTS.**

23          (a) IN GENERAL.—Section 471(a)(11) (42 U.S.C.  
24          671(a)(11)) is amended to read as follows:

1           “(11)(A) provides for periodic review of the  
2 standards referred to in paragraph (10) to assure  
3 their continuing appropriateness; and

4           “(B) provides for the review, not less frequently  
5 than once every 3 years, of the amounts paid as fos-  
6 ter care maintenance payments and adoption assist-  
7 ance to assure their continuing appropriateness, and  
8 a report to the Secretary and the public on the re-  
9 sults of such review at such time and in such form  
10 and manner as the Secretary may by regulation re-  
11 quire, which contains, at a minimum—

12           “(i) a statement of the manner in which  
13 the foster care maintenance payment level is de-  
14 termined, including information on the cost of  
15 foster care with respect to which such payments  
16 are made;

17           “(ii) information with respect to the basic  
18 foster care maintenance payment level, whether  
19 such payment level includes an amount to cover  
20 the cost of clothing, and whether such payment  
21 level varies by the type of care or the special  
22 needs or age of the child, and if so, the pay-  
23 ment levels for each special needs, care, or age  
24 category;

1           “(iii) if such payments are not made at a  
2           different rate for children with special needs  
3           who test positive for human immunodeficiency  
4           virus, have acquired immune deficiency syn-  
5           drome, are addicted to drugs, or suffer from  
6           complications due to exposure to drugs or alco-  
7           hol, the reasons therefor; and

8           “(iv) information on any limitations im-  
9           posed by the State on adoption assistance pay-  
10          ments levels;”.

11          (b) **EFFECTIVE DATE.**—The amendment made by  
12          subsection (a) shall take effect on October 1, 1992, and  
13          shall apply to payments under part E of title IV of the  
14          Social Security Act for fiscal year 1993 and to such pay-  
15          ments for any succeeding fiscal year.

16          **SEC. 210. ACCELERATED DISPOSITIONAL HEARING.**

17          (a) **IN GENERAL.**—Section 475(5)(C) (42 U.S.C.  
18          675(5)(C)) is amended by striking “eighteen months” and  
19          inserting “12 months”.

20          (b) **EFFECTIVE DATE.**—The amendment made by  
21          subsection (a) shall take effect on October 1, 1994, and  
22          shall apply to payments under part E of title IV of the  
23          Social Security Act for fiscal year 1995 and to such pay-  
24          ments for any succeeding fiscal year.

1 SEC. 211. PERIODIC REVIEW OF CHILDREN FREE FOR  
2 ADOPTION.

3 (a) IN GENERAL.—Section 475(5)(C) (42 U.S.C.  
4 675(5)(C)) is amended by striking “which hearing shall  
5 determine” and all that follows through “independent liv-  
6 ing; and” and inserting “which hearing shall—

7 “(i) determine the future status of the  
8 child, including whether the child should be  
9 returned to the parent, should be contin-  
10 ued in foster care for a specified period,  
11 should be placed for adoption, or should  
12 (because of the child’s special needs or cir-  
13 cumstances) be continued in foster care on  
14 a permanent or long-term basis;

15 “(ii) if the hearing determines that  
16 the child should be placed for adoption, de-  
17 termine and document the measures need-  
18 ed to enhance the likelihood of making the  
19 child legally eligible for adoption and of  
20 finding an adoptive home for the child;

21 “(iii) if the child is legally eligible for  
22 adoption, determine and document—

23 “(I) the specific measures which  
24 have been taken, and the specific  
25 measures which need to be taken, to  
26 make an adoptive placement; or

1                   “(II) a finding that placement of  
2                   the child in an adoptive family would  
3                   be inappropriate; and

4                   “(iv) if the child has attained age 16,  
5                   determine the services needed to assist the  
6                   child to make the transition from foster  
7                   care to independent living; and”.

8           (b) **EFFECTIVE DATE.**—The amendment made by  
9 subsection (a) shall take effect on October 1, 1994, and  
10 shall apply to payments under part E of title IV of the  
11 Social Security Act for fiscal year 1995 and to such pay-  
12 ments for any succeeding fiscal year.

13 **SEC. 212. TIME FRAME FOR JUDICIAL DETERMINATIONS**  
14 **ON VOLUNTARY PLACEMENTS.**

15           (a) **IN GENERAL.**—Section 472(e) (42 U.S.C.  
16 6762(e)) is amended—

17                   (1) by striking “No” and inserting “(1) Except  
18                   as provided in paragraph (2), no”; and

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

20                   “(2) If the judicial determination referred to in para-  
21 graph (1) is made after the 180-day period described  
22 therein, the payments referred to therein may not be made  
23 for the period that begins at the end of the 180-day period  
24 and ends 180 days after the date of the judicial determina-  
25 tion, but may be made for periods thereafter.”.

1 (b) EFFECTIVE DATE.—The amendments made by  
2 subsection (a) shall take effect on October 1, 1992, shall  
3 apply to payments under part E of title IV of the Social  
4 Security Act for fiscal year 1993 and to such payments  
5 for any succeeding fiscal year, and shall apply to foster  
6 care placements made on or after October 1, 1992.

7 **SEC. 213. PLACEMENT ACCOUNTABILITY.**

8 (a) CASE PLAN PROVISIONS REQUIRED FOR CHIL-  
9 DREN IN OUT-OF-STATE FOSTER CARE PLACEMENTS.—  
10 Section 475(1) (42 U.S.C. 675(1)) is amended by insert-  
11 ing after subparagraph (C) the following:

12 “(D) In the case of a child receiving foster  
13 care maintenance payments under section 472  
14 who is placed in a facility outside the State, a  
15 finding that—

16 “(i) efforts have been made to place  
17 the child in a facility in the State;

18 “(ii) the child needs services not avail-  
19 able in the State;

20 “(iii) the placement is in the least re-  
21 strictive (most family like) setting avail-  
22 able, consistent with the best interest and  
23 the special needs of the child; and

24 “(iv) the placement has been approved  
25 by—

1 “(I) a court; or

2 “(II) a committee (such as a fos-  
3 ter care review board), established by  
4 the State, that reviews placements  
5 outside the State and that, in addition  
6 to the appropriate State personnel, in-  
7 cludes child advocates, parents, and  
8 other individuals the State deems ap-  
9 propriate.”.

10 (b) STATUS OF CHILDREN IN OUT-OF-STATE FOS-  
11 TER CARE PLACEMENTS TO BE JUDICIALLY REVIEWED  
12 ANNUALLY WITH THE CHILD PRESENT.—Section  
13 475(5)(B) (42 U.S.C. 675(5)(B)) is amended by adding  
14 at the end the following: “and in the case of a child who  
15 is placed by a State in a foster care facility outside the  
16 State, the status of the child shall be reviewed by a court,  
17 not less frequently than annually, with the child present,  
18 unless the court determines that due to the age or condi-  
19 tion of the child, or for some other good cause, the pres-  
20 ence of the child would be detrimental to the child or  
21 would not accomplish a useful purpose,”.

22 (c) STATE PLAN REQUIREMENT.—Section 471(a)  
23 (42 U.S.C. 671(a)), as amended by section 205(a)(1) of  
24 this Act, is amended—

1 (1) by striking “and” at the end of paragraph  
2 (17);

3 (2) by striking the period at the end of para-  
4 graph (18) and inserting “; and”; and

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

6 “(19) provides that the State agency must en-  
7 sure that any facility outside the State in which a  
8 child eligible for foster care maintenance payments  
9 under section 472 is placed meets all originating  
10 State standards applicable to child care facilities, or  
11 is operated in accord with recommended standards  
12 of national organizations concerned with standards  
13 for such facilities, including standards of the types  
14 described in paragraph (10).”.

15 (d) COLLECTION OF DATA ON NUMBERS OF CHIL-  
16 DREN IN OUT-OF-STATE FOSTER CARE PLACEMENTS.—  
17 Section 479(c)(3)(C) (42 U.S.C. 679(c)(3)(C)) is  
18 amended—

19 (1) by striking “and” at the end of clause (i);  
20 and

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

22 “(iii) children placed in foster care outside the  
23 State, and”.

24 (e) EFFECTIVE DATES.—

1           (1) CASE PLAN AND STATE PLAN CHANGES.—  
2           The amendments made by subsections (a), (b), and  
3           (c) shall take effect on October 1, 1993 and shall  
4           apply to payments under part E of title IV of the  
5           Social Security Act for expenditures made in or after  
6           fiscal year 1994.

7           (2) DATA COLLECTION.—The amendments  
8           made by subsection (d) shall take effect on October  
9           1, 1994 and shall apply to payments under part E  
10          of title IV of the Social Security Act for expendi-  
11          tures made in or after fiscal year 1995.

12          (f) STUDY OF REASONS FOR MAKING OUT-OF-STATE  
13 FOSTER CARE PLACEMENTS.—In order for a State to re-  
14 ceive payments under section 474 of the Social Security  
15 Act for amounts expended after fiscal year 1994 for foster  
16 care maintenance payments under section 472 of such Act  
17 made with respect to children placed by the State in foster  
18 care outside the State, the State shall, by the end of such  
19 fiscal year, conduct and submit to the Secretary a study  
20 designed to identify—

21           (1) the number of such children and the charac-  
22           teristics (if any) common to such children; and

23           (2) the reasons why such children were not  
24           placed in foster care in the State.

1 **SEC. 214. TREATMENT OF ASSETS OF YOUTH PARTICIPAT-**  
2 **ING IN INDEPENDENT LIVING PROGRAM.**

3 (a) **ACCUMULATION OF ASSETS.**—Section 477 (42  
4 U.S.C. 677) is amended—

5 (1) by redesignating subsection (i) as subsection  
6 (j); and

7 (2) by inserting after subsection (h) the fol-  
8 lowing:

9 “(i) Notwithstanding any other provision of this title,  
10 with respect to a child who is included in a program estab-  
11 lished under subsection (a), an amount of the assets of  
12 the child which would otherwise be regarded as resources  
13 for the purposes of determining eligibility for programs  
14 under this title may be disregarded for the purpose of al-  
15 lowing the child to establish a household. Such amount  
16 may not exceed an amount determined by the State agency  
17 responsible for the administration of the program as rea-  
18 sonable for the purpose of establishing a household.”.

19 (b) **EFFECTIVE DATE.**—The amendments made by  
20 subsection (a) shall take effect on October 1, 1992, and  
21 shall apply to payments under part E of title IV of the  
22 Social Security Act for fiscal year 1993 and to such pay-  
23 ments for any succeeding fiscal year.

1 **SEC. 215. ELIMINATION OF FOSTER CARE CEILINGS AND OF**  
2 **AUTHORITY TO TRANSFER UNUSED FOSTER**  
3 **CARE FUNDS TO CHILD WELFARE SERVICES**  
4 **PROGRAMS.**

5 (a) **REPEAL.**—Subsections (b) and (c) of section 474  
6 (42 U.S.C. 674 (b) and (c)) are hereby repealed.

7 (b) **CONFORMING AMENDMENTS.**—Section 474 (42  
8 U.S.C. 674), as amended by sections 208(a)(1)(B) and  
9 218(f)(1) of this Act, is amended—

10 (1) in subsection (d)—

11 (A) by striking “subsections (a), (b), and  
12 (c)” and inserting “subsection (a)”; and

13 (B) by striking “the provisions of such  
14 subsections” and inserting “subsection (a)”;  
15 and

16 (2) by redesignating subsections (d), (e), and  
17 (f) as subsections (b), (c), and (d), respectively.

18 (c) **EFFECTIVE DATE.**—The amendments made by  
19 this section shall take effect on October 1, 1992, and shall  
20 apply to payments under part E of title IV of the Social  
21 Security Act for fiscal year 1993 and to such payments  
22 for any succeeding fiscal year.

23 **SEC. 216. REGULATIONS FOR TRAINING OF AGENCY STAFF**  
24 **AND OF FOSTER AND ADOPTIVE PARENTS.**

25 (a) **IN GENERAL.**—Not later than 60 days after the  
26 date of the enactment of this Act, the Secretary of Health

1 and Human Services shall establish an advisory committee  
2 which shall include representatives of—

3 (1) nonprofit organizations with an interest in  
4 child welfare (including organizations that train pro-  
5 fessional social workers in the field of child welfare  
6 services); and

7 (2) organizations representing State and local  
8 governmental agencies with responsibility for foster  
9 care and adoption services.

10 (b) FINAL REGULATIONS.—Not later than 9 months  
11 after the date of the enactment of this Act, the Secretary  
12 of Health and Human Services shall, after consultation  
13 with the advisory committee established under subsection  
14 (a), issue final regulations setting forth detailed guidelines  
15 to assist States in using Federal matching funds author-  
16 ized to be provided under section 474(a)(3) of the Social  
17 Security Act for the purpose of training for—

18 (1) individuals who are employed, or preparing  
19 for employment, by the agencies with responsibility  
20 for administering the foster care and adoption as-  
21 sistance programs of the States under part E of title  
22 IV of such Act; and

23 (2) foster and adoptive parents.

1 **SEC. 217. PUBLICATION OF PROGRAM DATA.**

2 (a) IN GENERAL.—Section 479 (42 U.S.C. 679) is  
3 amended by adding after the subsection added by section  
4 208(b)(2) of this Act the following:

5 “(e) Not later than January 31 of each year, the Sec-  
6 retary shall submit to the Committee on Ways and Means  
7 of the House of Representatives and the Committee on  
8 Finance of the Senate, and shall make available to the  
9 public at a charge equal to the cost of printing, a report  
10 containing the following information, at least for the most  
11 recent fiscal year for which such information is available:

12 “(1) A detailed summary, and a breakdown by  
13 State, of—

14 “(A) the expenditures of each State for the  
15 program during the fiscal year for each of the  
16 programs funded under part B, part C, or this  
17 part, broken down in a manner that shows the  
18 extent to which such expenditures were made  
19 from funds provided by each of Federal or  
20 State sources; and

21 “(B) to the extent available, the number of  
22 children or families participating in each of  
23 such programs.

24 “(2) Information detailing the schedule and re-  
25 sult of the reviews conducted under the regulatory  
26 review system established in accordance with section

1 491, including information on payments withheld,  
2 reduced, or sought, or intended by the Secretary to  
3 be withheld, reduced, or sought, from each State as  
4 a result of such reviews.

5 “(3) The information described in clauses (ii)  
6 and (iii) of section 471(a)(11)(B).

7 “(4) An analysis of the services provided with  
8 funds made available under part B.

9 “(5) A listing and summary of ongoing re-  
10 search, training, and demonstration projects funded  
11 under section 426 or 1144(c) of this Act or under  
12 section 504 of the Family Preservation Act of 1992,  
13 and the expected date for the publication of any  
14 evaluations of, conclusions based on, or analyses of  
15 such projects.

16 “(6) Any other information the Secretary deems  
17 useful to monitor the operations of the program.”.

18 (b) EFFECTIVE DATE.—The amendment made by  
19 subsection (a) shall take effect on October 1, 1992.

20 **SEC. 218. REVIEW OF CHILD WELFARE ACTIVITIES.**

21 (a) NEW SYSTEM FOR REVIEWING CHILD WELFARE  
22 ACTIVITIES.—

23 (1) IN GENERAL.—Title IV (42 U.S.C. 601 et  
24 seq.) is amended by adding at the end the following:

1       **“PART G—CHILD WELFARE REVIEW SYSTEM**

2       **“SEC. 491. CHILD WELFARE REVIEW SYSTEM.**

3           “(a) ESTABLISHMENT BY REGULATION.—

4               “(1) IN GENERAL.—The Secretary shall estab-  
5       lish, by regulation, a system for—

6                   “(A) the review of each State child welfare  
7       program for the purposes of—

8                       “(i) assessing whether the program is  
9       being carried out as required by parts B  
10      and E;

11                      “(ii) identifying any area in which the  
12      program is not being carried out as so re-  
13      quired, and the degree to which the pro-  
14      gram is not being so carried out; and

15                      “(iii) in cases of a substantial failure  
16      to comply with certain requirements of  
17      part B or E, imposing financial penalties  
18      proportional to the degree of such failure  
19      to comply, unless action is taken to correct  
20      such failure; and

21                      “(B) the provision of technical assistance  
22      to any such program.

23               “(2) STATE CHILD WELFARE PROGRAM DE-  
24      FINED.—As used in this section, the term ‘child wel-  
25      fare program’ means, with respect to a State—

1           “(A) all activities engaged in by, or under  
2 contract with, the State for the purpose of car-  
3 rying out the State plan for child welfare serv-  
4 ices under part B; and

5           “(B) all activities engaged in by, or under  
6 contract with, the State for the purpose of car-  
7 rying out the State plan approved by the Sec-  
8 retary under part E.

9           “(b) CONTENT OF REGULATIONS.—The regulations  
10 required by subsection (a) shall—

11           “(1) require each State child welfare program  
12 to be reviewed on a fiscal year basis to determine—

13           “(A) whether and, where appropriate, the  
14 degree to which, the program complies with the  
15 requirements of the State plans referred to in  
16 subsection (a)(2); and

17           “(B) the extent to which the amounts  
18 claimed to have been expended by the State for  
19 foster care maintenance payments under section  
20 472 and for adoption assistance payments  
21 under section 473 are eligible for reimburse-  
22 ment under part E;

23           “(2) specify the criteria that are to be used to  
24 assess, with respect to each subparagraph of para-  
25 graph (1)—

1           “(A) whether the program has complied  
2           with the requirements that apply to the matters  
3           described in such subparagraph; and

4           “(B) the degree of such compliance;

5           “(3)(A) after taking into account the average  
6           performance of all States in carrying out the State  
7           plans referred to in subsection (a)(2), establish, with  
8           respect to each subparagraph of paragraph (1) of  
9           this subsection (and, for each subparagraph, with re-  
10          spect to such conduct as the Secretary may deem es-  
11          pecially important)—

12           “(i) thresholds beyond which the program  
13           will be determined to have failed to comply with  
14           the requirements that apply to the matters de-  
15           scribed in such subparagraph; and

16           “(ii) thresholds beyond which a failure of  
17           the program to comply with such applicable re-  
18           quirements will be determined to be substantial;  
19           and

20           “(B) notwithstanding subparagraph (A), for the  
21           first review of any State under this section, establish  
22           and apply such initial thresholds of the types de-  
23           scribed in subparagraph (A) as the Secretary deems  
24           appropriate;

1           “(4) require the thresholds established under  
2 paragraph (3)(A) to be periodically reviewed and, if  
3 necessary, revised to take into account information  
4 from completed reviews under such regulations and  
5 changes in State performance;

6           “(5) require that the procedures used to deter-  
7 mine the degree to which a State child welfare pro-  
8 gram is carried out in compliance with the applicable  
9 requirements—

10           “(A) enable a single, integrated, and timely  
11 review of all matters referred to in paragraph  
12 (1);

13           “(B) include the sampling of foster care  
14 maintenance payments made under section 472,  
15 adoption assistance payments made under sec-  
16 tion 473, and payments for such other activities  
17 under the State plan approved under part E as  
18 the Secretary deems appropriate;

19           “(C) be applied uniformly to each State  
20 program; and

21           “(D) be periodically reviewed and, if nec-  
22 essary, revised to take into account information  
23 from completed reviews under such regulations;

1           “(6) provide that a deficiency or error in the  
2 State child welfare program is not to be taken into  
3 account if the deficiency or error is—

4           “(A) due to the State’s failure to properly  
5 implement changes in Federal statute within  
6 the 6-month period beginning with the date the  
7 statute takes effect or, if later, within the 6-  
8 month period beginning with the date the regu-  
9 lation is issued if the regulation is reasonably  
10 necessary to construe or apply the statute;

11           “(B) due to the State’s reliance upon and  
12 correct use of erroneous information provided  
13 by the Secretary about matters or fact;

14           “(C) due to the State’s reliance upon and  
15 correct use of written statements of Federal  
16 policy provided to the State by the Secretary; or

17           “(D) of a technical nature and does not  
18 materially affect the performance of the pro-  
19 gram or the protection of children who are in,  
20 or at risk of being placed in, foster care;

21           “(7) establish the method by which a financial  
22 penalty is to be calculated, with respect to each sub-  
23 paragraph of subsection (b)(1), if a failure of the  
24 State child welfare program to comply with the re-  
25 quirements that apply to the matters described in

1 such subparagraph is determined to be substantial;

2 and

3 “(8) provide that the financial penalty to be im-  
4 posed for a failure described in paragraph (7) is—

5 “(A) proportional to the degree of the fail-  
6 ure; and

7 “(B) to the extent appropriate, based on  
8 the formula used to determine the amount of a  
9 disallowance under section 408(f).

10 “(c) FREQUENCY OF REVIEWS.—Not less frequently  
11 than once every 3 years, the Secretary shall complete a  
12 review of each State child welfare program for the most  
13 recently completed fiscal year under the regulatory review  
14 system established in accordance with this section.

15 “(d) EFFECTS OF DETERMINATIONS OF NON-  
16 COMPLIANCE.—

17 “(1) NOTIFICATION.—The Secretary shall pro-  
18 vide timely notification to any State of any deter-  
19 mination under this section that the State child wel-  
20 fare program has failed, with respect to any sub-  
21 paragraph of subsection (b)(1), to comply with the  
22 requirements that apply to the matters described in  
23 such subparagraph, and shall include with such  
24 notice—

25 “(A) the basis for the determination; and

1           “(B) the amount of the financial penalty  
2           (if any) imposed on the State under the regula-  
3           tions issued under this section.

4           “(2) ACTIONS AUTHORIZED IN CASES OF NON-  
5           COMPLIANCE OTHER THAN SUBSTANTIAL NON-  
6           COMPLIANCE.—If, under the regulatory review sys-  
7           tem established in accordance with this section, a  
8           State child welfare program is determined to have  
9           failed, with respect to any subparagraph of sub-  
10          section (b)(1), to comply with the requirements that  
11          apply to the matters described in such subpara-  
12          graph, and the failure is not substantial, the  
13          Secretary—

14           “(A) may require the State to submit to  
15           the Secretary a plan and a timetable for taking  
16           action to correct the deficiencies or errors con-  
17           stituting the failure to comply;

18           “(B) may annually review the progress of  
19           the State in carrying out the corrective action  
20           plan; and

21           “(C) shall offer to the State technical as-  
22           sistance in such areas of the program as the  
23           Secretary may deem appropriate.

24           “(3) ACTIONS REQUIRED IN CASES OF SUB-  
25          STANTIAL NONCOMPLIANCE.—If, under the regu-

1 latory review system established in accordance with  
2 this section, the failure of a State child welfare pro-  
3 gram is determined to be substantial with respect to  
4 any subparagraph of subsection (b)(1), the Secretary  
5 shall—

6 “(A) impose upon the State the financial  
7 penalty required by the regulatory review sys-  
8 tem;

9 “(B) make available to the State technical  
10 assistance designed to enable the State to carry  
11 out the program in compliance with the require-  
12 ments that apply to the matters described in  
13 such subparagraph; and

14 “(C) annually review the progress of the  
15 State in complying with such requirements,  
16 until the State carries out the program in sub-  
17 stantial compliance with such requirements.

18 “(e) SUSPENSION OF FINANCIAL PENALTIES.—

19 “(1) IN GENERAL.—The Secretary shall sus-  
20 pend any financial penalty that the Secretary has  
21 imposed on a State under this section—

22 “(A) if the State submits to the Secretary  
23 a plan and a timetable for taking action to cor-  
24 rect the deficiencies or errors constituting the  
25 failure to comply with respect to which the pen-

1 alty was imposed, and the Secretary approves  
2 the corrective action plan and timetable; and

3 “(B) for so long as the Secretary finds  
4 that the plan is being fully implemented in ac-  
5 cordance with the timetable.

6 “(2) AUTHORITY TO REVISE CORRECTIVE AC-  
7 TION PLAN AND TIMETABLE.—The Secretary may  
8 approve such changes to any corrective action plan  
9 and timetable submitted by a State under paragraph  
10 (1) as the Secretary deems appropriate to enable the  
11 State to correct the deficiencies or errors with re-  
12 spect to which the plan and timetable were submit-  
13 ted.

14 “(f) RESCISSION OF FINANCIAL PENALTIES.—The  
15 Secretary shall rescind any financial penalty that the Sec-  
16 retary has imposed on a State under this section, upon  
17 a finding by the Secretary that—

18 “(1) the State has fully implemented the plan  
19 in accordance with the timetable; and

20 “(2) the State is in substantial compliance with  
21 the requirements with respect to which the penalty  
22 was imposed.

23 “(g) ADMINISTRATIVE REVIEW.—

24 “(1) IN GENERAL.—Within a reasonable time  
25 after a State is notified of a determination under

1 this section that the failure of a State child welfare  
 2 program to comply with applicable requirements is  
 3 substantial, and of the amount of the financial pen-  
 4 alty imposed on the State under this section with re-  
 5 spect to such failure, the State may appeal the de-  
 6 termination and the imposition of the penalty (in  
 7 whole or in part) to the Departmental Appeals  
 8 Board established in the Department of Health and  
 9 Human Services, by filing an appeal with the Board.

10 “(2) AUTHORITY OF BOARD TO ADJUST PEN-  
 11 ALTY.—The Board may adjust the amount of the fi-  
 12 nancial penalty to be imposed under this section,  
 13 taking into account—

14 “(A) the amount of the financial penalty  
 15 imposed by the Secretary;

16 “(B) the proportionality of the penalty to  
 17 the degree of the failure; and

18 “(C) where appropriate, whether the fail-  
 19 ure materially affected the protection of chil-  
 20 dren who are in, or at risk of being placed in,  
 21 foster care.

22 “(h) JUDICIAL REVIEW.—

23 “(1) IN GENERAL.—Within a reasonable time  
 24 after a decision by the Departmental Appeals Board  
 25 with respect to the imposition of a penalty under the

1 regulatory review system established in accordance  
2 with this section, the State may obtain judicial re-  
3 view of the decision by filing an action in—

4 “(A) the district court of the United States  
5 for the judicial district in which the principal or  
6 headquarters office of the agency responsible  
7 for administering the State child welfare pro-  
8 gram is located; or

9 “(B) the United States District Court for  
10 the District of Columbia.

11 “(2) PROCEDURAL RULES.—The district court  
12 shall review the decision of the Board on the record  
13 established in the proceedings before the Board, in  
14 accordance with the standards of review prescribed  
15 by subparagraphs (A) through (E) of section 706(2)  
16 of title 5, United States Code.”.

17 (2) EFFECTIVE DATE.—The amendment made  
18 by paragraph (1) shall take effect on the date of the  
19 enactment of this Act.

20 (b) FINAL REGULATIONS.—

21 (1) DEADLINE FOR ISSUANCE.—Not later than  
22 April 1, 1993, the Secretary of Health and Human  
23 Services shall issue, in final form, the regulations re-  
24 quired by section 491 of the Social Security Act.

1           (2) APPLICABILITY.—Such regulations shall  
2 apply to conduct occurring on or after October 1,  
3 1993.

4           (c) CONFORMING AMENDMENT.—

5           (1) IN GENERAL.—Section 471(b) (42 U.S.C.  
6 671(b)) is amended by striking all that follows the  
7 first sentence.

8           (2) EFFECTIVE DATE.—The amendment made  
9 by paragraph (1) shall take effect on October 1,  
10 1993.

11           (d) ALL STATE CHILD WELFARE PROGRAMS TO BE  
12 REVIEWED BY THE END OF FISCAL YEAR 1997.—Not  
13 later than September 30, 1997, the Secretary of Health  
14 and Human Services shall complete at least 1 review of  
15 each State child welfare program (as defined in section  
16 491 of the Social Security Act) under the regulatory re-  
17 view system established in accordance with such section.

18           (e) PROHIBITION AGAINST COLLECTING DIS-  
19 ALLOWANCES IMPOSED FOR NONCOMPLIANCE WITH  
20 CHILD WELFARE SERVICES REQUIREMENTS.—The Sec-  
21 retary of Health and Human Services shall not—

22           (1) on or after the date of the enactment of this  
23 Act, reduce any payment to, withhold any payment  
24 from, or seek any repayment from, any State under  
25 part B or E of title IV of the Social Security Act

1 by reason of a determination made in connection  
2 with any review of State compliance with—

3 (A) the foster care protections of section  
4 427 of the Social Security Act (as in effect be-  
5 fore fiscal year 1993) for any fiscal year before  
6 fiscal year 1993; or

7 (B) section 422(b)(9) of such Act for fiscal  
8 year 1993 or 1994;

9 (2) before October 1, 1994, reduce any pay-  
10 ment to, withhold any payment from, or seek any re-  
11 payment from, any State under part E of title IV  
12 of the Social Security Act by reason of a determina-  
13 tion made in connection with any on-site Federal fi-  
14 nancial review, or any audit conducted by the In-  
15 spector General using similar methodologies.

16 (f) TREATMENT OF DEFERRAL ACTIONS UNDER  
17 PART E.—

18 (1) IN GENERAL.—Section 474 (42 U.S.C. 674)  
19 is amended by adding after the subsection added by  
20 section 208(a)(1)(B) of this Act the following:

21 “(f)(1) The Secretary may not take any action to sus-  
22 pend payment with respect to any claim for reimburse-  
23 ment under this part, after the end of the 30-day period  
24 that begins with the date the Secretary receives the quar-

1 teriy statement of expenditures required under section 403  
2 that contains the report of the claim.

3 “(2) Within 10 months after the Secretary takes any  
4 action to suspend payment with respect to such a claim,  
5 the Secretary shall—

6 “(A) determine the allowability of the claim; or

7 “(B) if unable to make such a determination,  
8 make payment with respect to the claim, subject to  
9 a later determination of allowability.”.

10 (2) EFFECTIVE DATE.—The amendment made  
11 by paragraph (1) shall take effect on the date of the  
12 enactment of this Act, and shall apply to actions  
13 taken before, on, or after such date.

## 14 **TITLE III—SOCIAL SERVICES** 15 **BLOCK GRANT**

16 **SEC. 301. TITLE XX SOCIAL SERVICES BLOCK GRANT.**

17 (a) INCREASE IN FUNDING.—Section 2003 (42  
18 U.S.C. 1397b) is amended—

19 (1) in subsection (c)—

20 (A) in paragraph (4), by striking “and”;

21 (B) in paragraph (5), by striking “fiscal  
22 year after fiscal year 1989.” and inserting “of  
23 fiscal years 1990, 1991, 1992, 1995, 1996, and  
24 1997;”; and

25 (C) by adding at the end the following:

1           “(6) \$2,900,000,000, for each of fiscal years  
2           1993 and 1994; and

3           “(7) the amount calculated under subsection  
4           (d) for fiscal year 1998 and each succeeding fiscal  
5           year.”; and

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

7           “(d) The amount calculated under this subsection for  
8           a fiscal year is \$2,800,000,000, increased by the percent-  
9           age (if any) by which—

10           “(1) the average of the Consumer Price Index  
11           (as defined in section 1(f)(5) of the Internal Reve-  
12           nue Code of 1986) for the 12-month period ending  
13           on July 31 of the immediately preceding fiscal year;  
14           exceeds

15           “(2) the average of the Consumer Price Index  
16           (as so defined) for the 12-month period ending on  
17           July 31, 1996.”.

18           (b) ALLOCATION OF FUNDS TO INDIAN TRIBES AND  
19           TRIBAL ORGANIZATIONS.—Section 2003 (42 U.S.C.  
20           1397b) is amended by adding after the subsection added  
21           by subsection (a) of this section the following:

22           “(e)(1) If, with respect to any State—

23           “(A) the Secretary receives a request from a  
24           tribal organization in the State that assistance

1 under this title be provided directly to the tribal or-  
2 ganization for a fiscal year; and

3 “(B) the tribal organization has submitted an  
4 application for the fiscal year that meets such cri-  
5 teria as the Secretary may prescribe by regulation,  
6 the Secretary shall reserve from the amounts that would  
7 otherwise be allotted to the State for the fiscal year not  
8 less than the amount that bears the same ratio to the al-  
9 lotment for the State for the fiscal year under subsection  
10 (b) (before the application of this subsection) as the popu-  
11 lation of Indians residing in the State on the reservation  
12 or reservations of the tribal organization, or on trust lands  
13 adjacent to such reservation or reservations, bears to the  
14 population of the State, and shall pay to the tribal organi-  
15 zation an amount equal to the amount so reserved.

16 “(2) For purposes of this subsection, the terms ‘tribal  
17 organization’ and ‘Indian’ have the meaning given such  
18 terms by section 4 of the Indian Self-Determination and  
19 Education Assistance Act.”.

1 **TITLE IV—RESEARCH, DEM-**  
2 **ONSTRATION, AND EVALUA-**  
3 **TION ACTIVITIES**

4 **SEC. 401. ADVISORY COMMISSION ON CHILDREN AND FAMI-**  
5 **LIES.**

6 (a) **IN GENERAL.**—Part A of title XI of the Social  
7 Security Act (42 U.S.C. 1301–1320b–13) is amended by  
8 adding at the end the following:

9 **“SEC. 1144. ADVISORY COMMISSION ON CHILDREN AND**  
10 **FAMILIES.**

11 “(a) **ESTABLISHMENT.**—The Director of the Office  
12 of Technology Assessment (in this section referred to as  
13 the ‘Director’ and the ‘Office’, respectively) shall establish  
14 a commission to be known as the ‘Advisory Commission  
15 on Children and Families’ (in this section referred to as  
16 the ‘Commission’).

17 “(b) **GENERAL DUTIES.**—The Commission shall  
18 identify cost-effective approaches to protect and enhance  
19 the physical, mental, emotional, and financial well-being  
20 of children and their families, by—

21 “(1) collecting and assessing information on—

22 “(A) measures of the economic, social, and  
23 physical well-being of children;

24 “(B) the causes and effects of mal-  
25 treatment of children;

1           “(C) the effectiveness of social services and  
2 income supports in strengthening the family  
3 unit;

4           “(D) the effects of substitute care on the  
5 well-being of children;

6           “(E) the adequacy and effectiveness of  
7 cash assistance and tax policies in maintaining  
8 family incomes;

9           “(F) the incentive effects of family policies;

10          “(G) the effect of family breakup on family  
11 economics;

12          “(H) ways to promote the parental support  
13 of children;

14          “(I) participation in Federal programs  
15 supporting children and their families;

16          “(J) program management and service de-  
17 livery by public organizations working with fam-  
18 ilies and children; and

19          “(K) such other issues related to children  
20 and their families as the Commission deems it  
21 appropriate to study; and

22          “(2) in collecting and assessing such  
23 information—

24               “(A) use existing information, whether or  
25 not published, where possible, collected and as-

1           sessed by Commission staff or under arrange-  
2           ments made in accordance with this paragraph;

3           “(B) carry out or award grants or con-  
4           tracts for original research and experimentation  
5           where existing information is inadequate for the  
6           development of useful and valid information by  
7           the Commission; and

8           “(C) adopt procedures to allow any inter-  
9           ested person to submit to the Commission infor-  
10          mation on issues relating to social and support  
11          services, and income security, for children and  
12          their families, which information the Commis-  
13          sion shall consider in making reports and rec-  
14          ommendations to the Secretary and to the Con-  
15          gress.

16          “(c) MEMBERSHIP.—

17                 “(1) NUMBER; APPOINTMENT.—

18                         “(A) IN GENERAL.—The Commission shall  
19                         be composed of 15 individuals appointed by the  
20                         Director, not later than April 1, 1993.

21                         “(B) DIRECTOR REQUIRED TO SOLICIT  
22                         NOMINATIONS.—The Director shall solicit nomi-  
23                         nations to the Commission from a wide variety  
24                         of individuals and groups, including—

1           “(i) national organizations rep-  
2           resenting State welfare directors;

3           “(ii) national organizations rep-  
4           resenting children or families, or both; and

5           “(iii) public and private organizations  
6           which provide services directly to children  
7           and their families.

8           “(C) QUALIFICATIONS OF MEMBERS.—The  
9           Director shall appoint individuals to the Com-  
10          mission from among those who are able to pro-  
11          vide expertise and experience in the evaluation  
12          and administration of programs and policies re-  
13          lating to social and support services, and in-  
14          come security, for children and their families,  
15          including issues relating to child welfare, foster  
16          care and adoption assistance, preventive and  
17          supportive services, child support, and cash as-  
18          sistance.

19          “(2) TERMS OF OFFICE.—Each member shall  
20          be appointed for a term of 3 years, except that the  
21          Director may provide initially for such shorter terms  
22          to ensure that (on a continuing basis) the terms of  
23          not more than 7 members expire in any 1 year.

24          “(d) COMMISSION POWERS, COMPENSATION, ACCESS  
25          TO INFORMATION, AND SUPERVISION.—The first sentence

1 of subparagraph (C), the first and third sentences of sub-  
2 paragraph (D), subparagraph (F) (except with respect to  
3 the conduct of medical studies), subparagraph (G), and  
4 subparagraph (H) of section 1886(e)(6) shall apply to the  
5 Commission in the same manner in which such provisions  
6 apply to the Prospective Payment Assessment Commis-  
7 sion.

8       “(e) EXEMPTION FROM TERMINATION REQUIRE-  
9 MENT OF THE FEDERAL ADVISORY COMMITTEE ACT.—  
10 Section 14(a)(2) of the Federal Advisory Committee Act  
11 shall not apply to the Commission.

12       “(f) ANNUAL STATUS REPORTS.—The Office shall  
13 report annually to the Congress on—

14               “(1) the functioning and progress of the Com-  
15 mission; and

16               “(2) the status of the assessment by the Com-  
17 mission of issues relating to social and support serv-  
18 ices, and income security, for children and their fam-  
19 ilies.”.

20       (b) EFFECTIVE DATE.—The amendment made by  
21 subsection (a) shall take effect on the date of the enact-  
22 ment of this Act.

1 **SEC. 402. RESEARCH AND EVALUATIONS TO BE CON-**  
2 **DUCTED BY THE ADVISORY COMMISSION ON**  
3 **CHILDREN AND FAMILIES.**

4 (a) **IN GENERAL.**—Section 1144, as added by section  
5 401(a) of this Act, is amended by redesignating sub-  
6 sections (c), (d), (e), and (f) as subsections (d), (e), (f),  
7 and (g), respectively, and by inserting after subsection (b)  
8 the following:

9 “(c) **RESEARCH AND EVALUATION PROJECTS.**—

10 “(1) **EVALUATION OF CHILD WELFARE SERV-**  
11 **ICES PROGRAMS.**—

12 “(A) **IN GENERAL.**—The Commission  
13 shall, directly or under contract with 1 or more  
14 independent research organizations, evaluate  
15 child welfare services programs receiving funds  
16 under part B, including programs of each of the  
17 3 types described in the subparagraphs of sec-  
18 tion 435(a)(2), in accordance with such criteria  
19 as the Commission deems appropriate. To the  
20 maximum extent practicable, the evaluations  
21 shall use treatment and control groups of sta-  
22 tistically appropriate sample sizes to measure  
23 the effects of the program. The evaluations  
24 shall consider short-term and long-term pro-  
25 gram effects.

1                   “(B) INTENSIVE FAMILY PRESERVATION  
2 PROGRAMS.—

3                   “(i) IN GENERAL.—An appropriate  
4 portion of the evaluations referred to in  
5 subparagraph (A) shall be of intensive  
6 family preservation programs. For pur-  
7 poses of this subsection, the term ‘inten-  
8 sive family preservation programs’ means  
9 family-based crisis intervention programs  
10 which are—

11                   “(I) designed to maintain chil-  
12 dren safely in their homes and prevent  
13 the need for foster care; and

14                   “(II) characterized by small case-  
15 loads for workers, limited duration of  
16 services, 24-hour-a-day availability of  
17 staff, and the provision of services pri-  
18 marily in the child’s home or in an-  
19 other environment familiar to the  
20 child.

21                   “(ii) EVALUATION REQUIREMENTS.—  
22 (I) The evaluation of any intensive family  
23 preservation program shall provide infor-  
24 mation on the extent (if any) to which the  
25 success of the program depends on—

1           “(aa) the philosophical approach  
2 of the program;

3           “(bb) the types of services pro-  
4 vided by the various kinds of pro-  
5 grams;

6           “(cc) the administrative tech-  
7 niques employed by the various kinds  
8 of programs;

9           “(dd) the characteristics of fami-  
10 lies participating in the various kinds  
11 of programs; and

12           “(ee) other relevant factors.

13           “(II) Only programs that have a plan  
14 for targeting families that are at imminent  
15 risk of a foster care placement shall be  
16 evaluated, and a portion (deemed appro-  
17 priate by the Commission) of the programs  
18 evaluated must target families in crisis due  
19 to substance abuse.

20           “(III) A control group and a treat-  
21 ment group shall be established consisting  
22 of families at imminent risk of a foster  
23 care placement.

24           “(IV) Families in the control group  
25 shall receive the array of preplacement pre-

1 ventive services available to families in the  
2 areas in which the programs are located.

3 “(V) The services received by the fam-  
4 ilies in the control group and the services  
5 received by the families in the treatment  
6 group shall be described, and an assess-  
7 ment of the need for post-program services  
8 for families participating in the programs  
9 shall be made.

10 “(VI) Each group of families shall be  
11 monitored for at least 3 years after partici-  
12 pation in the programs to determine the  
13 effectiveness of such programs.

14 “(VII) The effectiveness of any pro-  
15 gram shall be determined by using specific  
16 outcome measures deemed appropriate by  
17 the Commission, including—

18 “(aa) whether the program re-  
19 sulted in the placement of fewer chil-  
20 dren in foster care over the short- and  
21 long-term;

22 “(bb) whether the program in-  
23 creased the well-being of children and  
24 improved family functioning;

1           “(cc) whether the program pro-  
2           vided valuable diagnostic information  
3           and promoted earlier and more suc-  
4           cessful permanent placements; and

5           “(dd) whether the benefits of the  
6           program exceeded the costs of the  
7           program.

8           “(2) FOSTER CARE EVALUATIONS.—In order to  
9           promote more appropriate and effective foster care  
10          for children in need of long-term foster care, the  
11          Commission shall, directly or under contract with 1  
12          or more independent research organizations, and in  
13          accordance with such criteria as the Commission  
14          deems appropriate, evaluate the effects of alternative  
15          foster care arrangements and services on the well-  
16          being of children who—

17               “(A) have little prospect of being reunited  
18               with their families, or of being adopted; and

19               “(B) represent a challenging group of fos-  
20               ter children who are in need of specialized serv-  
21               ices or care.

22           “(3) LONGITUDINAL CHILD WELFARE DATA  
23          BASES; STUDIES OF CHILD WELFARE POPULATION  
24          DYNAMICS.—

1           “(A) CONTRACT AUTHORITY.—In order to  
2           develop more appropriate and effective interven-  
3           tion strategies with respect to children and  
4           their families who are referred or reported to  
5           the child welfare system, the Commission shall,  
6           directly or under contract with 1 or more inde-  
7           pendent research organizations—

8                   “(i) plan, design, develop, and imple-  
9                   ment not more than 5 child welfare data  
10                  bases that provide detailed longitudinal in-  
11                  formation on children and their families to  
12                  whom the local public child welfare system  
13                  provides services, from the time such chil-  
14                  dren are first referred or reported to such  
15                  system; and

16                  “(ii) using data from such data bases,  
17                  conduct such studies on children and their  
18                  families served by public child welfare sys-  
19                  tems, as the Commission deems appro-  
20                  priate, including a study of the extent to  
21                  which a lack of affordable housing is a fac-  
22                  tor in the placement of children in foster  
23                  care, and (at the option of the Commis-  
24                  sion) studies of—

1           “(I) the movements of subgroups  
2 of children and their families into,  
3 through, and out of the various parts  
4 of the child welfare system;

5           “(II) the characteristics of those  
6 children or families who stay in the  
7 system or various parts of the system  
8 for short time periods versus those  
9 who stay for long time periods;

10           “(III) the type and intensity of,  
11 and effectiveness of, services that  
12 families receive in the system;

13           “(IV) the frequency of contact  
14 between and among foster children,  
15 their parents, and caseworkers;

16           “(V) the factors associated with  
17 repeat occurrences of child abuse and  
18 neglect, and other outcomes; and

19           “(VI) the condition of children in  
20 the system in areas that may include  
21 educational performance, health, and  
22 personal and social adjustment.

23           “(B) AGREEMENTS WITH STATES.—

24           “(i) IN GENERAL.—Not later than Oc-  
25 tober 1, 1993, the Secretary shall, taking

1 into account recommendations made by the  
2 Commission, enter into agreements with  
3 not more than 5 States or localities to—

4 “(I) participate in the planning,  
5 design, development, and operation of  
6 a longitudinal child welfare data base  
7 described in subparagraph (A) in the  
8 participating State or locality in-  
9 volved; and

10 “(II) reimburse such States or  
11 localities for expenditures incurred  
12 with respect to such activities.

13 “(ii) PAYMENTS TO STATES.—Under  
14 each such agreement, the Secretary shall  
15 be obligated to pay the State or locality  
16 participating in the establishment of the  
17 data base—

18 “(I) from amounts available for  
19 payments under section 474(a)(3)(C),  
20 90 percent of such expenditures as  
21 are incurred during the 3-year period  
22 beginning on October 1, 1993, for the  
23 planning, design, development, instal-  
24 lation, or operation of the data base;  
25 and

1                   “(II) from amounts available for  
2                   payments under section 474(a)(3)(D),  
3                   50 percent of such expenditures as  
4                   are incurred after the end of such 3-  
5                   year period for the operation of the  
6                   data base.

7                   “(C) DATA BASE REQUIREMENTS.—The  
8                   Secretary shall ensure that each longitudinal  
9                   data base established under this paragraph—

10                   “(i) includes information on the re-  
11                   ceipt, by children and their families in the  
12                   data base, of particular child welfare serv-  
13                   ices, including—

14                                 “(I) child protective services;

15                                 “(II) services designed to  
16                                 strengthen and preserve families;

17                                 “(III) foster care and adoption  
18                                 services; and

19                                 “(IV) other services made avail-  
20                                 able by the child welfare system;

21                   “(ii) to the extent feasible, includes  
22                   information on the receipt of services, or  
23                   the placement of children, through the  
24                   public mental health or juvenile justice  
25                   agencies;

1           “(iii) includes only data that are reli-  
2           able and developed using uniform defini-  
3           tions and methodologies that are consistent  
4           over time and, to the extent feasible,  
5           among jurisdictions; and

6           “(iv) to the extent appropriate, is im-  
7           plemented with the State data collection  
8           and information retrieval systems de-  
9           scribed in section 474(a)(3)(C).

10           “(4) COMPREHENSIVE SERVICE PROJECTS  
11           EVALUATIONS.—

12           “(A) IN GENERAL.—The Commission  
13           shall, directly or under contract with 1 or more  
14           independent research organizations, evaluate  
15           the effectiveness of 1 or more comprehensive  
16           service projects authorized under section 441  
17           that the Commission considers likely to yield  
18           significant information not available elsewhere,  
19           in accordance with such criteria as the Commis-  
20           sion deems appropriate.

21           “(B) EVALUATION REQUIREMENTS.—Each  
22           such evaluation shall measure, using criteria  
23           the Commission deems appropriate, the extent  
24           to which the project—

1           “(i) increased the well-being of chil-  
2           dren and their families;

3           “(ii) resulted in cost savings due to a  
4           reduction in the number of placements of  
5           children outside their homes or in the  
6           length of stay in out-of-home placements;

7           “(iii) increased coordination within  
8           the child welfare agency, and among the  
9           child welfare, mental health, and juvenile  
10          justice agencies;

11          “(iv) increased the level and mix of  
12          preventive services available to children  
13          and their families in the child welfare,  
14          mental health, and juvenile justice systems;  
15          and

16          “(v) resulted in such other outcomes  
17          as the Commission deems it appropriate to  
18          measure.

19          “(C) TECHNICAL ASSISTANCE.—The Com-  
20          mission shall provide technical assistance, upon  
21          request, to any State preparing an application  
22          to conduct a comprehensive services project,  
23          and shall provide to any State, upon request, a  
24          statement containing the Commission’s rec-

1           ommendations to the Secretary with respect to  
2           the application.

3           “(5) CHILD SEPARATION GUIDELINES STUDY.—

4                   “(A) IN GENERAL.—The Commission shall  
5           conduct a study designed to answer the fol-  
6           lowing questions:

7                           “(i) How do the criteria for removal  
8                           of children from the home, and the tools  
9                           for assessing the risk to the child if not re-  
10                          moved from the home, vary from State to  
11                          State? In considering this question, the  
12                          Commission should examine—

13                                   “(I) the decisionmaking process  
14                                   at the caseworker level in at least 3  
15                                   States, at least 1 of which has a sig-  
16                                   nificantly higher than average rate of  
17                                   removing children from the home, at  
18                                   least 1 of which has an approximately  
19                                   average rate of removing children  
20                                   from the home, and at least 1 of  
21                                   which has a significantly lower than  
22                                   average rate of removing children  
23                                   from the home; and

24                                   “(II) other factors that may af-  
25                                   fect placement rates such as State

1 laws and policies, interpretations by  
2 the State child welfare agency of the  
3 reasonable efforts requirement of sec-  
4 tion 471(a)(15), and the tendency to  
5 place or not place children as a result  
6 of economic incentives provided by  
7 various State and Federal funding  
8 sources.

9 “(ii) What guidelines should be used  
10 to assess such risk and determine the need  
11 for removal of children from the home, and  
12 what kind of training would ensure the  
13 consistent application of such guidelines?  
14 The Commission should review and compile  
15 all current research relevant to this ques-  
16 tion.”.

17 (b) EFFECTIVE DATE.—The amendment made by  
18 this section shall take effect on the date of the enactment  
19 of this Act.

20 **SEC. 403. OTHER RESEARCH AND EVALUATIONS.**

21 (a) IN GENERAL.—Section 426(a) (42 U.S.C.  
22 626(a)) is amended—

23 (1) in paragraph (1), by striking “and” the sec-  
24 ond place such term appears;

1           (2) in paragraph (2), by striking the period and  
2 inserting a semicolon; and

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

4           “(3) to enable the Secretary—

5                   “(A) under contract with an independent  
6 research organization, to conduct a study to as-  
7 sess the prevalence and nature of risks to the  
8 safety of employees of child welfare systems,  
9 under which empirical information shall be ob-  
10 tained on—

11                           “(i) the incidence of violence toward,  
12 or harassment of, such employees;

13                           “(ii) the types of such employees ex-  
14 posed to the greatest risk;

15                           “(iii) the types of harm threatened or  
16 inflicted;

17                           “(iv) the characteristics of per-  
18 petrators of such violence or threats;

19                           “(v) the most dangerous child welfare  
20 settings; and

21                           “(vi) the differences (if any) between  
22 urban and rural areas in the above re-  
23 spects; and

1           “(B) to make the results and rec-  
2 ommendations of the study described in sub-  
3 paragraph (A) available for dissemination;

4           “(4) to enable the Secretary—

5           “(A) to enter into a contract with an orga-  
6 nization or organizations with demonstrated ex-  
7 perience in the field of workload measurement  
8 for human service agencies—

9           “(i) under which the organization is  
10 to conduct a 3-year study to examine  
11 methodologies for measuring the workloads  
12 of providers of child welfare services and  
13 providers of community mental health serv-  
14 ices; and

15           “(ii) which, at a minimum, requires  
16 the organization to—

17           “(I) examine and document  
18 which methodologies are used to  
19 measure caseworker and supervisor  
20 workloads;

21           “(II) develop general standards  
22 for measurement and size of work-  
23 loads;

1                   “(III) apply and validate stand-  
2                   ards for measurement and size of  
3                   workloads; and

4                   “(IV) develop software that en-  
5                   ables agencies to use appropriate  
6                   methodologies to measure workloads;  
7                   and

8                   “(B) to consult with an advisory body se-  
9                   lected by the Secretary, in planning and carry-  
10                  ing out the study described in subparagraph  
11                  (A); and

12                  “(C) to make the results and rec-  
13                  ommendations of the study described in sub-  
14                  paragraph (A) available for dissemination; and

15                  “(5) to enable the Secretary—

16                  “(A) under contract with an independent  
17                  research organization, to conduct a study  
18                  that—

19                  “(i) is designed to evaluate strategies  
20                  for the recruitment and retention of foster  
21                  parents, and the effects of foster parent  
22                  training programs on the retention of fos-  
23                  ter parents; and

24                  “(ii) shall identify successful recruit-  
25                  ment techniques and recommend steps

1           which could be taken at the Federal, State,  
2           or local level to improve the recruitment,  
3           retention, and training of foster parents;  
4           and

5           “(B) to make the results and rec-  
6           ommendations of the study described in sub-  
7           paragraph (A) available for dissemination.”.

8           (b) CONFORMING AMENDMENTS.—Section 426 (42  
9 U.S.C. 626) is amended—

10           (1) by striking subsection (b); and

11           (2) by redesignating subsection (c) as sub-  
12           section (b).

13           (c) EFFECTIVE DATE.—The amendments made by  
14 this section shall take effect on the date of the enactment  
15 of this Act.

16 **SEC. 404. CHILD WELFARE DEMONSTRATION PROJECTS.**

17           (a) GENERAL PROVISIONS.—

18           (1) MINIMUM NUMBER OF PROJECTS OF EACH  
19           TYPE.—The Secretary of Health and Human Serv-  
20           ices (in this section referred to as the “Secretary”)  
21           shall authorize at least 1 demonstration project to be  
22           conducted under each paragraph of subsection (b)  
23           during the 4-year period beginning with fiscal year  
24           1994.

1           (2) LIMITATION ON AUTHORIZATION OF APPRO-  
2           PRIATIONS.—For demonstration projects approved  
3           by the Secretary under this section, there are au-  
4           thorized to be appropriated to the Secretary not to  
5           exceed \$45,000,000 for each of fiscal years 1994,  
6           1995, 1996, and 1997.

7           (b) SPECIFIC TYPES OF PROJECTS.—

8           (1) ABANDONED INFANTS PERMANENT PLACE-  
9           MENT DEMONSTRATION.—

10           (A) IN GENERAL.—The Secretary may au-  
11           thorize not more than 10 States or localities to  
12           conduct demonstration projects designed to—

13           (i) review administrative and judicial  
14           procedures in effect in the State or locality  
15           for children abandoned at or shortly after  
16           birth, and laws in effect in the State or lo-  
17           cality that govern abandonment and the  
18           termination of parental rights;

19           (ii) assess which of such procedures  
20           and laws cause delays in the permanent  
21           placement of such children; and

22           (iii) implement alternative procedures  
23           or laws to enable lasting permanent deci-  
24           sions to be made more expeditiously with  
25           respect to the placement of such children,

1 including, at the option of the State or lo-  
2 cality, procedures or laws that—

3 (I) provide additional attorneys  
4 or agency personnel to pursue or proc-  
5 ess cases involving termination of pa-  
6 rental rights;

7 (II) expand the standing of foster  
8 parents to bring actions involving the  
9 termination of parental rights; and

10 (III) require certain of such chil-  
11 dren to be placed for foster care in  
12 homes that are likely to become the  
13 permanent adoptive homes of such  
14 children.

15 (B) APPLICATION.—Each State or locality  
16 desiring to conduct a demonstration project  
17 under this paragraph shall submit to the Sec-  
18 retary an application containing—

19 (i) an assurance that the State or lo-  
20 cality developed and will carry out the  
21 project jointly with appropriate judicial ad-  
22 ministrators, and with appropriate agen-  
23 cies of the State or locality that provide  
24 services to children abandoned at or short-  
25 ly after birth; and

1 (ii) such other information as the Sec-  
2 retary may require by regulation.

3 (C) APPROVAL OF CERTAIN APPLICA-  
4 TIONS.—The Secretary shall approve not more  
5 than 10 applications to conduct projects which  
6 appear likely to contribute significantly to the  
7 achievement of the purpose of this paragraph.

8 (D) EVALUATIONS; REPORT.—Each State  
9 and locality that conducts a demonstration  
10 project under this paragraph shall develop and  
11 carry out a plan for evaluating the effects of  
12 the project, and shall submit to the Secretary a  
13 report on such evaluation.

14 (E) DISSEMINATION OF REPORTS.—The  
15 Secretary shall make available to the Congress  
16 and the public the reports submitted pursuant  
17 to subparagraph (D).

18 (2) TERMINATION OF PARENTAL RIGHTS DEM-  
19 ONSTRATION.—

20 (A) IN GENERAL.—The Secretary may au-  
21 thenticate not more than 5 States to conduct dem-  
22 onstration projects, throughout the State or in  
23 areas of the State selected by the State, de-  
24 signed to—

1 (i) review administrative and judicial  
2 procedures, and agency legal rep-  
3 resentation, with regards to termination of  
4 parental rights; and

5 (ii) implement new procedures or  
6 other improvements that ensure more time-  
7 ly hearing of, and decisions on, cases in-  
8 volving the termination of parental rights,  
9 with a goal of substantially reducing, with  
10 respect to children of individuals whose pa-  
11 rental rights are terminated, the amount of  
12 time that elapses from the time such chil-  
13 dren are removed from home to the time  
14 parental rights are terminated.

15 (B) APPLICATION.—Each State desiring to  
16 conduct a demonstration project under this  
17 paragraph shall submit to the Secretary an ap-  
18 plication that includes—

19 (i) such information as the Secretary  
20 may require;

21 (ii) written assurance that the appli-  
22 cation was developed and that the project  
23 will be carried out in collaboration with ap-  
24 propriate State or local judicial administra-  
25 tors; and

1 (iii) an assurance that the State has  
2 recently reviewed, or, as part of the  
3 project, will review, the sufficiency of State  
4 laws governing the termination of parental  
5 rights.

6 (C) APPROVAL OF CERTAIN APPLICA-  
7 TIONS.—The Secretary shall approve not more  
8 than 5 applications to conduct projects which  
9 appear likely to contribute significantly to the  
10 achievement of the purpose of this paragraph.

11 (D) EVALUATIONS; REPORT.—Each State  
12 that conducts a demonstration project under  
13 this paragraph shall develop and carry out a  
14 plan for evaluating the effects of the project,  
15 and shall submit to the Secretary a report on  
16 such evaluation.

17 (E) DISSEMINATION OF REPORTS.—The  
18 Secretary shall make available to the Congress  
19 and the public the reports submitted pursuant  
20 to subparagraph (D).

21 (3) BORDER REGION CHILD WELFARE WORKER  
22 TRAINING DEMONSTRATION.—

23 (A) IN GENERAL.—The Secretary shall au-  
24 thorize not more than 5 eligible institutions to  
25 conduct demonstration projects to train eligible

1 individuals to deliver culturally sensitive and bi-  
2 lingual child welfare services in areas of the  
3 United States that border on Mexico.

4 (B) APPLICATIONS.—The Secretary shall  
5 approve an application of an eligible institution  
6 to conduct a demonstration project under this  
7 paragraph for a fiscal year if the Secretary has  
8 approved not more than 4 other such applica-  
9 tions for the fiscal year and the application  
10 meets the following requirements:

11 (i) HISTORY OF, OR PLAN FOR,  
12 TRAINING STUDENTS TO DELIVER CHILD  
13 WELFARE SERVICES IN BORDER AREAS.—  
14 The application demonstrates that the ap-  
15 plicant has a history of, or a plan for,  
16 training students to deliver child welfare  
17 services in an area of the United States  
18 that borders on Mexico.

19 (ii) TRAINING CURRICULUM REQUIRE-  
20 MENTS.—The application describes the  
21 curriculum of the training program. Such  
22 curriculum must be sensitive to the culture  
23 of the area that borders on Mexico and the  
24 State in which the applicant is located, and  
25 must include training for the identification

1 of health problems of children and their  
2 families and of child abuse and neglect.

3 (iii) SCOPE AND LENGTH OF TRAIN-  
4 ING.—The application includes an assur-  
5 ance that the training program meets all  
6 requirements established under subpara-  
7 graph (C) governing the scope and length  
8 of the training to be provided.

9 (iv) PLAN FOR PLACING INDIVIDUALS  
10 COMPLETING THE TRAINING IN BORDER  
11 AREA FAMILY ASSISTANCE AGENCIES.—  
12 The application contains a plan for placing  
13 each eligible individual who completes the  
14 training under the project in a family as-  
15 sistance agency that provides services di-  
16 rectly to residents of the border county in  
17 which the agency is located.

18 (v) COMMITMENT TO CONSULT WITH  
19 STATE CHILD WELFARE AGENCY.—The ap-  
20 plication contains a commitment by the ap-  
21 plicant to consult with the child welfare  
22 agency of the State in which the applicant  
23 is located to ensure that the project is de-  
24 signed to provide individuals with child  
25 welfare skills that are needed for work with

1           disadvantaged individuals in the area of  
2           the State that borders on Mexico.

3           (C) TRAINING REQUIREMENTS.—The Sec-  
4           retary, in consultation with the State child wel-  
5           fare agencies of the eligible States, shall develop  
6           criteria regarding the scope and length of the  
7           training program to be provided under any  
8           demonstration project conducted under this  
9           paragraph to ensure that training under the  
10          program adequately prepares trainees for the  
11          work they will perform after completion of the  
12          training program. The Secretary shall treat  
13          participation in a program leading to a bach-  
14          elor's or a master's degree in social work as  
15          providing such adequate preparation.

16          (D) GRANTS.—

17                 (i) ALLOCATION AMONG STATES WITH  
18                 APPROVED PROJECTS.—Each eligible State  
19                 in which is located an eligible institution  
20                 whose application to conduct a dem-  
21                 onstration project under this paragraph for  
22                 a fiscal year has been approved by the Sec-  
23                 retary shall be allocated for the fiscal year  
24                 that portion of the funds available to carry

1 out this paragraph for the fiscal year that  
2 is represented by—

3 (I) the number of disadvantaged  
4 individuals who, as of the close of the  
5 second preceding fiscal year, resided  
6 in the border counties of the State; di-  
7 vided by

8 (II) the total number of dis-  
9 advantaged individuals who, as of the  
10 close of the second preceding fiscal  
11 year, resided in the border counties of  
12 all such eligible States.

13 (ii) GRANT AUTHORITY.—The Sec-  
14 retary shall make a grant to each eligible  
15 institution that the Secretary authorizes to  
16 conduct a demonstration project under this  
17 paragraph for a fiscal year in an amount  
18 equal to—

19 (I) the amount allocated for the  
20 fiscal year under clause (i) to the  
21 State in which the institution is lo-  
22 cated; divided by

23 (II) the number of eligible insti-  
24 tutions in the State that are so au-  
25 thorized.

1 (E) USE OF GRANTS.—Each eligible insti-  
2 tution that receives a grant under this  
3 paragraph—

4 (i) shall use the grant to equip eligible  
5 individuals with the knowledge and skills  
6 necessary to perform the range of child  
7 welfare work, from case management to  
8 supervisory skills; and

9 (ii) may use the grant to pay the tui-  
10 tion, room and board, travel, and other liv-  
11 ing expenses of eligible individuals.

12 (F) DEFINITIONS.—As used in this para-  
13 graph:

14 (i) BORDER COUNTY.—The term  
15 “border county” means—

16 (I) in the State of Texas, the  
17 counties of Cameron, Brooks, Hi-  
18 dalgo, Kenedy, Willacy, Jim Hogg,  
19 Starr, Webb, Zapata, Duval, LaSalle,  
20 Maverick, Dimmit, Zavala, Uvalde,  
21 Kinney, Val Verde, Edwards, Crock-  
22 ett, Terrell, Pecos, Brewster, Presidio,  
23 Jeff Davis, Reeves, Culberson,  
24 Hudspeth, Bexar, and El Paso;

1 (II) in the State of New Mexico,  
2 the counties of Otero, Sierra, Dona  
3 Ana, Luna, Hidalgo, Grant, Lea, Roo-  
4 sevelt, Chaves, Eddy, and Lincoln;

5 (III) in the State of Arizona, the  
6 counties of Cochise, Graham,  
7 Greenlee, Maricopa, Pinal, Pima,  
8 Yuma, La Paz, and Santa Cruz; and

9 (IV) in the State of California,  
10 the counties of Imperial, San Diego,  
11 Riverside, and Orange.

12 (ii) CHILD WELFARE AGENCY.—The  
13 term “child welfare agency” means, with  
14 respect to a State, the individual or agency  
15 that administers or supervises the adminis-  
16 tration of the State plan for child welfare  
17 services under part B of title IV of the So-  
18 cial Security Act.

19 (iii) DISADVANTAGED INDIVIDUAL.—  
20 The term “disadvantaged individual”  
21 means an individual whose income does not  
22 exceed 130 percent of the income official  
23 poverty line (as defined by the Office of  
24 Management and Budget, and revised an-  
25 nually in accordance with section 673(2) of

1 the Omnibus Budget Reconciliation Act of  
2 1981) applicable to a family of the size of  
3 the individual's family.

4 (iv) ELIGIBLE INDIVIDUAL.—The  
5 term “eligible individual” means any indi-  
6 vidual who—

7 (I) is, or intends to become, an  
8 employee of a family assistance agen-  
9 cy in an eligible State; and

10 (II) enters into an agreement  
11 with an eligible institution in the  
12 State under which—

13 (aa) the institution agrees to  
14 train the individual to deliver cul-  
15 turally sensitive and bilingual  
16 child welfare services in the area  
17 of the United States that borders  
18 on Mexico; and

19 (bb) the individual agrees to  
20 so deliver such services at or  
21 from a site approved by the child  
22 welfare agency of the State for at  
23 least 1 year beginning within a  
24 reasonable time after the individ-  
25 ual completes the training.

1 (v) ELIGIBLE INSTITUTION.—The  
2 term “eligible institution” means any insti-  
3 tution of higher education that is located  
4 in an eligible State.

5 (vi) ELIGIBLE STATE.—The term “eli-  
6 gible State” means Texas, New Mexico,  
7 Arizona, and California.

8 (vii) FAMILY ASSISTANCE AGENCY.—  
9 The term “family assistance agency”  
10 means a child welfare agency, family plan-  
11 ning agency, hospital, clinic, community  
12 mental health facility, or drug and alcohol  
13 treatment program.

14 (viii) INSTITUTION OF HIGHER EDU-  
15 CATION.—The term “institution of higher  
16 education” means—

17 (I) an institution of higher edu-  
18 cation (as defined in section 1201(a)  
19 or 481(a) of the Higher Education  
20 Act of 1965); and

21 (II) an area vocational education  
22 school (as defined in subparagraph  
23 (C) or (D) of section 521(3) of the  
24 Carl D. Perkins Vocational Education  
25 Act).

1           (4) STAFF RECRUITMENT AND RETENTION  
2 DEMONSTRATION.—

3           (A) IN GENERAL.—The Secretary may  
4 make grants under this paragraph to not more  
5 than 10 State or local government agencies to  
6 conduct demonstration projects designed to de-  
7 velop and implement innovative recruitment or  
8 retention strategies for trained staff in public  
9 and private nonprofit agencies working with  
10 children and adolescents at risk of being placed  
11 in foster care.

12           (B) ELIGIBILITY.—To be eligible to con-  
13 duct a demonstration project under this para-  
14 graph, a State or local government agency shall  
15 submit to the Secretary a 3-year plan for the  
16 recruitment and retention of trained direct serv-  
17 ices staff (for public and private nonprofit  
18 agencies that contract for the care of children  
19 in the custody of public agencies), which con-  
20 tains such information as the Secretary may  
21 prescribe by regulation, including a description  
22 of the planned outreach activities and the steps  
23 that will be taken to encourage recruitment and  
24 retention of staff.

1 (C) GRANT REQUIRED TO BE MADE FOR  
2 ELIGIBLE PROJECT DESIGNED FOR MINORITY  
3 COMMUNITY SERVICE.—The Secretary shall  
4 make a grant under this paragraph to at least  
5 1 State or local government agency which sub-  
6 mits to the Secretary an application for a dem-  
7 onstration project designed to expand the ca-  
8 pacity of minorities to provide services within  
9 their communities if the application otherwise  
10 meets the requirements of this paragraph.

11 (D) PRIORITY TO BE GIVEN TO CERTAIN  
12 PROJECTS.—In considering proposed dem-  
13 onstration projects under this paragraph, the  
14 Secretary shall give priority to—

15 (i) proposed projects that demonstrate  
16 intersystem cooperation among child wel-  
17 fare, juvenile justice, mental health, or  
18 substance abuse agencies; and

19 (ii) proposed projects that are de-  
20 signed to test urban and rural strategies in  
21 a variety of geographic areas.

22 (E) APPROVAL OF CERTAIN APPLICA-  
23 TIONS.—The Secretary shall approve not more  
24 than 10 applications to conduct projects which

1 appear likely to contribute significantly to the  
2 achievement of the purpose of this paragraph.

3 (F) USE OF GRANTS.—Each agency that  
4 receives a grant under this paragraph shall use  
5 the grant to carry out the plan submitted to the  
6 Secretary as described in subparagraph (B).

7 (G) STATE REQUIRED TO PARTIALLY  
8 MATCH GRANTS MADE FOR CONSECUTIVE  
9 YEARS.—Each agency which receives a grant  
10 under this paragraph for 2 or more consecutive  
11 years shall provide from non-Federal sources—

12 (i) for the 2nd consecutive year, an  
13 amount equal to 20 percent of the grant  
14 made for such year; and

15 (ii) for the 3rd consecutive year, an  
16 amount equal to 25 percent of the grant  
17 made for such year.

18 (II) EVALUATIONS; REPORT.—Each State  
19 and locality that conducts a demonstration  
20 project under this paragraph shall develop and  
21 carry out a plan for evaluating the effects of  
22 the project, and shall submit to the Secretary a  
23 report on such evaluation.

24 (I) DISSEMINATION OF REPORTS.—The  
25 Secretary shall make available to the Congress

1 and the public the reports submitted pursuant  
2 to subparagraph (H).

3 (5) JOINT TRAINING DEMONSTRATION.—

4 (A) IN GENERAL.—The Secretary may  
5 make grants under this paragraph, on a com-  
6 petitive basis, to not more than 10 State or  
7 local government agencies to conduct dem-  
8 onstration projects designed to test the effect of  
9 joint training programs for the staff of child  
10 welfare, mental health, and juvenile justice  
11 agencies.

12 (B) ELIGIBILITY.—To be eligible for a  
13 grant under this paragraph, a State or local  
14 government agency shall designate a public  
15 agency which provides services to children in  
16 the State and demonstrate that at least 2 such  
17 agencies will participate in the project by con-  
18 tributing financial resources, staff resources,  
19 and trainees.

20 (C) APPROVAL OF CERTAIN APPLICA-  
21 TIONS.—The Secretary shall approve not more  
22 than 10 applications to conduct projects which  
23 appear likely to contribute significantly to the  
24 achievement of the purpose of this paragraph.

1           (D) USE OF GRANT.—Each State or local  
2 government agency that receives a grant under  
3 this paragraph shall use the grant to train staff  
4 (including supervisors) of public and private  
5 agencies who provide services to children or  
6 adolescents at risk of requiring foster care or to  
7 the families of such children or adolescents.  
8 Such training shall be designed to—

9           (i) educate staff about the special  
10 needs of, and service programs for, certain  
11 populations of children or adolescents, such  
12 as those who have been sexually abused,  
13 suffer from serious emotional disturbances,  
14 are substance abusers, have acquired im-  
15 mune deficiency syndrome, or are infected  
16 with a human immunodeficiency virus; and

17           (ii) coordinate the interagency delivery  
18 of services (including family preservation  
19 services, family reunification services, inde-  
20 pendent living services, and supportive  
21 services) to children at risk of being placed  
22 in foster care.

23           (E) EVALUATIONS; REPORT.—Each State  
24 or local government agency that conducts a  
25 demonstration project under this paragraph

1 shall develop and carry out a plan for evaluat-  
2 ing the effects of the training provided under  
3 the project, and shall submit to the Secretary a  
4 report on such evaluation.

5 (F) DISSEMINATION OF REPORTS.—The  
6 Secretary shall make available to the Congress  
7 and the public the reports submitted pursuant  
8 to subparagraph (E).

9 (c) FOSTER CARE AND ADOPTION ASSISTANCE DEM-  
10 ONSTRATION.—

11 (1) IN GENERAL.—The Secretary may author-  
12 ize not more than 5 States to conduct demonstration  
13 projects designed to test, for not more than 6 years,  
14 the feasibility of eliminating the requirements in sec-  
15 tions 472 and 473 of the Social Security Act that  
16 relate to the income and resources of the child or of  
17 the family from which a child originated, and allow-  
18 ing States to receive reimbursement for foster care  
19 maintenance payments and for adoption assistance  
20 payments made with respect to children without re-  
21 gard to such income and resources.

22 (2) APPLICATION.—Each State desiring to con-  
23 duct a demonstration project under this subsection  
24 shall submit to the Secretary an application in such

1 form and containing such information as the Sec-  
2 retary may require by regulation.

3 (3) AGREEMENT ON FEDERAL MATCHING PAY-  
4 MENTS AND STRATEGY FOR EVALUATION.—

5 (A) IN GENERAL.—As a condition prece-  
6 dent to approving any application to conduct a  
7 demonstration project under this subsection,  
8 the Secretary and the State shall reach agree-  
9 ment on—

10 (i) the rates at which the various  
11 types of expenditures under the project  
12 shall be reimbursed, in lieu of the rates at  
13 which such expenditures would otherwise  
14 be reimbursed under section 474 of the So-  
15 cial Security Act; and

16 (ii) a strategy for evaluating the ef-  
17 fects of the project.

18 (B) LIMITATION.—The Secretary may not  
19 agree to any set of reimbursement rates under  
20 subparagraph (A)(i) of this paragraph, unless  
21 the Secretary determines that the set of rates  
22 is likely to result in an amount of Federal pay-  
23 ments to the State under section 474 of the So-  
24 cial Security Act that does not exceed the  
25 amount that would have been so paid to the

1 State if the State were not conducting the dem-  
2 onstration project.

3 (4) APPROVAL OF CERTAIN APPLICATIONS.—

4 (A) IN GENERAL.—The Secretary shall ap-  
5 prove not more than 5 applications to conduct  
6 projects which appear likely to contribute sig-  
7 nificantly to the achievement of the purpose of  
8 this subsection.

9 (B) PROJECT LIFETIME.—

10 (i) 3 YEARS.—Each agreement under  
11 paragraph (3) shall be for a term of 3  
12 years.

13 (ii) AUTHORITY TO RENEW PROJECT  
14 FOR 3 YEARS.—Upon the request of the  
15 State, the Secretary shall extend for 3 ad-  
16 ditional years the term of any agreement  
17 under paragraph (3).

18 (5) EVALUATIONS; REPORT.—Each State that  
19 conducts a demonstration project under this sub-  
20 section shall develop and carry out a plan for evalu-  
21 ating the effects of the project, and shall submit to  
22 the Secretary a report on such evaluation.

23 (6) DISSEMINATION OF REPORTS.—The Sec-  
24 retary shall make available to the Congress and the

1 public the reports submitted pursuant to paragraph  
2 (5).

3 **SEC. 405. TECHNICAL ASSISTANCE.**

4 (a) **IN GENERAL.**—Section 476 (42 U.S.C. 676) is  
5 amended by adding at the end the following:

6 “(c) The Secretary shall provide technical assistance  
7 to the States to assist the States in—

8 “(1) interpreting and implementing part B,  
9 part C, and this part;

10 “(2) disseminating information on innovative  
11 child welfare practices;

12 “(3) correcting problems identified through  
13 Federal audits and reviews, and carrying out correc-  
14 tive action plans required by this part;

15 “(4) implementing the foster care and adoption  
16 data collection system described in section 479; and

17 “(5) addressing such other matters as the Sec-  
18 retary may identify.”.

19 (b) **EFFECTIVE DATE.**—The amendment made by  
20 subsection (a) shall take effect on October 1, 1992.

1 **TITLE** **V—MISCELLANEOUS**  
2 **HUMAN RESOURCES AMEND-**  
3 **MENTS**

4 **SEC. 501. STATE OPTION TO USE RETROSPECTIVE BUDGET-**  
5 **ING WITHOUT MONTHLY REPORTING UNDER**  
6 **AFDC PROGRAM.**

7 (a) IN GENERAL.—Section 402(a)(13) (42 U.S.C.  
8 602(a)(13)) is amended—

9 (1) by striking all that precedes subparagraph  
10 (A) and inserting the following:

11 “(13) provide, at the option of the State and  
12 with respect to such category or categories as the  
13 State may select and identify in the State plan,  
14 that—”; and

15 (2) in each of subparagraphs (A) and (B), by  
16 striking “, in the case of families who are required  
17 to report monthly to the State agency pursuant to  
18 paragraph (14)”.

19 (b) EFFECTIVE DATE.—The amendment made by  
20 subsection (a) shall take effect on October 1, 1992, and  
21 shall apply to payments under part A of title IV of the  
22 Social Security Act for fiscal year 1993 and such pay-  
23 ments for succeeding fiscal years.

1 **SEC. 502. INCREASE IN STEPPARENT INCOME DISREGARD**  
 2 **UNDER AFDC PROGRAM.**

3 (a) **IN GENERAL.**—Section 402(a)(31) (42 U.S.C.  
 4 602(a)(31)) is amended by striking “\$75” and inserting  
 5 “\$90”.

6 (b) **EFFECTIVE DATE.**—The amendment made by  
 7 subsection (a) shall take effect on October 1, 1992, and  
 8 shall apply to payments under part A of title IV of the  
 9 Social Security Act for fiscal year 1993 and such pay-  
 10 ments for succeeding fiscal years.

11 **SEC. 503. EXTENSION OF PERIOD FOR DEMONSTRATION**  
 12 **PROJECTS FOR EVALUATING MODEL PROCE-**  
 13 **DURES FOR REVIEWING CHILD SUPPORT**  
 14 **AWARDS.**

15 (a) **IN GENERAL.**—Section 103(c)(4) of the Family  
 16 Support Act of 1988 is amended by striking “2-year” and  
 17 inserting “3-year”.

18 (b) **EFFECTIVE DATE.**—The amendment made by  
 19 subsection (a) shall take effect on the date of the enact-  
 20 ment of this Act.

21 **SEC. 504. TECHNICAL CORRECTIONS RELATED TO THE IN-**  
 22 **COME SECURITY AND HUMAN RESOURCES**  
 23 **PROVISIONS OF THE OMNIBUS BUDGET REC-**  
 24 **ONCILIATION ACT OF 1990.**

25 (a) **AMENDMENT RELATED TO SECTION 5057.**—Sec-  
 26 tion 5057 of the Omnibus Budget Reconciliation Act of

1 1990 (Public Law 101-508), and the amendment made  
2 by such section, are hereby repealed, and section 1139(d)  
3 of the Social Security Act shall be applied and adminis-  
4 tered as if such section 5057 had never been enacted.

5 (b) AMENDMENT RELATING TO SECTION 5060(a).—  
6 Clause (II) of section 402(g)(1)(A)(vi) of the Social Secu-  
7 rity Act (42 U.S.C. 602(g)(1)(A)(vi)(II)) is amended by  
8 moving such subclause 2 ems to the right so that the left  
9 margin of such subclause is aligned with the left margin  
10 of subclause (I) of such section.

11 (c) AMENDMENT RELATING TO SECTION  
12 5061(a)(3).—Section 407(b)(1)(B)(v) of the Social Secu-  
13 rity Act (42 U.S.C. 607(b)(1)(B)(v)) is amended by strik-  
14 ing “parents’ needs” and inserting “parent’s needs”.

15 (d) AMENDMENT RELATED TO SECTION 5081(a).—  
16 Section 402(i)(6)(D) of the Social Security Act (42 U.S.C.  
17 602(i)(6)(D)) is amended by striking “as as” and insert-  
18 ing “as”.

19 (e) AMENDMENT RELATING TO SECTION  
20 5105(a)(1)(B)(ii)(I).—Section 1631(a)(2)(C)(i) of the So-  
21 cial Security Act (42 U.S.C. 1383(a)(2)(C)(i)) is amended  
22 by inserting “a” before “representative”.

23 (f) AMENDMENT RELATED TO SECTION  
24 5105(d)(1)(B).—Section 5105(d)(1)(B) of the Omnibus

1 Budget Reconciliation Act of 1990 (Public Law 101-508)  
2 is amended to read as follows:

3           “(B) TITLE XVI.—Section 1631(a)(2)(F)  
4           (42 U.S.C. 1383(a)(2)(F)), as so redesignated  
5           by subsection (c)(2) of this section, is amended  
6           to read as follows:

7           “(F) The Secretary shall include as a part of the an-  
8           nual report required under section 704, information with  
9           respect to the implementation of the preceding provisions  
10          of this paragraph, including—

11           “(i) the number of cases in which the rep-  
12          resentative payee was changed;

13           “(ii) the number of cases discovered where there  
14          has been a misuse of funds;

15           “(iii) how any such cases were dealt with by the  
16          Secretary;

17           “(iv) the final disposition of such cases (includ-  
18          ing any criminal penalties imposed); and

19           “(v) such other information as the Secretary de-  
20          termines to be appropriate.’”.

21          (g) AMENDMENTS RELATED TO SECTION 5105(b).—  
22          Section 1631(a)(2)(C) of the Social Security Act (42  
23          U.S.C. 1383(a)(2)(C)) is amended—

24           (1) by striking clause (ii);

1           (2) by redesignating clauses (iii), (iv), and (v)  
2           as clauses (ii), (iii), and (iv), respectively; and

3           (3) in clause (iv) (as so redesignated), by strik-  
4           ing “(iii), and (iv)” and inserting “and (iii)”.

5           (h) AMENDMENTS RELATED TO SECTION  
6 5107(a)(2)(B).—Section 1631(c)(1)(B) of the Social Se-  
7           curity Act (42 U.S.C. 1383(c)(1)(B)) is amended by strik-  
8           ing “paragraph (1)” each place such term appears and  
9           inserting “subparagraph (A)”.

10          (i) AMENDMENT RELATED TO SECTION  
11 5109(a)(2).—Section 1631 of the Social Security Act (42  
12 U.S.C. 1383) is amended by redesignating the subsection  
13 (n) added by section 5109(a)(2) of the Omnibus Budget  
14 Reconciliation Act of 1990, as subsection (o).

15          (j) AMENDMENTS RELATED TO SECTION  
16 11115(b)(2).—Section 1613(a) of the Social Security Act  
17 (42 U.S.C. 1382b(a)) is amended—

18           (1) in paragraph (9), by striking “and”;

19           (2) in the first paragraph (10), by striking the  
20           period and inserting “; and”; and

21           (3) by redesignating the second paragraph (10)  
22           as paragraph (11).

23          (k) EFFECTIVE DATE.—Each amendment made by  
24 this section shall take effect as if the amendment had been  
25 included in the provision of the Omnibus Budget Rec-

1 onciliation Act of 1990 to which the amendment relates,  
2 at the time the provision became law.

3 **SEC. 505. TECHNICAL CORRECTIONS RELATED TO THE**  
4 **HUMAN RESOURCE AND INCOME SECURITY**  
5 **PROVISIONS OF OMNIBUS BUDGET REC-**  
6 **ONCILIATION ACT OF 1989.**

7 (a) AMENDMENT RELATING TO SECTION 8004(a).—  
8 Section 408(m)(2)(A) of the Social Security Act (42  
9 U.S.C. 608(m)(2)(A)) is amended by striking “a fiscal”  
10 and inserting “the fiscal”.

11 (b) AMENDMENT RELATING TO SECTION 8006(a).—  
12 Section 473(a)(6)(B) of the Social Security Act (42  
13 U.S.C. 673(a)(6)(B)) is amended by striking  
14 “474(a)(3)(B)” and inserting “474(a)(3)(C)”.

15 (c) AMENDMENT RELATING TO SECTION  
16 8007(b)(3).—Subparagraph (D) of section 475(5) of the  
17 Social Security Act (42 U.S.C. 675(5)(D)) is amended by  
18 moving such subparagraph 2 ems to the right so that the  
19 left margin of such subparagraph is aligned with the left  
20 margin of subparagraph (C) of such section.

21 (d) EFFECTIVE DATE.—Each amendment made by  
22 this section shall take effect as if the amendment had been  
23 included in the provision of the Omnibus Budget Rec-  
24 onciliation Act of 1989 to which the amendment relates,  
25 at the time the provision became law.

1 **TITLE VI—CHILDHOOD HUNGER**  
2 **RELIEF**

3 **SEC. 601. SHORT TITLE.**

4 This title may be cited as the “Mickey Leland Child-  
5 hood Hunger Relief Act”.

6 **SEC. 602. REFERENCES TO ACTS.**

7 Except as otherwise specifically provided in this title,  
8 references to “the Act” and sections thereof shall be  
9 deemed to be references to the Food Stamp Act of 1977  
10 (7 U.S.C. 2011 et seq.) and the sections thereof.

11 **Subtitle A—Ensuring Adequate**  
12 **Food Assistance**

13 **SEC. 611. FAMILIES WITH HIGH SHELTER EXPENSES.**

14 (a) REMOVAL OF CAP.—The fourth sentence of sec-  
15 tion 5(e) of the Food Stamp Act of 1977 (hereinafter re-  
16 ferred to as “the Act”) (7 U.S.C. 2014(e)) is amended  
17 by striking “: *Provided*, That the amount” and all that  
18 follows through “June 30”.

19 (b) TRANSITIONAL CAP.—Effective for the period be-  
20 ginning on October 1, 1992, and ending December 31,  
21 1996, section 5(e), as amended by subsection (a), is  
22 amended by inserting after the fourth sentence the fol-  
23 lowing: “In the period beginning on October 1, 1992, and  
24 ending September 30, 1993, such excess shelter expense  
25 deduction shall not exceed \$218 a month in the forty-eight

1 contiguous States and the District of Columbia, and shall  
2 not exceed, in Alaska, Hawaii, Guam, and the Virgin Is-  
3 lands of the United States, \$379, \$311, \$265, and \$161  
4 a month, respectively; in the twelve months ending Sep-  
5 tember 30, 1994, shall not exceed \$238 a month in the  
6 forty-eight contiguous States and the District of Colum-  
7 bia, and shall not exceed, in Alaska, Hawaii, Guam, and  
8 the Virgin Islands of the United States, \$414, \$340, \$289,  
9 and \$176 a month, respectively; in the twelve months end-  
10 ing September 30, 1995, shall not exceed \$257 a month  
11 in the forty-eight contiguous States and the District of  
12 Columbia, and shall not exceed, in Alaska, Hawaii, Guam,  
13 and the Virgin Islands of the United States, \$447, \$367,  
14 \$312, and \$190 a month, respectively; and in the fifteen  
15 months ending December 31, 1996, shall not exceed \$278  
16 a month in the forty-eight contiguous States and the Dis-  
17 trict of Columbia, and shall not exceed, in Alaska, Hawaii,  
18 Guam, and the Virgin Islands of the United States, \$483,  
19 \$397, \$337, and \$205 a month, respectively.”.

20 (c) CONFORMING AMENDMENT.—The sentence of  
21 section 5(e) of the Act (7 U.S.C. 2014(e)) beginning “In  
22 computing the excess shelter expense deduction” is  
23 amended by deleting the following: “under clause (2) of  
24 the preceding sentence”.

1 **SEC. 612. CONTINUING BENEFITS TO ELIGIBLE HOUSE-**  
2 **HOLDS.**

3 Section 8(c)(2) of the Act (7 U.S.C. 2017(c)(2)) is  
4 amended in subparagraph (B) by inserting after “fol-  
5 lowing any period” the phrase “of more than one month  
6 in”.

7 **SEC. 613. HOMELESS FAMILIES IN TRANSITIONAL HOUS-**  
8 **ING.**

9 Section 5(k)(2)(F) of the Act (7 U.S.C.  
10 2014(k)(2)(F)) is amended to read as follows:

11 “(F) housing assistance payments made to a  
12 third party on behalf of a household residing in  
13 transitional housing for the homeless;”.

14 **SEC. 614. IMPROVING THE NUTRITIONAL STATUS OF CHIL-**  
15 **DREN IN PUERTO RICO.**

16 Section 19(a)(1)(A) of the Act (7 U.S.C.  
17 2028(a)(1)(A)) is amended:

18 (1) by striking “\$1,051,000,000” and inserting  
19 “\$1,066,000,000”;

20 (2) by striking “\$1,091,000,000” and inserting  
21 “\$1,116,000,000”; and

22 (3) by striking “\$1,133,000,000” and inserting  
23 “\$1,168,000,000”.

1 **SEC. 615. HOUSEHOLDS BENEFITING FROM GENERAL AS-**  
2 **SISTANCE VENDOR PAYMENTS.**

3 Section 5(k)(1)(B) of the Act (7 U.S.C.  
4 2014(k)(1)(B)) is amended to read as follows:

5 “(B) a benefit payable to the household for  
6 housing expenses, not including energy or utility-cost  
7 assistance, under—

8 “(i) a State or local general assistance pro-  
9 gram; or

10 “(ii) another basic assistance program  
11 comparable to general assistance (as deter-  
12 mined by the Secretary).”.

13 **SEC. 616. HELPING LOW-INCOME HIGH SCHOOL STUDENTS.**

14 Section 5(d)(7) is amended by striking “,who is a stu-  
15 dent, and who has not attained his eighteenth birthday”  
16 and inserting “and who is an elementary or secondary stu-  
17 dent”.

18 **Subtitle B—Promoting Self-**  
19 **Sufficiency**

20 **SEC. 621. CHILD SUPPORT DISREGARD.**

21 Section 5 of the Act (7 U.S.C. 2014) is amended—

22 (1) in clause (13) of subsection (d)—

23 (A) by striking “at the option” and all  
24 that follows through “subsection (m),” and in-  
25 serting “(A)”; and

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

2 “and (B) the first \$50 of any child support  
3 payments for each month received in that  
4 month, and the first \$50 of child support of  
5 each month received in that month if such pay-  
6 ments were made by the absent parent in the  
7 month when due,”; and

8 (2) by striking subsection (m).

9 **SEC. 622. CHILD SUPPORT PAYMENTS TO NON-HOUSEHOLD**  
10 **MEMBERS.**

11 Section 5(d)(6) of the Act (7 U.S.C. 2014(d)(6)) is  
12 amended by striking the comma at the end and inserting  
13 the following: “: *Provided*, That child support payments  
14 made by a household member to or for a person who is  
15 not a member of the household shall be excluded from the  
16 income of the household of the person making such pay-  
17 ments if such household member was legally obligated to  
18 make such payments,”.

19 **SEC. 623. VEHICLES NEEDED TO SEEK AND CONTINUE EM-**  
20 **PLOYMENT AND FOR HOUSEHOLD TRANS-**  
21 **PORTATION.**

22 Section 5(g)(2) of the Act (7 U.S.C. 2014(g)(2)) is  
23 amended by striking “\$4,500” and inserting the following:  
24 “a level set by the Secretary, which shall be \$4,500  
25 through the period ending on September 30, 1996, and

1 which shall be adjusted from \$4,500 on October 1, 1996,  
2 and on each October 1, thereafter, to reflect changes in  
3 the Consumer Price Index for all urban consumers pub-  
4 lished by the Bureau of Labor Statistics, for new cars,  
5 for the twelve months ending the preceding June 30, and  
6 rounded to the nearest \$50”.

## 7           **Subtitle C—Simplifying the** 8           **Provision of Food Assistance**

### 9   **SEC. 631. SIMPLIFYING THE HOUSEHOLD DEFINITION FOR** 10                   **HOUSEHOLDS WITH CHILDREN AND OTHERS.**

11           The first sentence of section 3(i) of the Act (7 U.S.C.  
12 2012(i)) is amended—

13                   (1) by striking “(2)” and inserting “or (2)”;

14                   (2) by striking “, or (3) a parent of minor chil-  
15 dren and that parent’s children” and all that follows  
16 through “parents and children, or siblings,” and in-  
17 serting “. Parents and their minor children who live  
18 together and spouses”; and

19                   (3) by striking “, unless one of” and all that  
20 follows through “disabled member”.

### 21   **SEC. 632. ASSURING ADEQUATE FUNDING FOR THE FOOD** 22                   **STAMP PROGRAM.**

23           Section 18 of the Act (7 U.S.C. 2027) is amended  
24 by striking subsections (b), (c), and (d) and redesignating

1 subsections (e) and (f) as subsections (b) and (c), respec-  
2 tively.

3                   **Subtitle D—Commodity**  
4           **Distribution to Needy Families.**

5 **SEC. 641. COMMODITY PURCHASES.**

6           Section 214 of the Emergency Food Assistance Act  
7 of 1983 (7 U.S.C. 612c note) is amended by adding at  
8 the end the following new paragraph:

9           “(k) INCREASED ALLOTMENTS.—During fiscal year  
10 1993, the Secretary shall spend \$70,000,000 to purchase,  
11 process and distribute commodities in addition to those  
12 purchased with funds under subsection 202 and 203D(a).  
13 Commodities purchased under this subsection shall be dis-  
14 tributed in accordance with subsection (f) and subject to  
15 the same terms and conditions as commodities purchased  
16 under subsection (e).”.

17                   **Subtitle E—Implementation and**  
18                   **Effective Dates**

19 **SEC. 651. EFFECTIVE DATES.**

20           (a) Except as otherwise provided in this title, the pro-  
21 visions of this title shall become effective and be imple-  
22 mented on October 1, 1992.

23           (b) Sections 612, 615, 621, 622, and 631 of this Act  
24 shall become effective and be implemented on July 1,  
25 1993.

1 **SEC. 652. PROHIBITION ON REDUCING AGRICULTURAL**  
 2 **PRICE SUPPORT PROGRAMS.**

3 No agriculture price or income support program ad-  
 4 ministered through the Commodity Credit Corporation  
 5 under the Agricultural Act of 1949 may be reduced to  
 6 achieve offsets to provide for any provision of this Act.

7 **TITLE VII—FUNDING**

8 **SEC. 701. SURTAX ON INDIVIDUALS WITH INCOMES OVER**  
 9 **\$1,000,000.**

10 (a) **GENERAL RULE.**—Subchapter A of chapter 1 of  
 11 the Internal Revenue Code of 1986 (relating to determina-  
 12 tion of tax liability) is amended by adding at the end  
 13 thereof the following new part:

14 **“PART VIII—SURTAX ON INDIVIDUALS WITH**  
 15 **INCOMES OVER \$1,000,000**

“Sec. 59B. Surtax on section 1 tax.

“Sec. 59C. Surtax on minimum tax.

“Sec. 59D. Special rules.

16 **“SEC. 59B. SURTAX ON SECTION 1 TAX.**

17 “In the case of an individual who has taxable income  
 18 for the taxable year in excess of \$1,000,000, the amount  
 19 of the tax imposed under section 1 for such taxable year  
 20 shall be increased by 10 percent of the amount which  
 21 bears the same ratio to the tax imposed under section 1  
 22 (determined without regard to this section) as—

1           “(1) the amount by which the taxable income of  
2           such individual for such taxable year exceeds  
3           \$1,000,000, bears to

4           “(2) the total amount of such individual’s tax-  
5           able income for such taxable year.

6   **“SEC. 59C. SURTAX ON MINIMUM TAX.**

7           “In the case of an individual who has alternative min-  
8           imum taxable income for the taxable year in excess of  
9           \$1,000,000, the amount of the tentative minimum tax de-  
10          termined under section 55 for such taxable year shall be  
11          increased by 2.5 percent of the amount by which the alter-  
12          native minimum taxable income of such taxpayer for the  
13          taxable year exceeds \$1,000,000.

14   **“SEC. 59D. SPECIAL RULES.**

15          “(a) SURTAX TO APPLY TO ESTATES AND  
16          TRUSTS.—For purposes of this part, the term ‘individual’  
17          includes any estate or trust taxable under section 1.

18          “(b) TREATMENT OF MARRIED INDIVIDUALS FILING  
19          SEPARATE RETURNS.—In the case of a married individual  
20          (within the meaning of section 7703) filing a separate re-  
21          turn for the taxable year, sections 59B and 59C shall be  
22          applied by substituting ‘\$500,000’ for ‘\$1,000,000’.

23          “(c) COORDINATION WITH OTHER PROVISIONS.—  
24          The provisions of this part—

1           “(1) shall be applied after the application of  
2 section 1(h), but

3           “(2) before the application of any other provi-  
4 sion of this title which refers to the amount of tax  
5 imposed by section 1 or 55, as the case may be.”

6           (b) CLERICAL AMENDMENT.—The table of parts for  
7 subchapter A of chapter 1 is amended by adding at the  
8 end the following new item:

          “Part VIII. Surtax on individuals with incomes over \$1,000,000.”

9           (c) EFFECTIVE DATE.—The amendments made by  
10 this section shall apply to taxable years beginning after  
11 December 31, 1992.

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